

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 403

Introduced by Assembly Member Mark Stone

February 19, 2015

An act to amend Sections 7911, 7911.1, and 7912 of the Family Code, to amend Section 6276.38 of the Government Code, to amend Sections 1502, 1507.25, 1520.1, 1522.2, 1522.4, 1522.41, 1522.43, 1524.6, 1530.7, 1530.8, 1531.1, 1531.15, 1534, 1536, 1538.3, 1538.5, 1538.6, 1538.7, 1548, 1562, 1562.35, 1563, and 1567.4 of, to amend, repeal, and add Sections 1502.4 and 1529.2 of, ~~and~~ to add Sections 1506.1 and 1562.01 to, *and to add and repeal Section 1502.45 of*, the Health and Safety Code, to amend Sections 11105.2 and 11105.3 of the Penal Code, and to amend Sections 361.2, 727.1, 4094.2, 11400, 11403.2, 11460, 11461.2, 11465, 11466.21, 11466.22, 11466.25, 11466.3, 11466.31, 11466.32, 11466.33, 11466.34, 11466.35, 11466.36, 11466.5, 11466.6, 11468, 16000, 16501, ~~16501.1~~ 16501.1, 16519.5, and 18251 of, *to amend and repeal Section 16003 of*, to amend, repeal, and add Sections 4096, 4096.5, 11402, 11462, 11462.01, 11462.02, 11462.04, 11463, and 18254 of, to add Sections 827.11, 831, 11466, 16519.52, 16519.53, 16519.54, and 16519.55 to, and to add and repeal ~~Section~~ *Sections 4096.1, 4096.55, 11402.01, 11462.001, 11462.015, 11462.021, 11463.01, and* 11463.1 of, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 403, as amended, Mark Stone. Public social services: foster care placement: funding.

Existing law, the California Community Care Facilities Act, requires the State Department of Social Services to license and regulate various out-of-home facilities and entities responsible for children and nonminor dependents in foster care, including foster family homes, group homes, and out-of-state group homes, and imposes training requirements on foster parents. A violation of the act is a misdemeanor.

Existing law provides for the placement of certain children in foster care under the supervision of the department and county welfare departments. Existing law also establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care.

This bill would provide for the reclassification of treatment facilities and the transition from the use of group homes for children in foster care to the use of short-term residential treatment centers, as defined. The bill would impose licensing requirements on those facilities, the violation of which would be a crime pursuant to the act, thereby imposing a state-mandated local program.

The bill would revise the foster parent training requirements imposed by the act. The bill would also provide for the development of child and family teams, as defined, to inform the process of placement and services to foster children and to children at risk of foster care placement. The bill would make conforming and related changes, including requiring the department to develop a new payment structure for funding placement options for children in foster care.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. It is the intent of the Legislature in adopting this
2 act to improve California’s child welfare system and its outcomes
3 by using comprehensive initial child assessments, increasing the
4 use of home-based family care and the provision of services and
5 supports to home-based family care, reducing the use of congregate
6 care placement settings, and creating faster paths to permanency
7 resulting in shorter durations of involvement in the child welfare
8 and juvenile justice systems. These changes, along with other
9 provisions in this act, require initial investments in the child welfare
10 system. When implemented, the act will reduce overall costs to
11 local agencies and allow local savings to be reinvested in child
12 welfare. The Legislature therefore intends that funding beginning
13 with the 2015–16 fiscal year for the initial implementation of this
14 act be short term. Because the act will result in overall fiscal
15 savings to local agencies, the act shall not have the overall effect
16 of increasing the costs already borne by a local agency for programs
17 or levels of service mandated by the 2011 Public Safety
18 Realignment. The act therefore will not require the state to provide
19 annual funding described in Section 36 of Article XIII of the
20 California Constitution after the state provides short-term funding
21 for local agencies’ initial implementation of the act.

22 SEC. 2. Section 7911 of the Family Code is amended to read:

23 7911. The Legislature finds and declares all of the following:

24 (a) The health and safety of California children placed by a
25 county social services agency or probation department out of state
26 pursuant to the provisions of the Interstate Compact on the
27 Placement of Children are a matter of statewide concern.

28 (b) The Legislature therefore affirms its intention that the State
29 Department of Social Services has full authority to require an
30 assessment and placement recommendation by a county
31 multidisciplinary team prior to placement of a child in an
32 out-of-state group home, to investigate allegations of child abuse
33 or neglect of minors so placed, and to ensure that out-of-state group
34 homes, accepting California children, meet all California group
35 home licensing standards. ~~The~~

1 (c) The Legislature also affirms its intention that, on and after
2 January 1, 2017, the licensing standards applicable to out-of-state
3 group homes ~~shall apply to~~ *certified by the department shall be*
4 *those required of* short-term residential treatment centers operated
5 in this state.

6 (e)

7 (d) This section is declaratory of existing law with respect to
8 the Governor's designation of the State Department of Social
9 Services to act as the compact administrator and of that department
10 to act as the single state agency charged with supervision of public
11 social services under Section 10600 of the Welfare and Institutions
12 Code.

13 SEC. 3. Section 7911.1 of the Family Code is amended to read:

14 7911.1. (a) Notwithstanding any other law, the State
15 Department of Social Services or its designee shall investigate any
16 threat to the health and safety of children placed by a California
17 county social services agency or probation department in an
18 out-of-state group home pursuant to the provisions of the Interstate
19 Compact on the Placement of Children. This authority shall include
20 the authority to interview children or staff in private or review
21 their file at the out-of-state facility or wherever the child or files
22 may be at the time of the investigation. Notwithstanding any other
23 law, the State Department of Social Services or its designee shall
24 require certified out-of-state group homes to comply with the
25 reporting requirements applicable to group homes licensed in
26 California pursuant to Title 22 of the California Code of
27 Regulations for each child in care regardless of whether he or she
28 is a California placement, by submitting a copy of the required
29 reports to the Compact Administrator within regulatory timeframes.
30 The Compact Administrator within one business day of receiving
31 a serious events report shall verbally notify the appropriate
32 placement agencies and within five working days of receiving a
33 written report from the out-of-state group home, forward a copy
34 of the written report to the appropriate placement agencies.

35 (b) Any contract, memorandum of understanding, or agreement
36 entered into pursuant to paragraph (b) of Article 5 of the Interstate
37 Compact on the Placement of Children regarding the placement
38 of a child out of state by a California county social services agency
39 or probation department shall include the language set forth in
40 subdivision (a).

1 (c) (1) The State Department of Social Services or its designee
2 shall perform initial and continuing inspection of out-of-state group
3 homes in order to either certify that the out-of-state group home
4 meets all licensure standards required of group homes operated in
5 California or that the department has granted a waiver to a specific
6 licensing standard upon a finding that there exists no adverse
7 impact to health and safety.

8 (2) On and after January 1, 2017, the ~~licensure~~ *licensing*
9 standards applicable to out-of-state group homes *certified by the*
10 *department, as described in paragraph (1) shall apply to be those*
11 *required of short-term residential treatment centers operated in*
12 *this state.*

13 (3) (A) *Except as provided in subparagraph (B), on and after*
14 *January 1, 2017, an out-of-state group home program shall have*
15 *both of the following credentials in order to receive an AFDC-FC*
16 *rate:*

17 (i) *An accreditation from a nationally recognized accrediting*
18 *entity identified by the State Department of Social Services*
19 *pursuant to the process described in paragraph (4) of subdivision*
20 *(b) of Section 11462 of the Welfare and Institutions Code.*

21 (ii) *A mental health certification equivalent to that required in*
22 *Section 11462.01 of the Welfare and Institutions Code.*

23 (B) *If an out-of-state group home program is granted an*
24 *extension pursuant to the exception process described in*
25 *subdivision (d) of Section 11462.04 of the Welfare and Institutions*
26 *Code, this paragraph shall apply to that group home on and after*
27 *January 1, 2018.*

28 ~~(3)~~

29 (4) Any failure by an out-of-state group home facility to make
30 children or staff available as required by subdivision (a) for a
31 private interview or make files available for review shall be
32 grounds to deny or discontinue the certification. The State
33 Department of Social Services shall grant or deny an initial
34 certification or a waiver under this subdivision to an out-of-state
35 group home facility that has more than six California children
36 placed by a county social services agency or probation department
37 by August 19, 1999. The department shall grant or deny an initial
38 certification or a waiver under this subdivision to an out-of-state
39 group home facility that has six or fewer California children placed
40 by a county social services agency or probation department by

1 February 19, 2000. Certifications made pursuant to this subdivision
2 shall be reviewed annually.

3 (d) Within six months of the effective date of this section, a
4 county shall be required to obtain an assessment and placement
5 recommendation by a county multidisciplinary team for each child
6 in an out-of-state group home facility. On or after March 1, 1999,
7 a county shall be required to obtain an assessment and placement
8 recommendation by a county multidisciplinary team prior to
9 placement of a child in an out-of-state group home facility.

10 (e) Any failure by an out-of-state group home to obtain or
11 maintain its certification as required by subdivision (c) shall
12 preclude the use of any public funds, whether county, state, or
13 federal, in the payment for the placement of any child in that
14 out-of-state group home, pursuant to the Interstate Compact on
15 the Placement of Children.

16 (f) (1) A multidisciplinary team shall consist of participating
17 members from county social services, county mental health, county
18 probation, county superintendents of schools, and other members
19 as determined by the county.

20 (2) Participants shall have knowledge or experience in the
21 prevention, identification, and treatment of child abuse and neglect
22 cases, and shall be qualified to recommend a broad range of
23 services related to child abuse or neglect.

24 (g) (1) The department may deny, suspend, or discontinue the
25 certification of the out-of-state group home if the department makes
26 a finding that the group home is not operating in compliance with
27 the requirements of subdivision (c).

28 (2) Any judicial proceeding to contest the department's
29 determination as to the status of the out-of-state group home
30 certificate shall be held in California pursuant to Section 1085 of
31 the Code of Civil Procedure.

32 (h) The certification requirements of this section shall not impact
33 placements of emotionally disturbed children made pursuant to an
34 individualized education program developed pursuant to the federal
35 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
36 et seq.) if the placement is not funded with federal or state foster
37 care funds.

38 (i) Only an out-of-state group home authorized by the Compact
39 Administrator to receive state funds for the placement by a county
40 social services agency or probation department of any child in that

1 out-of-state group home from the effective date of this section
2 shall be eligible for public funds pending the department's
3 certification under this section.

4 SEC. 4. Section 7912 of the Family Code is amended to read:

5 7912. (a) The Legislature finds and declares that the health
6 and safety of children in out-of-state group home care pursuant to
7 the Interstate Compact on the Placement of Children is a matter
8 of statewide concern. The Legislature therefore affirms its intention
9 that children placed by a county social services agency or probation
10 department in out-of-state group homes be accorded the same
11 personal rights and safeguards of a child placed in a California
12 group home. This section is in clarification of existing law.

13 (b) (1) The Compact Administrator may temporarily suspend
14 any new placements in an out-of-state group home, for a period
15 not to exceed 100 days, pending the completion of an investigation,
16 pursuant to subdivision (a) of Section 7911.1, regarding a threat
17 to the health and safety of children in care. During any suspension
18 period the department or its designee shall have staff daily onsite
19 at the out-of-state group home.

20 (2) On and after January 1, 2017, the licensing standards
21 applicable to out-of-state group homes ~~shall apply to certified by~~
22 *the State Department of Social Services shall be those required of*
23 short-term residential treatment centers operated in this state.

24 SEC. 5. Section 6276.38 of the Government Code is amended
25 to read:

26 6276.38. Radioactive materials, dissemination of information
27 about transportation of, Section 33002, Vehicle Code.

28 Railroad infrastructure protection program, disclosure not
29 required for risk assessments filed with the Public Utilities
30 Commission, the Director of Emergency Services, or the Office
31 of Emergency Services, Section 6254.23.

32 Real estate broker, annual report to Bureau of Real Estate of
33 financial information, confidentiality of, Section 10232.2, Business
34 and Professions Code.

35 Real property, acquisition by state or local government,
36 information relating to feasibility, subdivision (h), Section 6254.

37 Real property, change in ownership statement, confidentiality
38 of, Section 27280.

39 Records described in Section 1620 of the Penal Code.

- 1 Records of contract purchasers, inspection by public prohibited,
- 2 Section 85, Military and Veterans Code.
- 3 Records of persons committed to a state hospital pursuant to
- 4 Section 4135 of the Welfare and Institutions Code.
- 5 Registered public obligations, inspection of records of security
- 6 interests in, Section 5060.
- 7 Registration of exempt vehicles, nondisclosure of name of person
- 8 involved in alleged violation, Section 5003, Vehicle Code.
- 9 Rehabilitation, Department of, confidential information, Section
- 10 19016, Welfare and Institutions Code.
- 11 Reinsurance intermediary-broker license information,
- 12 confidentiality of, Section 1781.3, Insurance Code.
- 13 Relocation assistance, confidential records submitted to a public
- 14 entity by a business or farm operation, Section 7262.
- 15 Rent control ordinance, confidentiality of information concerning
- 16 accommodations sought to be withdrawn from, Section 7060.4.
- 17 Report of probation officer, inspection, copies, Section 1203.05,
- 18 Penal Code.
- 19 Repossession agency licensee application, confidentiality of
- 20 information, Sections 7503, 7504, and 7506.5, Business and
- 21 Professions Code.
- 22 Reproductive health facilities, disclosure not required for
- 23 personal information regarding employees, volunteers, board
- 24 members, owners, partners, officers, and contractors of a
- 25 reproductive health services facility who have provided requisite
- 26 notification, Section 6254.18.
- 27 Residence address in any record of Department of Housing and
- 28 Community Development, confidentiality of, Section 6254.1.
- 29 Residence address in any record of Department of Motor
- 30 Vehicles, confidentiality of, Section 6254.1, Government Code,
- 31 and Section 1808.21, Vehicle Code.
- 32 Residence and mailing addresses in records of Department of
- 33 Motor Vehicles, confidentiality of, Section 1810.7, Vehicle Code.
- 34 Residential care facilities, confidentiality of resident information,
- 35 Section 1568.08, Health and Safety Code.
- 36 Residential care facilities for the elderly, confidentiality of client
- 37 information, Section 1569.315, Health and Safety Code.
- 38 Resource families, identifying information, Section 16519.55,
- 39 Welfare and Institutions Code.

1 Respiratory care practitioner, professional competency
2 examination reports, confidentiality of, Section 3756, Business
3 and Professions Code.

4 Restraint of trade, civil action by district attorney, confidential
5 memorandum, Section 16750, Business and Professions Code.

6 Reward by Governor for information leading to arrest and
7 conviction, confidentiality of person supplying information, Section
8 1547, Penal Code.

9 Safe surrender site, confidentiality of information pertaining to
10 a parent or individual surrendering a child, Section 1255.7, Health
11 and Safety Code.

12 SEC. 6. Section 1502 of the Health and Safety Code is amended
13 to read:

14 1502. As used in this chapter:

15 (a) “Community care facility” means any facility, place, or
16 building that is maintained and operated to provide nonmedical
17 residential care, day treatment, adult day care, or foster family
18 agency services for children, adults, or children and adults,
19 including, but not limited to, the physically handicapped, mentally
20 impaired, incompetent persons, and abused or neglected children,
21 and includes the following:

22 (1) “Residential facility” means any family home, group care
23 facility, or similar facility determined by the director, for 24-hour
24 nonmedical care of persons in need of personal services,
25 supervision, or assistance essential for sustaining the activities of
26 daily living or for the protection of the individual.

27 (2) “Adult day program” means any community-based facility
28 or program that provides care to persons 18 years of age or older
29 in need of personal services, supervision, or assistance essential
30 for sustaining the activities of daily living or for the protection of
31 these individuals on less than a 24-hour basis.

32 (3) “Therapeutic day services facility” means any facility that
33 provides nonmedical care, counseling, educational or vocational
34 support, or social rehabilitation services on less than a 24-hour
35 basis to persons under 18 years of age who would otherwise be
36 placed in foster care or who are returning to families from foster
37 care. Program standards for these facilities shall be developed by
38 the department, pursuant to Section 1530, in consultation with
39 therapeutic day services and foster care providers.

1 (4) “Foster family agency” means any public agency or private
2 organization engaged in the recruiting, certifying, and training of,
3 and providing professional support to, foster parents, or in finding
4 homes or other places for placement of children for temporary or
5 permanent care who require that level of care as ~~an alternative to~~
6 ~~a group home or short-term residential treatment center.~~ *determined*
7 *by a child and family team.* Private foster family agencies shall be
8 organized and operated on a nonprofit basis.

9 (5) “Foster family home” means any residential facility
10 providing 24-hour care for six or fewer foster children that is
11 owned, leased, or rented and is the residence of the foster parent
12 or parents, including their family, in whose care the foster children
13 have been placed. The placement may be by a public or private
14 child placement agency or by a court order, or by voluntary
15 placement by a parent, parents, or guardian. It also means a foster
16 family home described in Section 1505.2.

17 (6) “Small family home” means any residential facility, in the
18 licensee’s family residence, that provides 24-hour care for six or
19 fewer foster children who have mental disorders or developmental
20 or physical disabilities and who require special care and supervision
21 as a result of their disabilities. A small family home may accept
22 children with special health care needs, pursuant to subdivision
23 (a) of Section 17710 of the Welfare and Institutions Code. In
24 addition to placing children with special health care needs, the
25 department may approve placement of children without special
26 health care needs, up to the licensed capacity.

27 (7) “Social rehabilitation facility” means any residential facility
28 that provides social rehabilitation services for no longer than 18
29 months in a group setting to adults recovering from mental illness
30 who temporarily need assistance, guidance, or counseling. Program
31 components shall be subject to program standards pursuant to
32 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
33 2 of Division 5 of the Welfare and Institutions Code.

34 (8) “Community treatment facility” means any residential
35 facility that provides mental health treatment services to children
36 in a group setting and that has the capacity to provide secure
37 containment. Program components shall be subject to program
38 standards developed and enforced by the State Department of
39 Health Care Services pursuant to Section 4094 of the Welfare and
40 Institutions Code.

1 Nothing in this section shall be construed to prohibit or
2 discourage placement of persons who have mental or physical
3 disabilities into any category of community care facility that meets
4 the needs of the individual placed, if the placement is consistent
5 with the licensing regulations of the department.

6 (9) “Full-service adoption agency” means any licensed entity
7 engaged in the business of providing adoption services, that does
8 all of the following:

9 (A) Assumes care, custody, and control of a child through
10 relinquishment of the child to the agency or involuntary termination
11 of parental rights to the child.

12 (B) Assesses the birth parents, prospective adoptive parents, or
13 child.

14 (C) Places children for adoption.

15 (D) Supervises adoptive placements.

16 Private full-service adoption agencies shall be organized and
17 operated on a nonprofit basis. As a condition of licensure to provide
18 intercountry adoption services, a full-service adoption agency shall
19 be accredited and in good standing according to Part 96 of Title
20 22 of the Code of Federal Regulations, or supervised by an
21 accredited primary provider, or acting as an exempted provider,
22 in compliance with Subpart F (commencing with Section 96.29)
23 of Part 96 of Title 22 of the Code of Federal Regulations.

24 (10) “Noncustodial adoption agency” means any licensed entity
25 engaged in the business of providing adoption services, that does
26 all of the following:

27 (A) Assesses the prospective adoptive parents.

28 (B) Cooperatively matches children freed for adoption, who are
29 under the care, custody, and control of a licensed adoption agency,
30 for adoption, with assessed and approved adoptive applicants.

31 (C) Cooperatively supervises adoptive placements with a
32 full-service adoptive agency, but does not disrupt a placement or
33 remove a child from a placement.

34 Private noncustodial adoption agencies shall be organized and
35 operated on a nonprofit basis. As a condition of licensure to provide
36 intercountry adoption services, a noncustodial adoption agency
37 shall be accredited and in good standing according to Part 96 of
38 Title 22 of the Code of Federal Regulations, or supervised by an
39 accredited primary provider, or acting as an exempted provider,

1 in compliance with Subpart F (commencing with Section 96.29)
2 of Part 96 of Title 22 of the Code of Federal Regulations.

3 (11) “Transitional shelter care facility” means any group care
4 facility that provides for 24-hour nonmedical care of persons in
5 need of personal services, supervision, or assistance essential for
6 sustaining the activities of daily living or for the protection of the
7 individual. Program components shall be subject to program
8 standards developed by the State Department of Social Services
9 pursuant to Section 1502.3.

10 (12) “Transitional housing placement provider” means an
11 organization licensed by the department pursuant to Section
12 1559.110 and Section 16522.1 of the Welfare and Institutions Code
13 to provide transitional housing to foster children at least 16 years
14 of age and not more than 18 years of age, and nonminor
15 dependents, as defined in subdivision (v) of Section 11400 of the
16 Welfare and Institutions Code, to promote their transition to
17 adulthood. A transitional housing placement provider shall be
18 privately operated and organized on a nonprofit basis.

19 (13) “Group home” means a residential facility that provides
20 24-hour care and supervision to children, delivered at least in part
21 by staff employed by the licensee in a structured environment. The
22 care and supervision provided by a group home shall be
23 nonmedical, except as otherwise permitted by law.

24 (14) “Runaway and homeless youth shelter” means a group
25 home licensed by the department to operate a program pursuant
26 to Section 1502.35 to provide voluntary, short-term, shelter and
27 personal services to runaway youth or homeless youth, as defined
28 in paragraph (2) of subdivision (a) of Section 1502.35.

29 (15) “Enhanced behavioral supports home” means a facility
30 certified by the State Department of Developmental Services
31 pursuant to Article 3.6 (commencing with Section 4684.80) of
32 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
33 and licensed by the State Department of Social Services as an adult
34 residential facility or a group home that provides 24-hour
35 nonmedical care to individuals with developmental disabilities
36 who require enhanced behavioral supports, staffing, and
37 supervision in a homelike setting. An enhanced behavioral supports
38 home shall have a maximum capacity of four consumers, shall
39 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal

1 Regulations, and shall be eligible for federal Medicaid home- and
2 community-based services funding.

3 (16) “Community crisis home” means a facility certified by the
4 State Department of Developmental Services pursuant to Article
5 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
6 of the Welfare and Institutions Code, and licensed by the State
7 Department of Social Services pursuant to Article 9.7 (commencing
8 with Section 1567.80), as an adult residential facility, providing
9 24-hour nonmedical care to individuals with developmental
10 disabilities receiving regional center service, in need of crisis
11 intervention services, and who would otherwise be at risk of
12 admission to the acute crisis center at Fairview Developmental
13 Center, Sonoma Developmental Center, an acute general hospital,
14 acute psychiatric hospital, an institution for mental disease, as
15 described in Part 5 (commencing with Section 5900) of Division
16 5 of the Welfare and Institutions Code, or an out-of-state
17 placement. A community crisis home shall have a maximum
18 capacity of eight consumers, as defined in subdivision (a) of
19 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
20 42 of the Code of Federal Regulations, and shall be eligible for
21 federal Medicaid home- and community-based services funding.

22 (17) “Crisis nursery” means a facility licensed by the department
23 to operate a program pursuant to Section 1516 to provide short-term
24 care and supervision for children under six years of age who are
25 voluntarily placed for temporary care by a parent or legal guardian
26 due to a family crisis or stressful situation.

27 (18) “Short-term residential treatment center” means a
28 residential facility *operated by any public agency or private*
29 *organization* that provides short-term, specialized, and intensive
30 treatment, including core services as set forth, on and after January
31 1, 2017, in paragraph (1) of subdivision (b) of Section 11462 of
32 the Welfare and Institutions Code, and 24-hour care and
33 supervision to children, delivered at least in part by staff employed
34 by the licensee in a structured environment pursuant to Section
35 1562.01 of the Health and Safety Code. The care and supervision
36 provided by a short-term residential treatment center shall be
37 nonmedical, except as otherwise permitted by law.

38 (b) “Department” or “state department” means the State
39 Department of Social Services.

40 (c) “Director” means the Director of Social Services.

1 SEC. 7. Section 1502.4 of the Health and Safety Code is
2 amended to read:

3 1502.4. (a) (1) A community care facility licensed as a group
4 home for children pursuant to this chapter may accept for
5 placement, and provide care and supervision to, a child assessed
6 as seriously emotionally disturbed as long as the child does not
7 need inpatient care in a licensed health facility.

8 (2) For the purpose of this chapter, the following definitions
9 shall apply:

10 (A) “Inpatient care in a licensed health facility” means care and
11 supervision at a level greater than incidental medical services as
12 specified in Section 1507.

13 (B) “Seriously emotionally disturbed” means the same as
14 paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare
15 and Institutions Code.

16 (b) If a child described in subdivision (a) is placed into a group
17 home program classified at rate classification level 13 or rate
18 classification level 14 pursuant to Section 11462.01 of the Welfare
19 and Institutions Code, the licensee shall meet both of the following
20 requirements:

21 (1) The licensee shall agree to accept, for placement into its
22 group home program, only children who have been assessed as
23 seriously emotionally disturbed by either of the following:

24 (A) An interagency placement committee, as described in
25 Section 4096 of the Welfare and Institutions Code or by a licensed
26 mental health professional, as defined in Sections 629 to 633,
27 inclusive, of Title 9 of the California Code of Regulations.

28 (B) A licensed mental health professional pursuant to paragraph
29 (3) of subdivision (i), or subdivision (j), of Section 11462.01 of
30 the Welfare and Institutions Code if the child is privately placed
31 or only county funded.

32 (2) The program is certified by the State Department of Health
33 Care Services, pursuant to Section 4096.5 of the Welfare and
34 Institutions Code, as a program that provides mental health
35 treatment services for seriously emotionally disturbed children.

36 (c) The department shall not evaluate, or have any responsibility
37 or liability with regard to the evaluation of, the mental health
38 treatment services provided pursuant to this section and paragraph
39 (3) of subdivision (f) of Section 11462.01 of the Welfare and
40 Institutions Code.

1 ~~(d) (1) This section shall become inoperative on January 1,~~
2 ~~2017, except that this section shall continue to apply, until January~~
3 ~~1, 2018, to a group home that has been granted an extension~~
4 ~~pursuant to the exception process described in subdivision (d) of~~
5 ~~Section 11462.04 of the Welfare and Institutions Code.~~

6 ~~(2) This section is repealed as of January 1, 2018, unless a later~~
7 ~~enacted statute, that is enacted before January 1, 2018, deletes or~~
8 ~~extends that date.~~

9 *(d) This section shall remain in effect only until January 1, 2017,*
10 *and as of that date is repealed, unless a later enacted statute, that*
11 *is enacted before January 1, 2017, deletes or extends that date.*

12 SEC. 8. Section 1502.4 is added to the Health and Safety Code,
13 to read:

14 1502.4. (a) (1) A community care facility licensed as a
15 short-term residential treatment center or a foster family agency
16 that provides treatment services for children pursuant to this chapter
17 may accept for placement, and provide care and supervision to, a
18 child assessed as seriously emotionally disturbed as long as the
19 child does not need inpatient care in a licensed health facility.

20 (2) For the purposes of this chapter, the following definitions
21 shall apply:

22 (A) “Inpatient care in a licensed health facility” means care and
23 supervision at a level greater than incidental medical services as
24 specified in Section 1507.

25 (B) “Seriously emotionally disturbed” means the same as
26 paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare
27 and Institutions Code.

28 (b) If a child described in subdivision (a) is placed into a
29 short-term residential treatment center or a foster family agency
30 that provides treatment services pursuant to Section 11462.01 of
31 the Welfare and Institutions Code, the licensee shall meet both of
32 the following requirements:

33 (1) The licensee shall agree to accept, for placement into a
34 short-term residential treatment center or a foster family agency
35 that provides treatment services, only children who have been
36 assessed as seriously emotionally disturbed by either of the
37 following:

38 (A) An interagency placement committee or child and family
39 team, as described in Section 4096 of the Welfare and Institutions
40 Code, or by a licensed mental health professional.

1 (B) A licensed mental health professional pursuant to paragraph
2 (3) of subdivision (i), or subdivision (j), of Section 11462.01 of
3 the Welfare and Institutions Code if the child is privately placed
4 or only county funded.

5 (2) The program is certified by the State Department of Health
6 Care Services, or a county to which the department has delegated
7 certification authority pursuant to Section 4096.5 of the Welfare
8 and Institutions Code, as a program that provides mental health
9 treatment services for seriously emotionally disturbed children.

10 (c) The department shall not evaluate, nor have any
11 responsibility nor liability with regard to the evaluation of, the
12 mental health treatment services provided pursuant to this section
13 and paragraph (3) of subdivision (f) of Section 11462.01 of the
14 Welfare and Institutions Code.

15 (d) ~~(1)~~ This section shall become operative on January 1, 2017.

16 ~~(2) This section shall not apply, until January 1, 2018, to a group~~
17 ~~home that has been granted an extension pursuant to the exception~~
18 ~~process described in subdivision (d) of Section 11462.04 of the~~
19 ~~Welfare and Institutions Code.~~

20 *SEC. 9. Section 1502.45 is added to the Health and Safety*
21 *Code, immediately following Section 1502.4, to read:*

22 *1502.45. (a) (1) Notwithstanding Section 1502.4, a community*
23 *care facility licensed as a group home for children pursuant to*
24 *this chapter may accept for placement, and provide care and*
25 *supervision to, a child assessed as seriously emotionally disturbed*
26 *as long as the child does not need inpatient care in a licensed*
27 *health facility.*

28 *(2) For the purpose of this section, the following definitions*
29 *shall apply:*

30 *(A) "Inpatient care in a licensed health facility" means care*
31 *and supervision at a level greater than incidental medical services*
32 *as specified in Section 1507.*

33 *(B) "Seriously emotionally disturbed" means the same as*
34 *paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare*
35 *and Institutions Code.*

36 *(b) If a child described in subdivision (a) is placed into a group*
37 *home program classified at rate classification level 13 or rate*
38 *classification level 14 pursuant to Section 11462.015 of the Welfare*
39 *and Institutions Code, the licensee shall meet both of the following*
40 *requirements:*

1 (1) *The licensee shall agree to accept, for placement into its*
2 *group home program, only children who have been assessed as*
3 *seriously emotionally disturbed by either of the following:*

4 (A) *An interagency placement committee, as described in Section*
5 *4096.1 of the Welfare and Institutions Code or by a licensed mental*
6 *health professional, as defined in Sections 629 to 633, inclusive,*
7 *of Title 9 of the California Code of Regulations.*

8 (B) *A licensed mental health professional pursuant to paragraph*
9 *(3) of subdivision (i), or subdivision (j), of Section 11462.015 of*
10 *the Welfare and Institutions Code if the child is privately placed*
11 *or only county funded.*

12 (2) *The program is certified by the State Department of Health*
13 *Care Services, pursuant to Section 4096.55 of the Welfare and*
14 *Institutions Code, as a program that provides mental health*
15 *treatment services for seriously emotionally disturbed children.*

16 (c) *The department shall not evaluate, or have any responsibility*
17 *or liability with regard to the evaluation of, the mental health*
18 *treatment services provided pursuant to this section and paragraph*
19 *(3) of subdivision (f) of Section 11462.015 of the Welfare and*
20 *Institutions Code.*

21 (d) *This section shall only apply to a group home that has been*
22 *granted an extension pursuant to the exception process described*
23 *in subdivision (d) of Section 11462.04 of the Welfare and*
24 *Institutions Code.*

25 (e) *This section shall become operative on January 1, 2017.*

26 (f) *This section shall remain in effect only until January 1, 2018,*
27 *and as of that date is repealed, unless a later enacted statute, that*
28 *is enacted before January 1, 2018, deletes or extends that date.*

29 ~~SEC. 9.~~

30 *SEC. 10.* Section 1506.1 is added to the Health and Safety
31 Code, to read:

32 1506.1. (a) A foster family agency shall prepare and maintain
33 a current, written plan of operation as required by the department.

34 (b) On and after ~~July~~ January 1, 2017, a foster family agency's
35 plan of operation shall demonstrate the foster family agency's
36 ability to support the differing needs of children and their families.

37 (1) In addition to the rules and regulations adopted pursuant to
38 this chapter, a foster family agency's plan of operation shall contain
39 a description of the core services and supports, as set forth in
40 paragraph (5) of subdivision (b) of Section 11463 of the Welfare

1 and Institutions Code and as prescribed by the department, to be
2 offered to children and their families, as appropriate or as
3 necessary.

4 (2) The plan of operation shall describe how the foster family
5 agency will comply with the resource family approval standards
6 and requirements, as set forth in Section 16519.5 of the Welfare
7 and Institutions Code.

8 (3) In addition to the rules and regulations adopted pursuant to
9 this chapter, a county licensed to operate a foster family agency
10 shall describe, in the plan of operation, its conflict of interest
11 mitigation plan, *on and after January 1, 2017*, as set forth in
12 subdivision (g) of Section 11462.02 of the Welfare and Institutions
13 Code.

14 (c) The department shall have the authority to inspect a foster
15 family agency pursuant to *the system of governmental monitoring
16 and oversight developed by the department on and after January
17 1, 2017*, pursuant to subdivision (c) of Section 11463 of the
18 Welfare and Institutions Code.

19 ~~SEC. 10.~~

20 *SEC. 11.* Section 1507.25 of the Health and Safety Code is
21 amended to read:

22 1507.25. (a) (1) Notwithstanding any other law, a person
23 described in paragraph (2), who is not a licensed health care
24 professional, but who is trained to administer injections by a
25 licensed health care professional practicing within his or her scope
26 of practice, may administer emergency medical assistance and
27 injections for severe diabetic hypoglycemia and anaphylactic shock
28 to a foster child in placement.

29 (2) The following individuals shall be authorized to administer
30 emergency medical assistance and injections in accordance with
31 this subdivision:

- 32 (A) A relative caregiver.
- 33 (B) A nonrelative extended family member.
- 34 (C) *A foster family home parent.*
- 35 ~~(C)~~
- 36 (D) A member of a resource family, as defined in subdivision
37 (c) of Section 16519.5 of the Welfare and Institutions Code.
- 38 ~~(D)~~
- 39 (E) A small family home parent.
- 40 ~~(E)~~

- 1 (F) A certified parent of a foster family agency.
2 ~~(F)~~
3 (G) A substitute caregiver of a foster family home or a certified
4 family home.
5 ~~(G)~~
6 (H) A ~~direct care~~ staff member of a small family home or a
7 ~~group home~~. *home who provides direct care and supervision to*
8 *children and youth residing in the small family home or group*
9 *home.*
10 ~~(H) On and after January 1, 2017, a direct care~~
11 (I) A staff member of a short-term residential treatment ~~center~~.
12 *center who provides direct care and supervision to children and*
13 *youth residing in the short-term residential treatment center.*
14 (3) The licensed health care professional shall periodically
15 review, correct, or update training provided pursuant to this section
16 as he or she deems necessary and appropriate.
17 (b) (1) Notwithstanding any other law, a person described in
18 paragraph (2), who is not a licensed health care professional, but
19 who is trained to administer injections by a licensed health care
20 professional practicing within his or her scope of practice, may
21 administer subcutaneous injections of other medications, including
22 insulin, as prescribed by the child's physician, to a foster child in
23 placement.
24 (2) The following individuals shall be authorized to give
25 prescribed injections including insulin in accordance with this
26 subdivision:
27 (A) A relative caregiver.
28 (B) A nonrelative extended family member.
29 (C) *A foster family home parent.*
30 ~~(C)~~
31 (D) A member of a resource family, as defined in subdivision
32 (c) of Section 16519.5 of the Welfare and Institutions Code.
33 ~~(D) A foster family home parent.~~
34 (E) A small family home parent.
35 (F) A certified parent of a foster family agency.
36 (G) In the absence of a foster parent, a designated substitute
37 caregiver in a foster family home or a certified family home.
38 (H) *A direct care staff member of a short-term residential*
39 *treatment center who provides direct care and supervision to*

1 *children and youth residing in the short-term residential treatment*
2 *center.*

3 (3) The licensed health care professional shall periodically
4 review, correct, or update training provided pursuant to this section
5 as he or she deems necessary and appropriate.

6 (c) For purposes of this section, administration of an insulin
7 injection shall include all necessary supportive activities related
8 to the preparation and administration of injection, including glucose
9 testing and monitoring.

10 (d) Notwithstanding Part 5.5 (commencing with Section 17700)
11 of Division 9 of, and particularly subdivision (g) of Section 17710
12 of, the Welfare and Institutions Code, a child's need to receive
13 injections pursuant to this section shall not be the sole basis for
14 determining that the child has a medical condition requiring
15 specialized in-home health care.

16 (e) This section does not supersede the requirements of Section
17 369.5 of the Welfare and Institutions Code, with respect to the
18 administration of psychotropic medication to a dependent child of
19 the court.

20 ~~SEC. 11.~~

21 *SEC. 12.* Section 1520.1 of the Health and Safety Code is
22 amended to read:

23 1520.1. In addition to Section 1520, applicants for a group
24 home or short-term residential treatment center license shall meet
25 the following requirements:

26 (a) (1) During the first 12 months of operation, the facility shall
27 operate with a provisional license. After eight months of operation,
28 the department shall conduct a comprehensive review of the facility
29 for compliance with all applicable laws and regulations and help
30 develop a plan of correction with the provisional licensee, if
31 appropriate. By the end of the 12th month of operation, the
32 department shall determine if the permanent license should be
33 issued.

34 (2) If the department determines that the group home or
35 short-term residential treatment center is in substantial compliance
36 with licensing standards, notwithstanding Section 1525.5, the
37 department may extend the provisional license for up to an
38 additional six months for either of the following reasons:

1 (A) The group home or short-term residential treatment center
2 requires additional time to be in full compliance with licensing
3 standards.

4 (B) After 12 months of operation, the group home or short-term
5 residential treatment center is not operating at 50 percent of its
6 licensed capacity.

7 (3) By no later than the first business day of the 17th month of
8 operation, the department shall conduct an additional review of a
9 facility for which a provisional license is extended pursuant to
10 paragraph (2), in order to determine whether a permanent license
11 should be issued.

12 (4) The department may deny a group home or short-term
13 residential treatment center license application at any time during
14 the term of the provisional license to protect the health and safety
15 of clients. If the department denies the application, the group home
16 or short-term residential treatment center shall cease operation
17 immediately. Continued operation of the facility after the
18 department denies the application or the provisional license expires
19 shall constitute unlicensed operation.

20 (5) When the department notifies a city or county planning
21 authority pursuant to subdivision (c) of Section 1520.5, the
22 department shall briefly describe the provisional licensing process
23 and the timelines provided for under that process, as well as provide
24 the name, address, and telephone number of the district office
25 licensing the facility where a complaint or comment about the
26 group home's or short-term residential treatment center's operation
27 may be filed.

28 (b) (1) After the production of the booklet provided for in
29 paragraph (2), every member of the group home's board of
30 directors *or governing body* and every member of a short-term
31 residential treatment center's board of directors *or governing body*
32 shall, prior to becoming a member of the board of directors *or*
33 *governing body* sign a statement that ~~the board member~~ *he or she*
34 understands his or her legal duties and obligations as a member of
35 the board of directors *or governing body* and that the group home's
36 or short-term residential treatment center's operation is governed
37 by laws and regulations that are enforced by the department, as
38 set forth in the booklet. The applicant, provisional licensee, and
39 licensee shall have this statement available for inspection by the
40 department. For members of the board of directors *or governing*

1 *body* when the booklet is produced, the licensee shall obtain this
2 statement by the next scheduled meeting of the board of ~~directors~~.
3 *directors or governing body*. Compliance with this paragraph shall
4 be a condition of licensure.

5 (2) The department shall distribute to every group home provider
6 and short-term residential treatment center provider, respectively,
7 detailed information designed to educate members of the group
8 home provider's or short-term residential treatment center
9 provider's board of directors *or governing body* of their roles and
10 responsibilities as ~~board~~ members of a public benefit corporation
11 under the laws of this state. The information shall be included in
12 a booklet, may be revised as deemed necessary by the department,
13 and shall include, but not be limited to, all of the following:

14 (A) The financial responsibilities of a member of the board of
15 ~~directors~~ *directors or governing body*.

16 (B) Disclosure requirements for self-dealing transactions.

17 (C) Legal requirements pertaining to articles of incorporation,
18 bylaws, length of ~~board~~ member terms, voting procedures, board
19 *or governing body* meetings, quorums, minutes of ~~board~~ meetings,
20 and, as provided for in subdivision (f), ~~board~~ member duties.

21 (D) A general overview of the laws and regulations governing
22 the group home's or short-term residential treatment center's
23 operation that are enforced by the department.

24 (c) All financial records submitted by a facility to the
25 department, or that are submitted as part of an audit of the facility,
26 including, but not limited to, employee timecards and timesheets,
27 shall be signed and dated by the employee and by the group home
28 representative or short-term residential treatment center
29 representative who is responsible for ensuring the accuracy of the
30 information contained in the record, and shall contain an
31 affirmative statement that the signatories understand that the
32 information contained in the document is correct to the best of
33 their knowledge and that submission of false or misleading
34 information may be prosecuted as a crime.

35 (d) An applicant, provisional licensee, or licensee shall maintain,
36 submit, and sign financial documents to verify the legitimacy and
37 accuracy of these documents. These documents include, but are
38 not limited to, the group home or short-term residential treatment
39 center application, any financial documents and plans of corrections
40 submitted to the department, and time sheets.

1 (e) (1) It is the intent of the Legislature that a group home or
2 short-term residential treatment center have either representatives
3 on its board of directors, as listed in paragraph (2), or a community
4 advisory board, that meets at least annually.

5 (2) The representatives on the board of directors or the
6 community advisory board members should consist of at least the
7 following persons:

8 (A) A member of the facility's board of directors.

9 (B) Members of the community where the facility is located.

10 (C) Neighbors of the facility.

11 (D) Current or former clients of the facility.

12 (E) A representative from a local law enforcement or other city
13 or county representative.

14 (f) Each group home or short-term residential treatment center
15 provider shall schedule and conduct quarterly meetings of its board
16 of directors *or governing body*. During these quarterly meetings,
17 the board of directors *or governing body* shall review and discuss
18 licensing reports, financial and program audit reports of its group
19 home or short-term residential treatment center operations, special
20 incident reports, and any administrative action against the licensee
21 or its employees. The minutes shall reflect the board's *or governing*
22 *body's* discussion of these documents and the group home's or
23 short-term residential treatment center's operation. The licensee
24 shall make available the minutes of group home's or short-term
25 residential treatment center's board of directors *or governing body*
26 meetings to the department.

27 ~~SEC. 12.~~

28 *SEC. 13.* Section 1522.2 of the Health and Safety Code is
29 amended to read:

30 1522.2. If a local law enforcement agency, a probation officer,
31 or a local department or agency that provides social services
32 becomes aware that an employee of a community treatment facility,
33 a day treatment facility, a group home, a short-term residential
34 treatment center, or a foster family agency has been arrested for
35 child abuse, as defined in Section 11165.6 of the Penal Code, after
36 determining that the potential for abuse is present and that the
37 employee is free to return to the facility where children are present,
38 the local law enforcement agency, probation officer, or local
39 department or agency shall notify the licensee of the charge of
40 abuse.

1 ~~SEC. 13.~~

2 *SEC. 14.* Section 1522.4 of the Health and Safety Code is
3 amended to read:

4 1522.4. (a) In addition to any other requirements of this chapter
5 and except for foster family homes, small family homes, and
6 certified family homes of foster family agencies, all of the
7 following apply to any community care facility providing 24-hour
8 care for children:

9 (1) The facility shall have one or more facility managers.
10 “Facility manager,” as used in this section, means a person on the
11 premises with the authority and responsibility necessary to manage
12 and control the day-to-day operation of a community care facility
13 and supervise the clients. The facility manager, licensee, and
14 administrator, or any combination thereof, may be the same person
15 provided he or she meets all applicable requirements. If the
16 administrator is also the facility manager for the same facility, this
17 person shall be limited to the administration and management of
18 only one facility.

19 (2) The facility manager shall have at least one year of
20 experience working with the client group served, or equivalent
21 education or experience, as determined by the department.

22 (3) A facility manager shall be at the facility at all times when
23 one or more clients are present. To ensure adequate supervision
24 of clients when clients are at the facility outside of their normal
25 schedule, a current telephone number where the facility manager
26 can be reached shall be provided to the clients, licensing agency,
27 school, and any other agency or person as the department
28 determines is necessary. The facility manager shall instruct these
29 agencies and individuals to notify him or her when clients will be
30 returning to the facility outside of the normal hours.

31 (4) The Legislature intends to upgrade the quality of care in
32 licensed facilities. For the purposes of Sections 1533 and 1534,
33 the licensed facility shall be inspected and evaluated for quality
34 of care at least once each year, without advance notice and as often
35 as necessary, without advance notice, to ensure the quality of care
36 being provided.

37 Paragraphs (1), (2), and (3) shall apply only to new facilities
38 licensed for six or fewer children which apply for a license after
39 January 1, 1985, and all other new facilities licensed for seven or
40 more children which apply for a license after January 1, 1988.

1 Existing facilities licensed for seven or more children shall comply
2 by January 1, 1989.

3 (b) No employee of the state or county employed in the
4 administration of this chapter or employed in a position that is in
5 any way concerned with facilities licensed under this chapter shall
6 hold a license or have a direct or indirect financial interest in a
7 facility described in subdivision (a).

8 The department, by regulation, shall make the determination
9 pursuant to the purposes of this section and chapter, as to what
10 employment is in the administration of this chapter or in any way
11 concerned with facilities licensed under this chapter and what
12 financial interest is direct or indirect.

13 This subdivision does not prohibit the state or county from
14 securing a license for, or operating, a facility that is otherwise
15 required to be licensed under this chapter.

16 (c) (1) No group home, short-term residential treatment center,
17 or foster family agency licensee, or employee, member of the board
18 of directors, or officer of a group home, short-term residential
19 treatment center, or foster family agency licensee, shall offer gifts
20 or other remuneration of any type to any employee of the State
21 Department of Social Services or placement agency that exceeds
22 the monetary limits for gifts to employees of the State of California
23 pursuant to Title 9 (commencing with Section 81000) of the
24 Government Code and regulations adopted thereunder by the Fair
25 Political Practices Commission.

26 (2) No employee of the department or a placement agency shall
27 accept any gift or other remuneration of any type from a group
28 home, short-term residential treatment center, or foster family
29 agency licensee or employee, member of the board of directors,
30 or officer of a group home, short-term residential treatment center,
31 or foster family agency licensee that exceeds the monetary limits
32 for gifts to employees of the State of California in Title 9
33 (commencing with Section 81000) of the Government Code and
34 regulations adopted thereunder by the Fair Political Practices
35 Commission.

36 (3) Violation of this subdivision is punishable as a misdemeanor.

37 ~~SEC. 14.~~

38 *SEC. 15.* Section 1522.41 of the Health and Safety Code is
39 amended to read:

1 1522.41. (a) (1) The department, in consultation and
2 collaboration with county placement officials, group home provider
3 organizations, the Director of Health Care Services, and the
4 Director of Developmental Services, shall develop and establish
5 an administrator certification training program to ensure that
6 administrators of group home facilities have appropriate training
7 to provide the care and services for which a license or certificate
8 is issued.

9 (2) The department shall develop and establish an administrator
10 certification training program to ensure that administrators of
11 short-term residential treatment center facilities have appropriate
12 training to provide the care and services for which a license or
13 certificate is issued.

14 (b) (1) In addition to any other requirements or qualifications
15 required by the department, an administrator of a group home or
16 short-term residential treatment center shall successfully complete
17 a department-approved training certification program, pursuant to
18 subdivision (c), prior to employment. An administrator employed
19 in a group home or short-term residential treatment center shall
20 meet the requirements of paragraph (2) of subdivision (c).

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

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

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

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

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

35 (B) Business operations.

36 (C) Management and supervision of staff.

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

38 (E) Community and support services.

39 (F) Physical needs for facility residents.

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

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

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

13 (J) Nonviolent emergency intervention and reporting
14 requirements.

15 (K) Basic instruction on the existing laws and procedures
16 regarding the safety of foster youth at school and the ensuring of
17 a harassment- and violence-free school environment contained in
18 the School Safety and Violence Prevention Act (Article 3.6
19 (commencing with Section 32228) of Chapter 2 of Part 19 of
20 Division 1 of Title 1 of the Education Code).

21 (2) The department shall adopt separate program requirements
22 for initial certification for persons who are employed as group
23 home administrators on the effective date of this section. A person
24 employed as an administrator of a group home facility on the
25 effective date of this section shall obtain a certificate by completing
26 the training and testing requirements imposed by the department
27 within 12 months of the effective date of the regulations
28 implementing this section. After the effective date of this section,
29 these administrators shall meet the requirements imposed by the
30 department on all other group home administrators for certificate
31 renewal.

32 (3) The department shall adopt a separate administrator
33 certification training program for group home administrators who
34 desire to become short-term residential treatment center
35 administrators.

36 (4) Individuals applying for administrator certification under
37 this section shall successfully complete an approved administrator
38 certification training program, pass a written test administered by
39 the department within 60 days of completing the program, and
40 submit to the department the documentation required by

1 subdivision (d) within 30 days after being notified of having passed
2 the test. The department may extend these time deadlines for good
3 cause. The department shall notify the applicant of his or her test
4 results within 30 days of administering the test.

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

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

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

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

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

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

18 (e) It shall be unlawful for any person not certified under this
19 section to hold himself or herself out as a certified administrator
20 of a group home or short-term residential treatment center. Any
21 person willfully making any false representation as being a certified
22 administrator or facility manager is guilty of a misdemeanor.

23 (f) (1) Certificates issued under this section shall be renewed
24 every two years and renewal shall be conditional upon the
25 certificate holder submitting documentation of completion of 40
26 hours of continuing education related to the core of knowledge
27 specified in subdivision (c). No more than one-half of the required
28 40 hours of continuing education necessary to renew the certificate
29 may be satisfied through online courses. All other continuing
30 education hours shall be completed in a classroom setting. For
31 purposes of this section, an individual who is a group home or
32 short-term residential treatment center administrator and who is
33 required to complete the continuing education hours required by
34 the regulations of the State Department of Developmental Services,
35 and approved by the regional center, may have up to 24 of the
36 required continuing education course hours credited toward the
37 40-hour continuing education requirement of this section. The
38 department shall accept for certification, community college course
39 hours approved by the regional centers.

1 (2) Every administrator of a group home or short-term residential
2 treatment center shall complete the continuing education
3 requirements of this subdivision.

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

18 (4) To renew a certificate, the certificate holder shall, on or
19 before the certificate expiration date, request renewal by submitting
20 to the department documentation of completion of the required
21 continuing education courses and pay the renewal fee of one
22 hundred dollars (\$100), irrespective of receipt of the department's
23 notification of the renewal. A renewal request postmarked on or
24 before the expiration of the certificate shall be proof of compliance
25 with this paragraph.

26 (5) A suspended or revoked certificate shall be subject to
27 expiration as provided for in this section. If reinstatement of the
28 certificate is approved by the department, the certificate holder,
29 as a condition precedent to reinstatement, shall submit proof of
30 compliance with paragraphs (1) and (2) of ~~subdivision (f)~~, *this*
31 *subdivision*, and shall pay a fee in an amount equal to the renewal
32 fee, plus the delinquency fee, if any, accrued at the time of its
33 revocation or suspension. Delinquency fees, if any, accrued
34 subsequent to the time of its revocation or suspension and prior to
35 an order for reinstatement, shall be waived for a period of 12
36 months to allow the individual sufficient time to complete the
37 required continuing education units and to submit the required
38 documentation. Individuals whose certificates will expire within
39 90 days after the order for reinstatement may be granted a

1 three-month extension to renew their certificates during which
2 time the delinquency fees shall not accrue.

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

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

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

14 (g) Unless otherwise ordered by the department, the certificate
15 shall be considered forfeited under either of the following
16 conditions:

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

19 (2) The department has issued an exclusion order against the
20 administrator pursuant to Section 1558, 1568.092, 1569.58, or
21 1596.8897, after the department issued the certificate, and the
22 administrator did not appeal the exclusion order or, after the appeal,
23 the department issued a decision and order that upheld the
24 exclusion order.

25 (h) (1) The department, in consultation and collaboration with
26 county placement officials, provider organizations, the State
27 Department of Health Care Services, and the State Department of
28 Developmental Services, shall establish, by regulation, the program
29 content, the testing instrument, the process for approving
30 administrator certification training programs, and criteria to be
31 used in authorizing individuals, organizations, or educational
32 institutions to conduct certification training programs and
33 continuing education courses. The department may also grant
34 continuing education hours for continuing courses offered by
35 accredited educational institutions that are consistent with the
36 requirements in this section. The department may deny vendor
37 approval to any agency or person in any of the following
38 circumstances:

39 (A) The applicant has not provided the department with evidence
40 satisfactory to the department of the ability of the applicant to

1 satisfy the requirements of vendorization set out in the regulations
2 adopted by the department pursuant to subdivision (j).

3 (B) The applicant person or agency has a conflict of interest in
4 that the person or agency places its clients in group homes or
5 short-term residential treatment centers.

6 (C) The applicant public or private agency has a conflict of
7 interest in that the agency is mandated to place clients in group
8 homes or short-term residential treatment centers and to pay
9 directly for the services. The department may deny vendorization
10 to this type of agency only as long as there are other vendor
11 programs available to conduct the certification training programs
12 and conduct education courses.

13 (2) The department may authorize vendors to conduct the
14 administrator's certification training program pursuant to this
15 section. The department shall conduct the written test pursuant to
16 regulations adopted by the department.

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

19 (4) The department may inspect administrator certification
20 training programs and continuing education courses, including
21 online courses, at no charge to the department, to determine if
22 content and teaching methods comply with regulations. If the
23 department determines that any vendor is not complying with the
24 requirements of this section, the department shall take appropriate
25 action to bring the program into compliance, which may include
26 removing the vendor from the approved list.

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

30 (6) The department may charge a reasonable fee, not to exceed
31 one hundred fifty dollars (\$150) every two years, to certification
32 program vendors for review and approval of the initial 40-hour
33 training program pursuant to subdivision (c). The department may
34 also charge the vendor a fee, not to exceed one hundred dollars
35 (\$100) every two years, for the review and approval of the
36 continuing education courses needed for recertification pursuant
37 to this subdivision.

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

1 (i) An interactive portion in which the participant receives
 2 feedback, through online communication, based on input from the
 3 participant.

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

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

15 (B) Nothing in this subdivision shall prohibit the department
 16 from approving online programs for continuing education that do
 17 not meet the requirements of subparagraph (A) if the vendor
 18 demonstrates to the department's satisfaction that, through
 19 advanced technology, the course and the course delivery meet the
 20 requirements of this section.

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

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

26 (k) Notwithstanding any provision of law to the contrary,
 27 vendors approved by the department who exclusively provide
 28 either initial or continuing education courses for certification of
 29 administrators of a group home or short-term residential treatment
 30 center as defined by regulations of the department, an adult
 31 residential facility as defined by regulations of the department, or
 32 a residential care facility for the elderly as defined in subdivision
 33 (k) of Section 1569.2, shall be regulated solely by the department
 34 pursuant to this chapter. No other state or local governmental entity
 35 shall be responsible for regulating the activity of those vendors.

36 ~~SEC. 15.~~

37 *SEC. 16.* Section 1522.43 of the Health and Safety Code is
 38 amended to read:

39 1522.43. (a) (1) For the duties the department imposes on a
 40 group home administrator or short-term residential treatment center

1 administrator in this chapter and in regulations adopted by the
2 department, every group home and short-term residential treatment
3 center shall state in its plan of operation, the number of hours per
4 week that the administrator shall spend completing those duties
5 and how the group home administrator or short-term residential
6 treatment center administrator shall accomplish those duties,
7 including use of support personnel.

8 (2) For initial applicants, the information in paragraph (1) shall
9 be contained in the plan of operation submitted to the department
10 in the application.

11 (3) For current licensees, the licensee shall submit an amended
12 plan of operation that contains the information required by
13 paragraph (1) within six months of the effective date of this section.
14 For changes in the group home administrator duties imposed by
15 the department in this chapter or in regulations, a current licensee
16 shall have six months after the effective date of those duties to
17 submit an amended plan of operation to reflect the new
18 administrator duties.

19 (b) (1) The department may review a group home's or
20 short-term residential treatment center's plan of operation to
21 determine if the plan of operation is sufficient to ensure that the
22 facility will operate in compliance with applicable licensing laws
23 and regulations. As part of the review, the department may request
24 that a peer review panel review the plan of operation for a group
25 home as prescribed in paragraph (2), or for a short-term residential
26 treatment center as prescribed in paragraph (3).

27 (2) The peer review panel shall consist of two representatives
28 from the department, a qualified group home administrator, an
29 experienced group home provider in good standing, and a member
30 or members from the placement agency or agencies that place
31 children in group homes.

32 (3) The peer review panel shall consist of two representatives
33 from the department, a qualified short-term residential treatment
34 center administrator, a short-term residential treatment center
35 provider in good standing, and a member or members from the
36 placement agency or agencies that place children in short-term
37 residential treatment centers.

38 (c) A group home or short-term residential treatment center
39 shall develop a daily schedule of activities for the children at the
40 facility. The facility shall have this schedule available for

1 inspection by the department. The activities in which the children
2 are scheduled to participate shall be designed to meet the needs of
3 the individual child, and shall be based on that child's needs and
4 services plan.

5 ~~SEC. 16.~~

6 *SEC. 17.* Section 1524.6 of the Health and Safety Code is
7 amended to read:

8 1524.6. (a) In addition to any other requirement of this chapter,
9 any group home or short-term residential treatment center, as
10 defined by regulations of the department, providing care for any
11 number of persons, that is not already subject to the requirements
12 of Section 1524.5, shall provide a procedure approved by the
13 licensing agency for immediate response to incidents and
14 complaints, as defined by regulations of the department. This
15 procedure shall include a method of ensuring that the owner,
16 licensee, or person designated by the owner or licensee is notified
17 of the incident or complaint, that the owner, licensee, or person
18 designated by the owner or licensee has personally investigated
19 the matter, and that the person making the complaint or reporting
20 the incident has received a written response, within 30 days of
21 receiving the complaint, of action taken, or a reason why no action
22 needs to be taken.

23 (b) In order to ensure the opportunity for complaints to be made
24 directly to the owner, licensee, or person designated by the owner
25 or licensee, and to provide the opportunity for the owner, licensee,
26 or person designated by the owner or licensee to meet
27 neighborhood residents and learn of problems in the neighborhood,
28 any group home or short-term residential treatment center shall
29 establish a fixed time on a periodic basis when the owner, licensee,
30 or person designated by the owner or licensee will be present. At
31 this fixed time, information shall be provided to neighborhood
32 residents of the complaint procedure pursuant to Section 1538.

33 (c) Facilities shall establish procedures to comply with the
34 requirements of this section on or before July 1, 2005.

35 (d) This section shall not apply to family homes certified by
36 foster family agencies, foster family homes, and small family
37 homes. It is not the intent of the Legislature that this section be
38 applied in a way that is contrary to the child's best interests.

1 ~~SEC. 17.~~

2 *SEC. 18.* Section 1529.2 of the Health and Safety Code is
3 amended to read:

4 1529.2. (a) In addition to the foster parent training provided
5 by community colleges, foster family agencies shall provide a
6 program of training for their certified foster families.

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

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

23 (i) Lack of access to training due to the cost or travel required.

24 (ii) Family emergency.

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

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

30 (A) An overview of the child protective system.

31 (B) The effects of child abuse and neglect on child development.

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

33 (D) Health issues in foster care.

34 (E) Accessing education and health services available to foster
35 children.

36 (F) The right of a foster child to have fair and equal access to
37 all available services, placement, care, treatment, and benefits, and
38 to not be subjected to discrimination or harassment on the basis
39 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) Basic instruction on the existing laws and procedures
7 regarding the safety of foster youth at school and the ensuring of
8 a harassment and violence free school environment contained in
9 the ~~California Student~~ *School Safety and Violence Prevention Act*
10 (Article 3.6 (commencing with Section 32228) of Chapter 2 of
11 Part 19 of Division 1 of Title 1 of the Education Code).

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

14 (A) Age-appropriate child development.

15 (B) Health issues in foster care.

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

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

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

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

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

32 (6) A candidate for placement of foster children shall submit a
33 certificate of training to document completion of the training
34 requirements. The certificate shall be submitted with the initial
35 consideration for placements and provided at the time of the annual
36 visit by the licensing agency thereafter.

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

1 (d) This section shall remain in effect only until January 1, 2017,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2017, deletes or extends that date.

4 ~~SEC. 18.~~

5 *SEC. 19.* Section 1529.2 is added to the Health and Safety
6 Code, to read:

7 1529.2. (a) It is the intent of the Legislature that all foster
8 parents have the necessary knowledge, skills, and abilities to
9 support the safety, permanency, and well-being of children in foster
10 care. Initial and ongoing preparation and training of foster parents
11 should support the foster parent's role in parenting vulnerable
12 children, youth, and young adults, including supporting the
13 children's connection with their families. Their training should be
14 ongoing in order to provide foster parents with information on new
15 practices and requirements *and other helpful topics* within the
16 child welfare system and may be offered in a classroom setting,
17 online, or individually.

18 (b) Prior to licensing or certification, training shall include, but
19 not be limited to, the following topics:

20 (1) An overview of the child protective system.

21 (2) The effects of ~~trauma~~ *and trauma, including* child abuse or
22 neglect on child development and behavior.

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

24 (4) Health issues in foster care, including the administration of
25 psychotropic and other medications.

26 (5) Accessing education, health, and behavioral health services
27 available to foster children.

28 (6) The rights of a child in foster care, and the foster parent's
29 responsibility to safeguard those rights, including the right to have
30 fair and equal access to all available services, placement, care,
31 treatment, and benefits, and to not be subjected to discrimination
32 or harassment on the basis of actual or perceived race, ethnic group
33 identification, ancestry, national origin, color, religion, sex, sexual
34 orientation, gender identity, mental or physical disability, or HIV
35 status.

36 (7) Cultural needs of children, including instruction on cultural
37 competency and respect relating to, and best practices for,
38 providing adequate care to lesbian, gay, bisexual, and transgender
39 youth in out-of-home care.

- 1 (8) Basic instruction on existing laws and procedures regarding
- 2 the safety of foster youth at school; and ensuring a harassment and
- 3 violence free school environment pursuant to the ~~California Student~~
- 4 *School Safety and Violence Prevention Act* (Article 3.6
- 5 (commencing with Section 32228) of Chapter 2 of Part 19 of
- 6 Division 1 of Title 1 of the Education Code).
- 7 (9) Permanence and well-being needs of children.
- 8 (10) Child and adolescent development.
- 9 (11) ~~Role~~—*The role* of foster parents, including working
- 10 cooperatively with the child welfare agency, the child’s family,
- 11 and other service providers implementing the case plan.
- 12 (12) A foster parent’s responsibility to act as a reasonable and
- 13 prudent parent; and to maintain the least restrictive, most
- 14 family-like environment that serves the needs of the child.
- 15 (c) In addition to the initial requirements contained in
- 16 subdivision (b), a licensed or certified foster parent shall complete
- 17 a minimum number of training hours annually, a portion of which
- 18 shall be from one or more of the following topics, as prescribed
- 19 by the department, pursuant to subdivision (a):
- 20 (1) Age-appropriate child and adolescent development.
- 21 (2) Health issues in foster care, including the administration of
- 22 psychotropic and other medications.
- 23 (3) Positive discipline and the importance of self-esteem.
- 24 (4) Preparation for youth and young adults for a successful
- 25 transition to adulthood.
- 26 (5) The right of a foster child to have fair and equal access to
- 27 all available services, placement, care, treatment, and benefits, and
- 28 to not be subjected to discrimination or harassment on the basis
- 29 of actual or perceived race, ethnic group identification, ancestry,
- 30 national origin, color, religion, sex, sexual orientation, gender
- 31 identity, mental or physical disability, or HIV status.
- 32 (6) Instruction on cultural competency and respect relating to,
- 33 and best practices for, providing adequate care to lesbian, gay,
- 34 bisexual, and transgender youth in out-of-home care.
- 35 (d) No child shall be placed with a foster parent unless each
- 36 foster parent in the home meets the requirements of this section.
- 37 (e) (1) Upon the request of the licensed or certified foster parent
- 38 for a hardship waiver from the annual training requirement or a
- 39 request for an extension of the deadline, the county may, at its
- 40 option, on a case-by-case basis, waive the training requirement or

1 extend any established deadline for a period not to exceed one
2 year, if the training requirement presents a severe and unavoidable
3 obstacle to continuing as a foster parent.

4 (2) Obstacles for which a county may grant a hardship waiver
5 or extension are:

6 (A) Lack of access to training due to the cost or travel required.

7 (B) Family emergency.

8 (3) Before a waiver or extension may be granted, the licensed
9 or certified foster parent should explore the opportunity of
10 receiving training *online or* by video or written materials.

11 (f) (1) Foster parent training may be obtained through sources
12 that include, but are not necessarily limited to, community colleges,
13 counties, hospitals, foster parent associations, the California State
14 Foster Parent Association's Conference, adult schools, and certified
15 foster parent instructors.

16 (2) In addition to the foster parent training provided by
17 community colleges, foster family agencies shall provide a program
18 of training for their certified foster families.

19 (g) Training certificates shall be submitted to the appropriate
20 licensing or foster family agency.

21 (1) A foster parent applicant shall submit a certificate of
22 completion of training as a precondition of licensure or
23 certification.

24 (2) Upon completion, a licensed or certified parent shall submit
25 a certificate of completion for the annual training requirements.

26 (h) Nothing in this section shall preclude a county or a foster
27 family agency from requiring foster parent training in excess of
28 the requirements in this section.

29 (i) This section shall become operative on January 1, 2017.

30 ~~SEC. 19.~~

31 *SEC. 20.* Section 1530.7 of the Health and Safety Code is
32 amended to read:

33 1530.7. (a) Group homes, short-term residential treatment
34 centers, foster family agencies, small family homes, transitional
35 housing placement providers, and crisis nurseries licensed pursuant
36 to this chapter shall maintain a smoke-free environment in the
37 facility.

38 (b) A person who is licensed or certified pursuant to this chapter
39 to provide residential care in a foster family home or certified
40 family home shall not smoke or permit any other person to smoke

1 inside the facility, and, when the child is present, on the outdoor
2 grounds of the facility.

3 (c) A person who is licensed or certified pursuant to this chapter
4 to provide residential foster care shall not smoke in any motor
5 vehicle that is regularly used to transport the child.

6 ~~SEC. 20.~~

7 *SEC. 21.* Section 1530.8 of the Health and Safety Code is
8 amended to read:

9 1530.8. (a) (1) The department shall adopt regulations for
10 community care facilities licensed as group homes, and for
11 temporary shelter care facilities as defined in subdivision (c), that
12 care for dependent children, children placed by a regional center,
13 or voluntary placements, who are younger than six years of age.
14 The department shall adopt these regulations after assessing the
15 needs of this population and developing standards pursuant to
16 Section 11467.1 of the Welfare and Institutions Code. To the extent
17 that the department determines they are necessary, the department
18 may adopt regulations under this section that apply to short-term
19 residential treatment centers that care for children younger than
20 six years of age.

21 (2) The department shall adopt regulations under this section
22 that apply to ~~mother and infant~~ *minor parent* programs serving
23 children younger than six years of age who reside in a group home
24 ~~or short-term residential treatment centers~~ with a minor parent who
25 is the primary caregiver of the ~~child that shall be subject to the~~
26 ~~requirements of subdivision (d).~~ *child*. To the extent that the
27 department determines they are necessary, the department may
28 adopt regulations under this section that apply to short-term
29 residential treatment centers that provide ~~mother and infant~~ *minor*
30 *parent* programs serving children younger than six years of age.

31 (3) To the extent that the department determines they are
32 necessary, the department shall adopt regulations under this section
33 that apply to group homes or short-term residential treatment
34 centers that care for dependent children who are 6 to 12 years of
35 age, inclusive. In order to determine whether such regulations are
36 necessary, and what any resulting standards should include, the
37 department shall consult with interested parties that include, but
38 are not limited to, representatives of current and former foster
39 youth, advocates for children in foster care, county welfare and
40 mental health directors, chief probation officers, representatives

1 of care providers, experts in child development, and representatives
2 of the Legislature. The standards may provide normative guidelines
3 differentiated by the needs specific to children in varying age
4 ranges that fall between 6 and 12 years of age, inclusive. Prior to
5 adopting regulations, the department shall submit for public
6 comment, by July 1, 2016, any proposed regulations.

7 (b) The regulations shall include physical environment standards,
8 including staffing and health and safety requirements, that meet
9 or exceed state child care standards under Title 5 and Title 22 of
10 the California Code of Regulations.

11 (c) For purposes of this section, a “temporary shelter care
12 facility” means any residential facility that meets all of the
13 following requirements:

14 (1) It is owned and operated by the county.

15 (2) It is a 24-hour facility that provides short-term residential
16 care and supervision for dependent children under 18 years of age
17 who have been removed from their homes as a result of abuse or
18 neglect, as defined in Section 300 of the Welfare and Institutions
19 Code, or both.

20 ~~SEC. 21:~~

21 *SEC. 22.* Section 1531.1 of the Health and Safety Code is
22 amended to read:

23 1531.1. (a) A residential facility licensed as an adult residential
24 facility, group home, short-term residential treatment center, small
25 family home, foster family home, or a family home certified by a
26 foster family agency may install and utilize delayed egress devices
27 of the time delay type.

28 (b) As used in this section, “delayed egress device” means a
29 device that precludes the use of exits for a predetermined period
30 of time. These devices shall not delay any resident’s departure
31 from the facility for longer than 30 seconds.

32 (c) Within the 30 seconds of delay, facility staff may attempt
33 to redirect a resident who attempts to leave the facility.

34 (d) Any person accepted by a residential facility or family home
35 certified by a foster family agency utilizing delayed egress devices
36 shall meet all of the following conditions:

37 (1) The person shall have a developmental disability as defined
38 in Section 4512 of the Welfare and Institutions Code.

39 (2) The person shall be receiving services and case management
40 from a regional center under the Lanterman Developmental

1 Disabilities Services Act (Division 4.5 (commencing with Section
2 4500) of the Welfare and Institutions Code).

3 (3) An interdisciplinary team, through the Individual Program
4 Plan (IPP) process pursuant to Section 4646.5 of the Welfare and
5 Institutions Code, shall have determined that the person lacks
6 hazard awareness or impulse control and requires the level of
7 supervision afforded by a facility equipped with delayed egress
8 devices, and that but for this placement, the person would be at
9 risk of admission to, or would have no option but to remain in, a
10 more restrictive state hospital or state developmental center
11 placement.

12 (e) The facility shall be subject to all fire and building codes,
13 regulations, and standards applicable to residential care facilities
14 for the elderly utilizing delayed egress devices, and shall receive
15 approval by the county or city fire department, the local fire
16 prevention district, or the State Fire Marshal for the installed
17 delayed egress devices.

18 (f) The facility shall provide staff training regarding the use and
19 operation of the egress control devices utilized by the facility,
20 protection of residents' personal rights, lack of hazard awareness
21 and impulse control behavior, and emergency evacuation
22 procedures.

23 (g) The facility shall develop a plan of operation approved by
24 the State Department of Social Services that includes a description
25 of how the facility is to be equipped with egress control devices
26 that are consistent with regulations adopted by the State Fire
27 Marshal pursuant to Section 13143.

28 (h) The plan shall include, but shall not be limited to, all of the
29 following:

30 (1) A description of how the facility will provide training for
31 staff regarding the use and operation of the egress control devices
32 utilized by the facility.

33 (2) A description of how the facility will ensure the protection
34 of the residents' personal rights consistent with Sections 4502,
35 4503, and 4504 of the Welfare and Institutions Code.

36 (3) A description of how the facility will manage the person's
37 lack of hazard awareness and impulse control behavior.

38 (4) A description of the facility's emergency evacuation
39 procedures.

1 (i) Delayed egress devices shall not substitute for adequate staff.
2 Except for facilities operating in accordance with Section 1531.15,
3 the capacity of the facility shall not exceed six residents.

4 (j) Emergency fire and earthquake drills shall be conducted at
5 least once every three months on each shift, and shall include all
6 facility staff providing resident care and supervision on each shift.

7 ~~SEC. 22.~~

8 *SEC. 23.* Section 1531.15 of the Health and Safety Code is
9 amended to read:

10 1531.15. (a) A licensee of an adult residential facility,
11 short-term residential treatment center, or group home for no more
12 than 15 residents, that is eligible for and serving clients eligible
13 for federal Medicaid funding and utilizing delayed egress devices
14 pursuant to Section 1531.1, may install and utilize secured
15 perimeters in accordance with the provisions of this section.

16 (b) As used in this section, “secured perimeters” means fences
17 that meet the requirements prescribed by this section.

18 (c) Only individuals meeting all of the following conditions
19 may be admitted to or reside in a facility described in subdivision

20 (a) utilizing secured perimeters:

21 (1) The person shall have a developmental disability as defined
22 in Section 4512 of the Welfare and Institutions Code.

23 (2) The person shall be receiving services and case management
24 from a regional center under the Lanterman Developmental
25 Disabilities Services Act (Division 4.5 (commencing with Section
26 4500) of the Welfare and Institutions Code).

27 (3) (A) The person shall be 14 years of age or older, except as
28 specified in subparagraph (B).

29 (B) Notwithstanding subparagraph (A), a child who is at least
30 10 years of age and less than 14 years of age may be placed in a
31 licensed group home or short-term residential treatment center
32 described in subdivision (a) using secured perimeters only if both
33 of the following occur:

34 (i) A comprehensive assessment is conducted and an individual
35 program plan meeting is convened to determine the services and
36 supports needed for the child to receive services in a less restrictive,
37 unlocked residential setting in California, and the regional center
38 requests assistance from the State Department of Developmental
39 Services’ statewide specialized resource service to identify options

1 to serve the child in a less restrictive, unlocked residential setting
2 in California.

3 (ii) The regional center requests placement of the child in a
4 licensed group home or short-term residential treatment center
5 described in subdivision (a) using secured perimeters on the basis
6 that the placement is necessary to prevent out-of-state placement
7 or placement in a more restrictive, locked residential setting and
8 the State Department of Developmental Services approves the
9 request.

10 (4) The person is not a foster child under the jurisdiction of the
11 juvenile court pursuant to Section 300, 450, 601, or 602 of the
12 Welfare and Institutions Code.

13 (5) An interdisciplinary team, through the individual program
14 plan (IPP) process pursuant to Section 4646.5 of the Welfare and
15 Institutions Code, shall have determined the person lacks hazard
16 awareness or impulse control and, for his or her safety and security,
17 requires the level of supervision afforded by a facility equipped
18 with secured perimeters, and, but for this placement, the person
19 would be at risk of admission to, or would have no option but to
20 remain in, a more restrictive placement. The individual program
21 planning team shall determine the continued appropriateness of
22 the placement at least annually.

23 (d) The licensee shall be subject to all applicable fire and
24 building codes, regulations, and standards, and shall receive
25 approval by the county or city fire department, the local fire
26 prevention district, or the State Fire Marshal for the installed
27 secured perimeters.

28 (e) The licensee shall provide staff training regarding the use
29 and operation of the secured perimeters, protection of residents'
30 personal rights, lack of hazard awareness and impulse control
31 behavior, and emergency evacuation procedures.

32 (f) The licensee shall revise its facility plan of operation. These
33 revisions shall first be approved by the State Department of
34 Developmental Services. The plan of operation shall not be
35 approved by the State Department of Social Services unless the
36 licensee provides certification that the plan was approved by the
37 State Department of Developmental Services. The plan shall
38 include, but not be limited to, all of the following:

1 (1) A description of how the facility is to be equipped with
2 secured perimeters that are consistent with regulations adopted by
3 the State Fire Marshal pursuant to Section 13143.6.

4 (2) A description of how the facility will provide training for
5 staff.

6 (3) A description of how the facility will ensure the protection
7 of the residents' personal rights consistent with Sections 4502,
8 4503, and 4504 of the Welfare and Institutions Code, and any
9 applicable personal rights provided in Title 22 of the California
10 Code of Regulations.

11 (4) A description of how the facility will manage residents' lack
12 of hazard awareness and impulse control behavior.

13 (5) A description of the facility's emergency evacuation
14 procedures.

15 (g) Secured perimeters shall not substitute for adequate staff.

16 (h) Emergency fire and earthquake drills shall be conducted on
17 each shift in accordance with existing licensing requirements, and
18 shall include all facility staff providing resident care and
19 supervision on each shift.

20 (i) Interior and exterior space shall be available on the facility
21 premises to permit clients to move freely and safely.

22 (j) For the purpose of using secured perimeters, the licensee
23 shall not be required to obtain a waiver or exception to a regulation
24 that would otherwise prohibit the locking of a perimeter fence or
25 gate.

26 (k) This section shall become operative only upon the
27 publication in Title 17 of the California Code of Regulations of
28 emergency regulations filed by the State Department of
29 Developmental Services. These regulations shall be developed
30 with stakeholders, including the State Department of Social
31 Services, consumer advocates, and regional centers. The regulations
32 shall establish program standards for homes that include secured
33 perimeters, including requirements and timelines for the completion
34 and updating of a comprehensive assessment of each consumer's
35 needs, including the identification through the individual program
36 plan process of the services and supports needed to transition the
37 consumer to a less restrictive living arrangement, and a timeline
38 for identifying or developing those services and supports. The
39 regulations shall establish a statewide limit on the total number of
40 beds in homes with secured perimeters. The adoption of these

1 regulations shall be deemed to be an emergency and necessary for
2 the immediate preservation of the public peace, health and safety,
3 or general welfare.

4 ~~SEC. 23.~~

5 *SEC. 24.* Section 1534 of the Health and Safety Code is
6 amended to read:

7 1534. (a) (1) (A) Except for foster family homes, every
8 licensed community care facility shall be subject to unannounced
9 inspections by the department.

10 (B) Foster family homes shall be subject to announced
11 inspections by the department, except that a foster family home
12 shall be subject to unannounced inspections in response to a
13 complaint, a plan of correction, or under any of the circumstances
14 set forth in subparagraph (B) of paragraph (2).

15 (2) (A) The department may inspect these facilities as often as
16 necessary to ensure the quality of care provided.

17 (B) The department shall conduct an annual unannounced
18 inspection of a facility under any of the following circumstances:

19 (i) When a license is on probation.

20 (ii) When the terms of agreement in a facility compliance plan
21 require an annual inspection.

22 (iii) When an accusation against a licensee is pending.

23 (iv) When a facility requires an annual inspection as a condition
24 of receiving federal financial participation.

25 (v) In order to verify that a person who has been ordered out of
26 a facility by the department is no longer at the facility.

27 (C) (i) The department shall conduct annual unannounced
28 inspections of no less than 20 percent of facilities, except for foster
29 family homes, not subject to an inspection under subparagraph
30 (B).

31 (ii) The department shall conduct annual announced inspections
32 of no less than 20 percent of foster family homes not subject to an
33 inspection under subparagraph (B).

34 (iii) These inspections shall be conducted based on a random
35 sampling methodology developed by the department.

36 (iv) If the total citations issued by the department to facilities
37 exceed the previous year's total by 10 percent, the following year
38 the department shall increase the random sample by an additional
39 10 percent of the facilities not subject to an inspection under

1 subparagraph (B). The department may request additional resources
2 to increase the random sample by 10 percent.

3 (v) The department shall not inspect a licensed community care
4 facility less often than once every five years.

5 (3) In order to facilitate direct contact with group home or
6 short-term residential treatment center clients, the department may
7 interview children who are clients of group homes or short-term
8 residential treatment centers at any public agency or private agency
9 at which the client may be found, including, but not limited to, a
10 juvenile hall, recreation or vocational program, or a public or
11 nonpublic school. The department shall respect the rights of the
12 child while conducting the interview, including informing the child
13 that he or she has the right not to be interviewed and the right to
14 have another adult present during the interview.

15 (4) The department shall notify the community care facility in
16 writing of all deficiencies in its compliance with the provisions of
17 this chapter and the rules and regulations adopted pursuant to this
18 chapter, and shall set a reasonable length of time for compliance
19 by the facility.

20 (5) Reports on the results of each inspection, evaluation, or
21 consultation shall be kept on file in the department, and all
22 inspection reports, consultation reports, lists of deficiencies, and
23 plans of correction shall be open to public inspection.

24 (b) (1) This section does not limit the authority of the
25 department to inspect or evaluate a licensed foster family agency,
26 a certified family home, or any aspect of a program in which a
27 licensed community care facility is certifying compliance with
28 licensing requirements.

29 (2) (A) A foster family agency shall conduct an announced
30 inspection of a certified family home during the annual
31 recertification described in Section 1506 in order to ensure that
32 the certified family home meets all applicable licensing standards.
33 A foster family agency may inspect a certified family home as
34 often as necessary to ensure the quality of care provided.

35 (B) In addition to the inspections required pursuant to
36 subparagraph (A), a foster family agency shall conduct an
37 unannounced inspection of a certified family home under any of
38 the following circumstances:

39 (i) When a certified family home is on probation.

1 (ii) When the terms of the agreement in a facility compliance
2 plan require an annual inspection.

3 (iii) When an accusation against a certified family home is
4 pending.

5 (iv) When a certified family home requires an annual inspection
6 as a condition of receiving federal financial participation.

7 (v) In order to verify that a person who has been ordered out of
8 a certified family home by the department is no longer at the home.

9 (3) Upon a finding of noncompliance by the department, the
10 department may require a foster family agency to deny or revoke
11 the certificate of approval of a certified family home, or take other
12 action the department may deem necessary for the protection of a
13 child placed with the certified family home. The certified parent
14 or prospective foster parent shall be afforded the due process
15 provided pursuant to this chapter.

16 (4) If the department requires a foster family agency to deny or
17 revoke the certificate of approval, the department shall serve an
18 order of denial or revocation upon the certified or prospective
19 foster parent and foster family agency that shall notify the certified
20 or prospective foster parent of the basis of the department's action
21 and of the certified or prospective foster parent's right to a hearing.

22 (5) Within 15 days after the department serves an order of denial
23 or revocation, the certified or prospective foster parent may file a
24 written appeal of the department's decision with the department.
25 The department's action shall be final if the certified or prospective
26 foster parent does not file a written appeal within 15 days after the
27 department serves the denial or revocation order.

28 (6) The department's order of the denial or revocation of the
29 certificate of approval shall remain in effect until the hearing is
30 completed and the director has made a final determination on the
31 merits.

32 (7) A certified or prospective foster parent who files a written
33 appeal of the department's order with the department pursuant to
34 this section shall, as part of the written request, provide his or her
35 current mailing address. The certified or prospective foster parent
36 shall subsequently notify the department in writing of any change
37 in mailing address, until the hearing process has been completed
38 or terminated.

39 (8) Hearings held pursuant to this section shall be conducted in
40 accordance with Chapter 5 (commencing with Section 11500) of

1 Part 1 of Division 3 of Title 2 of the Government Code. In all
2 proceedings conducted in accordance with this section the standard
3 of proof shall be by a preponderance of the evidence.

4 (9) The department may institute or continue a disciplinary
5 proceeding against a certified or prospective foster parent upon
6 any ground provided by this section or Section 1550, enter an order
7 denying or revoking the certificate of approval, or otherwise take
8 disciplinary action against the certified or prospective foster parent,
9 notwithstanding any resignation, withdrawal of application,
10 surrender of the certificate of approval, or denial or revocation of
11 the certificate of approval by the foster family agency.

12 (10) A foster family agency's failure to comply with the
13 department's order to deny or revoke the certificate of approval
14 by placing or retaining children in care shall be grounds for
15 disciplining the licensee pursuant to Section 1550.

16 ~~SEC. 24.~~

17 *SEC. 25.* Section 1536 of the Health and Safety Code is
18 amended to read:

19 1536. (a) (1) At least annually, the department shall publish
20 and make available to interested persons a list or lists covering all
21 licensed community care facilities, other than foster family homes
22 and certified family homes of foster family agencies providing
23 24-hour care for six or fewer foster children, and the services for
24 which each facility has been licensed or issued a special permit.

25 (2) For a group home, transitional housing placement provider,
26 community treatment facility, runaway and homeless youth shelter,
27 or short-term residential treatment center, the list shall include
28 both of the following:

29 (A) The number of licensing complaints, types of complaint,
30 and outcomes of complaints, including citations, fines, exclusion
31 orders, license suspensions, revocations, and surrenders.

32 (B) The number, types, and outcomes of law enforcement
33 contacts made by the facility staff or children, as reported pursuant
34 to subdivision (a) of Section 1538.7.

35 (b) Subject to subdivision (c), to encourage the recruitment of
36 foster family homes and certified family homes of foster family
37 agencies, protect their personal privacy, and to preserve the security
38 and confidentiality of the placements in the homes, the names,
39 addresses, and other identifying information of facilities licensed
40 as foster family homes and certified family homes of foster family

1 agencies providing 24-hour care for six or fewer children shall be
2 considered personal information for purposes of the Information
3 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)
4 of Title 1.8 of Part 4 of Division 3 of the Civil Code). This
5 information shall not be disclosed by any state or local agency
6 pursuant to the California Public Records Act (Chapter 3.5
7 (commencing with Section 6250) of Division 7 of Title 1 of the
8 Government Code), except as necessary for administering the
9 licensing program, facilitating the placement of children in these
10 facilities, and providing names and addresses only to bona fide
11 professional foster parent organizations upon request.

12 (c) Notwithstanding subdivision (b), the department, a county,
13 or a foster family agency may request information from, or divulge
14 information to, the department, a county, or a foster family agency,
15 regarding a prospective certified parent, foster parent, or relative
16 caregiver for the purpose of, and as necessary to, conduct a
17 reference check to determine whether it is safe and appropriate to
18 license, certify, or approve an applicant to be a certified parent,
19 foster parent, or relative caregiver.

20 (d) The department may issue a citation and, after the issuance
21 of that citation, may assess a civil penalty of fifty dollars (\$50) per
22 day for each instance of a foster family agency's failure to provide
23 the department with the information required by subdivision (h)
24 of Section 88061 of Title 22 of the California Code of Regulations.

25 (e) The Legislature encourages the department, when funds are
26 available for this purpose, to develop a database that would include
27 all of the following information:

28 (1) Monthly reports by a foster family agency regarding family
29 homes.

30 (2) A log of family homes certified and decertified, provided
31 by a foster family agency to the department.

32 (3) Notification by a foster family agency to the department
33 informing the department of a foster family agency's determination
34 to decertify a certified family home due to any of the following
35 actions by the certified family parent:

36 (A) Violating licensing rules and regulations.

37 (B) Aiding, abetting, or permitting the violation of licensing
38 rules and regulations.

1 (C) Conducting oneself in a way that is inimical to the health,
2 morals, welfare, or safety of a child placed in that certified family
3 home.

4 (D) Being convicted of a crime while a certified family parent.

5 (E) Knowingly allowing any child to have illegal drugs or
6 alcohol.

7 (F) Committing an act of child abuse or neglect or an act of
8 violence against another person.

9 ~~SEC. 25.~~

10 *SEC. 26.* Section 1538.3 of the Health and Safety Code is
11 amended to read:

12 1538.3. A county may develop a cooperative agreement with
13 the department to access disclosable, public record information
14 from an automated system, other than the system described in
15 Section 1538.2, concerning substantiated complaints for all group
16 home or short-term residential treatment centers, as defined by
17 regulations of the department, located within that county. Access
18 to the database may be accomplished through a secure online
19 transaction protocol.

20 ~~SEC. 26.~~

21 *SEC. 27.* Section 1538.5 of the Health and Safety Code is
22 amended to read:

23 1538.5. (a) (1) Not less than 30 days prior to the anniversary
24 of the effective date of a residential community care facility license,
25 except licensed foster family homes, the department may transmit
26 a copy to the board members of the licensed facility, parents, legal
27 guardians, conservators, clients' rights advocates, or placement
28 agencies, as designated in each resident's placement agreement,
29 of all inspection reports given to the facility by the department
30 during the past year as a result of a substantiated complaint
31 regarding a violation of this chapter relating to resident abuse and
32 neglect, food, sanitation, incidental medical care, and residential
33 supervision. During that one-year period the copy of the notices
34 transmitted and the proof of the transmittal shall be open for public
35 inspection.

36 (2) The department may transmit copies of the inspection reports
37 referred to in paragraph (1) concerning a group home or short-term
38 residential treatment center, as defined by regulations of the
39 department, to the county in which the group home or short-term
40 residential treatment center is located, if requested by that county.

1 (3) A group home or short-term residential treatment center
2 shall maintain, at the facility, a copy of all licensing reports for
3 the past three years that would be accessible to the public through
4 the department, for inspection by placement officials, current and
5 prospective facility clients, and these clients' family members who
6 visit the facility.

7 (b) The facility operator, at the expense of the facility, shall
8 transmit a copy of all substantiated complaints, by certified mail,
9 to those persons described pursuant to paragraph (1) of subdivision
10 (a) in the following cases:

11 (1) In the case of a substantiated complaint relating to resident
12 physical or sexual abuse, the facility shall have three days from
13 the date the facility receives the licensing report from the
14 department to comply.

15 (2) In the case in which a facility has received three or more
16 substantiated complaints relating to the same violation during the
17 past 12 months, the facility shall have five days from the date the
18 facility receives the licensing report to comply.

19 (c) A residential facility shall retain a copy of the notices
20 transmitted pursuant to subdivision (b) and proof of their
21 transmittal by certified mail for a period of one year after their
22 transmittal.

23 (d) If a residential facility to which this section applies fails to
24 comply with this section, as determined by the department, the
25 department shall initiate civil penalty action against the facility in
26 accordance with this article and the related rules and regulations.

27 (e) Not less than 30 days prior to the anniversary of the effective
28 date of the license of any group home or short-term residential
29 treatment center, as defined by regulations of the department, at
30 the request of the county in which the group home or short-term
31 residential treatment center is located, a group home or short-term
32 residential treatment center shall transmit to the county a copy of
33 all incident reports prepared by the group home or short-term
34 residential treatment center and transmitted to a placement agency,
35 as described in subdivision (f) of Section 1536.1, in a county other
36 than the county in which the group home or short-term residential
37 treatment center is located that involved a response by local law
38 enforcement or emergency services personnel, including runaway
39 incidents. The county shall designate an official for the receipt of
40 the incident reports and shall notify the group home or short-term

1 residential treatment center of the designation. Prior to transmitting
2 copies of incident reports to the county, the group home or
3 short-term residential treatment center shall redact the name of
4 any child referenced in the incident reports, and other identifying
5 information regarding any child referenced in the reports. The
6 county may review the incident reports to ensure that the group
7 home or short-term residential treatment center has taken
8 appropriate action to ensure the health and safety of the residents
9 of the facility.

10 (f) The department shall notify the residential community care
11 facility of its obligation when it is required to comply with this
12 section.

13 ~~SEC. 27.~~

14 *SEC. 28.* Section 1538.6 of the Health and Safety Code is
15 amended to read:

16 1538.6. (a) When the department periodically reviews the
17 record of substantiated complaints against each group home or
18 short-term residential treatment center, pursuant to its oversight
19 role as prescribed by Section 1534, to determine whether the nature,
20 number, and severity of incidents upon which complaints were
21 based constitute a basis for concern as to whether the provider is
22 capable of effectively and efficiently operating the program, and
23 if the department determines that there is cause for concern, it may
24 contact the county in which a group home or short-term residential
25 treatment center is located and placement agencies in other counties
26 using the group home or short-term residential treatment center,
27 and request their recommendations as to what action, if any, the
28 department should take with regard to the provider's status as a
29 licensed group home or short-term residential treatment center
30 provider.

31 (b) It is the intent of the Legislature that the department make
32 every effort to communicate with the county in which a group
33 home or short-term residential treatment center is located when
34 the department has concerns about group homes or short-term
35 residential treatment centers within that county.

36 ~~SEC. 28.~~

37 *SEC. 29.* Section 1538.7 of the Health and Safety Code is
38 amended to read:

39 1538.7. (a) A group home, transitional housing placement
40 provider, community treatment facility, runaway and homeless

1 youth shelter, or short-term residential treatment center shall report
2 to the department's Community Care Licensing Division upon the
3 occurrence of any incident concerning a child in the facility
4 involving contact with law enforcement. At least every six months,
5 the facility shall provide a followup report for each incident,
6 including the type of incident, whether the incident involved an
7 alleged violation of any crime described in Section 602 of the
8 Welfare and Institutions Code by a child residing in the facility;
9 whether staff, children, or both were involved; the gender, race,
10 ethnicity, and age of children involved; and the outcomes, including
11 arrests, removals of children from placement, or termination or
12 suspension of staff.

13 (b) (1) If the department determines that, based on the licensed
14 capacity, a facility has reported, pursuant to subdivision (a), a
15 greater than average number of law enforcement contacts involving
16 an alleged violation of any crime described in Section 602 of the
17 Welfare and Institutions Code by a child residing in the facility,
18 the department shall inspect the facility at least once a year.

19 (2) An inspection conducted pursuant to paragraph (1) does not
20 constitute an unannounced inspection required pursuant to Section
21 1534.

22 (c) If an inspection is required pursuant to subdivision (b), the
23 Community Care Licensing Division shall provide the report to
24 the department's Children and Family Services Division and to
25 any other public agency that has certified the facility's program
26 or any component of the facility's program including, but not
27 limited to, the State Department of Health Care Services, which
28 certifies group homes or short-term residential treatment centers
29 pursuant to Section 4096.5 of the Welfare and Institutions Code.

30 ~~SEC. 29.~~

31 *SEC. 30.* Section 1548 of the Health and Safety Code, as added
32 by Section 2 of Chapter 813 of the Statutes of 2014, is amended
33 to read:

34 1548. (a) In addition to the suspension, temporary suspension,
35 or revocation of a license issued under this chapter, the department
36 may levy a civil penalty.

37 (b) The amount of the civil penalty shall not be less than
38 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day
39 for each violation of this chapter except where the nature or
40 seriousness of the violation or the frequency of the violation

1 warrants a higher penalty or an immediate civil penalty assessment,
2 or both, as determined by the department. In no event, shall a civil
3 penalty assessment exceed one hundred fifty dollars (\$150) per
4 day per violation.

5 (c) Notwithstanding Section 1534, the department shall assess
6 an immediate civil penalty of one hundred fifty dollars (\$150) per
7 day per violation for any of the following serious violations:

8 (1) (A) Fire clearance violations, including, but not limited to,
9 overcapacity, ambulatory status, inoperable smoke alarms, and
10 inoperable fire alarm systems. The civil penalty shall not be
11 assessed if the licensee has done either of the following:

12 (i) Requested the appropriate fire clearance based on ambulatory,
13 nonambulatory, or bedridden status, and the decision is pending.

14 (ii) Initiated eviction proceedings.

15 (B) A licensee denied a clearance for bedridden residents may
16 appeal to the fire authority, and, if that appeal is denied, may
17 subsequently appeal to the Office of the State Fire Marshal, and
18 shall not be assessed an immediate civil penalty until the final
19 appeal is decided, or after 60 days has passed from the date of the
20 citation, whichever is earlier.

21 (2) Absence of supervision, as required by statute or regulation.

22 (3) Accessible bodies of water when prohibited in this chapter
23 or regulations adopted pursuant to this chapter.

24 (4) Accessible firearms, ammunition, or both.

25 (5) Refused entry to a facility or any part of a facility in violation
26 of Section 1533, 1534, or 1538.

27 (6) The presence of an excluded person on the premises.

28 (d) (1) For a violation that the department determines resulted
29 in the death of a resident at an adult residential facility, social
30 rehabilitation facility, enhanced behavioral supports home, or
31 community crisis home, the civil penalty shall be fifteen thousand
32 dollars (\$15,000).

33 (2) For a violation that the department determines resulted in
34 the death of a person receiving care at an adult day program, the
35 civil penalty shall be assessed as follows:

36 (A) Seven thousand five hundred dollars (\$7,500) for a licensee
37 licensed, among all of the licensee's facilities, to care for 50 or
38 less persons.

1 (B) Ten thousand dollars (\$10,000) for a licensee licensed,
2 among all of the licensee’s facilities, to care for more than 50
3 persons.

4 (3) For a violation that the department determines resulted in
5 the death of a person receiving care at a therapeutic day services
6 facility, foster family agency, community treatment facility,
7 full-service adoption agency, noncustodial adoption agency,
8 transitional shelter care facility, transitional housing placement
9 provider, group home, or short-term residential treatment center,
10 the civil penalty shall be assessed as follows:

11 (A) Seven thousand five hundred dollars (\$7,500) for a licensee
12 licensed, among all of the licensee’s facilities, to care for 40 or
13 less children.

14 (B) Ten thousand dollars (\$10,000) for a licensee licensed,
15 among all of the licensee’s facilities, to care for 41 to 100,
16 inclusive, children.

17 (C) Fifteen thousand dollars (\$15,000) for a licensee licensed,
18 among all of the licensee’s facilities, to care for more than 100
19 children.

20 (4) For a violation that the department determines resulted in
21 the death of a resident at a runaway and homeless youth shelter,
22 the civil penalty shall be five thousand dollars (\$5,000).

23 (e) (1) (A) For a violation that the department determines
24 constitutes physical abuse, as defined in Section 15610.63 of the
25 Welfare and Institutions Code, or resulted in serious bodily injury,
26 as defined in Section 243 of the Penal Code, to a resident at an
27 adult residential facility, social rehabilitation facility, enhanced
28 behavioral supports home, or community crisis home, the civil
29 penalty shall be ten thousand dollars (\$10,000).

30 (B) For a violation that the department determines constitutes
31 physical abuse, as defined in Section 15610.63 of the Welfare and
32 Institutions Code, or resulted in serious bodily injury, as defined
33 in Section 243 of the Penal Code, to a person receiving care at an
34 adult day program, the civil penalty shall be assessed as follows:

35 (i) Two thousand five hundred dollars (\$2,500) for a licensee
36 licensed, among all of the licensee’s facilities, to care for 50 or
37 less persons.

38 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among
39 all of the licensee’s facilities, to care for more than 50 persons.

1 (C) For a violation that the department determines constitutes
2 physical abuse, as defined in paragraph (2), or resulted in serious
3 bodily injury, as defined in Section 243 of the Penal Code, to a
4 person receiving care at a therapeutic day services facility, foster
5 family agency, community treatment facility, full-service adoption
6 agency, noncustodial adoption agency, transitional shelter care
7 facility, transitional housing placement provider, group home, or
8 short-term residential treatment center, the civil penalty shall be
9 assessed as follows:

10 (i) Two thousand five hundred dollars (\$2,500) for a licensee
11 licensed, among all of the licensee’s facilities, to care for 40 or
12 less children.

13 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among
14 all of the licensee’s facilities, to care for 41 to 100, inclusive,
15 children.

16 (iii) Ten thousand dollars (\$10,000) for a licensee licensed,
17 among all of the licensee’s facilities, to care for more than 100
18 children.

19 (D) For a violation that the department determines constitutes
20 physical abuse, as defined in paragraph (2), or resulted in serious
21 bodily injury, as defined in Section 243 of the Penal Code, to a
22 resident at a runaway and homeless youth shelter, the civil penalty
23 shall be one thousand dollars (\$1,000).

24 (2) For purposes of subparagraphs (C) and (D), “physical abuse”
25 includes physical injury inflicted upon a child by another person
26 by other than accidental means, sexual abuse as defined in Section
27 11165.1 of the Penal Code, neglect as defined in Section 11165.2
28 of the Penal Code, or unlawful corporal punishment or injury as
29 defined in Section 11165.4 of the Penal Code when the person
30 responsible for the child’s welfare is a licensee, administrator, or
31 employee of any facility licensed to care for children.

32 (f) Prior to the issuance of a citation imposing a civil penalty
33 pursuant to subdivision (d) or (e), the decision shall be approved
34 by the director.

35 (g) Notwithstanding Section 1534, any facility that is cited for
36 repeating the same violation of this chapter within 12 months of
37 the first violation is subject to an immediate civil penalty of one
38 hundred fifty dollars (\$150) and fifty dollars (\$50) for each day
39 the violation continues until the deficiency is corrected.

1 (h) Any facility that is assessed a civil penalty pursuant to
2 subdivision (g) that repeats the same violation of this chapter within
3 12 months of the violation subject to subdivision (g) is subject to
4 an immediate civil penalty of one hundred fifty dollars (\$150) for
5 each day the violation continues until the deficiency is corrected.

6 (i) (1) The department shall adopt regulations setting forth the
7 appeal procedures for deficiencies.

8 (2) A licensee shall have the right to submit to the department
9 a written request for a formal review of a civil penalty assessed
10 pursuant to subdivisions (d) and (e) within 10 days of receipt of
11 the notice of a civil penalty assessment and shall provide all
12 supporting documentation at that time. The review shall be
13 conducted by a regional manager of the Community Care Licensing
14 Division. If the regional manager determines that the civil penalty
15 was not assessed in accordance with applicable statutes or
16 regulations of the department, he or she may amend or dismiss the
17 civil penalty. The licensee shall be notified in writing of the
18 regional manager's decision within 60 days of the request to review
19 the assessment of the civil penalty.

20 (3) The licensee may further appeal to the program administrator
21 of the Community Care Licensing Division within 10 days of
22 receipt of the notice of the regional manager's decision and shall
23 provide all supporting documentation at that time. If the program
24 administrator determines that the civil penalty was not assessed
25 in accordance with applicable statutes or regulations of the
26 department, he or she may amend or dismiss the civil penalty. The
27 licensee shall be notified in writing of the program administrator's
28 decision within 60 days of the request to review the regional
29 manager's decision.

30 (4) The licensee may further appeal to the deputy director of
31 the Community Care Licensing Division within 10 days of receipt
32 of the notice of the program director's decision and shall provide
33 all supporting documentation at that time. If the deputy director
34 determines that the civil penalty was not assessed in accordance
35 with applicable statutes or regulations of the department, he or she
36 may amend or dismiss the civil penalty. The licensee shall be
37 notified in writing of the deputy director's decision within 60 days
38 of the request to review the program administrator's decision.

39 (5) Upon exhausting the deputy director review, a licensee may
40 appeal a civil penalty assessed pursuant to subdivision (d) or (e)

1 to an administrative law judge. Proceedings shall be conducted in
2 accordance with Chapter 5 (commencing with Section 11500) of
3 Part 1 of Division 3 of Title 2 of the Government Code, and the
4 department shall have all the powers granted by those provisions.
5 In all proceedings conducted in accordance with this section, the
6 standard of proof shall be by a preponderance of the evidence.

7 (6) If, in addition to an assessment of civil penalties, the
8 department elects to file an administrative action to suspend or
9 revoke the facility license that includes violations relating to the
10 assessment of the civil penalties, the department review of the
11 pending appeal shall cease and the assessment of the civil penalties
12 shall be heard as part of the administrative action process.

13 (j) The department shall adopt regulations implementing this
14 section.

15 (k) The department shall, by January 1, 2016, amend its
16 regulations to reflect the changes to this section made by the act
17 that added this subdivision.

18 (l) As provided in Section 11466.31 of the Welfare and
19 Institutions Code, the department may offset civil penalties owed
20 by a group home or short-term residential treatment center against
21 moneys to be paid by a county for the care of minors after the
22 group home or short-term residential treatment center has exhausted
23 its appeal of the civil penalty assessment. The department shall
24 provide the group home or short-term residential treatment center
25 a reasonable opportunity to pay the civil penalty before instituting
26 the offset provision.

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

28 ~~SEC. 30.~~

29 *SEC. 31.* Section 1562 of the Health and Safety Code is
30 amended to read:

31 1562. (a) The department shall ensure that operators and staffs
32 of community care facilities have appropriate training to provide
33 the care and services for which a license or certificate is issued.
34 The section shall not apply to a facility licensed as an Adult
35 Residential Facility for Persons with Special Health Care Needs
36 pursuant to Article 9 (commencing with Section 1567.50).

37 (b) It is the intent of the Legislature that children in foster care
38 reside in the least restrictive, family-based settings that can meet
39 their needs, and that group homes and short-term residential
40 treatment centers will be used only for short-term, specialized, and

1 intensive treatment purposes that are consistent with a case plan
2 that is determined by a child’s best interests. Accordingly, the
3 Legislature encourages the department to adopt policies, practices,
4 and guidance that ensure that the education, qualification, and
5 training requirements for child care staff in group homes and
6 short-term residential treatment centers are consistent with the
7 intended role of group homes and short-term residential treatment
8 centers to provide short-term, specialized, and intensive treatment,
9 with a particular focus on crisis intervention, behavioral
10 stabilization, and other treatment-related goals, as well as the
11 connections between those efforts and work toward permanency
12 for children.

13 (c) (1) Each person employed as a facility manager or staff
14 member of a group home or short-term residential treatment center,
15 as defined in paragraphs (13) and (18) of subdivision (a) of Section
16 1502, who provides direct care and supervision to children and
17 youth residing in the group home or short-term residential treatment
18 center shall be at least 21 years of age.

19 (2) Paragraph (1) shall not apply to a facility manager or staff
20 member employed at the group home before October 1, 2014.

21 (3) For purposes of this subdivision, “group home” does not
22 include a runaway and homeless youth shelter.

23 ~~SEC. 31.~~

24 *SEC. 32.* Section 1562.01 is added to the Health and Safety
25 Code, to read:

26 1562.01. (a) (1) Commencing January 1, 2017, the department
27 shall license short-term residential treatment centers, as defined
28 in paragraph (18) of subdivision (a) of Section 1502, pursuant to
29 this chapter. The department may license a facility as a short-term
30 residential treatment center prior to January 1, 2017. A short-term
31 residential treatment center shall comply with all requirements of
32 this chapter that are applicable to group homes and to the
33 requirements of this section.

34 (2) (A) A short-term residential treatment center shall prepare
35 and maintain a current, written plan of operation as required by
36 the department.

37 (B) The plan of operation shall include, but not be limited to,
38 all of the following:

- 1 (i) Description of the short-term residential treatment center's
2 ability to support the differing needs of children and their families
3 with short-term, specialized, and intensive treatment.
- 4 (ii) Description of the core services, as set forth, *on and after*
5 *January 1, 2017*, in paragraph (1) of subdivision (b) of Section
6 11462 of the Welfare and Institutions Code, to be offered to
7 children and their families, as appropriate or necessary.
- 8 (iii) Any other information that may be prescribed by the
9 department for the proper administration of this section.
- 10 (b) In addition to the rules and regulations adopted pursuant to
11 this chapter, a county licensed to operate a short-term residential
12 treatment center shall describe, in the plan of operation, its conflict
13 of interest mitigation plan, as set forth *on and after January 1,*
14 *2017*, in subdivision (g) of Section 11462.02 of the Welfare and
15 Institutions Code.
- 16 (c) (1) The department shall establish requirements for the
17 education, qualification, and training of facility managers and child
18 care staff in short-term residential treatment centers consistent
19 with the intended role of these facilities to provide short-term,
20 specialized, and intensive treatment.
- 21 (2) Requirements shall include, but not be limited to, all of the
22 following:
- 23 (A) Staff classifications.
- 24 (B) Specification of the date by which employees shall be
25 required to meet the education, qualification, and training
26 requirements.
- 27 (C) Any other requirements that may be prescribed by the
28 department for the proper administration of this section.
- 29 (d) Notwithstanding any other section of this chapter, the
30 department shall establish requirements for licensed group homes
31 that are transitioning to short-term residential treatment centers,
32 which may include, but not be limited to, requirements related to
33 application and plan of operation.
- 34 (e) The department shall have the authority to inspect a
35 short-term residential treatment center *pursuant to the system of*
36 *governmental monitoring and oversight developed by the*
37 *department on and after January 1, 2017*, pursuant to subdivision
38 (c) of Section 11462 of the Welfare and Institutions Code.

1 ~~SEC. 32.~~

2 *SEC. 33.* Section 1562.35 of the Health and Safety Code is
3 amended to read:

4 1562.35. Notwithstanding any law to the contrary, including,
5 but not limited to Section 1562.3, vendors approved by the
6 department who exclusively provide either initial or continuing
7 education courses for certification of administrators of an adult
8 residential facility as defined by the department, a group home
9 facility as defined by the department, a short-term residential
10 treatment center as defined by the department, or a residential care
11 facility for the elderly as defined in subdivision (k) of Section
12 1569.2, shall be regulated solely by the department pursuant to
13 this chapter. No other state or local governmental entity shall be
14 responsible for regulating the activity of those vendors.

15 ~~SEC. 33.~~

16 *SEC. 34.* Section 1563 of the Health and Safety Code is
17 amended to read:

18 1563. (a) The department shall ensure that licensing personnel
19 at the department have appropriate training to properly carry out
20 this chapter.

21 (b) The department shall institute a staff development and
22 training program to develop among departmental staff the
23 knowledge and understanding necessary to successfully carry out
24 this chapter. Specifically, the program shall do all of the following:

25 (1) Provide staff with 36 hours of training per year that reflects
26 the needs of persons served by community care facilities. This
27 training shall, where appropriate, include specialized instruction
28 in the needs of foster children, persons with mental disorders, or
29 developmental or physical disabilities, or other groups served by
30 specialized community care facilities.

31 (2) Give priority to applications for employment from persons
32 with experience as care providers to persons served by community
33 care facilities.

34 (3) Provide new staff with comprehensive training within the
35 first six months of employment. This comprehensive training shall,
36 at a minimum, include the following core areas: administrative
37 action process, client populations, conducting facility visits, cultural
38 awareness, documentation skills, facility operations, human relation
39 skills, interviewing techniques, investigation processes, and
40 regulation administration.

1 (c) In addition to the requirements in subdivision (b), group
2 home, short-term residential treatment center, and foster family
3 agency licensing personnel shall receive a minimum of 24 hours
4 of training per year to increase their understanding of children in
5 group homes, short-term residential treatment centers, certified
6 homes, and foster family homes. The training shall cover, but not
7 be limited to, all of the following topics:

8 (1) The types and characteristics of emotionally troubled
9 children.

10 (2) The high-risk behaviors they exhibit.

11 (3) The biological, psychological, interpersonal, and social
12 contributors to these behaviors.

13 (4) The range of management and treatment interventions
14 utilized for these children, including, but not limited to, nonviolent,
15 emergency intervention techniques.

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

22 ~~SEC. 34.~~

23 *SEC. 35.* Section 1567.4 of the Health and Safety Code is
24 amended to read:

25 1567.4. The State Department of Social Services shall provide,
26 at cost, quarterly to each county and to each city, upon the request
27 of the county or city, and to the chief probation officer of each
28 county and city and county, a roster of all community care facilities
29 licensed as small family homes, short-term residential treatment
30 centers, or group homes located in the county, which provide
31 services to wards of the juvenile court, including information as
32 to whether each facility is licensed by the state or the county, the
33 type of facility, and the licensed bed capacity of each such facility.
34 Information concerning the facility shall be limited to that available
35 through the computer system of the State Department of Social
36 Services.

37 ~~SEC. 35.~~

38 *SEC. 36.* Section 11105.2 of the Penal Code is amended to
39 read:

1 11105.2. (a) The Department of Justice may provide
2 subsequent state or federal arrest or disposition notification to any
3 entity authorized by state or federal law to receive state or federal
4 summary criminal history information to assist in fulfilling
5 employment, licensing, certification duties, or the duties of
6 approving relative caregivers, nonrelative extended family
7 members, and resource families upon the arrest or disposition of
8 any person whose fingerprints are maintained on file at the
9 Department of Justice or the Federal Bureau of Investigation as
10 the result of an application for licensing, employment, certification,
11 or approval. Nothing in this section shall authorize the notification
12 of a subsequent disposition pertaining to a disposition that does
13 not result in a conviction, unless the department has previously
14 received notification of the arrest and has previously lawfully
15 notified a receiving entity of the pending status of that arrest. When
16 the department supplies subsequent arrest or disposition notification
17 to a receiving entity, the entity shall, at the same time, expeditiously
18 furnish a copy of the information to the person to whom it relates
19 if the information is a basis for an adverse employment, licensing,
20 or certification decision. When furnished other than in person, the
21 copy shall be delivered to the last contact information provided
22 by the applicant.

23 (b) For purposes of this section, “approval” means those duties
24 described in subdivision (d) of Section 309 of the Welfare and
25 Institutions Code for approving the home of a relative caregiver
26 or of a nonrelative extended family member for placement of a
27 child supervised by the juvenile court, and those duties in Section
28 16519.5 of the Welfare and Institutions Code for resource families.

29 (c) Any entity, other than a law enforcement agency employing
30 peace officers as defined in Section 830.1, subdivisions (a) and
31 (e) of Section 830.2, subdivision (a) of Section 830.3, subdivisions
32 (a) and (b) of Section 830.5, and subdivision (a) of Section 830.31,
33 shall enter into a contract with the Department of Justice in order
34 to receive notification of subsequent state or federal arrests or
35 dispositions for licensing, employment, or certification purposes.

36 (d) Any entity that submits the fingerprints of applicants for
37 licensing, employment, certification, or approval to the Department
38 of Justice for the purpose of establishing a record of the applicant
39 to receive notification of subsequent state or federal arrests or
40 dispositions shall immediately notify the department when the

1 employment of the applicant is terminated, when the applicant's
2 license or certificate is revoked, when the applicant may no longer
3 renew or reinstate the license or certificate, or when a relative
4 caregiver's or nonrelative extended family member's approval is
5 terminated. The Department of Justice shall terminate state or
6 federal subsequent notification on any applicant upon the request
7 of the licensing, employment, certifying, or approving authority.

8 (e) Any entity that receives a notification of a state or federal
9 subsequent arrest or disposition for a person unknown to the entity,
10 or for a person no longer employed by the entity, or no longer
11 eligible to renew the certificate or license for which subsequent
12 notification service was established shall immediately return the
13 subsequent notification to the Department of Justice, informing
14 the department that the entity is no longer interested in the
15 applicant. The entity shall not record or otherwise retain any
16 information received as a result of the subsequent notice.

17 (f) Any entity that submits the fingerprints of an applicant for
18 employment, licensing, certification, or approval to the Department
19 of Justice for the purpose of establishing a record at the department
20 or the Federal Bureau of Investigation to receive notification of
21 subsequent arrest or disposition shall immediately notify the
22 department if the applicant is not subsequently employed, or if the
23 applicant is denied licensing certification, or approval.

24 (g) An entity that fails to provide the Department of Justice with
25 notification as set forth in subdivisions (c), (d), and (e) may be
26 denied further subsequent notification service.

27 (h) Notwithstanding subdivisions (c), (d), and (f), subsequent
28 notification by the Department of Justice and retention by the
29 employing agency shall continue as to retired peace officers listed
30 in subdivision (c) of Section 830.5.

31 ~~SEC. 36.~~

32 *SEC. 37.* Section 11105.3 of the Penal Code is amended to
33 read:

34 11105.3. (a) Notwithstanding any other law, a human resource
35 agency or an employer may request from the Department of Justice
36 records of all convictions or any arrest pending adjudication
37 involving the offenses specified in subdivision (a) of Section 15660
38 of the Welfare and Institutions Code of a person who applies for
39 a license, employment, or volunteer position, in which he or she
40 would have supervisory or disciplinary power over a minor or any

1 person under his or her care. The department shall furnish the
2 information to the requesting employer and shall also send a copy
3 of the information to the applicant.

4 (b) Any request for records under subdivision (a) shall include
5 the applicant's fingerprints, which may be taken by the requester,
6 and any other data specified by the department. The request shall
7 be on a form approved by the department, and the department may
8 charge a fee to be paid by the employer, human resource agency,
9 or applicant for the actual cost of processing the request. However,
10 no fee shall be charged to a nonprofit organization. Requests
11 received by the department for federal level criminal offender
12 record information shall be forwarded to the Federal Bureau of
13 Investigation by the department to be searched for any record of
14 arrests or convictions.

15 (c) (1) When a request pursuant to this section reveals that a
16 prospective employee or volunteer has been convicted of a
17 violation or attempted violation of Section 220, 261.5, 262, 273a,
18 273d, or 273.5, or any sex offense listed in Section 290, except
19 for the offense specified in subdivision (d) of Section 243.4, and
20 where the agency or employer hires the prospective employee or
21 volunteer, the agency or employer shall notify the parents or
22 guardians of any minor who will be supervised or disciplined by
23 the employee or volunteer. A conviction for a violation or
24 attempted violation of an offense committed outside the State of
25 California shall be included in this notice if the offense would have
26 been a crime specified in this subdivision if committed in
27 California. The notice shall be given to the parents or guardians
28 with whom the child resides, and shall be given at least 10 days
29 prior to the day that the employee or volunteer begins his or her
30 duties or tasks. Notwithstanding any other law, any person who
31 conveys or receives information in good faith and in conformity
32 with this section is exempt from prosecution under Section 11142
33 or 11143 for that conveying or receiving of information.
34 Notwithstanding subdivision (d), the notification requirements of
35 this subdivision shall apply as an additional requirement of any
36 other provision of law requiring criminal record access or
37 dissemination of criminal history information.

38 (2) The notification requirement pursuant to paragraph (1) shall
39 not apply to a misdemeanor conviction for violating Section 261.5
40 or to a conviction for violating Section 262 or 273.5. Nothing in

1 this paragraph shall preclude an employer from requesting records
2 of convictions for violating Section 261.5, 262, or 273.5 from the
3 Department of Justice pursuant to this section.

4 (d) Nothing in this section supersedes any law requiring criminal
5 record access or dissemination of criminal history information. In
6 any conflict with another statute, dissemination of criminal history
7 information shall be pursuant to the mandatory statute. This
8 subdivision applies to, but is not limited to, requirements pursuant
9 to Article 1 (commencing with Section 1500) of Chapter 3 of, and
10 Chapter 3.2 (commencing with Section 1569) and Chapter 3.4
11 (commencing with Section 1596.70) of, Division 2 of, and Section
12 1522 of, the Health and Safety Code, and Sections 8712, 8811,
13 and 8908 of the Family Code, and Section 16519.5 of the Welfare
14 and Institutions Code.

15 (e) The department may adopt regulations to implement the
16 provisions of this section as necessary.

17 (f) As used in this section, “employer” means any nonprofit
18 corporation or other organization specified by the Attorney General
19 ~~which~~ *that* employs or uses the services of volunteers in positions
20 in which the volunteer or employee has supervisory or disciplinary
21 power over a child or children.

22 (g) As used in this section, “human resource agency” means a
23 public or private entity, excluding any agency responsible for
24 licensing of facilities pursuant to the California Community Care
25 Facilities Act (Chapter 3 (commencing with Section 1500)), the
26 California Residential Care Facilities for the Elderly Act (Chapter
27 3.2 (commencing with Section 1569)), Chapter 3.01 (commencing
28 with Section 1568.01), and the California Child Day Care Facilities
29 Act (Chapter 3.4 (commencing with Section 1596.70)) of Division
30 2 of the Health and Safety Code, responsible for determining the
31 character and fitness of a person who is:

32 (1) Applying for a license, employment, or as a volunteer within
33 the human services field that involves the care and security of
34 children, the elderly, the handicapped, or the mentally impaired.

35 (2) Applying to be a volunteer who transports individuals
36 impaired by drugs or alcohol.

37 (3) Applying to adopt a child or to be a foster parent.

38 (h) Except as provided in subdivision (c), any criminal history
39 information obtained pursuant to this section is confidential and

1 no recipient shall disclose its contents other than for the purpose
2 for which it was acquired.

3 (i) As used in this subdivision, “community youth athletic
4 program” means an employer having as its primary purpose the
5 promotion or provision of athletic activities for youth under 18
6 years of age.

7 (j) A community youth athletic program, as defined in
8 subdivision (i), may request state and federal level criminal history
9 information pursuant to subdivision (a) for a volunteer coach or
10 hired coach candidate. The director of the community youth athletic
11 program shall be the custodian of records.

12 (k) The community youth athletic program may request from
13 the Department of Justice subsequent arrest notification service,
14 as provided in Section 11105.2, for a volunteer coach or a hired
15 coach candidate.

16 (l) Compliance with this section does not remove or limit the
17 liability of a mandated reporter pursuant to Section 11166.

18 ~~SEC. 37.~~

19 *SEC. 38.* Section 361.2 of the Welfare and Institutions Code
20 is amended to read:

21 361.2. (a) When a court orders removal of a child pursuant to
22 Section 361, the court shall first determine whether there is a parent
23 of the child, with whom the child was not residing at the time that
24 the events or conditions arose that brought the child within the
25 provisions of Section 300, who desires to assume custody of the
26 child. If that parent requests custody, the court shall place the child
27 with the parent unless it finds that placement with that parent would
28 be detrimental to the safety, protection, or physical or emotional
29 well-being of the child. The fact that the parent is enrolled in a
30 certified substance abuse treatment facility that allows a dependent
31 child to reside with his or her parent shall not be, for that reason
32 alone, prima facie evidence that placement with that parent would
33 be detrimental.

34 (b) If the court places the child with that parent it may do any
35 of the following:

36 (1) Order that the parent become legal and physical custodian
37 of the child. The court may also provide reasonable visitation by
38 the noncustodial parent. The court shall then terminate its
39 jurisdiction over the child. The custody order shall continue unless
40 modified by a subsequent order of the superior court. The order

1 of the juvenile court shall be filed in any domestic relation
2 proceeding between the parents.

3 (2) Order that the parent assume custody subject to the
4 jurisdiction of the juvenile court and require that a home visit be
5 conducted within three months. In determining whether to take
6 the action described in this paragraph, the court shall consider any
7 concerns that have been raised by the child's current caregiver
8 regarding the parent. After the social worker conducts the home
9 visit and files his or her report with the court, the court may then
10 take the action described in paragraph (1), (3), or this paragraph.
11 However, nothing in this paragraph shall be interpreted to imply
12 that the court is required to take the action described in this
13 paragraph as a prerequisite to the court taking the action described
14 in either paragraph (1) or (3).

15 (3) Order that the parent assume custody subject to the
16 supervision of the juvenile court. In that case the court may order
17 that reunification services be provided to the parent or guardian
18 from whom the child is being removed, or the court may order that
19 services be provided solely to the parent who is assuming physical
20 custody in order to allow that parent to retain later custody without
21 court supervision, or that services be provided to both parents, in
22 which case the court shall determine, at review hearings held
23 pursuant to Section 366, which parent, if either, shall have custody
24 of the child.

25 (c) The court shall make a finding either in writing or on the
26 record of the basis for its determination under subdivisions (a) and
27 (b).

28 (d) Part 6 (commencing with Section 7950) of Division 12 of
29 the Family Code shall apply to the placement of a child pursuant
30 to paragraphs (1) and (2) of subdivision (e).

31 (e) When the court orders removal pursuant to Section 361, the
32 court shall order the care, custody, control, and conduct of the
33 child to be under the supervision of the social worker who may
34 place the child in any of the following:

35 (1) The home of a noncustodial parent as described in
36 subdivision (a), regardless of the parent's immigration status.

37 (2) The approved home of a relative, regardless of the relative's
38 immigration status.

39 (3) The approved home of a nonrelative extended family
40 member as defined in Section 362.7.

1 (4) The approved home of a resource family as defined in
2 Section 16519.5.

3 (5) A foster home in which the child has been placed before an
4 interruption in foster care, if that placement is in the best interest
5 of the child and space is available.

6 (6) A suitable licensed community care facility, except a
7 runaway and homeless youth shelter licensed by the State
8 Department of Social Services pursuant to Section 1502.35 of the
9 Health and Safety Code.

10 (7) With a foster family agency to be placed in a suitable
11 licensed foster family home or certified family home that has been
12 certified by the agency as meeting licensing standards.

13 (8) A home or facility in accordance with the federal Indian
14 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

15 (9) A child under six years of age shall not be placed in a
16 community care facility licensed as a group home for children, a
17 short-term residential treatment center as defined in subdivision
18 (ad) of Section 11400, or a temporary shelter care facility as
19 defined in Section 1530.8 of the Health and Safety Code, except
20 under any of the following circumstances:

21 (A) (i) When a case plan indicates that placement is for purposes
22 of providing short term, specialized, and intensive treatment to the
23 child, the case plan specifies the need for, nature of, and anticipated
24 duration of this treatment, pursuant to paragraph (2) of subdivision
25 (c) of Section 16501.1, the case plan includes transitioning the
26 child to a less restrictive environment and the projected timeline
27 by which the child will be transitioned to a less restrictive
28 environment, and the facility meets the applicable regulations
29 adopted under Section 1530.8 of the Health and Safety Code and
30 standards developed pursuant to Section 11467.1 of this code, and
31 the deputy director or director of the county child welfare
32 department or an assistant chief probation officer or chief probation
33 officer of the county probation department has approved the case
34 plan.

35 (ii) The short term, specialized, and intensive treatment period
36 shall not exceed 120 days, unless the county has made progress
37 toward or is actively working toward implementing the case plan
38 that identifies the services or supports necessary to transition the
39 child to a family setting, circumstances beyond the county's control
40 have prevented the county from obtaining those services or

1 supports within the timeline documented in the case plan, and the
2 need for additional time pursuant to the case plan is documented
3 by the caseworker and approved by a deputy director or director
4 of the county child welfare department or an assistant chief
5 probation officer or chief probation officer of the county probation
6 department.

7 (iii) To the extent that placements pursuant to this paragraph
8 are extended beyond an initial 120 days, the requirements of
9 clauses (i) and (ii) shall apply to each extension. In addition, the
10 deputy director or director of the county child welfare department
11 or an assistant chief probation officer or chief probation officer of
12 the county probation department shall approve the continued
13 placement no less frequently than every 60 days.

14 (B) When a case plan indicates that placement is for purposes
15 of providing family reunification services. In addition, the facility
16 offers family reunification services that meet the needs of the
17 individual child and his or her family, permits parents to have
18 reasonable access to their children 24 hours a day, encourages
19 extensive parental involvement in meeting the daily needs of their
20 children, and employs staff trained to provide family reunification
21 services. In addition, one of the following conditions exists:

22 (i) The child's parent is also a ward of the court and resides in
23 the facility.

24 (ii) The child's parent is participating in a treatment program
25 affiliated with the facility and the child's placement in the facility
26 facilitates the coordination and provision of reunification services.

27 (iii) Placement in the facility is the only alternative that permits
28 the parent to have daily 24-hour access to the child in accordance
29 with the case plan, to participate fully in meeting all of the daily
30 needs of the child, including feeding and personal hygiene, and to
31 have access to necessary reunification services.

32 (10) (A) A child who is 6 to 12 years of age, inclusive, may be
33 placed in a community care facility licensed as a group home for
34 children or a short-term residential treatment center as defined in
35 subdivision (ad) of Section 11400, only when a case plan indicates
36 that placement is for purposes of providing short term, specialized,
37 and intensive treatment for the child, the case plan specifies the
38 need for, nature of, and anticipated duration of this treatment,
39 pursuant to paragraph (2) of subdivision (c) of Section 16501.1,
40 the case plan includes transitioning the child to a less restrictive

1 environment and the projected timeline by which the child will be
2 transitioned to a less restrictive environment, and is approved by
3 the deputy director or director of the county child welfare
4 department or an assistant chief probation officer or chief probation
5 officer of the county probation department.

6 (B) The short term, specialized, and intensive treatment period
7 shall not exceed six months, unless the county has made progress
8 or is actively working toward implementing the case plan that
9 identifies the services or supports necessary to transition the child
10 to a family setting, circumstances beyond the county's control
11 have prevented the county from obtaining those services or
12 supports within the timeline documented in the case plan, and the
13 need for additional time pursuant to the case plan is documented
14 by the caseworker and approved by a deputy director or director
15 of the county child welfare department or an assistant chief
16 probation officer or chief probation officer of the county probation
17 department.

18 (C) To the extent that placements pursuant to this paragraph are
19 extended beyond an initial six months, the requirements of
20 subparagraphs (A) and (B) shall apply to each extension. In
21 addition, the deputy director or director of the county child welfare
22 department or an assistant chief probation officer or chief probation
23 officer of the county probation department shall approve the
24 continued placement no less frequently than every 60 days.

25 (11) A child may be placed into a community care facility
26 licensed as a group home, or commencing January 1, 2017, home
27 or a short-term residential treatment-center center, as defined in
28 subdivision (ad) of Section 11400, only when the case plan
29 indicates that placement is for purposes of providing short-term,
30 specialized, and intensive treatment for the child, the case plan
31 specifies the need for, nature of, and anticipated duration of this
32 treatment, pursuant to paragraph (2) of subdivision (c) of Section
33 16501.1, and the case plan includes transitioning the child to a less
34 restrictive environment and the projected timeline by which the
35 child will be transitioned to a less restrictive environment.

36 (12) Nothing in this subdivision shall be construed to allow a
37 social worker to place any dependent child outside the United
38 States, except as specified in subdivision (f).

39 (f) (1) A child under the supervision of a social worker pursuant
40 to subdivision (e) shall not be placed outside the United States

1 prior to a judicial finding that the placement is in the best interest
2 of the child, except as required by federal law or treaty.

3 (2) The party or agency requesting placement of the child outside
4 the United States shall carry the burden of proof and shall show,
5 by clear and convincing evidence, that placement outside the
6 United States is in the best interest of the child.

7 (3) In determining the best interest of the child, the court shall
8 consider, but not be limited to, the following factors:

9 (A) Placement with a relative.

10 (B) Placement of siblings in the same home.

11 (C) Amount and nature of any contact between the child and
12 the potential guardian or caretaker.

13 (D) Physical and medical needs of the dependent child.

14 (E) Psychological and emotional needs of the dependent child.

15 (F) Social, cultural, and educational needs of the dependent
16 child.

17 (G) Specific desires of any dependent child who is 12 years of
18 age or older.

19 (4) If the court finds that a placement outside the United States
20 is, by clear and convincing evidence, in the best interest of the
21 child, the court may issue an order authorizing the social worker
22 to make a placement outside the United States. A child subject to
23 this subdivision shall not leave the United States prior to the
24 issuance of the order described in this paragraph.

25 (5) For purposes of this subdivision, “outside the United States”
26 shall not include the lands of any federally recognized American
27 Indian tribe or Alaskan Natives.

28 (6) This subdivision shall not apply to the placement of a
29 dependent child with a parent pursuant to subdivision (a).

30 (g) (1) If the child is taken from the physical custody of the
31 child’s parent or guardian and unless the child is placed with
32 relatives, the child shall be placed in foster care in the county of
33 residence of the child’s parent or guardian in order to facilitate
34 reunification of the family.

35 (2) In the event that there are no appropriate placements
36 available in the parent’s or guardian’s county of residence, a
37 placement may be made in an appropriate place in another county,
38 preferably a county located adjacent to the parent’s or guardian’s
39 community of residence.

1 (3) Nothing in this section shall be interpreted as requiring
2 multiple disruptions of the child's placement corresponding to
3 frequent changes of residence by the parent or guardian. In
4 determining whether the child should be moved, the social worker
5 shall take into consideration the potential harmful effects of
6 disrupting the placement of the child and the parent's or guardian's
7 reason for the move.

8 (4) When it has been determined that it is necessary for a child
9 to be placed in a county other than the child's parent's or guardian's
10 county of residence, the specific reason the out-of-county
11 placement is necessary shall be documented in the child's case
12 plan. If the reason the out-of-county placement is necessary is the
13 lack of resources in the sending county to meet the specific needs
14 of the child, those specific resource needs shall be documented in
15 the case plan.

16 (5) When it has been determined that a child is to be placed out
17 of county either in a group home or a short-term residential
18 treatment center, or with a foster family agency for subsequent
19 placement in a certified foster family home, and the sending county
20 is to maintain responsibility for supervision and visitation of the
21 child, the sending county shall develop a plan of supervision and
22 visitation that specifies the supervision and visitation activities to
23 be performed and specifies that the sending county is responsible
24 for performing those activities. In addition to the plan of
25 supervision and visitation, the sending county shall document
26 information regarding any known or suspected dangerous behavior
27 of the child that indicates the child may pose a safety concern in
28 the receiving county. The plan of supervision and visitation, as
29 well as information regarding any known or suspected dangerous
30 behavior of the child, shall be made available to the receiving
31 county upon placement of the child in the receiving county. If
32 placement occurs on a weekend or holiday, the information shall
33 be made available to the receiving county on or before the end of
34 the next business day.

35 (6) When it has been determined that a child is to be placed out
36 of county and the sending county plans that the receiving county
37 shall be responsible for the supervision and visitation of the child,
38 the sending county shall develop a formal agreement between the
39 sending and receiving counties. The formal agreement shall specify
40 the supervision and visitation to be provided the child, and shall

1 specify that the receiving county is responsible for providing the
2 supervision and visitation. The formal agreement shall be approved
3 and signed by the sending and receiving counties prior to placement
4 of the child in the receiving county. In addition, upon completion
5 of the case plan, the sending county shall provide a copy of the
6 completed case plan to the receiving county. The case plan shall
7 include information regarding any known or suspected dangerous
8 behavior of the child that indicates the child may pose a safety
9 concern to the receiving county.

10 (h) Whenever the social worker must change the placement of
11 the child and is unable to find a suitable placement within the
12 county and must place the child outside the county, the placement
13 shall not be made until he or she has served written notice on the
14 parent or guardian at least 14 days prior to the placement, unless
15 the child's health or well-being is endangered by delaying the
16 action or would be endangered if prior notice were given. The
17 notice shall state the reasons which require placement outside the
18 county. The parent or guardian may object to the placement not
19 later than seven days after receipt of the notice and, upon objection,
20 the court shall hold a hearing not later than five days after the
21 objection and prior to the placement. The court shall order
22 out-of-county placement if it finds that the child's particular needs
23 require placement outside the county.

24 (i) When the court has ordered removal of the child from the
25 physical custody of his or her parents pursuant to Section 361, the
26 court shall consider whether the family ties and best interest of the
27 child will be served by granting visitation rights to the child's
28 grandparents. The court shall clearly specify those rights to the
29 social worker.

30 (j) When the court has ordered removal of the child from the
31 physical custody of his or her parents pursuant to Section 361, the
32 court shall consider whether there are any siblings under the court's
33 jurisdiction, or any nondependent siblings in the physical custody
34 of a parent subject to the court's jurisdiction, the nature of the
35 relationship between the child and his or her siblings, the
36 appropriateness of developing or maintaining the sibling
37 relationships pursuant to Section 16002, and the impact of the
38 sibling relationships on the child's placement and planning for
39 legal permanence.

1 (k) (1) An agency shall ensure placement of a child in a home
 2 that, to the fullest extent possible, best meets the day-to-day needs
 3 of the child. A home that best meets the day-to-day needs of the
 4 child shall satisfy all of the following criteria:

5 (A) The child’s caregiver is able to meet the day-to-day health,
 6 safety, and well-being needs of the child.

7 (B) The child’s caregiver is permitted to maintain the least
 8 restrictive and most family-like environment that serves the
 9 day-to-day needs of the child.

10 (C) The child is permitted to engage in reasonable,
 11 age-appropriate day-to-day activities that promote the most
 12 family-like environment for the foster child.

13 (2) The foster child’s caregiver shall use a reasonable and
 14 prudent parent standard, as defined in paragraph (2) of subdivision
 15 (a) of Section 362.04, to determine day-to-day activities that are
 16 age appropriate to meet the needs of the child. Nothing in this
 17 section shall be construed to permit a child’s caregiver to permit
 18 the child to engage in day-to-day activities that carry an
 19 unreasonable risk of harm, or subject the child to abuse or neglect.

20 ~~SEC. 38:~~

21 *SEC. 39.* Section 727.1 of the Welfare and Institutions Code
 22 is amended to read:

23 727.1. (a) When the court orders the care, custody, and control
 24 of the minor to be under the supervision of the probation officer
 25 for foster care placement pursuant to subdivision (a) of Section
 26 727, the decision regarding choice of placement shall be based
 27 upon selection of a safe setting that is the least restrictive or most
 28 family like, and the most appropriate setting that is available and
 29 in close proximity to the parent’s home, consistent with the
 30 selection of the environment best suited to meet the minor’s special
 31 needs and best interests. The selection shall consider, in order of
 32 priority, placement with relatives, tribal members, and foster
 33 family, group care, and residential treatment pursuant to Section
 34 7950 of the Family Code.

35 (b) Unless otherwise authorized by law, the court may not order
 36 the placement of a minor who is adjudged a ward of the court on
 37 the basis that he or she is a person described by either Section 601
 38 or 602 in a private residential facility or program that provides
 39 24-hour supervision, outside of the state, unless the court finds, in
 40 its order of placement, that all of the following conditions are met:

1 (1) In-state facilities or programs have been determined to be
2 unavailable or inadequate to meet the needs of the minor.

3 (2) The State Department of Social Services or its designee has
4 performed initial and continuing inspection of the out-of-state
5 residential facility or program and has either certified that the
6 facility or program meets the greater of all licensure standards
7 required of group homes or of short-term residential treatment
8 centers, operated in California or that the department has granted
9 a waiver to a specific licensing standard upon a finding that there
10 exists no adverse impact to health and safety, pursuant to
11 subdivision (c) of Section 7911.1 of the Family Code.

12 (3) The requirements of Section 7911.1 of the Family Code are
13 met.

14 (c) If, upon inspection, the probation officer of the county in
15 which the minor is adjudged a ward of the court determines that
16 the out-of-state facility or program is not in compliance with the
17 standards required under paragraph (2) of subdivision (b) or has
18 an adverse impact on the health and safety of the minor, the
19 probation officer may temporarily remove the minor from the
20 facility or program. The probation officer shall promptly inform
21 the court of the minor's removal, and shall return the minor to the
22 court for a hearing to review the suitability of continued out-of-state
23 placement. The probation officer shall, within one business day
24 of removing the minor, notify the State Department of Social
25 Services' Compact Administrator, and, within five working days,
26 submit a written report of the findings and actions taken.

27 (d) The court shall review each of these placements for
28 compliance with the requirements of subdivision (b) at least once
29 every six months.

30 (e) The county shall not be entitled to receive or expend any
31 public funds for the placement of a minor in an out-of-state group
32 home or short-term residential treatment center, unless the
33 conditions of subdivisions (b) and (d) are met.

34 *SEC. 40. Section 827.11 is added to the Welfare and Institutions*
35 *Code, to read:*

36 *827.11. (a) The Legislature finds and declares all of the*
37 *following:*

38 *(1) It is the intent of the Legislature to ensure quality care for*
39 *children and youth who are placed in the continuum of foster care*
40 *settings.*

1 (2) *Attracting and retaining quality caregivers is critical to*
2 *achieving positive outcomes for children, youth, and families, and*
3 *to ensuring the success of child welfare improvement efforts.*

4 (3) *Quality caregivers strengthen foster care by ensuring that*
5 *a foster or relative family caring for a child provides the loving,*
6 *committed, and skilled care that the child needs, while working*
7 *effectively with the child welfare system to reach the child's goals.*

8 (4) *Caregivers who are informed of the child's educational,*
9 *medical, dental, and mental health history and current needs are*
10 *better able to meet those needs and address the effects of trauma,*
11 *increasing placement stability and improving permanency*
12 *outcomes.*

13 (5) *Sharing necessary information with the caregiver is a critical*
14 *component of effective service delivery for children and youth in*
15 *foster care.*

16 (b) *Therefore, consistent with state and federal law, information*
17 *shall be provided to a caregiver regarding the child's or youth's*
18 *educational, medical, dental, and mental health history and current*
19 *needs.*

20 (c) *This section is declaratory of existing law and is not intended*
21 *to impose a new program or higher level of service upon any local*
22 *agency. It is intended, however, that this restatement of existing*
23 *law should engender a renewed sense of commitment to engaging*
24 *foster parents in order to provide quality care to children and*
25 *youth in foster care.*

26 **SEC. 39.**

27 **SEC. 41.** Section 831 is added to the Welfare and Institutions
28 Code, to read:

29 831. (a) (1) For purposes of this section, a "child and family
30 team" means a supportive team that informs the process of
31 placement and services to ~~foster children and to children youth in~~
32 *foster care or who are at risk of foster care placement. The child*
33 *and family team is comprised of the child or youth, the child's*
34 *family, the caregiver, the placing agency caseworker, a county*
35 *mental health representative, and a representative of the child's*
36 *or youth's tribe and or Indian-eustodian if the child is Indian, and*
37 ~~the county mental health representative. custodian, as applicable.~~

38 As appropriate, the child and family team also may include, but
39 is not limited to, behavioral health representatives and other formal
40 supports, such as educational professionals and representatives

1 from other agencies providing services to the child *or youth* and
2 family. ~~For purposes of this definition,~~ child and family team
3 also may include extended family and informal support persons,
4 such as friends, coaches, faith-based connections, and tribes as
5 identified by the child *or youth* and family. ~~For purposes of this~~
6 ~~definition,~~ ~~if~~ If placement into a short-term residential treatment
7 center or a foster family agency that provides treatment services
8 has occurred or is being considered, the mental health
9 representative is required to be a licensed mental health
10 professional.

11 (2) To promote more effective communication needed for the
12 development of a plan to address the needs of the child *or youth*
13 and family, a person designated as a member of a child and family
14 team pursuant to subdivision (a) of Section 16501 may receive
15 and disclose relevant information and records, subject to the
16 confidentiality provisions described in this section.

17 (3) Information exchanged among the team shall be received
18 in confidence for the limited purpose of providing necessary
19 services and supports to the child *or youth* and family and shall
20 not be further disclosed except to the juvenile court with
21 jurisdiction over the child or as otherwise required by law.

22 (b) When a child *or youth* and family have been identified as
23 benefiting from the convening of a child and family team, the
24 following shall occur:

25 (1) The parents or guardians and the child *or youth* shall be
26 informed of the nature of the team, the expected benefit of
27 convening the team, and the expected outcome of the team.

28 (2) The parents or guardians and the child *or youth* shall be
29 informed that they may decline participation in the team.

30 (3) If the parents or guardians ~~or~~ *and* the child *or youth* agree
31 to participate in the team, the proposed members of the team shall
32 be identified. The parents or guardians and the child *or youth* shall
33 be permitted to identify nonprofessionals, such as relatives,
34 nonrelative extended family members, and caregivers or former
35 caregivers, to participate on the team.

36 (4) All team members shall be fully apprised of the
37 confidentiality requirements of this subdivision prior to
38 participation in the team meetings and shall sign a confidentiality
39 agreement.

1 (c) (1) When a child and family team is convened, each
2 participating parent, guardian, ~~and child~~ *child, and youth* with legal
3 power to consent shall be asked to sign an authorization to release
4 information to team members. In the event that a child *or youth*
5 who is a dependent of the juvenile court does not have the legal
6 power to consent to the release of information, the court is
7 authorized to consent on behalf of the child.

8 (2) Authorization to release information shall be in writing and
9 shall comply with all other applicable state law governing release
10 of medical, mental health, social service, and educational records,
11 and that covers identified team members, including service
12 providers, in order to permit the release of records to the team.

13 (A) Authorization for the release of medical records may be
14 indicated on a separate form designated for that purpose.

15 (B) This authorization shall not include release of adoption
16 records.

17 (3) All team members from whom an authorization to release
18 information is required shall be informed of the right to refuse to
19 sign, or to limit the scope of, the consent form.

20 (4) The knowing and informed consent to release information
21 given pursuant to this section shall only be in force for the time
22 that the child *or youth*, or family, or nonminor dependent, is
23 participating in the child and family team.

24 (d) (1) Upon obtaining the authorization to release information
25 as described in subdivision (c), relevant information and records
26 may be shared with members of the team. If the team determines
27 that the disclosure of information would present a reasonable risk
28 of a significant adverse or detrimental effect on the minor's
29 psychological or physical safety, the information shall not be
30 released.

31 (2) To the extent the records were generated as a result of health
32 care services to which the child *or youth* has the power to consent
33 under state law, release of these records may take place only after
34 the team has received written authorization from the child *or youth*
35 to release the records.

36 (e) Before each team meeting, a facilitator shall explain both
37 of the following to the team before information may be exchanged
38 about a particular ~~child~~ *child, youth, or family*:

39 (1) Information provided by the child, *youth*, or family may
40 only be exchanged with team members with the express written

1 consent of the family and the ~~child~~ *child, youth*, or person with the
2 legal right to consent on behalf of the child *or youth*.

3 (2) Information discussed in the team meetings shall not be
4 disclosed to anyone other than members of the team and juvenile
5 court, unless otherwise required by law. Civil and criminal
6 penalties may apply to the inappropriate disclosure of information
7 held by the team.

8 (f) Every member of the child and family team who receives
9 information or records on the child *or youth* and family served by
10 the team shall be under the same privacy and confidentiality
11 obligations as the person disclosing or providing the information
12 or records. The information or records obtained shall be maintained
13 in a manner that ensures the maximum protection of privacy and
14 confidentiality rights.

15 (g) This section shall not be construed to restrict guarantees of
16 confidentiality provided under federal law.

17 (h) Information and records communicated or provided to the
18 team, by all providers, programs, and agencies, as well as
19 information and records created by the team in the course of serving
20 ~~a child and his or her family~~, *its children, youth, and their families*,
21 shall be deemed private and confidential and shall be protected
22 from discovery and disclosure by all applicable statutory and
23 common law. Nothing in this section shall be construed to affect
24 the authority of a health care provider to disclose medical
25 information pursuant to paragraph (1) of subdivision (c) of Section
26 56.10 of the Civil Code.

27 (i) If the child welfare agency files or records, or any portions
28 thereof, are privileged or confidential, pursuant to any other state
29 law, except Section 827, or federal law or regulation, the
30 requirements of that state law or federal law or regulation
31 prohibiting or limiting release of the child welfare agency files or
32 records, or any portions thereof, shall prevail.

33 (j) All discussions during team meetings are confidential unless
34 disclosure is required by law. Notwithstanding any other law,
35 testimony concerning any team meeting discussion is not
36 admissible in any criminal or civil proceeding except as provided
37 in paragraph (2) of subdivision (a).

38 (k) As used in this section, “privileged information” means any
39 information subject to a privilege pursuant to Division 8
40 (commencing with Section 900) of the Evidence Code. Disclosure

1 of otherwise privileged information to team members shall not be
2 construed to waive the privilege.

3 ~~SEC. 40.~~

4 *SEC. 42.* Section 4094.2 of the Welfare and Institutions Code
5 is amended to read:

6 4094.2. (a) For the purpose of establishing payment rates for
7 community treatment facility programs, the private nonprofit
8 agencies selected to operate these programs shall prepare a budget
9 that covers the total costs of providing residential care and
10 supervision and mental health services for their proposed programs.
11 These costs shall include categories that are allowable under
12 California's Foster Care program and existing programs for mental
13 health services. They shall not include educational, nonmental
14 health medical, and dental costs.

15 (b) Each agency operating a community treatment facility
16 program shall negotiate a final budget with the local mental health
17 department in the county in which its facility is located (the host
18 county) and other local agencies, as appropriate. This budget
19 agreement shall specify the types and level of care and services to
20 be provided by the community treatment facility program and a
21 payment rate that fully covers the costs included in the negotiated
22 budget. All counties that place children in a community treatment
23 facility program shall make payments using the budget agreement
24 negotiated by the community treatment facility provider and the
25 host county.

26 (c) A foster care rate shall be established for each community
27 treatment facility program by the State Department of Social
28 Services.

29 (1) These rates shall be established using the existing foster care
30 ratesetting system for group homes, or the rate for a short-term
31 residential treatment center as defined in subdivision (ad) of
32 Section 11400, with modifications designed as necessary. It is
33 anticipated that all community treatment facility programs will
34 offer the level of care and services required to receive the highest
35 foster care rate provided for under the current ratesetting system.

36 (2) ~~Commencing~~ *Except as otherwise provided in paragraph*
37 *(3), commencing January 1, 2018, 2017,* the program shall have
38 accreditation from a nationally recognized accrediting entity
39 identified by the State Department of Social Services pursuant to

1 the process described in paragraph (4) of subdivision (b) of Section
2 11462.

3 *(3) With respect to a program that has been granted an*
4 *extension pursuant to the exception process described in*
5 *subdivision (d) of Section 11462.04, the requirement described in*
6 *paragraph (2) shall apply to that program commencing January*
7 *1, 2018.*

8 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the
9 2003–04 fiscal year, and the 2004–05 fiscal year, community
10 treatment facility programs shall also be paid a community
11 treatment facility supplemental rate of up to two thousand five
12 hundred dollars (\$2,500) per child per month on behalf of children
13 eligible under the foster care program and children placed out of
14 home pursuant to an individualized education program developed
15 under Section 7572.5 of the Government Code. Subject to the
16 availability of funds, the supplemental rate shall be shared by the
17 state and the counties. Counties shall be responsible for paying a
18 county share of cost equal to 60 percent of the community
19 treatment rate for children placed by counties in community
20 treatment facilities and the state shall be responsible for 40 percent
21 of the community treatment facility supplemental rate. The
22 community treatment facility supplemental rate is intended to
23 supplement, and not to supplant, the payments for which children
24 placed in community treatment facilities are eligible to receive
25 under the foster care program and the existing programs for mental
26 health services.

27 (e) For initial ratesetting purposes for community treatment
28 facility funding, the cost of mental health services shall be
29 determined by deducting the foster care rate and the community
30 treatment facility supplemental rate from the total allowable cost
31 of the community treatment facility program. Payments to certified
32 providers for mental health services shall be based on eligible
33 services provided to children who are Medi-Cal beneficiaries, up
34 to the approved federal rate for these services.

35 (f) The State Department of Health Care Services shall provide
36 the community treatment facility supplemental rates to the counties
37 for advanced payment to the community treatment facility
38 providers in the same manner as the regular foster care payment
39 and within the same required payment time limits.

1 (g) In order to facilitate the study of the costs of community
2 treatment facilities, licensed community treatment facilities shall
3 provide all documents regarding facility operations, treatment, and
4 placements requested by the department.

5 (h) It is the intent of the Legislature that the State Department
6 of Health Care Services and the State Department of Social
7 Services work to maximize federal financial participation in
8 funding for children placed in community treatment facilities
9 through funds available pursuant to Titles IV-E and XIX of the
10 federal Social Security Act (Title 42 U.S.C. Sec. 670 et seq. and
11 Sec. 1396 et seq.) and other appropriate federal programs.

12 (i) The State Department of Health Care Services and the State
13 Department of Social Services may adopt emergency regulations
14 necessary to implement joint protocols for the oversight of
15 community treatment facilities, to modify existing licensing
16 regulations governing reporting requirements and other procedural
17 and administrative mandates to take into account the seriousness
18 and frequency of behaviors that are likely to be exhibited by the
19 seriously emotionally disturbed children placed in community
20 treatment facility programs, to modify the existing foster care
21 ratesetting regulations, and to pay the community treatment facility
22 supplemental rate. The adoption of these regulations shall be
23 deemed to be an emergency and necessary for the immediate
24 preservation of the public peace, health and safety, and general
25 welfare. The regulations shall become effective immediately upon
26 filing with the Secretary of State. The regulations shall not remain
27 in effect more than 180 days unless the adopting agency complies
28 with all the provisions of Chapter 3.5 (commencing with Section
29 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
30 as required by subdivision (e) of Section 11346.1 of the
31 Government Code.

32 ~~SEC. 41.~~

33 *SEC. 43.* Section 4096 of the Welfare and Institutions Code is
34 amended to read:

35 4096. (a) (1) Interagency collaboration and children's program
36 services shall be structured in a manner that will facilitate future
37 implementation of the goals of the Children's Mental Health
38 Services Act.

1 (2) Components shall be added to state-county performance
2 contracts required in Section 5650 that provide for reports from
3 counties on how this section is implemented.

4 (3) The department shall develop performance contract
5 components required by paragraph (2).

6 (4) Performance contracts subject to this section shall document
7 that the procedures to be implemented in compliance with this
8 section have been approved by the county social services
9 department and the county probation department.

10 (b) Funds specified in subdivision (a) of Section 17601 for
11 services to wards of the court and dependent children of the court
12 shall be allocated and distributed to counties based on the number
13 of wards of the court and dependent children of the court in the
14 county.

15 (c) A county may utilize funds allocated pursuant to subdivision
16 (b) only if the county has an established and operational
17 interagency placement committee, with a membership that includes
18 at least the county placement agency and a licensed mental health
19 professional from the county department of mental health. If
20 necessary, the funds may be used for costs associated with
21 establishing the interagency placement committee.

22 (d) Subsequent to the establishment of an interagency placement
23 committee, funds allocated pursuant to subdivision (b) shall be
24 used to provide services to wards of the court and dependent
25 children of the court jointly identified by county mental health,
26 social services, and probation departments as the highest priority.
27 Every effort shall be made to match those funds with funds
28 received pursuant to Title XIX of the federal Social Security Act,
29 contained in Subchapter 19 (commencing with Section 1396) of
30 Chapter 7 of Title 42 of the United States Code.

31 (e) (1) Each interagency placement committee shall establish
32 procedures whereby a ward of the court or dependent child of the
33 court, or a voluntarily placed child whose placement is funded by
34 the Aid to Families with Dependent Children-Foster Care Program,
35 who is to be placed or is currently placed in a group home program
36 at a rate classification level 13 or rate classification level 14 as
37 specified in Section 11462.01, is assessed as seriously emotionally
38 disturbed, as defined in Section 5600.3 and Section 1502.4 of the
39 Health and Safety Code.

1 (2) The assessment required by paragraph (1) shall also indicate
2 that the child *or youth* is in need of the care and services provided
3 by that group home program.

4 (f) The interagency placement committee shall document the
5 results of the assessment required by subdivision (e) and shall
6 notify the appropriate group home provider and county placing
7 agency, in writing, of those results within 10 days of the completion
8 of the assessment.

9 (g) If the child's *or youth's* placement is not funded by the Aid
10 to Families with Dependent Children-Foster Care Program, a
11 licensed mental health professional, as defined in Sections 629 to
12 633, inclusive, of Title 9 of the California Code of Regulations,
13 shall certify that the child is seriously emotionally disturbed, as
14 defined in Section 5600.3 and Section 1502.4 of the Health and
15 Safety Code.

16 ~~(h) (1) This section shall become inoperative on January 1,~~
17 ~~2017, except that this section shall continue to apply, until January~~
18 ~~1, 2018, to a group home that has been granted an extension~~
19 ~~pursuant to the exception process described in subdivision (d) of~~
20 ~~Section 11462.04 or to a foster family home that has been granted~~
21 ~~an extension pursuant to the exception process described in~~
22 ~~subdivision (d) of Section 11463.1.~~

23 ~~(2)~~

24 (h) This section shall remain in effect only until January 1,
25 2018, 2017, and as of that date is repealed, unless a later enacted
26 statute, that is enacted before January 1, 2018, 2017, deletes or
27 extends that date.

28 ~~SEC. 42.~~

29 *SEC. 44.* Section 4096 is added to the Welfare and Institutions
30 Code, to read:

31 4096. (a) (1) Interagency collaboration and children's program
32 services shall be structured in a manner that will facilitate
33 implementation of the goals of the Children's Mental Health
34 Services Act.

35 (2) Components shall be added to state-county performance
36 contracts required in Section 5650 that provide for reports from
37 counties on how this section is implemented.

38 (3) The State Department of Health Care Services shall develop
39 performance contract components required by paragraph (2).

1 (4) Performance contracts subject to this section shall document
2 that the procedures to be implemented in compliance with this
3 section have been approved by the county social services
4 department and the county probation department.

5 (b) Funds specified in subdivision (a) of Section 17601 for
6 services to wards of the court and dependent children of the court
7 shall be allocated and distributed to counties based on the number
8 of wards of the court and dependent children of the court in the
9 county.

10 (c) A county may utilize funds allocated pursuant to subdivision
11 (b) only if the county has an established and operational
12 interagency placement with a membership that includes at least
13 the county placement agency and a licensed mental health
14 professional from the county department of mental health. If
15 necessary, the funds may be used for costs associated with
16 establishing the interagency placement committee.

17 (d) Funds allocated pursuant to subdivision (b) shall be used to
18 provide services to wards of the court and dependent children of
19 the court jointly identified by county mental health, social services,
20 and probation departments as the highest priority. Every effort
21 shall be made to match those funds with funds received pursuant
22 to Title XIX of the federal Social Security Act, contained in
23 Subchapter 19 (commencing with Section 1396) of Chapter 7 of
24 Title 42 of the United States Code.

25 (e) (1) Each interagency placement committee shall establish
26 procedures whereby a ward of the court or dependent child of the
27 court, or a voluntarily placed child whose placement is funded by
28 the Aid to Families with Dependent Children-Foster Care Program,
29 who is to be placed or is currently placed in a short-term residential
30 treatment center or foster family agency that provides treatment
31 services, as specified in Section 11462.01, is assessed as seriously
32 emotionally disturbed, as defined in Section 5600.3 and Section
33 1502.4 of the Health and Safety Code.

34 (2) The assessment required by paragraph (1) shall also indicate
35 that the child is in need of the care and services provided by a
36 short-term residential center or foster family agency that provides
37 treatment services.

38 (3) In lieu of an assessment by the interagency placement
39 committee required under paragraph (1), a child and family team,
40 as defined in Section 831, may utilize an assessment by a licensed

1 mental health professional that was developed consistent with
 2 procedures established by the county under paragraph (1). Nothing
 3 in this paragraph shall prohibit the child and family team from
 4 considering an assessment provided by an interagency placement
 5 committee.

6 (f) The interagency placement committee or the child and family
 7 team, as appropriate, shall document the results of the assessment
 8 required by subdivision (e) and shall notify the appropriate provider
 9 in writing, of those results within 10 days of the completion of the
 10 assessment.

11 (g) If the child's *or youth's* placement is not funded by the Aid
 12 to Families with Dependent Children-Foster Care Program, a
 13 licensed mental health professional shall certify that the child is
 14 seriously emotionally disturbed, as defined in Section 5600.3 and
 15 Section 1502.4 of the Health and Safety Code.

16 (h) This section shall become operative on January 1, 2017.

17 *SEC. 45. Section 4096.1 is added to the Welfare and Institutions*
 18 *Code, to read:*

19 *4096.1. (a) (1) Interagency collaboration and children's*
 20 *program services shall be structured in a manner that will facilitate*
 21 *future implementation of the goals of the Children's Mental Health*
 22 *Services Act.*

23 *(2) Components shall be added to state-county performance*
 24 *contracts required in Section 5650 that provide for reports from*
 25 *counties on how this section is implemented.*

26 *(3) The department shall develop performance contract*
 27 *components required by paragraph (2).*

28 *(4) Performance contracts subject to this section shall document*
 29 *that the procedures to be implemented in compliance with this*
 30 *section have been approved by the county social services*
 31 *department and the county probation department.*

32 *(b) Funds specified in subdivision (a) of Section 17601 for*
 33 *services to wards of the court and dependent children of the court*
 34 *shall be allocated and distributed to counties based on the number*
 35 *of wards of the court and dependent children of the court in the*
 36 *county.*

37 *(c) A county may utilize funds allocated pursuant to subdivision*
 38 *(b) only if the county has an established and operational*
 39 *interagency placement committee, with a membership that includes*
 40 *at least the county placement agency and a licensed mental health*

1 professional from the county department of mental health. If
2 necessary, the funds may be used for costs associated with
3 establishing the interagency placement committee.

4 (d) Subsequent to the establishment of an interagency placement
5 committee, funds allocated pursuant to subdivision (b) shall be
6 used to provide services to wards of the court and dependent
7 children of the court jointly identified by county mental health,
8 social services, and probation departments as the highest priority.
9 Every effort shall be made to match those funds with funds received
10 pursuant to Title XIX of the federal Social Security Act, contained
11 in Subchapter 19 (commencing with Section 1396) of Chapter 7
12 of Title 42 of the United States Code.

13 (e) (1) Each interagency placement committee shall establish
14 procedures whereby a ward of the court or dependent child of the
15 court, or a voluntarily placed child whose placement is funded by
16 the Aid to Families with Dependent Children-Foster Care
17 Program, who is to be placed or is currently placed in a group
18 home program at a rate classification level 13 or rate classification
19 level 14 as specified in Section 11462.001, is assessed as seriously
20 emotionally disturbed, as defined in Section 5600.3 and Section
21 1502.45 of the Health and Safety Code.

22 (2) The assessment required by paragraph (1) shall also indicate
23 that the child or youth is in need of the care and services provided
24 by that group home program.

25 (f) The interagency placement committee shall document the
26 results of the assessment required by subdivision (e) and shall
27 notify the appropriate group home provider and county placing
28 agency, in writing, of those results within 10 days of the completion
29 of the assessment.

30 (g) If the child's or youth's placement is not funded by the Aid
31 to Families with Dependent Children-Foster Care Program, a
32 licensed mental health professional, as defined in Sections 629 to
33 633, inclusive, of Title 9 of the California Code of Regulations,
34 shall certify that the child is seriously emotionally disturbed, as
35 defined in Section 5600.3 and Section 1502.45 of the Health and
36 Safety Code.

37 (h) This section shall only apply to a group home that has been
38 granted an extension pursuant to the exception process described
39 in subdivision (d) of Section 11462.04 or to a foster family agency

1 *that has been granted an extension pursuant to the exception*
2 *process described in subdivision (d) of Section 11463.1.*

3 *(i) This section shall become operative on January 1, 2017.*

4 *(j) This section shall remain in effect only until January 1, 2018,*
5 *and as of that date is repealed, unless a later enacted statute, that*
6 *is enacted before January 1, 2018, deletes or extends that date.*

7 ~~SEC. 43.~~

8 *SEC. 46.* Section 4096.5 of the Welfare and Institutions Code
9 is amended to read:

10 4096.5. (a) The State Department of Health Care Services
11 shall make a determination, within 45 days of receiving a request
12 from a group home to be classified at RCL 13 or RCL 14 pursuant
13 to Section 11462.01, to certify or deny certification that the group
14 home program includes provisions for mental health treatment
15 services that meet the needs of seriously emotionally disturbed
16 children. The department shall issue each certification for a period
17 of one year and shall specify the effective date the program met
18 the certification requirements. A program may be recertified if the
19 program continues to meet the criteria for certification.

20 (b) The State Department of Health Care Services shall, in
21 consultation with the California Mental Health Directors
22 Association and representatives of provider organizations, develop
23 the criteria for the certification required by subdivision (a) by July
24 1, 1992.

25 (c) (1) The State Department of Health Care Services may,
26 upon the request of a county, delegate to that county the
27 certification task.

28 (2) Any county to which the certification task is delegated
29 pursuant to paragraph (1) shall use the criteria and format
30 developed by the department.

31 (d) The State Department of Health Care Services or delegated
32 county shall notify the State Department of Social Services
33 Community Care Licensing Division immediately upon the
34 termination of any certification issued in accordance with
35 subdivision (a).

36 (e) Upon receipt of notification from the State Department of
37 Social Services Community Care Licensing Division of any adverse
38 licensing action taken after the finding of noncompliance during
39 an inspection conducted pursuant to Section 1538.7 of the Health
40 and Safety Code, the State Department of Health Care Services or

1 the delegated county shall review the certification issued pursuant
2 to this section.

3 ~~(f) (1) This section shall become inoperative on January 1,~~
4 ~~2017, except that this section shall continue to apply, until January~~
5 ~~1, 2018, to a group home that has been granted an extension~~
6 ~~pursuant to the exception process described in subdivision (d) of~~
7 ~~Section 11462.04 or to a foster family home that has been granted~~
8 ~~an extension pursuant to the exception process described in~~
9 ~~subdivision (d) of Section 11463.1.~~

10 ~~(2) This section is repealed as of January 1, 2018, unless a later~~
11 ~~enacted statute, that is enacted before January 1, 2018, deletes or~~
12 ~~extends that date.~~

13 ~~(f) This section shall remain in effect only until January 1, 2017,~~
14 ~~and as of that date is repealed, unless a later enacted statute, that~~
15 ~~is enacted before January 1, 2017, deletes or extends that date.~~

16 ~~SEC. 44.~~

17 *SEC. 47.* Section 4096.5 is added to the Welfare and Institutions
18 Code, to read:

19 4096.5. (a) All short-term residential treatment centers, and
20 all foster family agencies that provide intensive treatment services
21 as described in Section 11462.01, shall obtain and have in good
22 standing a mental health certification issued by the State
23 Department of Health Care Services or a county to which the
24 department has delegated certification authority. This certification
25 is a condition for receiving an Aid to Families with Dependent
26 Children-Foster Care rate pursuant to Section 11462.015.

27 (b) The State Department of Health Care Services or a county
28 to which the department has delegated certification authority shall
29 certify or deny certification within 45 days of receiving a
30 certification request. The State Department of Health Care Services
31 or a county to which the department has delegated certification
32 authority shall issue each certification for a period of one year and
33 shall specify the effective date that the program met the program
34 standards. Certified entities shall meet all program standards to be
35 recertified.

36 (c) Pursuant to Section 11462.25, the State Department of Health
37 Care Services shall promulgate regulations regarding program
38 standards, oversight, enforcement, and due process for the mental
39 health certification of short-term residential treatment centers and

1 foster family agencies that provide intensive or therapeutic
2 treatment services.

3 (d) (1) Except for certification of short-term residential
4 treatment centers or foster family agencies operated by a county,
5 the State Department of Health Care Services may, upon the
6 request of a county, delegate to that county the certification of
7 short-term residential treatment centers and foster family agencies
8 within its borders.

9 (2) Any county to which certification is delegated pursuant to
10 paragraph (1) shall be responsible for the oversight and
11 enforcement of program standards and the provision of due process
12 for certified entities.

13 (e) The State Department of Health Care Services or a county
14 to which the department has delegated certification authority shall
15 notify the State Department of Social Services immediately upon
16 the termination of any certification issued in accordance with
17 subdivisions (a) and (b).

18 (f) The State Department of Social Services shall notify the
19 State Department of Health Care Services or a county to which
20 the department has delegated certification authority immediately
21 upon the revocation of any license issued pursuant to Chapter 3
22 (commencing with Section 1500) of Division 2 of the Health and
23 Safety Code.

24 (g) This section shall become operative on January 1, 2017.

25 *SEC. 48. Section 4096.55 is added to the Welfare and*
26 *Institutions Code, to read:*

27 *4096.55. (a) The State Department of Health Care Services*
28 *shall make a determination, within 45 days of receiving a request*
29 *from a group home to be classified at rate classification level 13*
30 *or rate classification level 14 pursuant to Section 11462.015, to*
31 *certify or deny certification that the group home program includes*
32 *provisions for mental health treatment services that meet the needs*
33 *of seriously emotionally disturbed children. The department shall*
34 *issue each certification for a period of one year and shall specify*
35 *the effective date the program met the certification requirements.*
36 *A program may be recertified if the program continues to meet*
37 *the criteria for certification.*

38 *(b) The State Department of Health Care Services shall, in*
39 *consultation with the California Mental Health Directors*

1 Association and representatives of provider organizations, develop
2 the criteria for the certification required by subdivision (a).

3 (c) (1) The State Department of Health Care Services may,
4 upon the request of a county, delegate to that county the
5 certification task.

6 (2) Any county to which the certification task is delegated
7 pursuant to paragraph (1) shall use the criteria and format
8 developed by the department.

9 (d) The State Department of Health Care Services or delegated
10 county shall notify the State Department of Social Services
11 Community Care Licensing Division immediately upon the
12 termination of any certification issued in accordance with
13 subdivision (a).

14 (e) Upon receipt of notification from the State Department of
15 Social Services Community Care Licensing Division of any adverse
16 licensing action taken after the finding of noncompliance during
17 an inspection conducted pursuant to Section 1538.7 of the Health
18 and Safety Code, the State Department of Health Care Services
19 or the delegated county shall review the certification issued
20 pursuant to this section.

21 (f) This section shall only apply to a foster family agency that
22 has been granted an extension pursuant to the exception process
23 described in subdivision (d) of Section 11462.04 or to a foster
24 family agency that has been granted an extension pursuant to the
25 exception process described in subdivision (d) of Section 11463.1.

26 (g) This section shall become operative on January 1, 2017.

27 (h) This section shall remain in effect only until January 1, 2018,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2018, deletes or extends that date.

30 ~~SEC. 45.~~

31 SEC. 49. Section 11400 of the Welfare and Institutions Code
32 is amended to read:

33 11400. For purposes of this article, the following definitions
34 shall apply:

35 (a) "Aid to Families with Dependent Children-Foster Care
36 (AFDC-FC)" means the aid provided on behalf of needy children
37 in foster care under the terms of this division.

38 (b) "Case plan" means a written document that, at a minimum,
39 specifies the type of home in which the child shall be placed, the
40 safety of that home, and the appropriateness of that home to meet

1 the child's needs. It shall also include the agency's plan for
2 ensuring that the child receive proper care and protection in a safe
3 environment, and shall set forth the appropriate services to be
4 provided to the child, the child's family, and the foster parents, in
5 order to meet the child's needs while in foster care, and to reunify
6 the child with the child's family. In addition, the plan shall specify
7 the services that will be provided or steps that will be taken to
8 facilitate an alternate permanent plan if reunification is not possible.

9 (c) "Certified family home" means a family residence certified
10 by a licensed foster family agency and issued a certificate of
11 approval by that agency as meeting licensing standards, and used
12 only by that foster family agency for placements.

13 (d) "Family home" means the family residence of a licensee in
14 which 24-hour care and supervision are provided for children.

15 (e) "Small family home" means any residential facility, in the
16 licensee's family residence, which provides 24-hour care for six
17 or fewer foster children who have mental disorders or
18 developmental or physical disabilities and who require special care
19 and supervision as a result of their disabilities.

20 (f) "Foster care" means the 24-hour out-of-home care provided
21 to children whose own families are unable or unwilling to care for
22 them, and who are in need of temporary or long-term substitute
23 parenting.

24 (g) "Foster family agency" means any individual or organization
25 engaged in the recruiting, certifying, and training of, and providing
26 professional support to, foster parents, or in finding homes or other
27 places for placement of children for temporary or permanent care
28 who require that level of care as an alternative to a group home.
29 Private foster family agencies shall be organized and operated on
30 a nonprofit basis.

31 (h) "Group home" means a nondetention privately operated
32 residential home, organized and operated on a nonprofit basis only,
33 of any capacity, or a nondetention licensed residential care home
34 operated by the County of San Mateo with a capacity of up to 25
35 beds, that accepts children in need of care and supervision in a
36 group home, as defined by paragraph (13) of subdivision (a) of
37 Section 1502 of the Health and Safety Code.

38 (i) "Periodic review" means review of a child's status by the
39 juvenile court or by an administrative review panel, that shall
40 include a consideration of the safety of the child, a determination

1 of the continuing need for placement in foster care, evaluation of
2 the goals for the placement and the progress toward meeting these
3 goals, and development of a target date for the child’s return home
4 or establishment of alternative permanent placement.

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

9 (k) “Placement and care” refers to the responsibility for the
10 welfare of a child vested in an agency or organization by virtue of
11 the agency or organization having (1) been delegated care, custody,
12 and control of a child by the juvenile court, (2) taken responsibility,
13 pursuant to a relinquishment or termination of parental rights on
14 a child, (3) taken the responsibility of supervising a child detained
15 by the juvenile court pursuant to Section 319 or 636, or (4) signed
16 a voluntary placement agreement for the child’s placement; or to
17 the responsibility designated to an individual by virtue of his or
18 her being appointed the child’s legal guardian.

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

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

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

31 (o) “Voluntary placement” means an out-of-home placement
32 of a child by (1) the county welfare department, probation
33 department, or Indian tribe that has entered into an agreement
34 pursuant to Section 10553.1, after the parents or guardians have
35 requested the assistance of the county welfare department and have
36 signed a voluntary placement agreement; or (2) the county welfare
37 department licensed public or private adoption agency, or the
38 department acting as an adoption agency, after the parents have
39 requested the assistance of either the county welfare department,
40 the licensed public or private adoption agency, or the department

1 acting as an adoption agency for the purpose of adoption planning,
2 and have signed a voluntary placement agreement.

3 (p) “Voluntary placement agreement” means a written agreement
4 between either the county welfare department, probation
5 department, or Indian tribe that has entered into an agreement
6 pursuant to Section 10553.1, licensed public or private adoption
7 agency, or the department acting as an adoption agency, and the
8 parents or guardians of a child that specifies, at a minimum, the
9 following:

10 (1) The legal status of the child.

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

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

18 (r) (1) “Transitional housing placement provider” means an
19 organization licensed by the State Department of Social Services
20 pursuant to Section 1559.110 of the Health and Safety Code, to
21 provide transitional housing to foster children at least 16 years of
22 age and not more than 18 years of age, and nonminor dependents,
23 as defined in subdivision (v). A transitional housing placement
24 provider shall be privately operated and organized on a nonprofit
25 basis.

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

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

33 (t) “Whole family foster home” means a new or existing family
34 home, approved relative caregiver or nonrelative extended family
35 member’s home, the home of a nonrelated legal guardian whose
36 guardianship was established pursuant to Section 360 or 366.26,
37 certified family home, or a host family home placement of a
38 transitional housing placement provider, that provides foster care
39 for a minor or nonminor dependent parent and his or her child,
40 and is specifically recruited and trained to assist the minor or

1 nonminor dependent parent in developing the skills necessary to
2 provide a safe, stable, and permanent home for his or her child.
3 The child of the minor or nonminor dependent parent need not be
4 the subject of a petition filed pursuant to Section 300 to qualify
5 for placement in a whole family foster home.

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

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

23 (2) An agreement, as described in paragraph (1), between a
24 nonminor former dependent or ward in receipt of Kin-GAP
25 payments under Article 4.5 (commencing with Section 11360) or
26 Article 4.7 (commencing with Section 11385), and the agency
27 responsible for the Kin-GAP benefits, provided that the nonminor
28 former dependent or ward satisfies the conditions described in
29 Section 11403.01, or one or more of the conditions described in
30 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
31 11403. For purposes of this paragraph and paragraph (3),
32 “nonminor former dependent or ward” has the same meaning as
33 described in subdivision (aa).

34 (3) An agreement, as described in paragraph (1), between a
35 nonminor former dependent or ward in receipt of AFDC-FC
36 payments under subdivision (e) or (f) of Section 11405 and the
37 agency responsible for the AFDC-FC benefits, provided that the
38 nonminor former dependent or ward described in subdivision (e)
39 of Section 11405 satisfies one or more of the conditions described
40 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section

1 11403, and the nonminor described in subdivision (f) of Section
2 11405 satisfies the secondary school or equivalent training or
3 certificate program conditions described in that subdivision.

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

11 (1) He or she has attained 18 years of age while under an order
12 of foster care placement by the juvenile court, and is not more than
13 19 years of age on or after January 1, 2012, not more than 20 years
14 of age on or after January 1, 2013, or not more than 21 years of
15 age on or after January 1, 2014, and as described in Section
16 10103.5.

17 (2) He or she is in foster care under the placement and care
18 responsibility of the county welfare department, county probation
19 department, Indian tribe, consortium of tribes, or tribal organization
20 that entered into an agreement pursuant to Section 10553.1.

21 (3) He or she has a transitional independent living case plan
22 pursuant to Section 475(8) of the federal Social Security Act (42
23 U.S.C. Sec. 675(8)), as contained in the federal Fostering
24 Connections to Success and Increasing Adoptions Act of 2008
25 (Public Law 110-351), as described in Section 11403.

26 (w) “Supervised independent living placement” means, on and
27 after January 1, 2012, an independent supervised setting, as
28 specified in a nonminor dependent’s transitional independent living
29 case plan, in which the youth is living independently, pursuant to
30 Section 472(c)(2) of the Social Security Act (42 U.S.C. Sec.
31 672(c)(2)).

32 (x) “Supervised independent living setting,” pursuant to Section
33 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
34 672(c)(2)), includes both a supervised independent living
35 placement, as defined in subdivision (w), and a residential housing
36 unit certified by the transitional housing placement provider
37 operating a Transitional Housing Placement-Plus Foster Care
38 program, as described in paragraph (2) of subdivision (a) of Section
39 16522.1.

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

19 (z) “Voluntary reentry agreement” means a written voluntary
20 agreement between a former dependent child or ward or a former
21 nonminor dependent, who has had juvenile court jurisdiction
22 terminated pursuant to Section 391, 452, or 607.2, and the county
23 welfare or probation department or tribal placing entity that
24 documents the nonminor’s desire and willingness to reenter foster
25 care, to be placed in a supervised setting under the placement and
26 care responsibility of the placing agency, the nonminor’s desire,
27 willingness, and ability to immediately participate in one or more
28 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
29 (b) of Section 11403, the nonminor’s agreement to work
30 collaboratively with the placing agency to develop his or her
31 transitional independent living case plan within 60 days of reentry,
32 the nonminor’s agreement to report any changes of circumstances
33 relevant to continued eligibility for foster care payments, and (1)
34 the nonminor’s agreement to participate in the filing of a petition
35 for juvenile court jurisdiction as a nonminor dependent pursuant
36 to subdivision (e) of Section 388 within 15 judicial days of the
37 signing of the agreement and the placing agency’s efforts and
38 supportive services to assist the nonminor in the reentry process,
39 or (2) if the nonminor meets the definition of a nonminor former
40 dependent or ward, as described in subdivision (aa), the nonminor’s

1 agreement to return to the care and support of his or her former
2 juvenile court-appointed guardian and meet the eligibility criteria
3 for AFDC-FC pursuant to subdivision (e) of Section 11405.

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

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

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

16 (ab) “Runaway and homeless youth shelter” means a type of
17 group home, as defined in paragraph (14) of subdivision (a) of
18 Section 1502 of the Health and Safety Code, that is not an eligible
19 placement option under Sections 319, 361.2, 450, and 727, and
20 that is not eligible for AFDC-FC funding pursuant to subdivision
21 (c) of Section 11402 or Section 11462.

22 (ac) “Transition dependent” is a minor between 17 years and
23 five months and 18 years of age who is subject to the court’s
24 transition jurisdiction under Section 450.

25 (ad) “Short-term residential treatment center” means a licensed
26 community care facility, as defined in paragraph (18) of *subdivision*
27 *(a)* of Section 1502 of the Health and Safety Code, that provides
28 short-term, specialized, and intensive treatment for the child *or*
29 *youth*, when the child’s *or youth’s* case plan specifies the need for,
30 nature of, and anticipated duration of this specialized treatment.

31 (ae) “Resource family” means a placement, as defined in
32 subdivision (c) of Section 16519.5.

33 ~~SEC. 46.~~

34 *SEC. 50.* Section 11402 of the Welfare and Institutions Code
35 is amended to read:

36 11402. In order to be eligible for AFDC-FC, a child or
37 nonminor dependent shall be placed in one of the following:

38 (a) The approved home of a relative, provided the child *or youth*
39 is otherwise eligible for federal financial participation in the
40 AFDC-FC payment.

1 (b) (1) The licensed family home of a nonrelative.

2 (2) The approved home of a nonrelative extended family
3 member as described in Section 362.7.

4 (c) The approved home of a resource family as defined in
5 Section 16519.5.

6 (d) A licensed group home, as defined in subdivision (h) of
7 Section 11400, excluding a runaway and homeless youth shelter
8 as defined in subdivision (ab) of Section 11400, provided that the
9 placement worker has documented that the placement is necessary
10 to meet the treatment needs of the child *or youth* and that the
11 facility offers those treatment services.

12 (e) The home of a nonrelated legal guardian or the home of a
13 former nonrelated legal guardian when the guardianship of a child
14 *or youth* who is otherwise eligible for AFDC-FC has been
15 dismissed due to the ~~child's~~ *child or youth* attaining 18 years of
16 age.

17 (f) An exclusive-use home.

18 (g) A housing model certified by a licensed transitional housing
19 placement provider as described in Section 1559.110 of the Health
20 and Safety Code and as defined in subdivision (r) of Section 11400.

21 (h) An out-of-state group home, provided that the placement
22 worker, in addition to complying with all other statutory
23 requirements for placing a minor in an out-of-state group home,
24 documents that the requirements of Section 7911.1 of the Family
25 Code have been met.

26 (i) An approved supervised independent living setting for
27 nonminor dependents, as defined in subdivision (w) of Section
28 11400.

29 ~~(j) (1) This section shall become inoperative on January 1,~~
30 ~~2017, except that this section shall continue to apply, until January~~
31 ~~1, 2018, to a group home that has been granted an extension~~
32 ~~pursuant to the exception process described in subdivision (d) of~~
33 ~~Section 11462.04 or to a foster family home that has been granted~~
34 ~~an extension pursuant to the exception process described in~~
35 ~~subdivision (d) of Section 11463.1.~~

36 ~~(2)~~

37 (j) This section shall remain in effect only until January 1, 2018,
38 2017, and as of that date is repealed, unless a later enacted statute,
39 that is enacted before January 1, 2018, 2017, deletes or extends
40 that date.

1 ~~SEC. 47.~~

2 ~~SEC. 51.~~ Section 11402 is added to the Welfare and Institutions
3 Code, to read:

4 11402. In order to be eligible for AFDC-FC, a child or
5 nonminor dependent shall be placed in one of the following:

6 (a) The approved home of a relative, provided the child *or youth*
7 is otherwise eligible for federal financial participation in the
8 AFDC-FC payment.

9 (b) (1) The home of a nonrelated legal guardian or the home
10 of a former nonrelated legal guardian when the guardianship of a
11 child *or youth* who is otherwise eligible for AFDC-FC has been
12 dismissed due to the child *or youth* attaining 18 years of age.

13 (2) The approved home of a nonrelative extended family
14 member, as described in Section 362.7.

15 (c) (1) The licensed family home of a nonrelative.

16 (2) The approved home of a resource family, as defined in
17 Section 16519.5.

18 (3) A licensed foster family agency for placement into a
19 nontreatment foster home, provided that the program has
20 accreditation from a nationally recognized entity identified by the
21 State Department of Social Services pursuant to the process
22 described in paragraph (8) of subdivision (b) of Section 11463.

23 (d) (1) A housing model certified by a licensed transitional
24 housing placement provider, as described in Section 1559.110 of
25 the Health and Safety Code, and as defined in subdivision (r) of
26 Section 11400.

27 (2) An approved supervised independent living setting for
28 nonminor dependents, as defined in subdivision (w) of Section
29 11400.

30 (e) A licensed foster family agency for placement into a
31 treatment foster home, provided that all of the following apply:

32 (1) The program has accreditation from a nationally recognized
33 entity identified by the State Department of Social Services
34 pursuant to the process described in paragraph (8) of subdivision
35 (b) of Section 11463.

36 (2) The program has a mental health certificate pursuant to
37 Section 11462.015.

38 (3) The placement worker has documented in the child's *or*
39 *youth's* case plan the need for, nature of, and anticipated duration

1 of this specialized treatment to meet the treatment needs of the
2 child *or youth* and that the facility offers those treatment services.

3 (f) A short-term residential treatment center licensed as a
4 community care facility, as defined in subdivision (ad) of Section
5 11400, provided that all of the following apply:

6 (1) The program has a national accreditation from an entity
7 selected by the State Department of Social Services pursuant to
8 the process described in paragraph (4) of subdivision (b) of Section
9 11462.

10 (2) The program has a mental health certificate pursuant to
11 Section 11462.015.

12 (3) The placement worker has documented in the child's *or*
13 *youth's* case plan the need for, nature of, and anticipated duration
14 of this specialized treatment to meet the treatment needs of the
15 child *or youth* and that the facility offers those treatment services.

16 (g) An out-of-state ~~short-term residential treatment center~~ *group*
17 *home* that meets the equivalent of the requirements of paragraphs
18 (1), (2), and (3) of subdivision (f), provided that the placement
19 worker, in addition to complying with all other statutory
20 requirements for placing a minor in an out-of-state group home,
21 documents that the requirements of Section 7911.1 of the Family
22 Code have been met.

23 (h) A community treatment facility set forth in Article 5
24 (commencing with Section 4094) of Chapter 3 of Part 1 of Division
25 4.

26 (i) This section shall become operative on January 1, 2017.

27 *SEC. 52. Section 11402.01 is added to the Welfare and*
28 *Institutions Code, immediately following Section 11402, to read:*

29 *11402.01. In order to be eligible for AFDC-FC, a child or*
30 *nonminor dependent shall be placed in one of the following:*

31 *(a) The approved home of a relative, provided the child or youth*
32 *is otherwise eligible for federal financial participation, as defined*
33 *in Section 11402.1, in the AFDC-FC payment.*

34 *(b) (1) The licensed family home of a nonrelative.*

35 *(2) The approved home of a nonrelative extended family member*
36 *as described in Section 362.7.*

37 *(c) The approved home of a resource family as defined in Section*
38 *16519.5.*

39 *(d) A licensed group home, as defined in subdivision (h) of*
40 *Section 11400, excluding a runaway and homeless youth shelter*

1 as defined in subdivision (ab) of Section 11400, provided that the
 2 placement worker has documented that the placement is necessary
 3 to meet the treatment needs of the child or youth and that the
 4 facility offers those treatment services.

5 (e) The home of a nonrelated legal guardian or the home of a
 6 former nonrelated legal guardian when the guardianship of a child
 7 or youth who is otherwise eligible for AFDC-FC has been
 8 dismissed due to the child or youth attaining 18 years of age.

9 (f) An exclusive-use home.

10 (g) A housing model certified by a licensed transitional housing
 11 placement provider as described in Section 1559.110 of the Health
 12 and Safety Code and as defined in subdivision (r) of Section 11400.

13 (h) An out-of-state group home, provided that the placement
 14 worker, in addition to complying with all other statutory
 15 requirements for placing a minor in an out-of-state group home,
 16 documents that the requirements of Section 7911.1 of the Family
 17 Code have been met.

18 (i) An approved supervised independent living setting for
 19 nonminor dependents, as defined in subdivision (w) of Section
 20 11400.

21 (j) This section shall only apply to a group home that has been
 22 granted an extension pursuant to the exception process described
 23 in subdivision (d) of Section 11462.04 or to a foster family agency
 24 that has been granted an extension pursuant to the exception
 25 process described in subdivision (d) of Section 11463.1.

26 (k) This section shall become operative on January 1, 2017.

27 (l) This section shall remain in effect only until January 1, 2018,
 28 and as of that date is repealed, unless a later enacted statute, that
 29 is enacted before January 1, 2018, deletes or extends that date.

30 ~~SEC. 48.~~

31 SEC. 53. Section 11403.2 of the Welfare and Institutions Code
 32 is amended to read:

33 11403.2. (a) The following persons shall be eligible for
 34 transitional housing provided pursuant to Article 4 (commencing
 35 with Section 16522) of Chapter 5 of Part 4:

36 (1) Any foster child at least 16 years of age and not more than
 37 18 years of age, and, on or after January 1, 2012, any nonminor
 38 dependent, as defined in subdivision (v) of Section 11400, who is
 39 eligible for AFDC-FC benefits as described in Section 11401. A
 40 foster child under 18 years of age shall be eligible for placement

1 in the program certified as a “Transitional Housing Placement
2 Program,” pursuant to paragraph (1) of subdivision (a) of Section
3 16522.1. A nonminor dependent shall be eligible for placement in
4 the program certified as a “Transitional Housing Placement-Plus
5 Foster Care Program” pursuant to paragraph (2) of subdivision (a)
6 of Section 16522.1.

7 (2) (A) Any former foster youth at least 18 years of age and,
8 except as provided in subparagraph (B), not more than 24 years
9 of age who has exited from the foster care system on or after his
10 or her 18th birthday and elects to participate in Transitional
11 Housing Program-Plus, as defined in subdivision (s) of Section
12 11400, if he or she has not received services under this paragraph
13 for more than a total of 24 months, whether or not consecutive. If
14 the person participating in a Transitional Housing Program-Plus
15 is not receiving aid under Section 11403.1, he or she, as a condition
16 of participation, shall enter into, and execute the provisions of, a
17 transitional independent living plan that shall be mutually agreed
18 upon, and annually reviewed, by the former foster youth and the
19 applicable county welfare or probation department or independent
20 living program coordinator. The person participating under this
21 paragraph shall inform the county of any changes to conditions
22 specified in the agreed-upon plan that affect eligibility, including
23 changes in address, living circumstances, and the educational or
24 training program.

25 (B) A county may, at its option, extend the services provided
26 under subparagraph (A) to former foster youth not more than 25
27 years of age, and for a total of 36 months, whether or not
28 consecutive, if the former foster youth, in addition to the
29 requirements specified in subparagraph (A), meets either of the
30 following criteria:

31 (i) The former foster youth is completing secondary education
32 or a program leading to an equivalent credential.

33 (ii) The former foster youth is enrolled in an institution that
34 provides postsecondary education.

35 (b) Payment on behalf of an eligible person receiving transitional
36 housing services pursuant to paragraph (1) of subdivision (a) shall
37 be made to the transitional housing placement provider pursuant
38 to the conditions and limitations set forth in Section 11403.3.
39 Notwithstanding Section 11403.3, the department, in consultation
40 with concerned stakeholders, including, but not limited to,

1 representatives of the Legislature, the County Welfare Directors
2 Association of California, the Chief Probation Officers of
3 California, the Judicial Council, representatives of Indian tribes,
4 the California Youth Connection, former foster youth, child
5 advocacy organizations, labor organizations, juvenile justice
6 advocacy organizations, foster caregiver organizations, researchers,
7 and transitional housing placement providers, shall convene a
8 workgroup to establish a new rate structure for the Title IV-E
9 funded THP-Plus Foster Care placement option for nonminor
10 dependents. The workgroup shall also consider application of this
11 new rate structure to the Transitional Housing Program-Plus, as
12 described in paragraph (2) of subdivision (a) of Section 11403.3.
13 In developing the new rate structure pursuant to this subdivision,
14 the department shall consider the average rates in effect and being
15 paid by counties to current transitional housing placement
16 providers.

17 (c) The Legislature finds and declares that this subdivision was
18 added in 2015 to clearly codify the requirement of existing law
19 regarding the payment made on behalf of an eligible person
20 receiving transitional housing services. The workgroup described
21 in subdivision (b) recommended, and the department subsequently
22 implemented, an annual adjustment to the payment made on behalf
23 of an eligible person receiving transitional housing services. This
24 annual adjustment has been, and shall continue to be, equal to the
25 California Necessities Index applicable to each fiscal year. The
26 Legislature hereby codifies that its intent remains in making this
27 annual adjustment to support the care and supervision, including
28 needed services and supports, for nonminor dependents who are
29 receiving transitional housing services through the THP-Plus Foster
30 Care Program.

31 ~~SEC. 49.~~

32 *SEC. 54.* Section 11460 of the Welfare and Institutions Code
33 is amended to read:

34 11460. (a) Foster care providers shall be paid a per child per
35 month rate in return for the care and supervision of the AFDC-FC
36 child placed with them. The department is designated the single
37 organizational unit whose duty it shall be to administer a state
38 system for establishing rates in the AFDC-FC program. State
39 functions shall be performed by the department or by delegation
40 of the department to county welfare departments or Indian tribes,

1 consortia of tribes, or tribal organizations that have entered into
2 an agreement pursuant to Section 10553.1.

3 (b) “Care and supervision” includes food, clothing, shelter, daily
4 supervision, school supplies, a child’s personal incidentals, liability
5 insurance with respect to a child, reasonable travel to the child’s
6 home for visitation, and reasonable travel for the child to remain
7 in the school in which he or she is enrolled at the time of
8 placement. Reimbursement for the costs of educational travel, as
9 provided for in this subdivision, shall be made pursuant to
10 procedures determined by the department, in consultation with
11 representatives of county welfare and probation directors, and
12 additional stakeholders, as appropriate.

13 (1) For a child *or youth* placed in a short-term residential
14 treatment center or a group home, care and supervision shall also
15 include reasonable administration and operational activities
16 necessary to provide the items listed in this subdivision.

17 (2) For a child *or youth* placed in a short-term residential
18 treatment center or a group home, care and supervision may also
19 include reasonable activities performed by social workers employed
20 by the program provider that are not otherwise considered daily
21 supervision or administration activities, but are eligible for federal
22 financial participation under Title IV-E of the Social Security Act.

23 (c) It is the intent of the Legislature to establish the maximum
24 level of financial participation in out-of-state foster care *group*
25 *home* program rates for placements in facilities described in
26 subdivision (g) of Section 11402.

27 (1) The department shall develop regulations that establish the
28 method for determining the level of financial participation in the
29 rate paid for out-of-state placements in facilities described in
30 subdivision (g) of Section 11402. The department shall consider
31 all of the following methods:

32 (A) Until December 31, 2016, a standardized system based on
33 the rate classification level of care and services per child per month.

34 (B) The rate developed for a short-term residential treatment
35 center pursuant to Section 11462.

36 (C) A system that considers the actual allowable and reasonable
37 costs of care and supervision incurred by the out-of-state program.

38 (D) A system that considers the rate established by the host
39 state.

1 (E) Any other appropriate methods as determined by the
2 department.

3 (2) Reimbursement for the Aid to Families with *Dependent*
4 Children-Foster Care rate to be paid to an out-of-state program
5 described in subdivision (g) of Section 11402 shall only be paid
6 to programs that have done both of the following:

7 (A) Submitted a rate application to the department and received
8 a determination of the level of financial participation in the rate
9 paid.

10 (i) The level of financial participation shall not exceed the
11 current fiscal year's standard rate for rate classification level 14
12 for a group home; or, commencing January 1, 2017, for a
13 short-term residential treatment center.

14 (ii) The level of financial participation shall not exceed the rate
15 determined by the ratesetting authority of the state in which the
16 facility is located.

17 (B) Agreed to comply with information requests, and program
18 and fiscal audits as determined necessary by the department.

19 (3) Except as specifically provided for in statute, reimbursement
20 for an AFDC-FC rate shall only be paid to a group home or
21 short-term residential treatment center organized and operated on
22 a nonprofit basis.

23 (d) A foster care provider that accepts payments, following the
24 effective date of this section, based on a rate established under this
25 section, shall not receive rate increases or retroactive payments as
26 the result of litigation challenging rates established prior to the
27 effective date of this section. This shall apply regardless of whether
28 a provider is a party to the litigation or a member of a class covered
29 by the litigation.

30 (e) Nothing shall preclude a county from using a portion of its
31 county funds to increase rates paid to family homes, foster family
32 agencies, group homes, and short-term residential treatment centers
33 within that county, and to make payments for specialized care
34 increments, clothing allowances, or infant supplements to homes
35 within that county, solely at that county's expense.

36 (f) Nothing shall preclude a county from providing a
37 supplemental rate to serve commercially sexually exploited foster
38 children to provide for the additional care and supervision needs
39 of these children. To the extent that federal financial participation

1 is available, it is the intent of the Legislature that the federal
2 funding shall be utilized.

3 ~~SEC. 50.~~

4 *SEC. 55.* Section 11461.2 of the Welfare and Institutions Code
5 is amended to read:

6 11461.2. (a) It is the intent of the Legislature to ensure quality
7 care for children who are placed in the continuum of AFDC-FC
8 eligible placement settings.

9 (b) The State Department of Social Services shall establish, in
10 consultation with county welfare departments and other
11 stakeholders, as appropriate, a working group to develop
12 recommended revisions to the current ratesetting system, services,
13 and programs serving children and families in the continuum of
14 AFDC-FC eligible placement settings including, at a minimum,
15 all programs provided by foster family agencies and group homes
16 including those providing residentially-based services, as defined
17 in paragraph (1) of subdivision (a) of Section 18987.71.

18 (c) In developing the recommended revisions identified in
19 subdivision (b), the working group shall consider all of the
20 following:

21 (1) How ratesetting systems for foster care providers, including,
22 at least, foster family agencies and group homes, can better support
23 a continuum of programs and services that promote positive
24 outcomes for children and families. This may include a process
25 for matching the child's strengths and needs to the appropriate
26 placement setting.

27 (2) How the provision of an integrated, comprehensive set of
28 services including mental health and other critical services for
29 children and youth support the achievement of well-being,
30 permanency, and safety outcomes.

31 (3) How to ensure the provision of services in family-like
32 settings including after care services, when appropriate.

33 (4) How to provide outcome-based evaluations of foster care
34 providers or other methods of measuring quality improvement
35 including measures of youth and families' satisfaction with services
36 provided and program effectiveness.

37 (5) How changes in the licensing, ratesetting, and auditing
38 processes can improve the quality of foster care providers, the
39 quality of services and programs provided, and enhance the
40 oversight of care provided to children, including, but not limited

1 to, accreditation, administrator qualifications, and the reassignment
2 of these responsibilities within the department.

3 (d) In addition to the considerations in subdivision (c), the
4 workgroup recommendations shall be based on the review and
5 evaluation of the current ratesetting systems, actual cost data, and
6 information from the provider community as well as research on
7 other applicable ratesetting methodologies, evidenced-based
8 practices, information developed as a result of pilots approved by
9 the director, and any other relevant information.

10 (e) (1) The workgroup shall develop the content, format, and
11 data sources for reports to be posted by the department on a public
12 Internet Web site describing the outcomes achieved by providers
13 with foster care rates set by the department.

14 (2) Commencing January 1, 2017, and at least annually after
15 that date, the department shall publish and make available on a
16 public Internet Web site, short-term residential treatment center
17 and foster family agency provider performance indicators.

18 (f) (1) Recommendations developed pursuant to this section
19 shall include the plan required under subdivision (d) of Section
20 18987.7. Updates regarding the workgroup's establishment and
21 its progress toward meeting the requirements of this section shall
22 be provided to the Legislature during 2012–13 and 2013–14 budget
23 hearings. The revisions recommended pursuant to the requirements
24 of subdivision (b) shall be submitted in a report to the appropriate
25 policy and fiscal committees of the Legislature by October 1, 2014.

26 (2) The requirement for submitting a report pursuant to this
27 subdivision is inoperative on October 1, 2018, pursuant to Section
28 10231.5 of the Government Code.

29 (g) The department shall retain the authority to extend the
30 workgroup after October 1, 2014, to ensure that the objectives of
31 this section are met and to reconvene this workgroup as necessary
32 to address any future recommended changes to the continuum of
33 AFDC-FC eligible placement settings pursuant to this section.

34 ~~SEC. 54.~~

35 *SEC. 56.* Section 11462 of the Welfare and Institutions Code
36 is amended to read:

37 11462. (a) (1) Effective July 1, 1990, foster care providers
38 licensed as group homes, as defined in departmental regulations,
39 including public child care institutions, as defined in Section
40 11402.5, shall have rates established by classifying each group

1 home program and applying the standardized schedule of rates.
2 The department shall collect information from group providers
3 beginning January 1, 1990, in order to classify each group home
4 program.

5 (2) Notwithstanding paragraph (1), foster care providers licensed
6 as group homes shall have rates established only if the group home
7 is organized and operated on a nonprofit basis as required under
8 subdivision (h) of Section 11400. The department shall terminate
9 the rate effective January 1, 1993, of any group home not organized
10 and operated on a nonprofit basis as required under subdivision
11 (h) of Section 11400.

12 (3) (A) The department shall determine, consistent with the
13 requirements of this chapter and other relevant requirements under
14 law, the rate classification level (RCL) for each group home
15 program on a biennial basis. Submission of the biennial rate
16 application shall be made according to a schedule determined by
17 the department.

18 (B) The department shall adopt regulations to implement this
19 paragraph. The adoption, amendment, repeal, or readoption of a
20 regulation authorized by this paragraph is deemed to be necessary
21 for the immediate preservation of the public peace, health and
22 safety, or general welfare, for purposes of Sections 11346.1 and
23 11349.6 of the Government Code, and the department is hereby
24 exempted from the requirement to describe specific facts showing
25 the need for immediate action.

26 (b) A group home program shall be initially classified, for
27 purposes of emergency regulations, according to the level of care
28 and services to be provided using a point system developed by the
29 department and described in the report, "The Classification of
30 Group Home Programs under the Standardized Schedule of Rates
31 System," prepared by the State Department of Social Services,
32 August 30, 1989.

33 (c) The rate for each RCL has been determined by the
34 department with data from the AFDC-FC Group Home Rate
35 Classification Pilot Study. The rates effective July 1, 1990, were
36 developed using 1985 calendar year costs and reflect adjustments
37 to the costs for each fiscal year, starting with the 1986–87 fiscal
38 year, by the amount of the California Necessities Index computed
39 pursuant to the methodology described in Section 11453. The data

1 obtained by the department using 1985 calendar year costs shall
2 be updated and revised by January 1, 1993.

3 (d) As used in this section, “standardized schedule of rates”
4 means a listing of the 14 rate classification levels, and the single
5 rate established for each RCL.

6 (e) Except as specified in paragraph (1), the department shall
7 determine the RCL for each group home program on a prospective
8 basis, according to the level of care and services that the group
9 home operator projects will be provided during the period of time
10 for which the rate is being established.

11 (1) (A) (i) For new and existing providers requesting the
12 establishment of an RCL, and for existing group home programs
13 requesting an RCL increase, the department shall determine the
14 RCL no later than 13 months after the effective date of the
15 provisional rate. The determination of the RCL shall be based on
16 a program audit of documentation and other information that
17 verifies the level of care and supervision provided by the group
18 home program during a period of the two full calendar months or
19 60 consecutive days, whichever is longer, preceding the date of
20 the program audit, unless the group home program requests a lower
21 RCL. The program audit shall not cover the first six months of
22 operation under the provisional rate.

23 (ii) For audit purposes, if the group home program serves a
24 mixture of AFDC-FC eligible and ineligible children, the weighted
25 hours for child care and social work services provided and the
26 capacity of the group home shall be adjusted by the ratio of
27 AFDC-FC eligible children to all children in placement.

28 (iii) Pending the department’s issuance of the program audit
29 report that determines the RCL for the group home program, the
30 group home program shall be eligible to receive a provisional rate
31 that shall be based on the level of care and service that the group
32 home program proposes it will provide. The group home program
33 shall be eligible to receive only the RCL determined by the
34 department during the pendency of any appeal of the department’s
35 RCL determination.

36 (B) A group home program may apply for an increase in its
37 RCL no earlier than two years from the date the department has
38 determined the group home program’s rate, unless the host county,
39 the primary placing county, or a regional consortium of counties
40 submits to the department in writing that the program is needed

1 in that county, that the provider is capable of effectively and
2 efficiently operating the proposed program, and that the provider
3 is willing and able to accept AFDC-FC children for placement
4 who are determined by the placing agency to need the level of care
5 and services that will be provided by the program.

6 (C) To ensure efficient administration of the department's audit
7 responsibilities, and to avoid the fraudulent creation of records,
8 group home programs shall make records that are relevant to the
9 RCL determination available to the department in a timely manner.
10 Except as provided in this section, the department may refuse to
11 consider, for purposes of determining the rate, any documents that
12 are relevant to the determination of the RCL that are not made
13 available by the group home provider by the date the group home
14 provider requests a hearing on the department's RCL
15 determination. The department may refuse to consider, for purposes
16 of determining the rate, the following records, unless the group
17 home provider makes the records available to the department
18 during the fieldwork portion of the department's program audit:

19 (i) Records of each employee's full name, home address,
20 occupation, and social security number.

21 (ii) Time records showing when the employee begins and ends
22 each work period, meal periods, split shift intervals, and total daily
23 hours worked.

24 (iii) Total wages paid each payroll period.

25 (iv) Records required to be maintained by licensed group home
26 providers under Title 22 of the California Code of Regulations
27 that are relevant to the RCL determination.

28 (D) To minimize financial abuse in the startup of group home
29 programs, when the department's RCL determination is more than
30 three levels lower than the RCL level proposed by the group home
31 provider, and the group home provider does not appeal the
32 department's RCL determination, the department shall terminate
33 the rate of a group home program 45 days after issuance of its
34 program audit report. When the group home provider requests a
35 hearing on the department's RCL determination, and the RCL
36 determined by the director under subparagraph (E) is more than
37 three levels lower than the RCL level proposed by the group home
38 provider, the department shall terminate the rate of a group home
39 program within 30 days of issuance of the director's decision.
40 Notwithstanding the reapplication provisions in subparagraph (B),

1 the department shall deny any request for a new or increased RCL
2 from a group home provider whose RCL is terminated pursuant
3 to this subparagraph, for a period of no greater than two years from
4 the effective date of the RCL termination.

5 (E) A group home provider may request a hearing of the
6 department's RCL determination under subparagraph (A) no later
7 than 30 days after the date the department issues its RCL
8 determination. The department's RCL determination shall be final
9 if the group home provider does not request a hearing within the
10 prescribed time. Within 60 days of receipt of the request for
11 hearing, the department shall conduct a hearing on the RCL
12 determination. The standard of proof shall be the preponderance
13 of the evidence and the burden of proof shall be on the department.
14 The hearing officer shall issue the proposed decision within 45
15 days of the close of the evidentiary record. The director shall adopt,
16 reject, or modify the proposed decision, or refer the matter back
17 to the hearing officer for additional evidence or findings within
18 100 days of issuance of the proposed decision. If the director takes
19 no action on the proposed decision within the prescribed time, the
20 proposed decision shall take effect by operation of law.

21 (2) Group home programs that fail to maintain at least the level
22 of care and services associated with the RCL upon which their rate
23 was established shall inform the department. The department shall
24 develop regulations specifying procedures to be applied when a
25 group home fails to maintain the level of services projected,
26 including, but not limited to, rate reduction and recovery of
27 overpayments.

28 (3) The department shall not reduce the rate, establish an
29 overpayment, or take other actions pursuant to paragraph (2) for
30 any period that a group home program maintains the level of care
31 and services associated with the RCL for children actually residing
32 in the facility. Determinations of levels of care and services shall
33 be made in the same way as modifications of overpayments are
34 made pursuant to paragraph (2) of subdivision (b) of Section
35 11466.2.

36 (4) A group home program that substantially changes its staffing
37 pattern from that reported in the group home program statement
38 shall provide notification of this change to all counties that have
39 placed children currently in care. This notification shall be provided

1 whether or not the RCL for the program may change as a result of
2 the change in staffing pattern.

3 (f) (1) The standardized schedule of rates for the 2002–03,
4 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08 fiscal years
5 is:

			FY 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08
10	Rate Classification Level	Point ranges	Standard Rate
11	1	Under 60	\$1,454
12	2	60–89	1,835
13	3	90–119	2,210
14	4	120–149	2,589
15	5	150–179	2,966
16	6	180–209	3,344
17	7	210–239	3,723
18	8	240–269	4,102
19	9	270–299	4,479
20	10	300–329	4,858
21	11	330–359	5,234
22	12	360–389	5,613
23	13	390–419	5,994
24	14	420 & Up	6,371

25
26 (2) (A) For group home programs that receive AFDC-FC
27 payments for services performed during the 2002–03, 2003–04,
28 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10
29 fiscal years, the adjusted RCL point ranges below shall be used
30 for establishing the biennial rates for existing programs, pursuant
31 to paragraph (3) of subdivision (a) and in performing program
32 audits and in determining any resulting rate reduction, overpayment
33 assessment, or other actions pursuant to paragraph (2) of
34 subdivision (e):

		Adjusted Point Ranges for the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 Fiscal Years
39	Rate Classification Level	
40	1	Under 54

1	2	54–81
2	3	82–110
3	4	111–138
4	5	139–167
5	6	168–195
6	7	196–224
7	8	225–253
8	9	254–281
9	10	282–310
10	11	311–338
11	12	339–367
12	13	368–395
13	14	396 & Up

15 (B) Notwithstanding subparagraph (A), foster care providers
 16 operating group homes during the 2002–03, 2003–04, 2004–05,
 17 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 fiscal years
 18 shall remain responsible for ensuring the health and safety of the
 19 children placed in their programs in accordance with existing
 20 applicable provisions of the Health and Safety Code and
 21 community care licensing regulations, as contained in Title 22 of
 22 the California Code of Regulations.

23 (C) Subparagraph (A) shall not apply to program audits of group
 24 home programs with provisional rates established pursuant to
 25 paragraph (1) of subdivision (e). For those program audits, the
 26 RCL point ranges in paragraph (1) shall be used.

27 (D) Rates applicable for the 2009–10 fiscal year pursuant to the
 28 act that adds this subparagraph shall be effective October 1, 2009.

29 (3) (A) For group home programs that receive AFDC-FC
 30 payments for services performed during the 2009–10 fiscal year
 31 the adjusted RCL point ranges below shall be used for establishing
 32 the biennial rates for existing programs, pursuant to paragraph (3)
 33 of subdivision (a) and in performing program audits and in
 34 determining any resulting rate reduction, overpayment assessment,
 35 or other actions pursuant to paragraph (2) of subdivision (e):

37	Rate	Adjusted Point Ranges
38	Classification	for the 2009–10
39	Level	Fiscal Years
40	1	Under 39

1	2	39-64
2	3	65-90
3	4	91-115
4	5	116-141
5	6	142-167
6	7	168-192
7	8	193-218
8	9	219-244
9	10	245-270
10	11	271-295
11	12	296-321
12	13	322-347
13	14	348 & Up

15 (B) Notwithstanding subparagraph (A), foster care providers
 16 operating group homes during the 2009-10 fiscal year shall remain
 17 responsible for ensuring the health and safety of the children placed
 18 in their programs in accordance with existing applicable provisions
 19 of the Health and Safety Code and community care licensing
 20 regulations as contained in Title 22 of the California Code of
 21 Regulations.

22 (C) Subparagraph (A) shall not apply to program audits of group
 23 home programs with provisional rates established pursuant to
 24 paragraph (1) of subdivision (e). For those program audits, the
 25 RCL point ranges in paragraph (1) shall be used.

26 (g) (1) (A) For the 1999-2000 fiscal year, the standardized
 27 rate for each RCL shall be adjusted by an amount equal to the
 28 California Necessities Index computed pursuant to the methodology
 29 described in Section 11453. The resultant amounts shall constitute
 30 the new standardized schedule of rates, subject to further
 31 adjustment pursuant to subparagraph (B).

32 (B) In addition to the adjustment in subparagraph (A),
 33 commencing January 1, 2000, the standardized rate for each RCL
 34 shall be increased by 2.36 percent, rounded to the nearest dollar.
 35 The resultant amounts shall constitute the new standardized
 36 schedule of rates.

37 (2) Beginning with the 2000-01 fiscal year, the standardized
 38 schedule of rates shall be adjusted annually by an amount equal
 39 to the CNI computed pursuant to Section 11453, subject to the

1 availability of funds. The resultant amounts shall constitute the
2 new standardized schedule of rates.

3 (3) Effective January 1, 2001, the amount included in the
4 standard rate for each Rate Classification Level (RCL) for the
5 salaries, wages, and benefits for staff providing child care and
6 supervision or performing social work activities, or both, shall be
7 increased by 10 percent. This additional funding shall be used by
8 group home programs solely to supplement staffing, salaries,
9 wages, and benefit levels of staff specified in this paragraph. The
10 standard rate for each RCL shall be recomputed using this adjusted
11 amount and the resultant rates shall constitute the new standardized
12 schedule of rates. The department may require a group home
13 receiving this additional funding to certify that the funding was
14 utilized in accordance with the provisions of this section.

15 (4) Effective January 1, 2008, the amount included in the
16 standard rate for each RCL for the wages for staff providing child
17 care and supervision or performing social work activities, or both,
18 shall be increased by 5 percent, and the amount included for the
19 payroll taxes and other employer-paid benefits for these staff shall
20 be increased from 20.325 percent to 24 percent. The standard rate
21 for each RCL shall be recomputed using these adjusted amounts,
22 and the resulting rates shall constitute the new standardized
23 schedule of rates.

24 (5) The new standardized schedule of rates as provided for in
25 paragraph (4) shall be reduced by 10 percent, effective October 1,
26 2009, and the resulting rates shall constitute the new standardized
27 schedule of rates.

28 (6) The rates of licensed group home providers, whose rates are
29 not established under the standardized schedule of rates, shall be
30 reduced by 10 percent, effective October 1, 2009.

31 (h) The standardized schedule of rates pursuant to subdivisions
32 (f) and (g) shall be implemented as follows:

33 (1) Any group home program that received an AFDC-FC rate
34 in the prior fiscal year at or above the standard rate for the RCL
35 in the current fiscal year shall continue to receive that rate.

36 (2) Any group home program that received an AFDC-FC rate
37 in the prior fiscal year below the standard rate for the RCL in the
38 current fiscal year shall receive the RCL rate for the current year.

39 (i) (1) The department shall not establish a rate for a new
40 program of a new or existing provider, or for an existing program

1 at a new location of an existing provider, unless the provider
2 submits a letter of recommendation from the host county, the
3 primary placing county, or a regional consortium of counties that
4 includes all of the following:

5 (A) That the program is needed by that county.

6 (B) That the provider is capable of effectively and efficiently
7 operating the program.

8 (C) That the provider is willing and able to accept AFDC-FC
9 children for placement who are determined by the placing agency
10 to need the level of care and services that will be provided by the
11 program.

12 (D) That, if the letter of recommendation is not being issued by
13 the host county, the primary placing county has notified the host
14 county of its intention to issue the letter and the host county was
15 given the opportunity of 30 days to respond to this notification
16 and to discuss options with the primary placing county.

17 (2) The department shall encourage the establishment of
18 consortia of county placing agencies on a regional basis for the
19 purpose of making decisions and recommendations about the need
20 for, and use of, group home programs and other foster care
21 providers within the regions.

22 (3) The department shall annually conduct a county-by-county
23 survey to determine the unmet placement needs of children placed
24 pursuant to Section 300 and Section 601 or 602, and shall publish
25 its findings by November 1 of each year.

26 (j) The department shall develop regulations specifying
27 ratesetting procedures for program expansions, reductions, or
28 modifications, including increases or decreases in licensed capacity,
29 or increases or decreases in level of care or services.

30 (k) For the purpose of this subdivision, “program change” means
31 any alteration to an existing group home program planned by a
32 provider that will increase the RCL or AFDC-FC rate. An increase
33 in the licensed capacity or other alteration to an existing group
34 home program that does not increase the RCL or AFDC-FC rate
35 shall not constitute a program change.

36 (l) General unrestricted or undesignated private charitable
37 donations and contributions made to charitable or nonprofit
38 organizations shall not be deducted from the cost of providing
39 services pursuant to this section. The donations and contributions

1 shall not be considered in any determination of maximum
 2 expenditures made by the department.

3 ~~(m) (1) This section shall become inoperative on January 1,~~
 4 ~~2017, except that this section shall continue to apply, until January~~
 5 ~~1, 2018, to a group home that has been granted an extension~~
 6 ~~pursuant to the exception process described in subdivision (d) of~~
 7 ~~Section 11462.04.~~

8 ~~(2) This section is repealed as of January 1, 2018, unless a later~~
 9 ~~enacted statute, that is enacted before January 1, 2018, deletes or~~
 10 ~~extends that date.~~

11 ~~(m) This section shall remain in effect only until January 1,~~
 12 ~~2017, and as of that date is repealed, unless a later enacted statute,~~
 13 ~~that is enacted before January 1, 2017, deletes or extends that~~
 14 ~~date.~~

15 ~~SEC. 52.~~

16 ~~SEC. 57.~~ Section 11462 is added to the Welfare and Institutions
 17 Code, to read:

18 11462. (a) The department shall commence development of
 19 a new payment structure for short-term residential treatment center
 20 program placements claiming Title IV-E funding.

21 (b) The department shall develop a rate system that includes
 22 consideration of all of the following factors:

23 (1) Core services provided that encompass community service
 24 and supports, permanency-related services, medical and mental
 25 health support and access to services, educational support, life and
 26 social support, transitional support services upon discharge,
 27 biological parent and resource family supports, and services for
 28 nonminor dependents.

29 (2) Staff training.

30 (3) Health and Safety Code requirements.

31 (4) Accreditation that includes:

32 (A) Provision for all licensed foster family agencies to maintain
 33 in good standing accreditation from a nationally recognized
 34 accreditation agency with expertise in programs for youth group
 35 care facilities, as determined by the department.

36 (B) Promulgation by the department of information identifying
 37 that agency or agencies from which accreditation shall be required.

38 (C) Provision for timely reporting to the department of any
 39 change in accreditation status.

1 (5) Mental health certification, including a requirement to timely
2 report to the department any change in mental health certificate
3 status.

4 (6) Maximization of federal financial participation under Title
5 IV-E and Title XIX of the Social Security Act.

6 (c) The department shall develop a system of governmental
7 monitoring and oversight that shall be carried out in coordination
8 with the State Department of Health Care Services. Oversight
9 responsibilities shall include, but not be limited to, ensuring
10 conformity with federal and state law, including program, fiscal,
11 and health and safety audits and reviews.

12 (d) This section shall become operative on January 1, 2017.

13 *SEC. 58. Section 11462.001 is added to the Welfare and*
14 *Institutions Code, immediately following Section 11462, to read:*

15 *11462.001. (a) (1) Foster care providers licensed as group*
16 *homes, as defined in departmental regulations, including public*
17 *child care institutions, as defined in Section 11402.5, shall have*
18 *rates established by classifying each group home program and*
19 *applying the standardized schedule of rates. The department shall*
20 *collect information from group providers in order to classify each*
21 *group home program.*

22 *(2) Notwithstanding paragraph (1), foster care providers*
23 *licensed as group homes shall have rates established only if the*
24 *group home is organized and operated on a nonprofit basis as*
25 *required under subdivision (h) of Section 11400. The department*
26 *shall terminate the rate of any group home not organized and*
27 *operated on a nonprofit basis as required under subdivision (h)*
28 *of Section 11400.*

29 *(3) (A) The department shall determine, consistent with the*
30 *requirements of this chapter and other relevant requirements under*
31 *law, the rate classification level (RCL) for each group home*
32 *program on a biennial basis. Submission of the biennial rate*
33 *application shall be made according to a schedule determined by*
34 *the department.*

35 *(B) The department shall adopt regulations to implement this*
36 *paragraph. The adoption, amendment, repeal, or readoption of a*
37 *regulation authorized by this paragraph is deemed to be necessary*
38 *for the immediate preservation of the public peace, health and*
39 *safety, or general welfare, for purposes of Sections 11346.1 and*
40 *11349.6 of the Government Code, and the department is hereby*

1 *exempted from the requirement to describe specific facts showing*
2 *the need for immediate action.*

3 *(b) A group home program shall be initially classified, for*
4 *purposes of emergency regulations, according to the level of care*
5 *and services to be provided using a point system developed by the*
6 *department and described in the report, “The Classification of*
7 *Group Home Programs under the Standardized Schedule of Rates*
8 *System,” prepared by the State Department of Social Services,*
9 *August 30, 1989.*

10 *(c) The rate for each RCL has been determined by the*
11 *department with data from the AFDC-FC Group Home Rate*
12 *Classification Pilot Study.*

13 *(d) As used in this section, “standardized schedule of rates”*
14 *means a listing of the 14 rate classification levels, and the single*
15 *rate established for each RCL.*

16 *(e) Except as specified in paragraph (1), the department shall*
17 *determine the RCL for each group home program on a prospective*
18 *basis, according to the level of care and services that the group*
19 *home operator projects will be provided during the period of time*
20 *for which the rate is being established.*

21 *(1) (A) (i) For new and existing providers requesting the*
22 *establishment of an RCL, and for existing group home programs*
23 *requesting an RCL increase, the department shall determine the*
24 *RCL no later than 13 months after the effective date of the*
25 *provisional rate. The determination of the RCL shall be based on*
26 *a program audit of documentation and other information that*
27 *verifies the level of care and supervision provided by the group*
28 *home program during a period of the two full calendar months or*
29 *60 consecutive days, whichever is longer, preceding the date of*
30 *the program audit, unless the group home program requests a*
31 *lower RCL. The program audit shall not cover the first six months*
32 *of operation under the provisional rate.*

33 *(ii) For audit purposes, if the group home program serves a*
34 *mixture of AFDC-FC eligible and ineligible children, the weighted*
35 *hours for child care and social work services provided and the*
36 *capacity of the group home shall be adjusted by the ratio of*
37 *AFDC-FC eligible children to all children in placement.*

38 *(iii) Pending the department’s issuance of the program audit*
39 *report that determines the RCL for the group home program, the*
40 *group home program shall be eligible to receive a provisional rate*

1 *that shall be based on the level of care and service that the group*
2 *home program proposes it will provide. The group home program*
3 *shall be eligible to receive only the RCL determined by the*
4 *department during the pendency of any appeal of the department's*
5 *RCL determination.*

6 (B) *A group home program may apply for an increase in its*
7 *RCL no earlier than two years from the date the department has*
8 *determined the group home program's rate, unless the host county,*
9 *the primary placing county, or a regional consortium of counties*
10 *submits to the department in writing that the program is needed*
11 *in that county, that the provider is capable of effectively and*
12 *efficiently operating the proposed program, and that the provider*
13 *is willing and able to accept AFDC-FC children for placement*
14 *who are determined by the placing agency to need the level of care*
15 *and services that will be provided by the program.*

16 (C) *To ensure efficient administration of the department's audit*
17 *responsibilities, and to avoid the fraudulent creation of records,*
18 *group home programs shall make records that are relevant to the*
19 *RCL determination available to the department in a timely manner.*
20 *Except as provided in this section, the department may refuse to*
21 *consider, for purposes of determining the rate, any documents that*
22 *are relevant to the determination of the RCL that are not made*
23 *available by the group home provider by the date the group home*
24 *provider requests a hearing on the department's RCL*
25 *determination. The department may refuse to consider, for purposes*
26 *of determining the rate, the following records, unless the group*
27 *home provider makes the records available to the department*
28 *during the fieldwork portion of the department's program audit:*

29 (i) *Records of each employee's full name, home address,*
30 *occupation, and social security number.*

31 (ii) *Time records showing when the employee begins and ends*
32 *each work period, meal periods, split shift intervals, and total daily*
33 *hours worked.*

34 (iii) *Total wages paid each payroll period.*

35 (iv) *Records required to be maintained by licensed group home*
36 *providers under Title 22 of the California Code of Regulations*
37 *that are relevant to the RCL determination.*

38 (D) *To minimize financial abuse in the startup of group home*
39 *programs, when the department's RCL determination is more than*
40 *three levels lower than the RCL level proposed by the group home*

1 provider, and the group home provider does not appeal the
2 department's RCL determination, the department shall terminate
3 the rate of a group home program 45 days after issuance of its
4 program audit report. When the group home provider requests a
5 hearing on the department's RCL determination, and the RCL
6 determined by the director under subparagraph (E) is more than
7 three levels lower than the RCL level proposed by the group home
8 provider, the department shall terminate the rate of a group home
9 program within 30 days of issuance of the director's decision.
10 Notwithstanding the reapplication provisions in subparagraph
11 (B), the department shall deny any request for a new or increased
12 RCL from a group home provider whose RCL is terminated
13 pursuant to this subparagraph, for a period of no greater than two
14 years from the effective date of the RCL termination.

15 (E) A group home provider may request a hearing of the
16 department's RCL determination under subparagraph (A) no later
17 than 30 days after the date the department issues its RCL
18 determination. The department's RCL determination shall be final
19 if the group home provider does not request a hearing within the
20 prescribed time. Within 60 days of receipt of the request for
21 hearing, the department shall conduct a hearing on the RCL
22 determination. The standard of proof shall be the preponderance
23 of the evidence and the burden of proof shall be on the department.
24 The hearing officer shall issue the proposed decision within 45
25 days of the close of the evidentiary record. The director shall adopt,
26 reject, or modify the proposed decision, or refer the matter back
27 to the hearing officer for additional evidence or findings within
28 100 days of issuance of the proposed decision. If the director takes
29 no action on the proposed decision within the prescribed time, the
30 proposed decision shall take effect by operation of law.

31 (2) Group home programs that fail to maintain at least the level
32 of care and services associated with the RCL upon which their
33 rate was established shall inform the department. The department
34 shall develop regulations specifying procedures to be applied when
35 a group home fails to maintain the level of services projected,
36 including, but not limited to, rate reduction and recovery of
37 overpayments.

38 (3) The department shall not reduce the rate, establish an
39 overpayment, or take other actions pursuant to paragraph (2) for
40 any period that a group home program maintains the level of care

1 *and services associated with the RCL for children actually residing*
2 *in the facility. Determinations of levels of care and services shall*
3 *be made in the same way as modifications of overpayments are*
4 *made pursuant to paragraph (2) of subdivision (b) of Section*
5 *11466.2.*

6 *(4) A group home program that substantially changes its staffing*
7 *pattern from that reported in the group home program statement*
8 *shall provide notification of this change to all counties that have*
9 *placed children currently in care. This notification shall be*
10 *provided whether or not the RCL for the program may change as*
11 *a result of the change in staffing pattern.*

12 *(f) The standardized schedule of rates pursuant to subdivisions*
13 *(f) and (g) of Section 11462, as that section read on January 1,*
14 *2015, shall be implemented as follows:*

15 *(1) Any group home program that received an AFDC-FC rate*
16 *in the prior fiscal year at or above the standard rate for the RCL*
17 *in the current fiscal year shall continue to receive that rate.*

18 *(2) Any group home program that received an AFDC-FC rate*
19 *in the prior fiscal year below the standard rate for the RCL in the*
20 *current fiscal year shall receive the RCL rate for the current year.*

21 *(g) (1) The department shall not establish a rate for a new*
22 *program of a new or existing provider, or for an existing program*
23 *at a new location of an existing provider, unless the provider*
24 *submits a letter of recommendation from the host county, the*
25 *primary placing county, or a regional consortium of counties that*
26 *includes all of the following:*

27 *(A) That the program is needed by that county.*

28 *(B) That the provider is capable of effectively and efficiently*
29 *operating the program.*

30 *(C) That the provider is willing and able to accept AFDC-FC*
31 *children for placement who are determined by the placing agency*
32 *to need the level of care and services that will be provided by the*
33 *program.*

34 *(D) That, if the letter of recommendation is not being issued by*
35 *the host county, the primary placing county has notified the host*
36 *county of its intention to issue the letter and the host county was*
37 *given the opportunity of 30 days to respond to this notification*
38 *and to discuss options with the primary placing county.*

39 *(2) The department shall encourage the establishment of*
40 *consortia of county placing agencies on a regional basis for the*

1 *purpose of making decisions and recommendations about the need*
2 *for, and use of, group home programs and other foster care*
3 *providers within the regions.*

4 *(3) The department shall annually conduct a county-by-county*
5 *survey to determine the unmet placement needs of children placed*
6 *pursuant to Section 300 and Section 601 or 602, and shall publish*
7 *its findings by November 1 of each year.*

8 *(h) The department shall develop regulations specifying*
9 *ratesetting procedures for program expansions, reductions, or*
10 *modifications, including increases or decreases in licensed*
11 *capacity, or increases or decreases in level of care or services.*

12 *(i) For the purpose of this subdivision, “program change”*
13 *means any alteration to an existing group home program planned*
14 *by a provider that will increase the RCL or AFDC-FC rate. An*
15 *increase in the licensed capacity or other alteration to an existing*
16 *group home program that does not increase the RCL or AFDC-FC*
17 *rate shall not constitute a program change.*

18 *(j) General unrestricted or undesignated private charitable*
19 *donations and contributions made to charitable or nonprofit*
20 *organizations shall not be deducted from the cost of providing*
21 *services pursuant to this section. The donations and contributions*
22 *shall not be considered in any determination of maximum*
23 *expenditures made by the department.*

24 *(k) This section shall only apply to a group home that has been*
25 *granted an extension pursuant to the exception process described*
26 *in subdivision (d) of Section 11462.04.*

27 *(l) This section shall become operative on January 1, 2017.*

28 *(m) This section shall remain in effect only until January 1,*
29 *2018, and as of that date is repealed, unless a later enacted statute,*
30 *that is enacted before January 1, 2018, deletes or extends that*
31 *date.*

32 ~~SEC. 53.~~

33 *SEC. 59.* Section 11462.01 of the Welfare and Institutions
34 Code is amended to read:

35 11462.01. (a) Commencing July 1, 1994, a group home
36 program shall be classified at RCL 13 or RCL 14 if the program
37 meets all of the following requirements:

38 (1) The group home program is providing, or has proposed to
39 provide, the level of care and services necessary to generate
40 sufficient points in the ratesetting process to be classified at RCL

1 13 if the rate application is for RCL 13 or to be classified at RCL
2 14 if the rate application is for RCL 14.

3 (2) (A) (i) The group home provider shall agree not to accept
4 for placement into a group home program AFDC-FC funded
5 children, including voluntary placements and seriously emotionally
6 disturbed children placed out-of-home pursuant to an individualized
7 education program developed under Section 7572.5 of the
8 Government Code, who have not been approved for placement by
9 an interagency placement committee, as described by Section 4096.
10 The approval shall be in writing and shall indicate that the
11 interagency placement committee has determined the child is
12 seriously emotionally disturbed, as defined by Section 5600.3 and
13 subject to Section 1502.4 of the Health and Safety Code, and that
14 the child needs the level of care provided by the group home.

15 (ii) For purposes of clause (i), group home providers who accept
16 seriously emotionally disturbed children who are assessed and
17 placed out-of-home pursuant to an individualized education
18 program developed under Section 7572.5 of the Government Code
19 shall be deemed to have met the interagency placement committee
20 approval for placement requirements of clause (i) if the
21 individualized education program assessment indicates that the
22 child has been determined to be seriously emotionally disturbed,
23 as defined in Section 5600.3 and subject to Section 1502.4 of the
24 Health and Safety Code, and needs the level of care described in
25 clause (i).

26 (B) (i) Nothing in this subdivision shall prevent the emergency
27 placement of a child into a group home program prior to the
28 determination by the interagency placement committee pursuant
29 to subclause (i) of subparagraph (A) if a licensed mental health
30 professional, as defined in the department's AFDC-FC ratesetting
31 regulations, has evaluated, in writing, the child within 72 hours of
32 placement, and determined the child to be seriously emotionally
33 disturbed and in need of the care and services provided by the
34 group home program.

35 (ii) The interagency placement committee shall, within 30 days
36 of placement pursuant to clause (i), make the determination
37 required by clause (i) of subparagraph (A).

38 (iii) If, pursuant to clause (ii), the placement is determined to
39 be appropriate, the committee shall transmit the approval, in
40 writing, to the county placing agency and the group home provider.

1 (iv) If, pursuant to clause (ii) the placement is determined not
2 to be appropriate, the child shall be removed from the group home
3 and referred to a more appropriate placement, as specified in
4 subdivision (f).

5 (C) Commencing December 15, 1992, with respect to AFDC-FC
6 funded children, only those children who are approved for
7 placement by an interagency placement committee may be accepted
8 by a group home under this subdivision.

9 (3) The group home program is certified by the State Department
10 of Health Care Services pursuant to Section 4096.5.

11 (b) The department shall not establish a rate for a group home
12 requesting a program change to RCL 13 or RCL 14 unless the
13 group home provider submits a recommendation from the host
14 county or the primary placing county that the program is needed
15 and that the provider is willing and capable of operating the
16 program at the level sought. For purposes of this subdivision, “host
17 county,” “primary placing county,” and “program change” mean
18 the same as defined in the department’s AFDC-FC ratesetting
19 regulations.

20 (c) The effective date of rates set at RCL 13 or RCL 14 shall
21 be the date that all the requirements are met, but not prior to July
22 1 of that fiscal year. Nothing in this section shall affect RCL 13
23 or RCL 14 ratesetting determinations in prior years.

24 (d) Any group home program that has been classified at RCL
25 13 or RCL 14 pursuant to the requirements of subdivision (a) shall
26 be reclassified at the appropriate lower RCL with a commensurate
27 reduction in rate if either of the following occurs:

28 (1) The group home program fails to maintain the level of care
29 and services necessary to generate the necessary number of points
30 for RCL 13 or RCL 14, as required by paragraph (1) of subdivision
31 (a). The determination of points shall be made consistent with the
32 department’s AFDC-FC ratesetting regulations for other rate
33 classification levels.

34 (2) The group home program fails to maintain a certified mental
35 health treatment program as required by paragraph (3) of
36 subdivision (a).

37 (3) In the event of a determination under paragraph (1), the
38 group home may appeal the finding or submit a corrective action
39 plan. The appeal process specified in Section 11466.6 shall be
40 available to RCL 13 and RCL 14 group home providers. During

1 any appeal, the group home shall maintain the appropriate level
2 of care.

3 (e) The interagency placement committee shall periodically
4 review, but no less often than that required by current law, the
5 placement of the child. If the committee determines that the child
6 no longer needs, or is not benefiting from, placement in a RCL 13
7 or RCL 14 group home, the committee shall require the removal
8 of the child and a new disposition.

9 (f) (1) (A) If, at any time subsequent to placement in an RCL
10 13 or RCL 14 group home program, the interagency placement
11 committee determines either that the child is not seriously
12 emotionally disturbed or is not in need of the care and services
13 provided by the group home program, it shall notify, in writing,
14 both the county placing agency and the group home provider within
15 10 days of the determination.

16 (B) The county placing agency shall notify the group home
17 provider, in writing, within five days from the date of the notice
18 from the committee, of the county's plan for removal of the child.

19 (C) The county placing agency shall remove the child from the
20 group home program within 30 days from the date of the notice
21 from the interagency placement committee.

22 (2) (A) If a county placing agency does not remove a child
23 within 30 days from the date of the notice from the interagency
24 placement committee, the group home provider shall notify the
25 interagency placement committee and the department, in writing,
26 of the county's failure to remove the child from the group home
27 program.

28 (B) The group home provider shall make the notification
29 required by subparagraph (A) within five days of the expiration
30 of the 30-day removal period. If notification is made, a group home
31 provider shall not be subject to an overpayment determination due
32 to failure of the county placing agency to remove the child.

33 (3) Any county placing agency that fails to remove a child from
34 a group home program under this paragraph within 30 days from
35 the date of the notice from the interagency placement committee
36 shall be assessed a penalty in the amount of the state and federal
37 financial participation in the AFDC-FC rate paid on behalf of the
38 child commencing on the 31st day and continuing until the child
39 is removed.

1 (g) (1) If any RCL 13 or RCL 14 group home provider discovers
2 that it does not have written approval for placement of any
3 AFDC-FC funded child placed on or after December 15, 1992,
4 from the interagency placement committee, it shall notify the
5 county placing agency, in writing, and shall request the county to
6 obtain approval from the interagency placement committee or
7 remove the child from the group home program. A group home
8 provider shall have 30 days from the child's first day of placement
9 to discover the placement error and to notify the county placing
10 agency.

11 (2) Any county placing agency that receives notification
12 pursuant to paragraph (2) of subdivision (f) shall obtain approval
13 for placement from the interagency placement committee or remove
14 the child from the group home program within 30 days from the
15 date of the notice from the group home provider. The program
16 shall not be reclassified to a lower RCL for a violation of the
17 provisions referred to in this paragraph.

18 (3) (A) If a county placing agency does not have the placement
19 of a child approved by the interagency placement committee or
20 removed from the group home within 30 days from the date of the
21 notice from the group home provider, the group home provider
22 shall notify the county placing agency and the department, in
23 writing, of the county's failure to have the placement of the child
24 approved or remove the child from the group home program.

25 (B) The group home provider shall make the notification
26 required by subparagraph (A) within five days after the expiration
27 of the 30-day approval or removal period. If notification is made,
28 a group home provider shall not be subject to an overpayment
29 determination due to failure of the county placing agency to remove
30 the child.

31 (C) Any group home provider that fails to notify the county
32 placing agency pursuant to subparagraph (A) shall be assessed a
33 penalty in the amount of the AFDC-FC rate paid to the group home
34 provider on behalf of the child commencing on the 31st day of
35 placement and continuing until the county placing agency is
36 notified.

37 (4) Any county placing agency that fails to have the placement
38 of a child approved or to have the child removed from the group
39 home program within 30 days shall be assessed a penalty in the
40 amount of the state and federal financial participation in the

1 AFDC-FC rate paid on behalf of the child commencing on the 31st
2 day of placement and continuing until the child is removed.

3 (h) The department shall develop regulations to obtain payment
4 of assessed penalties as provided in this section. For audit purposes
5 and the application of penalties for RCL 13 and RCL 14 programs,
6 the department shall apply statutory provisions that were in effect
7 during the period for which the audit was conducted.

8 (i) (1) Nothing in this subparagraph shall prohibit a group home
9 classified at RCL 13 or RCL 14 for purposes of the AFDC-FC
10 program, from accepting private placements of children.

11 (2) When a referral is not from a public agency and no public
12 funding is involved, there shall be no requirement for public agency
13 review or determination of need.

14 (3) Children subject to paragraphs (1) and (2) shall have been
15 assessed as seriously emotionally disturbed, as defined in Section
16 5600.3 and subject to Section 1502.4 of the Health and Safety
17 Code, by a licensed mental health professional, as defined in
18 Sections 629 to 633, inclusive, of Title 9 of the California Code
19 of Regulations.

20 (j) A child shall not be placed in a group home program
21 classified at an RCL 13 or RCL 14 if the placement is paid for
22 with county-only funds unless the child is assessed as seriously
23 emotionally disturbed, as defined in Section 5600.3, subject to
24 Section 1502.4 of the Health and Safety Code, by a licensed mental
25 health professional, as defined in Sections 629 to 633, inclusive,
26 of Title 9 of the California Code of Regulations.

27 ~~(k) (1) This section shall become inoperative on January 1,
28 2017, except that this section shall continue to apply, until January
29 1, 2018, to a group home that has been granted an extension
30 pursuant to the exception process described in subdivision (d) of
31 Section 11462.04.~~

32 ~~(2) This section is repealed as of January 1, 2018, unless a later
33 enacted statute, that is enacted before January 1, 2018, deletes or
34 extends that date.~~

35 ~~(k) This section shall remain in effect only until January 1, 2017,
36 and as of that date is repealed, unless a later enacted statute, that
37 is enacted before January 1, 2017, deletes or extends that date.~~

38 ~~SEC. 54.~~

39 *SEC. 60.* Section 11462.01 is added to the Welfare and
40 Institutions Code, to read:

1 11462.01. (a) All short-term residential treatment centers, and
2 foster family agencies that provide treatment services, shall
3 maintain in good standing the appropriate mental health
4 certification issued by the State Department of Health Care
5 Services or a county to which the department has delegated
6 certification authority pursuant to Section 4096.5, and additionally
7 shall meet all of the following requirements:

8 (1) Maintain the level of care and services necessary to meet
9 the needs of the children *and youth* in care.

10 (2) Agree not to accept for placement AFDC-FC funded
11 ~~children, children and youth~~, including voluntary placements and
12 seriously emotionally disturbed children *who are* placed
13 out-of-home pursuant to an individualized education program
14 developed ~~under Section 7572.5 pursuant to Chapter 26.5~~
15 ~~(commencing with Section 7570) of Division 7 of Title 1~~ of the
16 Government Code, who have not been approved in writing for
17 placement by the child and family team or the interagency
18 placement committee, as described in Section 4096.

19 (A) The written approval shall indicate both of the following:

20 (i) The child *or youth* is seriously emotionally disturbed, as
21 defined by Section 5600.3 and subject to Section 1502.4 of the
22 Health and Safety Code.

23 ~~(ii) The child needs the level of care provided by the short-term~~
24 ~~residential treatment center or foster family agency that provides~~
25 ~~treatment services.~~

26 ~~(ii) The child or youth has been determined by a child and family~~
27 ~~team to need the level of services provided to maintain the safety~~
28 ~~of the child or youth, or others.~~

29 (B) Seriously emotionally disturbed children *and youth* who
30 are assessed and placed out-of-home pursuant to an individualized
31 education program developed ~~under~~ *pursuant to* Chapter 26.5
32 (commencing with Section 7570) of Division 7 of Title 1 of the
33 Government Code shall be deemed to have met the placement
34 requirements of clause (i) of subparagraph (A) only if the
35 individualized education program assessment indicates that the
36 child *or youth* has been determined to be seriously emotionally
37 disturbed, as defined in Section 5600.3 and subject to Section
38 1502.4 of the Health and Safety Code, and needs the level of care
39 described in subparagraph (A).

1 (C) Nothing in this subdivision shall prevent an emergency
2 placement of a child *or youth* into a short-term residential treatment
3 center or foster family agency that provides treatment services
4 prior to the determination by the child and family team or
5 interagency placement committee, as applicable, pursuant to
6 subparagraph (A), but only if a licensed mental health professional,
7 as defined in the department's AFDC-FC ratesetting regulations,
8 has made a written determination within 72 hours of the child's
9 *or youth's* placement, that the child *or youth* is seriously
10 emotionally disturbed and is in need of the care and services
11 provided by the short-term residential treatment center or foster
12 family agency that provides treatment services.

13 (D) (i) The child and family team or interagency placement
14 committee, as appropriate, shall, within 30 days of placement,
15 make the determinations required by subparagraph (A).

16 (ii) If it determines the placement is appropriate, the child and
17 family team or interagency placement committee, as appropriate,
18 shall transmit the approval, in writing, to the county placing agency
19 and the short-term residential treatment center or foster family
20 agency that provides treatment services.

21 (iii) If it determines the placement is not appropriate, the child
22 and family team or interagency placement committee, as
23 appropriate, shall transmit the disapproval, in writing, to the county
24 placing agency and the short-term residential treatment center or
25 foster family agency that provides treatment services, and the child
26 *or youth* shall be referred to an appropriate placement, as specified
27 in subdivision (f).

28 (E) Commencing January 1, 2017, for AFDC-FC funded
29 ~~children~~, *children or youth*, only those children *or youth* who are
30 approved for placement by the child and family team or interagency
31 placement committee, as appropriate, may be accepted by a
32 short-term residential treatment center or foster family agency that
33 provides treatment services.

34 (F) The department shall, through regulation, establish
35 consequences for the failure of a short-term residential treatment
36 center, or a foster family agency that provides treatment services,
37 to obtain written approval for placement of an AFDC-FC funded
38 child *or youth* from the child and family team or interagency
39 placement committee.

1 (3) The short-term residential treatment center, or foster family
2 agency that provides treatment services, shall be certified by the
3 State Department of Health Care Services or a county to which
4 the department has delegated certification authority pursuant to
5 Section 4096.5.

6 (b) The department shall not establish a rate for a short-term
7 residential treatment center or foster family agency that provides
8 intensive and therapeutic treatment unless the provider submits a
9 recommendation from the host county or the primary placing
10 county that the program is needed and that the provider is willing
11 and capable of operating the program at the level sought. For
12 purposes of this subdivision, “host county,” and “primary placing
13 county,” mean the same as defined in the department’s AFDC-FC
14 ratesetting regulations.

15 (c) The effective date of rates set for a short-term residential
16 treatment center or foster family agency that provides intensive
17 and therapeutic treatment shall be the date that all the requirements
18 are met.

19 (d) Any short-term residential treatment center or foster family
20 agency that provides intensive and therapeutic treatment pursuant
21 to subdivision (a) shall be reclassified and paid at the appropriate
22 program rate for which it is qualified if either of the following
23 occurs:

24 (1) (A) It fails to maintain the level of care and services
25 necessary to meet the needs of the children *and youth* in care, as
26 required by paragraph (1) of subdivision (a). The determination
27 shall be made consistent with the department’s AFDC-FC
28 ratesetting regulations developed pursuant to Sections 11462 and
29 11463 and shall take into consideration the highest level of care
30 and associated rates for which the program is eligible.

31 (B) In the event of a determination under this paragraph, the
32 short-term residential treatment center or foster family agency that
33 provides intensive and therapeutic treatment may appeal the finding
34 or submit a corrective action plan. The appeal process specified
35 in Section 11466.6 shall be available to a short-term residential
36 treatment center or foster family agency that provides intensive
37 and therapeutic treatment. During any appeal, the short-term
38 residential treatment center or foster family agency that provides
39 intensive and therapeutic treatment shall maintain the appropriate
40 level of care.

1 (2) It fails to maintain a certified mental health treatment
2 program as required by paragraph (3) of subdivision (a).

3 (e) In addition to any other review required by law, the child
4 and family team referenced in Sections 831 and 16501 shall
5 periodically review the placement of the ~~child~~: *child or youth*. If
6 the child and family team determines that the child no longer needs,
7 or is not benefiting from, placement in a short-term residential
8 treatment center or foster family agency that provides intensive
9 and therapeutic treatment, the team shall transmit the disapproval,
10 in writing, to the county placing agency and the short-term
11 residential treatment center or foster family agency that provides
12 intensive and therapeutic treatment, and the child *or youth* shall
13 be referred to an appropriate placement.

14 (f) The department shall develop a process to address placements
15 when, subsequent to the child's *or youth's* placement, a
16 determination is made by the interagency placement team or the
17 child and family team, either that the child *or youth* is not seriously
18 emotionally disturbed or is not in need of the care and services
19 provided by the certified program. The process shall include, but
20 not be limited to:

21 (1) Notice of the determination in writing to both the county
22 placing agency and the short-term residential treatment center or
23 foster family agency that provides intensive and therapeutic
24 treatment.

25 (2) Notice of the county's plan, and a time frame, for removal
26 of the child *or youth* in writing to the short-term residential
27 treatment center or foster family agency that provides intensive
28 and therapeutic treatment.

29 (3) Referral to an appropriate placement.

30 (4) Actions to be taken if a child *or youth* is not timely removed
31 from the short-term residential treatment center or foster family
32 agency that provides intensive and therapeutic treatment or placed
33 in an appropriate placement.

34 (g) (1) Nothing in this section shall prohibit a short-term
35 residential treatment center or foster family agency that provides
36 intensive and therapeutic treatment for purposes of the AFDC-FC
37 program, from accepting private placements of ~~children~~: *children*
38 *or youth*.

1 (2) When a referral is not from a public agency and no public
2 funding is involved, there is no requirement for public agency
3 review nor determination of need.

4 (3) Children *and youth* subject to paragraphs (1) and (2) shall
5 have been determined to be seriously emotionally disturbed, as
6 defined in Section 5600.3 and subject to Section 1502.4 of the
7 Health and Safety Code, by a licensed mental health professional.

8 *(h) This section shall become operative on January 1, 2017.*

9 *SEC. 61. Section 11462.015 is added to the Welfare and*
10 *Institutions Code, to read:*

11 *11462.015. (a) A group home program shall be classified at*
12 *RCL 13 or RCL 14 if the program meets all of the following*
13 *requirements:*

14 *(1) The group home program is providing, or has proposed to*
15 *provide, the level of care and services necessary to generate*
16 *sufficient points in the ratesetting process to be classified at RCL*
17 *13 if the rate application is for RCL 13 or to be classified at RCL*
18 *14 if the rate application is for RCL 14.*

19 *(2) (A) (i) The group home provider shall agree not to accept*
20 *for placement into a group home program AFDC-FC funded*
21 *children, including voluntary placements and seriously emotionally*
22 *disturbed children placed out-of-home pursuant to an*
23 *individualized education program developed under Section 7572.5*
24 *of the Government Code, who have not been approved for*
25 *placement by an interagency placement committee, as described*
26 *by Section 4096.1. The approval shall be in writing and shall*
27 *indicate that the interagency placement committee has determined*
28 *the child is seriously emotionally disturbed, as defined by Section*
29 *5600.3 and subject to Section 1502.45 of the Health and Safety*
30 *Code, and that the child needs the level of care provided by the*
31 *group home.*

32 *(ii) For purposes of clause (i), group home providers who accept*
33 *seriously emotionally disturbed children who are assessed and*
34 *placed out-of-home pursuant to an individualized education*
35 *program developed under Section 7572.5 of the Government Code*
36 *shall be deemed to have met the interagency placement committee*
37 *approval for placement requirements of clause (i) if the*
38 *individualized education program assessment indicates that the*
39 *child has been determined to be seriously emotionally disturbed,*
40 *as defined in Section 5600.3 and subject to Section 1502.45 of the*

1 *Health and Safety Code, and needs the level of care described in*
2 *clause (i).*

3 *(B) (i) Nothing in this subdivision shall prevent the emergency*
4 *placement of a child into a group home program prior to the*
5 *determination by the interagency placement committee pursuant*
6 *to clause (i) of subparagraph (A) if a licensed mental health*
7 *professional, as defined in the department’s AFDC-FC ratesetting*
8 *regulations, has evaluated, in writing, the child within 72 hours*
9 *of placement, and determined the child to be seriously emotionally*
10 *disturbed and in need of the care and services provided by the*
11 *group home program.*

12 *(ii) The interagency placement committee shall, within 30 days*
13 *of placement pursuant to clause (i), make the determination*
14 *required by clause (i) of subparagraph (A).*

15 *(iii) If, pursuant to clause (ii), the placement is determined to*
16 *be appropriate, the committee shall transmit the approval, in*
17 *writing, to the county placing agency and the group home provider.*

18 *(iv) If, pursuant to clause (ii) the placement is determined not*
19 *to be appropriate, the child shall be removed from the group home*
20 *and referred to a more appropriate placement, as specified in*
21 *subdivision (f).*

22 *(C) With respect to AFDC-FC funded children, only those*
23 *children who are approved for placement by an interagency*
24 *placement committee may be accepted by a group home under this*
25 *subdivision.*

26 *(3) The group home program is certified by the State Department*
27 *of Health Care Services pursuant to Section 4096.5.*

28 *(b) The department shall not establish a rate for a group home*
29 *requesting a program change to RCL 13 or RCL 14 unless the*
30 *group home provider submits a recommendation from the host*
31 *county or the primary placing county that the program is needed*
32 *and that the provider is willing and capable of operating the*
33 *program at the level sought. For purposes of this subdivision,*
34 *“host county,” “primary placing county,” and “program change”*
35 *mean the same as defined in the department’s AFDC-FC*
36 *ratesetting regulations.*

37 *(c) The effective date of rates set at RCL 13 or RCL 14 shall be*
38 *the date that all the requirements are met, but not prior to July 1*
39 *of that fiscal year. Nothing in this section shall affect RCL 13 or*
40 *RCL 14 ratesetting determinations in prior years.*

1 (d) Any group home program that has been classified at RCL
2 13 or RCL 14 pursuant to the requirements of subdivision (a) shall
3 be reclassified at the appropriate lower RCL with a commensurate
4 reduction in rate if either of the following occurs:

5 (1) The group home program fails to maintain the level of care
6 and services necessary to generate the necessary number of points
7 for RCL 13 or RCL 14, as required by paragraph (1) of subdivision
8 (a). The determination of points shall be made consistent with the
9 department's AFDC-FC ratesetting regulations for other rate
10 classification levels.

11 (2) The group home program fails to maintain a certified mental
12 health treatment program as required by paragraph (3) of
13 subdivision (a).

14 (3) In the event of a determination under paragraph (1), the
15 group home may appeal the finding or submit a corrective action
16 plan. The appeal process specified in Section 11466.6 shall be
17 available to RCL 13 and RCL 14 group home providers. During
18 any appeal, the group home shall maintain the appropriate level
19 of care.

20 (e) The interagency placement committee shall periodically
21 review, but no less often than that required by current law, the
22 placement of the child. If the committee determines that the child
23 no longer needs, or is not benefiting from, placement in a RCL 13
24 or RCL 14 group home, the committee shall require the removal
25 of the child and a new disposition.

26 (f) (1) (A) If, at any time subsequent to placement in an RCL
27 13 or RCL 14 group home program, the interagency placement
28 committee determines either that the child is not seriously
29 emotionally disturbed or is not in need of the care and services
30 provided by the group home program, it shall notify, in writing,
31 both the county placing agency and the group home provider within
32 10 days of the determination.

33 (B) The county placing agency shall notify the group home
34 provider, in writing, within five days from the date of the notice
35 from the committee, of the county's plan for removal of the child.

36 (C) The county placing agency shall remove the child from the
37 group home program within 30 days from the date of the notice
38 from the interagency placement committee.

39 (2) (A) If a county placing agency does not remove a child
40 within 30 days from the date of the notice from the interagency

1 *placement committee, the group home provider shall notify the*
2 *interagency placement committee and the department, in writing,*
3 *of the county's failure to remove the child from the group home*
4 *program.*

5 *(B) The group home provider shall make the notification*
6 *required by subparagraph (A) within five days of the expiration*
7 *of the 30-day removal period. If notification is made, a group home*
8 *provider shall not be subject to an overpayment determination due*
9 *to failure of the county placing agency to remove the child.*

10 *(3) Any county placing agency that fails to remove a child from*
11 *a group home program under this paragraph within 30 days from*
12 *the date of the notice from the interagency placement committee*
13 *shall be assessed a penalty in the amount of the state and federal*
14 *financial participation in the AFDC-FC rate paid on behalf of the*
15 *child commencing on the 31st day and continuing until the child*
16 *is removed.*

17 *(g) (1) If any RCL 13 or RCL 14 group home provider discovers*
18 *that it does not have written approval for placement of any*
19 *AFDC-FC funded child from the interagency placement committee,*
20 *it shall notify the county placing agency, in writing, and shall*
21 *request the county to obtain approval from the interagency*
22 *placement committee or remove the child from the group home*
23 *program. A group home provider shall have 30 days from the*
24 *child's first day of placement to discover the placement error and*
25 *to notify the county placing agency.*

26 *(2) Any county placing agency that receives notification*
27 *pursuant to paragraph (2) of subdivision (f) shall obtain approval*
28 *for placement from the interagency placement committee or remove*
29 *the child from the group home program within 30 days from the*
30 *date of the notice from the group home provider. The program*
31 *shall not be reclassified to a lower RCL for a violation of the*
32 *provisions referred to in this paragraph.*

33 *(3) (A) If a county placing agency does not have the placement*
34 *of a child approved by the interagency placement committee or*
35 *removed from the group home within 30 days from the date of the*
36 *notice from the group home provider, the group home provider*
37 *shall notify the county placing agency and the department, in*
38 *writing, of the county's failure to have the placement of the child*
39 *approved or remove the child from the group home program.*

1 (B) The group home provider shall make the notification
2 required by subparagraph (A) within five days after the expiration
3 of the 30-day approval or removal period. If notification is made,
4 a group home provider shall not be subject to an overpayment
5 determination due to failure of the county placing agency to remove
6 the child.

7 (C) Any group home provider that fails to notify the county
8 placing agency pursuant to subparagraph (A) shall be assessed a
9 penalty in the amount of the AFDC-FC rate paid to the group
10 home provider on behalf of the child commencing on the 31st day
11 of placement and continuing until the county placing agency is
12 notified.

13 (4) Any county placing agency that fails to have the placement
14 of a child approved or to have the child removed from the group
15 home program within 30 days shall be assessed a penalty in the
16 amount of the state and federal financial participation in the
17 AFDC-FC rate paid on behalf of the child commencing on the 31st
18 day of placement and continuing until the child is removed.

19 (h) The department shall develop regulations to obtain payment
20 of assessed penalties as provided in this section. For audit purposes
21 and the application of penalties for RCL 13 and RCL 14 programs,
22 the department shall apply statutory provisions that were in effect
23 during the period for which the audit was conducted.

24 (i) (1) Nothing in this subdivision shall prohibit a group home
25 classified at RCL 13 or RCL 14 for purposes of the AFDC-FC
26 program, from accepting private placements of children.

27 (2) When a referral is not from a public agency and no public
28 funding is involved, there shall be no requirement for public agency
29 review or determination of need.

30 (3) Children subject to paragraphs (1) and (2) shall have been
31 assessed as seriously emotionally disturbed, as defined in Section
32 5600.3 and subject to Section 1502.45 of the Health and Safety
33 Code, by a licensed mental health professional, as defined in
34 Sections 629 to 633, inclusive, of Title 9 of the California Code of
35 Regulations.

36 (j) A child shall not be placed in a group home program
37 classified at an RCL 13 or RCL 14 if the placement is paid for with
38 county-only funds unless the child is assessed as seriously
39 emotionally disturbed, as defined in Section 5600.3, subject to
40 Section 1502.45 of the Health and Safety Code, by a licensed

1 *mental health professional, as defined in Sections 629 to 633,*
2 *inclusive, of Title 9 of the California Code of Regulations.*

3 *(k) This section shall only apply to a group home that has been*
4 *granted an extension pursuant to the exception process described*
5 *in subdivision (d) of Section 11462.04.*

6 *(l) This section shall become operative on January 1, 2017.*

7 *(m) This section shall remain in effect only until January 1,*
8 *2018, and as of that date is repealed, unless a later enacted statute,*
9 *that is enacted before January 1, 2018, deletes or extends that*
10 *date.*

11 ~~SEC. 55.~~

12 *SEC. 62.* Section 11462.02 of the Welfare and Institutions
13 Code is amended to read:

14 11462.02. (a) Notwithstanding paragraph (2) of subdivision
15 (a) of Section 11462, a foster care provider licensed as a group
16 home ~~may~~ also *may* have a rate established if the group home is
17 operated by the County of San Mateo, as provided by subdivision
18 (h) of Section 11400.

19 ~~(b) (1) This section shall become inoperative on January 1,~~
20 ~~2017, except that this section shall continue to apply, until January~~
21 ~~1, 2018, to a group home that has been granted an extension~~
22 ~~pursuant to the exception process described in subdivision (d) of~~
23 ~~Section 11462.04.~~

24 ~~(2) This section is repealed as of January 1, 2018, unless a later~~
25 ~~enacted statute, that is enacted before January 1, 2018, deletes or~~
26 ~~extends that date.~~

27 *(b) This section shall remain in effect only until January 1, 2017,*
28 *and as of that date is repealed, unless a later enacted statute, that*
29 *is enacted before January 1, 2017, deletes or extends that date.*

30 ~~SEC. 56.~~

31 *SEC. 63.* Section 11462.02 is added to the Welfare and
32 Institutions Code, to read:

33 11462.02. (a) Any existing county-operated foster family
34 agency or group home, including the group home operated by the
35 County of San Mateo, shall, commencing January 1, 2017, be
36 classified as, and shall meet all of the requirements of, a foster
37 family agency or a short-term residential treatment center, as set
38 forth respectively in subdivisions (e) and (f) of Section 11402, to
39 be eligible to receive AFDC-FC funds.

1 (b) Notwithstanding any other law, the State Department of
2 Social Services may license a county as a foster family agency or
3 as a short-term residential treatment center.

4 (c) If a county exercises its option to operate a foster family
5 agency or a short-term residential treatment center, the county
6 shall submit an application and shall comply with the requirements
7 of Chapter 3 (commencing with Section 1500) of Division 2 of
8 the Health and Safety Code related to a foster family agency
9 programs or short-term residential treatment center, as applicable.

10 (d) A county that requests, and is granted, a license for a foster
11 family agency or short-term residential treatment center shall apply
12 for an AFDC-FC rate pursuant to Section 11463 or 11462, as
13 applicable.

14 (e) As a condition for eligibility for an AFDC-FC rate for a
15 short-term residential treatment center or a foster family agency,
16 the county shall comply with all applicable law concerning a
17 short-term residential treatment center or foster family agency,
18 including, but not limited to, the following provisions related to
19 licensing, rate, audit, due process, enforcement, and overpayment
20 collection:

21 (1) Chapter 3 (commencing with Section 1500) of Division 2
22 of the Health and Safety Code.

23 (2) Article 10 (commencing with Section 360) of Chapter 2 of
24 Part 1 of Division 2 of this code.

25 (3) Article 18 (commencing with Section 725) of Chapter 2 of
26 Part 1 of Division 2 of this code.

27 (4) Article 22 (commencing with Section 825) of Chapter 2 of
28 Part 1 of Division 2 of this code.

29 (5) Article 5 (commencing with Section 11400) of Chapter 2
30 of Part 3 of Division 9 of this code.

31 (6) Article 6 (commencing with Section 11450) of Chapter 2
32 of Part 3 of Division 9 of this code.

33 (f) The state is not obligated under Section 36 of Article XIII
34 of the California Constitution to provide any annual funding to a
35 county to comply with this section; with any regulation, executive
36 order, or administrative order implementing this section; or with
37 any federal statute or regulation related to this section, because
38 the county's operation of a licensed short-term residential treatment
39 center or foster family agency is optional for the county and is not
40 required by this section.

1 (g) Counties licensed to operate a foster family agency or
2 short-term residential treatment center shall, as a condition to
3 receiving payment, ensure that its conflict of interest mitigation
4 plan, submitted to the department pursuant to subdivision (b) of
5 Section 1506.1 and subdivision (c) of Section 1562.01 of the Health
6 and Safety Code, addresses, but is not limited to, the following:

7 (1) A decision to place children *and youth* in a county-operated
8 facility when alternative appropriate placement options exist.

9 (2) The reporting by county staff to the department or other
10 agencies of observed noncompliant conditions or health and safety
11 concerns in county-operated foster family agencies or short-term
12 residential treatment centers.

13 (3) The cross-reporting of reports received from mandatory
14 child abuse and neglect reporters involving county-operated foster
15 family agencies and short-term residential treatment center
16 programs.

17 (4) Disclosures of fatalities and near fatalities of children placed
18 in county-operated foster family agencies and short-term residential
19 treatment centers.

20 *(h) This section shall become operative on January 1, 2017.*

21 *SEC. 64. Section 11462.021 is added to the Welfare and*
22 *Institutions Code, to read:*

23 *11462.021. (a) Notwithstanding paragraph (2) of subdivision*
24 *(a) of Section 11462, a foster care provider licensed as a group*
25 *home also may have a rate established if the group home is*
26 *operated by the County of San Mateo, as provided by subdivision*
27 *(h) of Section 11400.*

28 *(b) This section shall only apply to a group home that has been*
29 *granted an extension pursuant to the exception process described*
30 *in subdivision (d) of Section 11462.04.*

31 *(c) This section shall become operative on January 1, 2017.*

32 *(d) This section shall remain in effect only until January 1, 2018,*
33 *and as of that date is repealed, unless a later enacted statute, that*
34 *is enacted before January 1, 2018, deletes or extends that date.*

35 ~~SEC. 57.~~

36 *SEC. 65. Section 11462.04 of the Welfare and Institutions*
37 *Code is amended to read:*

38 *11462.04. (a) Notwithstanding any other law, no new group*
39 *home rate or change to an existing rate shall be established pursuant*

1 to Section 11462. An application shall not be accepted or processed
 2 for any of the following:

- 3 (1) A new program.
- 4 (2) A new provider.
- 5 (3) A program change, such as a rate classification level (RCL)
 6 increase.
- 7 (4) A program capacity increase.
- 8 (5) A program reinstatement.

9 (b) Notwithstanding subdivision (a), the department may grant
 10 exceptions as appropriate on a case-by-case basis, based upon a
 11 written request and supporting documentation provided by county
 12 placing agencies, including county welfare or probation directors.

13 (c) (1) For the 2012–13, 2013–14, and 2014–15 fiscal years,
 14 notwithstanding subdivision (b), for any program below RCL 10,
 15 the only exception that may be sought and granted pursuant to this
 16 section is for an application requesting a program change, such as
 17 an RCL increase. The authority to grant other exceptions does not
 18 apply to programs below RCL 10 during these fiscal years.

19 (2) Notwithstanding paragraph (1), commencing January 1,
 20 2017, no exception shall be granted for any program below RCL
 21 10.

22 (d) This section shall remain in effect only until January 1, 2017,
 23 and as of that date is repealed, unless a later enacted statute, that
 24 is enacted before January 1, 2017, deletes or extends that date.

25 ~~SEC. 58.~~

26 *SEC. 66.* Section 11462.04 is added to the Welfare and
 27 Institutions Code, to read:

28 11462.04. (a) Notwithstanding any other law, commencing
 29 January 1, 2017, no new group home rate or change to an existing
 30 rate shall be established pursuant to the Rate Classification Level
 31 (RCL) system.

32 (b) Notwithstanding subdivision (a), the department may grant
 33 an exception as appropriate, on a case-by-case basis, when a written
 34 request and supporting documentation are provided by a county
 35 placing agency, including a county welfare or probation director,
 36 that absent the granting of that exception, there is a material risk
 37 to the welfare of children due to an inadequate supply of
 38 appropriate alternative placement options to meet the needs of
 39 children.

1 (c) For group homes being paid under the RCL system, and
2 those granted an exception pursuant to paragraph (b), group home
3 rates shall terminate on December 31, 2016, unless granted an
4 extension under the exception process in subdivision (d).

5 (d) A group home may request an exception to extend its rate
6 as follows:

7 (1) The department may grant an extension for up to one year,
8 through December 31, 2017, on a case-by-case basis, when a
9 written request and supporting documentation are provided by a
10 county placing agency, including a county welfare or probation
11 director, that absent the granting of that exception, there is a
12 material risk to the welfare of children due to an inadequate supply
13 of appropriate alternative placement options to meet the needs of
14 children. The exception may include time to meet the program
15 accreditation requirement or the mental health certification
16 requirement.

17 (2) The exception shall allow the provider to continue to receive
18 the rate under the prior ratesetting system.

19 (e) Upon termination of an existing group home rate under the
20 RCL system, a new rate shall not be paid until an application is
21 approved and a rate is granted by the department pursuant to
22 Section 11462 as a short-term residential treatment center or
23 pursuant to Section 11463 as a foster family agency.

24 (f) The department shall, in the development of the new rate
25 structures, consider and provide for placement of all children who
26 are displaced as a result of reclassification of treatment facilities.

27 (g) This section shall become ~~inoperative~~ *operative* on January
28 1, 2017.

29 ~~SEC. 59.~~

30 *SEC. 67.* Section 11463 of the Welfare and Institutions Code
31 is amended to read:

32 11463. (a) (1) The department, with the advice, assistance,
33 and cooperation of the counties and foster care providers, shall
34 develop, implement, and maintain a ratesetting system for foster
35 family agencies.

36 (2) No county shall be reimbursed for any percentage increases
37 in payments, made on behalf of AFDC-FC funded children who
38 are placed with foster family agencies, that exceed the percentage
39 cost-of-living increase provided in any fiscal year beginning on
40 January 1, 1990, as specified in subdivision (c) of Section 11461.

1 (b) The department shall develop regulations specifying the
2 purposes, types, and services of foster family agencies, including
3 the use of those agencies for the provision of emergency shelter
4 care. A distinction, for ratesetting purposes, shall be drawn between
5 foster family agencies that provide treatment of children in foster
6 families and those that provide nontreatment services.

7 (c) The department shall develop and maintain regulations
8 specifying the procedure for the appeal of department decisions
9 about the setting of an agency's rate.

10 (d) On and after July 1, 1998, the schedule of rates, and the
11 components used in the rate calculations specified in the
12 department's regulations, for foster family agencies shall be
13 increased by 6 percent, rounded to the nearest dollar. The resultant
14 amounts shall constitute the new schedule of rates for foster family
15 agencies.

16 (e) (1) On and after July 1, 1999, the schedule of rates and the
17 components used in the rate calculations specified in the
18 department's regulations for foster family agencies shall be
19 adjusted by an amount equal to the California Necessities Index
20 computed pursuant to Section 11453, rounded to the nearest dollar,
21 subject to the availability of funds. The resultant amounts shall
22 constitute the new schedule of rates for foster family agencies,
23 subject to further adjustment pursuant to paragraph (2).

24 (2) In addition to the adjustment specified in paragraph (1),
25 commencing January 1, 2000, the schedule of rates and the
26 components used in the rate calculations specified in the
27 department's regulations for foster family agencies shall be
28 increased by 2.36 percent, rounded to the nearest dollar. The
29 resultant amounts shall constitute the new schedule of rates for
30 foster family agencies.

31 (f) For the 1999–2000 fiscal year, foster family agency rates
32 that are not determined by the schedule of rates set forth in the
33 department's regulations, shall be increased by the same percentage
34 as provided in subdivision (e).

35 (g) (1) For the 2000–01 fiscal year and each fiscal year
36 thereafter, the foster family agency rate shall be supplemented by
37 one hundred dollars (\$100) for clothing per year per child in care,
38 subject to the availability of funds. The supplemental payment
39 shall be used to supplement, and shall not be used to supplant, any

1 clothing allowance paid in addition to the foster family agency
2 rate.

3 (2) Notwithstanding paragraph (1), commencing with the
4 2012–13 fiscal year, and each fiscal year thereafter, no
5 supplemental clothing allowance shall be provided, because the
6 rate issued in accordance with paragraph (1) of subdivision (m)
7 takes the cost of clothing into account.

8 (h) In addition to the adjustment made pursuant to subdivision
9 (e), the component for social work activities in the rate calculation
10 specified in the department’s regulations for foster family agencies
11 shall be increased by 10 percent, effective January 1, 2001. This
12 additional funding shall be used by foster family agencies solely
13 to supplement staffing, salaries, wages, and benefit levels of staff
14 performing social work activities. The schedule of rates shall be
15 recomputed using the adjusted amount for social work activities.
16 The resultant amounts shall constitute the new schedule of rates
17 for foster family agencies. The department may require a foster
18 family agency receiving this additional funding to certify that the
19 funding was utilized in accordance with the provisions of this
20 section.

21 (i) The increased rate provided by subparagraph (C) of paragraph
22 (1) of subdivision (d) of Section 11461 shall not be used to compute
23 the monthly amount that may be paid to licensed foster family
24 agencies for the placement of children in certified foster homes.

25 (j) The total foster family agency rate by age group in effect as
26 of January 1, 2008, paid to licensed foster family agencies for the
27 placement of children in certified foster family homes, shall be
28 reduced by 10 percent, effective October 1, 2009. The foster family
29 agency shall have flexibility in applying the reduction, however,
30 nothing shall be deducted from the child base rate, as defined in
31 departmental regulations. When the rate is restored to at least the
32 rate in effect on September 1, 2009, the director shall issue the
33 declaration described in Section 1506.3 of the Health and Safety
34 Code.

35 (k) Effective October 1, 2009, the total foster family agency
36 rate by age group, in effect for those agency rates that are not
37 determined by the schedule of rates set forth in the department’s
38 regulations, shall be reduced by the same percentage and in the
39 same manner as provided for in subdivision (j).

1 (l) (1) The department shall determine, consistent with the
2 requirements of this section and other relevant requirements under
3 law, the rate category for each foster family agency on a biennial
4 basis. Submission of the biennial rate application shall be according
5 to a schedule determined by the department.

6 (2) The department shall adopt regulations to implement this
7 subdivision. The adoption, amendment, repeal, or readoption of a
8 regulation authorized by this subdivision is deemed to be necessary
9 for the immediate preservation of the public peace, health and
10 safety, or general welfare, for purposes of Sections 11346.1 and
11 11349.6 of the Government Code, and the department is hereby
12 exempted from the requirement to describe specific facts showing
13 the need for immediate action.

14 (m) (1) On and after July 1, 2012, the basic rate payment that
15 shall be made to the certified parent pursuant to this section for
16 care and supervision of a child who is living in a certified home
17 of a foster family agency, as defined in Section 11400, shall equal
18 the basic rate for children based in a licensed or approved home,
19 as specified in paragraph (1) of subdivision (g) of Section 11461.

20 (2) The basic rate payment to the certified parent made pursuant
21 to paragraph (1) shall be adjusted annually on July 1, by the annual
22 percentage change in the California Necessities Index, in
23 accordance with paragraph (2) of subdivision (g) of Section 11461.
24 The adjustment in this paragraph shall be in lieu of any adjustment
25 pursuant to subdivision (e).

26 (n) Notwithstanding any other law, the changes to the basic rate
27 payment specified in subdivision (m) shall not change the
28 remaining components of the foster family agency rate. The new
29 foster family agency rate shall be increased only by the amounts
30 specified pursuant to subdivision (m). The resulting amounts shall
31 constitute the new schedule of rates for foster family agencies,
32 which shall be issued by all-county letters or similar instructions
33 from the department.

34 (o) Beginning in the 2011–12 fiscal year, and for each fiscal
35 year thereafter, funding and expenditures for programs and
36 activities under this section shall be in accordance with the
37 requirements provided in Sections 30025 and 30026.5 of the
38 Government Code.

39 (p) (1) Notwithstanding the rulemaking provisions of the
40 Administrative Procedure Act (Chapter 3.5 (commencing with

1 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
2 Code), the department may implement, interpret, or make specific
3 the changes to this section made by the act that added this section,
4 and amend and repeal regulations and orders subject to this section
5 and adopted by the department by means of all-county letters or
6 similar instructions from the department until regulations are
7 adopted. The department shall adopt emergency regulations no
8 later than July 1, 2014. The department may readopt any emergency
9 regulation authorized by this section that is the same as, or
10 substantially equivalent to, an emergency regulation previously
11 adopted under this section.

12 (2) The initial adoption of emergency regulations pursuant to
13 this section and one readoption of emergency regulations shall be
14 deemed an emergency and necessary for the immediate
15 preservation of the public peace, health, safety, or general welfare.
16 Initial emergency regulations and the one readoption of emergency
17 regulations authorized by this section shall be exempt from review
18 by the Office of Administrative Law. The initial emergency
19 regulations and the one readoption of emergency regulations
20 authorized by this section shall be submitted to the Office of
21 Administrative Law for filing with the Secretary of State and each
22 shall remain in effect for no more than 180 days, by which time
23 final regulations may be adopted.

24 ~~(q) (1) This section shall become inoperative on January 1,~~
25 ~~2017, except that this section shall continue to apply, until January~~
26 ~~1, 2018, to a group home that has been granted an extension~~
27 ~~pursuant to the exception process described in subdivision (d) of~~
28 ~~Section 11462.04 or to a foster family agency that has been granted~~
29 ~~an extension pursuant to the exception process described in~~
30 ~~subdivision (d) of Section 11463.1.~~

31 ~~(2) This section is repealed as of January 1, 2018, unless a later~~
32 ~~enacted statute, that is enacted before January 1, 2018, deletes or~~
33 ~~extends that date.~~

34 ~~(q) This section shall remain in effect only until January 1, 2017,~~
35 ~~and as of that date is repealed, unless a later enacted statute, that~~
36 ~~is enacted before January 1, 2017, deletes or extends that date.~~

37 ~~SEC. 60.~~

38 *SEC. 68.* Section 11463 is added to the Welfare and Institutions
39 Code, to read:

1 11463. (a) The department shall commence development of
2 a new payment structure for the Title IV-E funded foster family
3 agency placement option that maximizes federal funding.

4 (b) The department shall develop a payment system for foster
5 family agencies that provide nontreatment, treatment, intensive
6 treatment, and therapeutic foster care programs, and shall consider
7 all of the following factors:

8 (1) Administrative activities that are eligible for federal financial
9 participation provided, at county request, for and to ~~licensed and~~
10 ~~approved family homes, such as placement of a child, case~~
11 ~~management and supervision, and recruitment and monitoring of~~
12 ~~family homes.~~ *county-licensed or approved family homes and*
13 *resource families, intensive case management and supervision,*
14 *and services to achieve legal permanency or successful transition*
15 *to adulthood.*

16 (2) Social work activities that are eligible for federal financial
17 participation under Title IV-E of the Social Security Act.

18 (3) Social work and mental health services eligible for federal
19 financial participation under Title XIX of the Social Security Act.

20 (4) Intensive treatment or therapeutic services in the foster
21 family agency.

22 (5) Core services provided that encompass community services
23 and supports, permanency-related services, medical and mental
24 health support and access to services, educational support, life and
25 social support, transitional support services upon discharge,
26 biological parent and resource family supports, and services for
27 nonminor dependents.

28 (6) Staff training.

29 (7) Health and Safety Code requirements.

30 (8) A process for accreditation that includes all of the following:

31 (A) Provision for all licensed foster family agencies to maintain
32 in good standing accreditation from a nationally recognized
33 accreditation agency with expertise in programs for youth group
34 care facilities, as determined by the department.

35 (B) Promulgation by the department of information identifying
36 the agency or agencies from which accreditation shall be required.

37 (C) Provision for timely reporting to the department of any
38 change in accreditation status.

1 (9) Mental health certification, including a requirement to timely
2 report to the department any change in mental health certificate
3 status.

4 (10) Populations served, including, but not limited to, any of
5 the following:

6 (A) Seriously emotionally disturbed children *and youth* placed
7 out-of-home pursuant to an individualized education program
8 developed under Chapter 26.5 (commencing with Section 7570)
9 of Division 7 of Title 1 of the Government Code.

10 (B) AFDC-FC children *and youth* receiving intensive and
11 therapeutic treatment services in a foster family agency.

12 (C) AFDC-FC children *and youth* receiving mental health
13 treatment services from a ~~group home~~ *foster family agency*.

14 (11) Maximization of federal financial participation for Title
15 IV-E and Title XIX of the Social Security Act.

16 (c) The department shall develop a system of governmental
17 monitoring and oversight that shall be carried out in coordination
18 with the State Department of Health Care Services. Oversight
19 responsibilities shall include, but not be limited to, ensuring
20 conformity with federal and state law, including program, fiscal,
21 and health and safety reviews.

22 (d) The department shall consider the impact on *children and*
23 *youth* being transitioned to alternate programs as a result of the
24 new ratesetting system.

25 (e) This section shall become operative on January 1, 2017.

26 *SEC. 69. Section 11463.01 is added to the Welfare and*
27 *Institutions Code, immediately after Section 11463, to read:*

28 *11463.01. (a) (1) The department, with the advice, assistance,*
29 *and cooperation of the counties and foster care providers, shall*
30 *develop, implement, and maintain a ratesetting system for foster*
31 *family agencies.*

32 *(2) No county shall be reimbursed for any percentage increases*
33 *in payments, made on behalf of AFDC-FC funded children who*
34 *are placed with foster family agencies, that exceed the percentage*
35 *cost-of-living increase provided in any fiscal year, as specified in*
36 *subdivision (c) of Section 11461.*

37 *(b) The department shall develop regulations specifying the*
38 *purposes, types, and services of foster family agencies, including*
39 *the use of those agencies for the provision of emergency shelter*
40 *care. A distinction, for ratesetting purposes, shall be drawn*

1 *between foster family agencies that provide treatment of children*
2 *in foster families and those that provide nontreatment services.*

3 *(c) The department shall develop and maintain regulations*
4 *specifying the procedures for the appeal of department decisions*
5 *about the setting of an agency's rate.*

6 *(d) No supplemental clothing allowance shall be provided,*
7 *because the rate issued in accordance with paragraph (1) of*
8 *subdivision (g) takes the cost of clothing into account.*

9 *(e) The schedule of rates for foster family agencies as set forth*
10 *in Section 11463, as that section read on January 1, 2015, shall*
11 *apply for purposes of, and may be modified pursuant to, this*
12 *section.*

13 *(f) (1) The department shall determine, consistent with the*
14 *requirements of this section and other relevant requirements under*
15 *law, the rate category for each foster family agency on a biennial*
16 *basis. Submission of the biennial rate application shall be*
17 *according to a schedule determined by the department.*

18 *(2) The department shall adopt regulations to implement this*
19 *subdivision. The adoption, amendment, repeal, or readoption of*
20 *a regulation authorized by this subdivision is deemed to be*
21 *necessary for the immediate preservation of the public peace,*
22 *health and safety, or general welfare, for purposes of Sections*
23 *11346.1 and 11349.6 of the Government Code, and the department*
24 *is hereby exempted from the requirement to describe specific facts*
25 *showing the need for immediate action.*

26 *(g) (1) The basic rate payment that shall be made to the certified*
27 *parent pursuant to this section for care and supervision of a child*
28 *who is living in a certified home of a foster family agency, as*
29 *defined in Section 11400, shall equal the basic rate for children*
30 *based in a licensed or approved home, as specified in paragraph*
31 *(1) of subdivision (g) of Section 11461.*

32 *(2) The basic rate payment to the certified parent made pursuant*
33 *to paragraph (1) shall be adjusted annually on July 1, by the*
34 *annual percentage change in the California Necessities Index, in*
35 *accordance with paragraph (2) of subdivision (g) of Section 11461.*
36 *The adjustment in this paragraph shall be in lieu of any adjustment*
37 *pursuant to subdivision (e) of Section 11463, as that section read*
38 *on January 1, 2015.*

39 *(h) Notwithstanding any other law, the changes to the basic*
40 *rate payment specified in subdivision (g) shall not change the*

1 remaining components of the foster family agency rate. The new
2 foster family agency rate shall be increased only by the amounts
3 specified pursuant to subdivision (g). The resulting amounts shall
4 constitute the new schedule of rates for foster family agencies,
5 which shall be issued by all-county letters or similar instructions
6 from the department.

7 (i) For each fiscal year, funding and expenditures for programs
8 and activities under this section shall be in accordance with the
9 requirements provided in Sections 30025 and 30026.5 of the
10 Government Code.

11 (j) (1) Notwithstanding the rulemaking provisions of the
12 Administrative Procedure Act (Chapter 3.5 (commencing with
13 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
14 Code), the department may implement, interpret, or make specific
15 the changes to this section made by the act that added this section,
16 and amend and repeal regulations and orders subject to this section
17 and adopted by the department by means of all-county letters or
18 similar instructions from the department until regulations are
19 adopted. The department shall adopt emergency regulations no
20 later than July 1, 2016. The department may readopt any
21 emergency regulation authorized by this section that is the same
22 as, or substantially equivalent to, an emergency regulation
23 previously adopted under this section.

24 (2) The initial adoption of emergency regulations pursuant to
25 this section and one readoption of emergency regulations shall be
26 deemed an emergency and necessary for the immediate
27 preservation of the public peace, health, safety, or general welfare.
28 Initial emergency regulations and the one readoption of emergency
29 regulations authorized by this section shall be exempt from review
30 by the Office of Administrative Law. The initial emergency
31 regulations and the one readoption of emergency regulations
32 authorized by this section shall be submitted to the Office of
33 Administrative Law for filing with the Secretary of State and each
34 shall remain in effect for no more than 180 days, by which time
35 final regulations may be adopted.

36 (k) This section shall only apply to a foster family agency that
37 has been granted an extension pursuant to the exception process
38 described in subdivision (d) of Section 11463.1.

39 (l) This section shall become operative on January 1, 2017.

1 (m) *This section shall remain in effect only until January 1,*
2 *2018, and as of that date is repealed, unless a later enacted statute,*
3 *that is enacted before January 1, 2018, deletes or extends that*
4 *date.*

5 ~~SEC. 61.~~

6 SEC. 70. Section 11463.1 is added to the Welfare and
7 Institutions Code, to read:

8 11463.1. (a) Notwithstanding any other law, commencing
9 January 1, 2017, no new foster family agency shall be established
10 pursuant to the rate in effect through December 31, 2016.

11 (b) Notwithstanding subdivision (a), the department may grant
12 an exception as appropriate, on a case-by-case basis, when a written
13 request and supporting documentation are provided by a county
14 placing agency, including a county welfare or probation director,
15 that absent the granting of that exception, there is a material risk
16 to the welfare of children due to an inadequate supply of
17 appropriate alternative placement options to meet the needs of
18 children *or youth*.

19 (c) Rates for foster family agencies paid under the prior rate
20 system, and those granted an exception pursuant to subdivision
21 (b), shall terminate on December 31, 2016, unless granted an
22 extension under the exception process in subdivision (d).

23 (d) A foster family agency may request an exception to extend
24 its rate as follows:

25 (1) The department may grant an extension for up to one year,
26 through December 31, 2017, on a case-by-case basis, when a
27 written request and supporting documentation are provided by a
28 county placing agency, including a county welfare or probation
29 director, that absent the granting of that exception, there is a
30 material risk to the welfare of children *or youth* due to an
31 inadequate supply of appropriate alternative placement options to
32 meet the needs of children. The exception may include time to
33 meet the accreditation requirement or the mental health certification
34 requirement.

35 (2) The exception shall allow the provider to continue to receive
36 the rate under the prior ratesetting system.

37 (e) Upon termination of an existing foster family agency rate
38 under the prior rate system, a new rate shall not be paid until an
39 application is approved and a rate is granted by the department

1 pursuant to Section 11463 as a foster family agency or Section
2 11462 as a short-term residential treatment center.

3 (f) The department shall, in the development of the new rate
4 structures, consider and provide for placement of all children who
5 are displaced as a result of reclassification of treatment facilities.

6 ~~(g) (1) This section shall become inoperative on January 1,
7 2017, except that this section shall continue to apply, until January
8 1, 2018, to a group home that has been granted an extension
9 pursuant to the exception process described in subdivision (d) of
10 Section 11462.04 or to a foster family agency that has been granted
11 an extension pursuant to the exception process described in
12 subdivision (d) of Section 11463.1.~~

13 ~~(2) This section is repealed as of January 1, 2018, unless a later
14 enacted statute, that is enacted before January 1, 2018, deletes or
15 extends that date.~~

16 ~~(g) This section shall remain in effect only until January 1, 2018,
17 and as of that date is repealed, unless a later enacted statute, that
18 is enacted before January 1, 2018, deletes or extends that date.~~

19 ~~SEC. 62.~~

20 ~~SEC. 71.~~ Section 11465 of the Welfare and Institutions Code
21 is amended to read:

22 11465. (a) When a child is living with a parent who receives
23 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
24 behalf of the parent shall include an amount for care and
25 supervision of the child.

26 (b) For each category of eligible licensed community care
27 facility, as defined in Section 1502 of the Health and Safety Code,
28 the department shall adopt regulations setting forth a uniform rate
29 to cover the cost of care and supervision of the child in each
30 category of eligible licensed community care facility.

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

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

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

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

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

13 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
14 payment made pursuant to this section for care and supervision of
15 a child who is living with a teen parent in a whole family foster
16 home, as defined in Section 11400, shall equal the basic rate for
17 children placed in a licensed or approved home as specified in
18 subdivisions (a) to (d), inclusive, and subdivision (g), of Section
19 11461.

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

24 (B) Commencing January 1, 2017, the amount paid for care and
25 supervision of a dependent infant living with a dependent *teenage*
26 parent receiving AFDC-FC benefits in a short-term residential
27 treatment center shall equal the infant supplement rate for
28 short-term residential treatment centers established by the
29 department.

30 (3) (A) The caregiver shall provide the county child welfare
31 agency or probation department with a copy of the shared
32 responsibility plan developed pursuant to Section 16501.25 and
33 shall advise the county child welfare agency or probation
34 department of any subsequent changes to the plan. Once the plan
35 has been completed and provided to the appropriate agencies, the
36 payment made pursuant to this section shall be increased by an
37 additional two hundred dollars (\$200) per month to reflect the
38 increased care and supervision while he or she is placed in the
39 whole family foster home.

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

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

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

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

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

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

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

31 ~~SEC. 63.~~

32 *SEC. 72.* Section 11466 is added to the Welfare and Institutions
33 Code, to read:

34 11466. For the purposes of this section to Section 114691.1,
35 inclusive, “provider” shall mean a group home, short-term
36 residential treatment center, a foster family agency that provides
37 treatment services, and similar foster care business entities.

38 ~~SEC. 64.~~

39 *SEC. 73.* Section 11466.21 of the Welfare and Institutions
40 Code is amended to read:

1 11466.21. (a) In accordance with subdivision (b), as a
2 condition to receive an AFDC-FC rate for a program including,
3 but not limited to, a group home, a foster family agency that
4 provides treatment services, or a short-term residential treatment
5 center, the following shall apply:

6 (1) Any provider who expends in combined federal funds an
7 amount at or above the federal funding threshold in accordance
8 with the federal Single Audit Act, as amended, and ~~Office of~~
9 ~~Management and Budget (OMB) Circular A-133, Section 200.501~~
10 *of Title 2 of the Code of Federal Regulations* shall arrange to have
11 a financial audit conducted on an annual basis, and shall submit
12 the annual financial audit to the department in accordance with
13 regulations adopted by the department.

14 (2) Any provider who expends in combined federal funds an
15 amount below the federal funding threshold in accordance with
16 the federal Single Audit Act, as amended, and ~~Office of~~
17 ~~Management and Budget (OMB) Circular A-133, Section 200.501~~
18 *of Title 2 of the Code of Federal Regulations* shall submit to the
19 department a financial audit on its most recent fiscal period at least
20 once every three years. The department shall provide timely notice
21 to the providers of the date that submission of the financial audit
22 is required. That date of submission of the financial audit shall be
23 established in accordance with regulations adopted by the
24 department.

25 (3) The scope of the financial audit shall include all of the
26 programs and activities operated by the provider and shall not be
27 limited to those funded in whole or in part by the AFDC-FC
28 program. The financial audits shall include, but not be limited to,
29 an evaluation of the accounting and control systems of the provider.

30 (4) The provider shall have its financial audit conducted by
31 certified public accountants or by state-licensed public accountants
32 who have no direct or indirect relationship with the functions or
33 activities being audited, or with the provider, its board of directors,
34 officers, or staff.

35 (5) The provider shall have its financial audits conducted in
36 accordance with Government Auditing Standards issued by the
37 Comptroller General of the United States and in compliance with
38 generally accepted accounting principles applicable to private
39 entities organized and operated on a nonprofit basis.

1 (6) (A) Each provider shall have the flexibility to define the
2 calendar months included in its fiscal year.

3 (B) A provider may change the definition of its fiscal year.
4 However, the financial audit conducted following the change shall
5 cover all of the months since the last audit, even though this may
6 cover a period that exceeds 12 months.

7 (b) (1) In accordance with subdivision (a), as a condition to
8 receive an AFDC-FC rate that becomes effective on or after July
9 1, 2000, a provider shall submit a copy of its most recent financial
10 audit report, except as provided in paragraph (3).

11 (2) The department shall terminate the rate of a provider who
12 fails to submit a copy of its most recent financial audit pursuant
13 to subdivision (a). A terminated rate shall only be reinstated upon
14 the provider's submission of an acceptable financial audit.

15 (3) Effective July 1, 2000, a new provider that has been
16 incorporated for fewer than 12 calendar months shall not be
17 required to submit a copy of a financial audit to receive an
18 AFDC-FC rate for a new program. The financial audit shall be
19 conducted on the provider's next full fiscal year of operation. The
20 provider shall submit the financial audit to the department in
21 accordance with subdivision (a).

22 (c) The department shall implement this section through the
23 adoption of emergency regulations.

24 ~~SEC. 65.~~

25 *SEC. 74.* Section 11466.22 of the Welfare and Institutions
26 Code is amended to read:

27 11466.22. (a) It is the intent of the Legislature to ensure overall
28 program integrity in the AFDC-FC program through the
29 establishment of an effective and efficient process for the collection
30 of provider sustained overpayments. Furthermore, the intent of the
31 Legislature is to ensure that children placed in AFDC-FC programs,
32 including, but not limited to, group homes, short-term residential
33 treatment centers, and foster family agencies that provide treatment
34 services, receive the level of care and supervision commensurate
35 with the program's ~~rate classification level.~~ *paid rate.*

36 (b) For the purposes of this section, a provider is a licensee of
37 an AFDC-FC program listed in Section 11402, including, but not
38 limited to, a group home, short-term residential treatment center,
39 foster family agency that provides treatment services, or a similar
40 business entity, receiving foster care maintenance payments under

1 the AFDC-FC program. The department may collect a sustained
2 overpayment from the party responsible for the sustained
3 overpayment, regardless of whether the party remains in the
4 business of providing any AFDC-FC programs, and regardless of
5 whether the provider remains licensed by the department.

6 (c) For the purposes of this section, a provider overpayment is
7 an overpayment that results in an audit period when a provider
8 receives a rate reimbursement to which it is not entitled. If a
9 provider receives a rate reimbursement to which it is not entitled,
10 it shall be liable to repay the overpayment.

11 (d) (1) Overpayments shall be determined by either a provider
12 audit or a provider self-reporting an overpayment.

13 (2) If an informal hearing is not requested, or on the 60th day
14 after an informal decision if a provider or the department does not
15 file a notice of intent to file a formal appeal, or on the 30th day
16 following a formal appeal hearing decision, whichever is latest, a
17 group home provider overpayment shall be sustained for collection
18 purposes and the department shall issue a demand letter for
19 repayment of the sustained overpayment.

20 (3) The department shall establish a voluntary repayment
21 agreement procedure with a maximum repayment period of nine
22 years. The procedure shall take into account the amount of the
23 overpayment, projected annual income of the program that caused
24 the overpayment, a minimum repayment amount, including
25 principal and interest, of 3 percent of annual income prorated on
26 a monthly basis, simple interest for the first seven years of the
27 voluntary repayment agreement on the overpayment amount based
28 on the Surplus Money Investment Fund, and simple interest for
29 the eighth and ninth years of the voluntary repayment agreement
30 based on the prime rate at that time plus 3 percent. The department
31 may adopt regulations permitting the director, at his or her
32 discretion, to renegotiate the volunteer repayment agreement if
33 the director determines that the agreement would cause severe
34 harm to children in placement.

35 (4) The department shall establish an involuntary overpayment
36 collection procedure, that shall take into account the amount of
37 the overpayment, projected annual income, a minimum required
38 repayment amount, including principal and interest, of 5 percent
39 of the annual income prorated on a monthly basis, simple interest
40 on the overpayment amount based on the Surplus Money

1 Investment Fund, and a maximum repayment period of seven
2 years. The department may establish regulations permitting the
3 director at his or her discretion to renegotiate the involuntary
4 payment agreement if the director determines that the agreement
5 would cause severe harm to children in placement.

6 (e) The department shall develop regulations for recovery of
7 any provider sustained overpayments. The regulations shall
8 prioritize collection methods, which shall include voluntary
9 repayment agreement procedures, involuntary overpayment
10 collection procedures, including the use of a statutory lien, rate
11 request denials, rate decreases, and rate terminations.

12 (f) Whenever the department determines that a provider
13 sustained overpayment has occurred, the department shall recover
14 from the provider the full amount of the sustained overpayment,
15 and simple interest on the sustained overpayment amount, pursuant
16 to methods described in subdivision (e), against the provider's
17 income or assets.

18 (g) If a provider is successful in its appeal of a collected
19 overpayment, it shall be repaid the collected overpayment plus
20 simple interest based on the Surplus Money Investment Fund.

21 ~~SEC. 66.~~

22 *SEC. 75.* Section 11466.25 of the Welfare and Institutions
23 Code is amended to read:

24 11466.25. Interest begins to accrue on a provider overpayment
25 on the date of the issuance of the final audit report.

26 ~~SEC. 67.~~

27 *SEC. 76.* Section 11466.3 of the Welfare and Institutions Code
28 is amended to read:

29 11466.3. (a) The department shall offer a voluntary repayment
30 agreement procedure to providers that owe a sustained
31 overpayment. A provider may enter into a voluntary repayment
32 agreement with the department to repay a sustained overpayment.
33 The voluntary repayment agreement shall, at a minimum, meet
34 the requirements developed pursuant to paragraph (3) of
35 subdivision (d) of Section 11466.2.

36 (b) The department shall charge simple interest on the voluntary
37 repayment agreement in accordance with paragraph (3) of
38 subdivision (d) of Section 11466.2.

1 ~~SEC. 68.~~

2 *SEC. 77.* Section 11466.31 of the Welfare and Institutions
3 Code is amended to read:

4 11466.31. (a) When it has been determined that a provider
5 participating in the AFDC-FC program owes an overpayment that
6 is due and payable, the department may implement involuntary
7 offset collection procedures to collect sustained overpayments
8 from a provider if the provider does not enter into a voluntary
9 repayment agreement with the department or the provider has three
10 outstanding payments on a voluntary repayment agreement before
11 the overpayment is repaid.

12 (b) The minimum monthly overpayment offset amount from
13 monthly rate reimbursements shall be determined using the
14 involuntary collection procedures developed pursuant to paragraph
15 (4) of subdivision (d) of Section 11466.2. Overpayments shall be
16 offset against current monthly rate reimbursement payments due
17 and payable to a provider under this chapter.

18 ~~SEC. 69.~~

19 *SEC. 78.* Section 11466.32 of the Welfare and Institutions
20 Code is amended to read:

21 11466.32. (a) If a provider that owes a sustained overpayment
22 pursuant to paragraph (2) of subdivision (d) of Section 11466.2
23 does not enter into a voluntary repayment agreement with the
24 department, or the provider has three outstanding payments on a
25 voluntary repayment agreement before the overpayment is repaid,
26 in addition to the monthly overpayment offset amount, 50 percent
27 of any increases resulting from California Necessities Index (CNI)
28 adjustments and provider’s rate adjustments to the standard rate
29 that are due to a provider shall be withheld until the sustained
30 overpayment amount is collected. Once the overpayment amount
31 is collected, the provider shall begin to prospectively receive the
32 full amount of any California Necessities Index and rate adjustment
33 to which it is entitled.

34 (b) Any provider subject to involuntary repayment of a sustained
35 overpayment pursuant to Section 11466.31 shall be ineligible to
36 receive any rate increase until the repayment is completed or until
37 the host county or the primary placement county provide the
38 department with a request for waiver of this paragraph.

1 ~~SEC. 70.~~

2 *SEC. 79.* Section 11466.33 of the Welfare and Institutions
3 Code is amended to read:

4 11466.33. (a) If any amount is due and payable to the
5 department as a result of sustained overpayment to a provider for
6 care and services in the AFDC-FC program, the department may
7 file, in the office of any county clerk of any county in which the
8 provider has real or personal property, a certificate if any of the
9 following conditions are met:

10 (1) No informal hearing is requested and if a provider has not
11 submitted a voluntary repayment agreement with the first payment,
12 and 60 days have elapsed from the notice of audit results.

13 (2) No formal appeal is requested and if a provider has not
14 submitted a voluntary repayment agreement along with the first
15 payment, and 60 days have elapsed from the notice of the informal
16 hearing decision.

17 (3) A provider has not submitted a voluntary repayment
18 agreement along with the first payment, and 30 days have elapsed
19 after an adverse appeal decision by a hearing officer that sustains
20 an overpayment.

21 (b) The certificate provided for pursuant to subdivision (a) shall
22 contain:

23 (1) The amount due, owing, and unpaid, plus simple interest on
24 the amount owing and unpaid beginning on the date the certificate
25 is filed.

26 (2) A statement that the department has complied with this
27 section prior to the filing of the certificate.

28 (3) A request that a lien be recorded against the provider in the
29 amount set forth in the certificate.

30 (c) The county clerk immediately upon the filing of the
31 certificate shall record the lien for the State of California against
32 the provider in the amount set forth in the certificate. The lien may
33 be filed in the chain of title of the property.

34 (d) The department shall pay the cost of the first lien, and
35 providers shall be responsible for any subsequent liens on a
36 sustained overpayment.

37 (e) For the first certificate filed by the department pursuant to
38 this section, the county shall waive all filing fees.

1 ~~SEC. 71.~~

2 *SEC. 80.* Section 11466.34 of the Welfare and Institutions
3 Code is amended to read:

4 11466.34. (a) (1) At any time within 10 years of the recording
5 of a lien pursuant to Section 11466.33, the department may bring
6 an action, in a superior court in the county in which the lien is
7 filed, seeking a judgment to establish the lien as a judgment lien.

8 (2) If a judgment is obtained pursuant to paragraph (1), the
9 county recorder shall record the lien as a judgment lien.

10 (b) An abstract of a judgment obtained pursuant to subdivision
11 (a) or a copy thereof may be recorded with the county recorder of
12 any county. From the time of recording, the judgment shall
13 constitute a lien upon all real or personal property of the provider
14 in that county owned by the provider at the time, or that the
15 provider may afterwards, but before the lien expires, acquire. The
16 judgment lien shall continue for 10 years from the time of recording
17 of the abstract of judgment obtained pursuant to subdivision (a),
18 unless sooner released or otherwise discharged.

19 (c) The judgment lien may, within 10 years from the date of
20 recording of the abstract of judgment or within 10 years from the
21 date of the last extension of the lien in the manner provided in this
22 section, be extended by recording a new abstract in the office of
23 the county recorder of any county. From the date of that recording,
24 the lien shall be extended for 10 years, unless sooner released or
25 otherwise discharged.

26 (d) The department may release any lien imposed pursuant to
27 this chapter, at the provider's cost, in which case any judgment
28 pertaining to that lien is for all purposes null and void, if all of the
29 following conditions are met:

30 (1) No temporary suspension order or license revocation actions
31 by the department's community care licensing division is pending
32 against a provider.

33 (2) A provider has made at least three timely payments on a
34 voluntary repayment agreement.

35 (3) The provider submits to the department corroborative
36 evidence that it is unable to obtain a loan from an institutional
37 lender unless the lien is released.

38 (e) Execution shall issue upon a judgment obtained pursuant to
39 this section upon request of the department in the same manner as
40 execution may issue upon other judgments. Sale shall be held under

1 that execution as prescribed in the Code of Civil Procedure. In all
2 proceedings under this section, the director or his or her authorized
3 agents may act on behalf of the state.

4 ~~SEC. 72.~~

5 *SEC. 81.* Section 11466.35 of the Welfare and Institutions
6 Code is amended to read:

7 11466.35. (a) Any licensee who has been determined to owe
8 a sustained overpayment under this chapter, and who, subsequent
9 to notice of the sustained overpayment, has its rate terminated,
10 shall be ineligible to apply or receive a rate for any future program
11 until the overpayment is repaid.

12 (b) A rate application shall be denied for a provider that meets
13 either of the following conditions:

14 (1) A provider owing a sustained overpayment under this
15 chapter, upon the occurrence of any additional sustained
16 overpayment, shall be ineligible to apply or receive a rate for an
17 existing or future program until the sustained overpayments are
18 repaid, unless a voluntary repayment agreement is approved by
19 the department.

20 (2) A provider incurring a sustained overpayment that constitutes
21 more than 60 percent of the provider's annual rate reimbursement
22 shall be ineligible to apply or receive a rate for any existing or
23 future programs until the sustained overpayments are repaid, unless
24 a voluntary repayment agreement is approved by the department.

25 ~~SEC. 73.~~

26 *SEC. 82.* Section 11466.36 of the Welfare and Institutions
27 Code is amended to read:

28 11466.36. (a) The department may terminate a program rate
29 if any of the following conditions are met:

30 (1) The department determines that, based upon the findings of
31 a hearing officer, a rate application or information submitted by a
32 provider was fraudulently submitted to the department.

33 (2) A provider with an outstanding sustained overpayment incurs
34 a second sustained overpayment, and is unable to repay the
35 sustained overpayments.

36 (3) A provider has a sustained overpayment that represents 100
37 percent of a provider's annual rate reimbursement.

38 (b) This chapter shall not be construed to affect the department's
39 authority under other provisions of law for collection of provider
40 sustained overpayments.

1 ~~SEC. 74.~~

2 *SEC. 83.* Section 11466.5 of the Welfare and Institutions Code
3 is amended to read:

4 11466.5. The department shall collect cost data and monitor
5 the cost of providing care and supervision, and social work
6 services, to AFDC-FC recipients. These data shall include, but not
7 be limited to, the costs incurred for employee wages and benefits.

8 ~~SEC. 75.~~

9 *SEC. 84.* Section 11466.6 of the Welfare and Institutions Code
10 is amended to read:

11 11466.6. A provider who disagrees with the rate determined
12 by the department or adjusted by a program audit may request in
13 writing an appeal by the director or the director's designee. The
14 department shall adopt regulations establishing procedures for the
15 departmental appeal process.

16 ~~SEC. 76.~~

17 *SEC. 85.* Section 11468 of the Welfare and Institutions Code
18 is amended to read:

19 11468. The department shall establish administrative
20 procedures to review the rate set by the department for AFDC-FC
21 programs, including, but not limited to, group homes, short-term
22 residential treatment centers, and foster family agencies that
23 provide treatment services.

24 ~~SEC. 77.~~

25 *SEC. 86.* Section 16000 of the Welfare and Institutions Code
26 is amended to read:

27 16000. (a) It is the intent of the Legislature to preserve and
28 strengthen a child's family ties whenever possible, removing the
29 child from the custody of his or her parents only when necessary
30 for his or her welfare or for the safety and protection of the public.
31 If a child is removed from the physical custody of his or her
32 parents, preferential consideration shall be given whenever possible
33 to the placement of the child with the relative as required by
34 Section 7950 of the Family Code. If the child is removed from his
35 or her own family, it is the purpose of this chapter to secure as
36 nearly as possible for the child the custody, care, and discipline
37 equivalent to that which should have been given to the child by
38 his or her parents. It is further the intent of the Legislature to
39 reaffirm its commitment to children who are in out-of-home
40 placement to live in the least restrictive, most familylike setting

1 and to live as close to the child's family as possible pursuant to
2 subdivision (c) of Section 16501.1. Family reunification services
3 shall be provided for expeditious reunification of the child with
4 his or her family, as required by law. If reunification is not possible
5 or likely, a permanent alternative shall be developed.

6 (b) It is further the intent of the Legislature that all children live
7 with a committed, permanent, and nurturing family. Services and
8 supports should be tailored to meet the needs of the individual
9 child and family being served, with the ultimate goal of maintaining
10 the family, or when this is not possible, transitioning the child or
11 youth to a permanent family or preparing the youth for a successful
12 transition into adulthood. When needed, short-term residential
13 treatment center program services are a short-term, specialized,
14 and intensive intervention that is just one part of a continuum of
15 care available for children, youth, young adults, and their families.

16 (c) It is further the intent of the Legislature to ensure that all
17 pupils in foster care and those who are homeless as defined by the
18 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
19 Sec. 11301 et seq.) have the opportunity to meet the challenging
20 state pupil academic achievement standards to which all pupils
21 are held. In fulfilling their responsibilities to pupils in foster care,
22 educators, county placing agencies, care providers, advocates, and
23 the juvenile courts shall work together to maintain stable school
24 placements and to ensure that each pupil is placed in the least
25 restrictive educational programs, and has access to the academic
26 resources, services, and extracurricular and enrichment activities
27 that are available to all pupils. In all instances, educational and
28 school placement decisions shall be based on the best interests of
29 the child.

30 *SEC. 87. Section 16003 of the Welfare and Institutions Code*
31 *is amended to read:*

32 16003. (a) In order to promote the successful implementation
33 of the statutory preference for foster care placement with a relative
34 caretaker as set forth in Section 7950 of the Family Code, each
35 community college district with a foster care education program
36 shall make available orientation and training to the relative or
37 nonrelative extended family member caregiver into whose care
38 the county has placed a foster child pursuant to Section 1529.2 of
39 the Health and Safety Code, including, but not limited to, courses
40 that cover the following:

- 1 (1) The role, rights, and responsibilities of a relative or
2 nonrelative extended family member caregiver caring for a child
3 in foster care, including the right of a foster child to have fair and
4 equal access to all available services, placement, care, treatment,
5 and benefits, and to not be subjected to discrimination or
6 harassment on the basis of actual or perceived race, ethnic group
7 identification, ancestry, national origin, color, religion, sex, sexual
8 orientation, gender identity, mental or physical disability, or HIV
9 status.
- 10 (2) An overview of the child protective system.
- 11 (3) The effects of child abuse and neglect on child development.
- 12 (4) Positive discipline and the importance of self-esteem.
- 13 (5) Health issues in foster care.
- 14 (6) Accessing education and health services that are available
15 to foster children.
- 16 (7) Relationship and safety issues regarding contact with one
17 or both of the birth parents.
- 18 (8) Permanency options for relative or nonrelative extended
19 family member caregivers, including legal guardianship, the
20 Kinship Guardianship Assistance Payment Program, and kin
21 adoption.
- 22 (9) Information on resources available for those who meet
23 eligibility criteria, including out-of-home care payments, the
24 Medi-Cal program, in-home supportive services, and other similar
25 resources.
- 26 (10) Instruction on cultural competency and sensitivity relating
27 to, and best practices for, providing adequate care to lesbian, gay,
28 bisexual, and transgender youth in out-of-home care.
- 29 (11) Basic instruction on the existing laws and procedures
30 regarding the safety of foster youth at school and the ensuring of
31 a harassment and violence free school environment contained in
32 the ~~California Student~~ *School Safety and Violence Prevention Act*
33 of 2000 (Article 3.6 (commencing with Section 32228) of Chapter
34 2 of Part 19 of Division 1 of Title 1 of the Education Code).
- 35 (b) In addition to training made available pursuant to subdivision
36 (a), each community college district with a foster care education
37 program shall make training available to a relative or nonrelative
38 extended family member caregiver that includes, but need not be
39 limited to, courses that cover all of the following:
- 40 (1) Age-appropriate child development.

- 1 (2) Health issues in foster care.
- 2 (3) Positive discipline and the importance of self-esteem.
- 3 (4) Emancipation and independent living.
- 4 (5) Accessing education and health services available to foster
5 children.
- 6 (6) Relationship and safety issues regarding contact with one
7 or both of the birth parents.
- 8 (7) Permanency options for relative or nonrelative extended
9 family member caregivers, including legal guardianship, the
10 Kinship Guardianship Assistance Payment Program, and kin
11 adoption.
- 12 (8) Basic instruction on the existing laws and procedures
13 regarding the safety of foster youth at school and the ensuring of
14 a harassment and violence free school environment contained in
15 the ~~California Student~~ School Safety and Violence Prevention Act
16 of 2000 (Article 3.6 (commencing with Section 32228) of Chapter
17 2 of Part 19 of Division 1 of Title 1 of the Education Code).
- 18 (c) In addition to the requirements of subdivisions (a) and (b),
19 each community college district with a foster care education
20 program, in providing the orientation program, shall develop
21 appropriate program parameters in collaboration with the counties.
- 22 (d) Each community college district with a foster care education
23 program shall make every attempt to make the training and
24 orientation programs for relative or nonrelative extended family
25 member caregivers highly accessible in the communities in which
26 they reside.
- 27 (e) When a child is placed with a relative or nonrelative extended
28 family member caregiver, the county shall inform the caregiver
29 of the availability of training and orientation programs and it is
30 the intent of the Legislature that the county shall forward the names
31 and addresses of relative or nonrelative extended family member
32 caregivers to the appropriate community colleges providing the
33 training and orientation programs.
- 34 (f) This section shall not be construed to preclude counties from
35 developing or expanding existing training and orientation programs
36 for foster care providers to include relative or nonrelative extended
37 family member caregivers.
- 38 (g) *This section shall remain in effect only until January 1, 2017,*
39 *and as of that date is repealed, unless a later enacted statute, that*
40 *is enacted before January 1, 2017, deletes or extends that date.*

1 ~~SEC. 78.~~

2 ~~SEC. 88.~~ Section 16501 of the Welfare and Institutions Code
3 is amended to read:

4 16501. (a) (1) As used in this chapter, “child welfare services”
5 means public social services that are directed toward the
6 accomplishment of any or all of the following purposes: protecting
7 and promoting the welfare of all children, including handicapped,
8 homeless, dependent, or neglected children; preventing or
9 remedying, or assisting in the solution of problems which may
10 result in, the neglect, abuse, exploitation, or delinquency of
11 children; preventing the unnecessary separation of children from
12 their families by identifying family problems, assisting families
13 in resolving their problems, and preventing breakup of the family
14 where the prevention of child removal is desirable and possible;
15 restoring to their families children who have been removed, by
16 the provision of services to the child and the families; identifying
17 children to be placed in suitable adoptive homes, in cases where
18 restoration to the biological family is not possible or appropriate;
19 and ensuring adequate care of children away from their homes, in
20 cases where the child cannot be returned home or cannot be placed
21 for adoption.

22 (2) “Child welfare services” also means services provided on
23 behalf of children alleged to be the victims of child abuse, neglect,
24 or exploitation. The child welfare services provided on behalf of
25 each child represent a continuum of services, including emergency
26 response services, family preservation services, family maintenance
27 services, family reunification services, and permanent placement
28 services, including supportive transition services. The individual
29 child’s case plan is the guiding principle in the provision of these
30 services. The case plan shall be developed within a maximum of
31 60 days of the initial removal of the child or of the in-person
32 response required under subdivision (f) if the child has not been
33 removed from his or her home, or by the date of the dispositional
34 hearing pursuant to Section 358, whichever comes first.

35 (3) “Child welfare services” are best provided in a framework
36 that integrates service planning and delivery among multiple
37 service systems, including the mental health system, using a
38 team-based approach, such as a child and family team. A child
39 and family team brings together individuals that engage with the
40 child *or youth* and family in assessing, planning, and delivering

1 services. A child and family team, defined in subdivision (a) of
2 Section 831, is ~~composed~~ *comprised* of the child *or youth*, family,
3 caregiver, placing agency caseworker, *county mental health*
4 *representative for placement into a mental health certified facility*,
5 *and a representative of the child's tribe or Indian custodian when*
6 ~~the child is Indian, and the county mental health representative for~~
7 ~~placement into a mental health certified facility.~~ *custodian, as*
8 *applicable*. As appropriate, the child and family team also may
9 include behavioral health representatives and other formal supports,
10 such as educational professionals and representatives from other
11 agencies providing services to the child *or youth* and family. A
12 child and family team also may include extended family and
13 informal support persons, such as friends, coaches, faith-based
14 connections, and tribes as identified by the child *or youth* and
15 family. Use of a team approach increases efficiency, and thus
16 reduces cost, by increasing coordination of formal services and
17 integrating the natural and informal supports available to the child
18 *or youth* and family.

19 (4) Child welfare services may include, but are not limited to,
20 a range of service-funded activities, including case management,
21 counseling, emergency shelter care, emergency in-home caretakers,
22 temporary in-home caretakers, respite care, therapeutic day
23 services, teaching and demonstrating homemakers, parenting
24 training, substance abuse testing, and transportation. These
25 service-funded activities shall be available to children and their
26 families in all phases of the child welfare program in accordance
27 with the child's case plan and departmental regulations. Funding
28 for services is limited to the amount appropriated in the annual
29 Budget Act and other available county funds.

30 (5) Service-funded activities to be provided may be determined
31 by each county, based upon individual child and family needs as
32 reflected in the service plan.

33 (6) As used in this chapter, "emergency shelter care" means
34 emergency shelter provided to children who have been removed
35 pursuant to Section 300 from their parent or parents or their
36 guardian or guardians. The department may establish, by
37 regulation, the time periods for which emergency shelter care shall
38 be funded. For the purposes of this paragraph, "emergency shelter
39 care" may include "transitional shelter care facilities" as defined

1 in paragraph (11) of subdivision (a) of Section 1502 of the Health
2 and Safety Code.

3 (b) As used in this chapter, “respite care” means temporary care
4 for periods not to exceed 72 hours. This care may be provided to
5 the child’s parents or guardians. This care shall not be limited by
6 regulation to care over 24 hours. These services shall not be
7 provided for the purpose of routine, ongoing child care.

8 (c) The county shall provide child welfare services as needed
9 pursuant to an approved service plan and in accordance with
10 regulations promulgated, in consultation with the counties, by the
11 department. Counties may contract for service-funded activities
12 as defined in paragraph (1) of subdivision (a). Each county shall
13 use available private child welfare resources prior to developing
14 new county-operated resources when the private child welfare
15 resources are of at least equal quality and lesser or equal cost as
16 compared with county-operated resources. Counties shall not
17 contract for needs assessment, client eligibility determination, or
18 any other activity as specified by regulations of the State
19 Department of Social Services, except as specifically authorized
20 in Section 16100.

21 (d) Nothing in this chapter shall be construed to affect duties
22 which are delegated to probation officers pursuant to Sections 601
23 and 654.

24 (e) Any county may utilize volunteer individuals to supplement
25 professional child welfare services by providing ancillary support
26 services in accordance with regulations adopted by the State
27 Department of Social Services.

28 (f) As used in this chapter, emergency response services consist
29 of a response system providing in-person response, 24 hours a day,
30 seven days a week, to reports of abuse, neglect, or exploitation, as
31 required by Article 2.5 (commencing with Section 11164) of
32 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of
33 investigation pursuant to Section 11166 of the Penal Code and to
34 determine the necessity for providing initial intake services and
35 crisis intervention to maintain the child safely in his or her own
36 home or to protect the safety of the child. County welfare
37 departments shall respond to any report of imminent danger to a
38 child immediately and all other reports within 10 calendar days.
39 An in-person response is not required when the county welfare
40 department, based upon an evaluation of risk, determines that an

1 in-person response is not appropriate. This evaluation includes
2 collateral, contacts, a review of previous referrals, and other
3 relevant information, as indicated.

4 (g) As used in this chapter, family maintenance services are
5 activities designed to provide in-home protective services to
6 prevent or remedy neglect, abuse, or exploitation, for the purposes
7 of preventing separation of children from their families.

8 (h) As used in this chapter, family reunification services are
9 activities designed to provide time-limited foster care services to
10 prevent or remedy neglect, abuse, or exploitation, when the child
11 cannot safely remain at home, and needs temporary foster care,
12 while services are provided to reunite the family.

13 (i) As used in this chapter, permanent placement services are
14 activities designed to provide an alternate permanent family
15 structure for children who because of abuse, neglect, or exploitation
16 cannot safely remain at home and who are unlikely to ever return
17 home. These services shall be provided on behalf of children for
18 whom there has been a judicial determination of a permanent plan
19 for adoption, legal guardianship, or long-term foster care, and, as
20 needed, shall include supportive transition services to nonminor
21 dependents, as described in subdivision (v) of Section 11400.

22 (j) As used in this chapter, family preservation services include
23 those services specified in Section 16500.5 to avoid or limit
24 out-of-home placement of children, and may include those services
25 specified in that section to place children in the least restrictive
26 environment possible.

27 (k) (1) (A) In any county electing to implement this
28 subdivision, all county welfare department employees who have
29 frequent and routine contact with children shall, by February 1,
30 1997, and all welfare department employees who are expected to
31 have frequent and routine contact with children and who are hired
32 on or after January 1, 1996, and all such employees whose duties
33 change after January 1, 1996, to include frequent and routine
34 contact with children, shall, if the employees provide services to
35 children who are alleged victims of abuse, neglect, or exploitation,
36 sign a declaration under penalty of perjury regarding any prior
37 criminal conviction, and shall provide a set of fingerprints to the
38 county welfare director.

39 (B) The county welfare director shall secure from the
40 Department of Justice a criminal record to determine whether the

1 employee has ever been convicted of a crime other than a minor
2 traffic violation. The Department of Justice shall deliver the
3 criminal record to the county welfare director.

4 (C) If it is found that the employee has been convicted of a
5 crime, other than a minor traffic violation, the county welfare
6 director shall determine whether there is substantial and convincing
7 evidence to support a reasonable belief that the employee is of
8 good character so as to justify frequent and routine contact with
9 children.

10 (D) No exemption shall be granted pursuant to subparagraph
11 (C) if the person has been convicted of a sex offense against a
12 minor, or has been convicted of an offense specified in Section
13 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in
14 paragraph (1) of Section 273a of, or subdivision (a) or (b) of
15 Section 368 of, the Penal Code, or has been convicted of an offense
16 specified in subdivision (c) of Section 667.5 of the Penal Code.
17 The county welfare director shall suspend such a person from any
18 duties involving frequent and routine contact with children.

19 (E) Notwithstanding subparagraph (D), the county welfare
20 director may grant an exemption if the employee or prospective
21 employee, who was convicted of a crime against an individual
22 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5
23 of the Penal Code, has been rehabilitated as provided in Section
24 4852.03 of the Penal Code and has maintained the conduct required
25 in Section 4852.05 of the Penal Code for at least 10 years and has
26 the recommendation of the district attorney representing the
27 employee's or prospective employee's county of residence, or if
28 the employee or prospective employee has received a certificate
29 of rehabilitation pursuant to Chapter 3.5 (commencing with Section
30 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the
31 county welfare director may give the employee or prospective
32 employee an opportunity to explain the conviction and shall
33 consider that explanation in the evaluation of the criminal
34 conviction record.

35 (F) If no criminal record information has been recorded, the
36 county welfare director shall cause a statement of that fact to be
37 included in that person's personnel file.

38 (2) For purposes of this subdivision, a conviction means a plea
39 or verdict of guilty or a conviction following a plea of nolo
40 contendere. Any action that the county welfare director is permitted

1 to take following the establishment of a conviction may be taken
2 when the time for appeal has elapsed, or the judgment of conviction
3 has been affirmed on appeal or when an order granting probation
4 is made suspending the imposition of sentence, notwithstanding
5 a subsequent order pursuant to Sections 1203.4 and 1203.4a of the
6 Penal Code permitting the person to withdraw his or her plea of
7 guilty and to enter a plea of not guilty, or setting aside the verdict
8 of guilty, or dismissing the accusation, information, or indictment.
9 For purposes of this subdivision, the record of a conviction, or a
10 copy thereof certified by the clerk of the court or by a judge of the
11 court in which the conviction occurred, shall be conclusive
12 evidence of the conviction.

13 ~~SEC. 79.~~

14 *SEC. 89.* Section 16501.1 of the Welfare and Institutions Code
15 is amended to read:

16 16501.1. (a) (1) The Legislature finds and declares that the
17 foundation and central unifying tool in child welfare services is
18 the case plan.

19 (2) The Legislature further finds and declares that a case plan
20 ensures that the child receives protection and safe and proper care
21 and case management, and that services are provided to the child
22 and parents or other caretakers, as appropriate, in order to improve
23 conditions in the parent's home, to facilitate the safe return of the
24 child to a safe home or the permanent placement of the child, and
25 to address the needs of the child while in foster care.

26 (b) (1) A case plan shall be based upon the principles of this
27 section and shall document that a preplacement assessment of the
28 service needs of the child and family, and preplacement preventive
29 services, have been provided, and that reasonable efforts to prevent
30 out-of-home placement have been made.

31 (2) In determining the reasonable services to be offered or
32 provided, the child's health and safety shall be the paramount
33 concerns.

34 (3) Upon a determination pursuant to paragraph (1) of
35 subdivision (e) of Section 361.5 that reasonable services will be
36 offered to a parent who is incarcerated in a county jail or state
37 prison, detained by the United States Department of Homeland
38 Security, or deported to his or her country of origin, the case plan
39 shall include information, to the extent possible, about a parent's
40 incarceration in a county jail or the state prison, detention by the

1 United States Department of Homeland Security, or deportation
2 during the time that a minor child of that parent is involved in
3 dependency care.

4 (4) Reasonable services shall be offered or provided to make it
5 possible for a child to return to a safe home environment, unless,
6 pursuant to subdivisions (b) and (e) of Section 361.5, the court
7 determines that reunification services shall not be provided.

8 (5) If reasonable services are not ordered, or are terminated,
9 reasonable efforts shall be made to place the child in a timely
10 manner in accordance with the permanent plan and to complete
11 all steps necessary to finalize the permanent placement of the child.

12 (c) (1) If out-of-home placement is used to attain case plan
13 goals, the case plan shall include a description of the type of home
14 or institution in which the child is to be placed, and the reasons
15 for that placement decision. The decision regarding choice of
16 placement shall be based upon selection of a safe setting that is
17 the least restrictive or most familylike and the most appropriate
18 setting that is available and in close proximity to the parent's home,
19 proximity to the child's school, and consistent with the selection
20 of the environment best suited to meet the child's special needs
21 and best interests. The selection shall consider, in order of priority,
22 placement with relatives, nonrelated extended family members,
23 and tribal members; foster family homes and nontreatment certified
24 homes of foster family agencies; followed by treatment and
25 intensive treatment certified homes of foster family agencies; or
26 multidimensional treatment foster care homes or therapeutic foster
27 care homes; group care placements in the order of short-term
28 residential treatment centers, group homes, community treatment
29 facilities, and out-of-state residential treatment pursuant to Part 5
30 (commencing with Section 7900) of Division 12 of the Family
31 Code.

32 (2) If a treatment placement is selected for a child, the case plan
33 shall indicate the needs of the child that necessitate this placement,
34 the plan for transitioning the child to a less restrictive environment,
35 and the projected timeline by which the child will be transitioned
36 to a less restrictive environment. This section of the case plan shall
37 be reviewed and updated at least semiannually.

38 (A) The case plan for placements in a group home, or
39 commencing January 1, 2017, in a short-term residential treatment

1 center, shall indicate that the county has taken into consideration
2 Section 16010.8.

3 (B) After January 1, 2016, if a treatment foster care placement,
4 such as a treatment foster family agency, intensive treatment foster
5 care, therapeutic foster care, or short-term residential treatment
6 center, is being considered for the child or youth, a child and family
7 team meeting as described in Sections 831 and 16501 shall be
8 convened for the purpose of determining the appropriateness of
9 the placement and whether there are any appropriate, less
10 restrictive, and more family-like alternatives.

11 (3) On or after January 1, 2012, for a nonminor dependent, as
12 defined in subdivision (v) of Section 11400, who is receiving
13 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
14 in addition to the above requirements, the selection of the
15 placement, including a supervised independent living placement,
16 as described in subdivision (w) of Section 11400, shall also be
17 based upon the developmental needs of young adults by providing
18 opportunities to have incremental responsibilities that prepare a
19 nonminor dependent to transition to independent living. If
20 admission to, or continuation in, a group home placement is being
21 considered for a nonminor dependent, the group home placement
22 approval decision shall include a youth-driven, team-based case
23 planning process, as defined by the department, in consultation
24 with stakeholders. The case plan shall consider the full range of
25 placement options, and shall specify why admission to, or
26 continuation in, a group home placement is the best alternative
27 available at the time to meet the special needs or well-being of the
28 nonminor dependent, and how the placement will contribute to the
29 nonminor dependent's transition to independent living. The case
30 plan shall specify the treatment strategies that will be used to
31 prepare the nonminor dependent for discharge to a less restrictive
32 and more familylike setting, including a target date for discharge
33 from the group home placement. The placement shall be reviewed
34 and updated on a regular, periodic basis to ensure that continuation
35 in the group home remains in the best interests of the nonminor
36 dependent and that progress is being made in achieving case plan
37 goals leading to independent living. The group home placement
38 planning process shall begin as soon as it becomes clear to the
39 county welfare department or probation office that a foster child
40 in group home placement is likely to remain in group home

1 placement on his or her 18th birthday, in order to expedite the
2 transition to a less restrictive and more familylike setting if he or
3 she becomes a nonminor dependent. The case planning process
4 shall include informing the youth of all of his or her options,
5 including, but not limited to, admission to or continuation in a
6 group home placement. Consideration for continuation of existing
7 group home placement for a nonminor dependent under 19 years
8 of age may include the need to stay in the same placement in order
9 to complete high school. After a nonminor dependent either
10 completes high school or attains his or her 19th birthday, whichever
11 is earlier, continuation in or admission to a group home is
12 prohibited unless the nonminor dependent satisfies the conditions
13 of paragraph (5) of subdivision (b) of Section 11403, and group
14 home placement functions as a short-term transition to the
15 appropriate system of care. Treatment services provided by the
16 group home placement to the nonminor dependent to alleviate or
17 ameliorate the medical condition, as described in paragraph (5) of
18 subdivision (b) of Section 11403, shall not constitute the sole basis
19 to disqualify a nonminor dependent from the group home
20 placement.

21 (4) In addition to the requirements of paragraphs (1) to (3),
22 inclusive, and taking into account other statutory considerations
23 regarding placement, the selection of the most appropriate home
24 that will meet the child's special needs and best interests shall also
25 promote educational stability by taking into consideration
26 proximity to the child's school of origin, and school attendance
27 area, the number of school transfers the child has previously
28 experienced, and the child's school matriculation schedule, in
29 addition to other indicators of educational stability that the
30 Legislature hereby encourages the State Department of Social
31 Services and the State Department of Education to develop.

32 (d) A written case plan shall be completed within a maximum
33 of 60 days of the initial removal of the child or of the in-person
34 response required under subdivision (f) of Section 16501 if the
35 child has not been removed from his or her home, or by the date
36 of the dispositional hearing pursuant to Section 358, whichever
37 occurs first. The case plan shall be updated, as the service needs
38 of the child and family dictate. At a minimum, the case plan shall
39 be updated in conjunction with each status review hearing
40 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and

1 the hearing conducted pursuant to Section 366.26, but no less
2 frequently than once every six months. Each updated case plan
3 shall include a description of the services that have been provided
4 to the child under the plan and an evaluation of the appropriateness
5 and effectiveness of those services.

6 (1) It is the intent of the Legislature that extending the maximum
7 time available for preparing a written case plan from 30 to 60 days
8 will afford caseworkers time to actively engage families, and to
9 solicit and integrate into the case plan the input of the child and
10 the child's family, as well as the input of relatives and other
11 interested parties.

12 (2) The extension of the maximum time available for preparing
13 a written case plan from the 30 to 60 days shall be effective 90
14 days after the date that the department gives counties written notice
15 that necessary changes have been made to the Child Welfare
16 Services Case Management System to account for the 60-day
17 timeframe for preparing a written case plan.

18 (e) The child welfare services case plan shall be comprehensive
19 enough to meet the juvenile court dependency proceedings
20 requirements pursuant to Article 6 (commencing with Section 300)
21 of Chapter 2 of Part 1 of Division 2.

22 (f) The case plan shall be developed as follows:

23 (1) The case plan shall be based upon an assessment of the
24 circumstances that required child welfare services intervention.
25 The child shall be involved in developing the case plan as age and
26 developmentally appropriate.

27 (2) The case plan shall identify specific goals and the
28 appropriateness of the planned services in meeting those goals.

29 (3) The case plan shall identify the original allegations of abuse
30 or neglect, as defined in Article 2.5 (commencing with Section
31 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
32 conditions cited as the basis for declaring the child a dependent of
33 the court pursuant to Section 300, or all of these, and the other
34 precipitating incidents that led to child welfare services
35 intervention.

36 (4) The case plan shall include a description of the schedule of
37 the placement agency contacts with the child and the family or
38 other caretakers. The frequency of these contacts shall be in
39 accordance with regulations adopted by the State Department of
40 Social Services. If the child has been placed in foster care out of

1 state, the county social worker or probation officer, or a social
2 worker or probation officer on the staff of the agency in the state
3 in which the child has been placed, shall visit the child in a foster
4 family home or the home of a relative, consistent with federal law
5 and in accordance with the department's approved state plan. For
6 children in out-of-state group home facilities, visits shall be
7 conducted at least monthly, pursuant to Section 16516.5. At least
8 once every six months, at the time of a regularly scheduled
9 placement agency contact with the foster child, the child's social
10 worker or probation officer shall inform the child of his or her
11 rights as a foster child, as specified in Section 16001.9. The social
12 worker or probation officer shall provide the information to the
13 child in a manner appropriate to the age or developmental level of
14 the child.

15 (5) (A) When out-of-home services are used, the frequency of
16 contact between the natural parents or legal guardians and the child
17 shall be specified in the case plan. The frequency of those contacts
18 shall reflect overall case goals, and consider other principles
19 outlined in this section.

20 (B) Information regarding any court-ordered visitation between
21 the child and the natural parents or legal guardians, and the terms
22 and conditions needed to facilitate the visits while protecting the
23 safety of the child, shall be provided to the child's out-of-home
24 caregiver as soon as possible after the court order is made.

25 (6) When out-of-home placement is made, the case plan shall
26 include provisions for the development and maintenance of sibling
27 relationships as specified in subdivisions (b), (c), and (d) of Section
28 16002. If appropriate, when siblings who are dependents of the
29 juvenile court are not placed together, the social worker for each
30 child, if different, shall communicate with each of the other social
31 workers and ensure that the child's siblings are informed of
32 significant life events that occur within their extended family.
33 Unless it has been determined that it is inappropriate in a particular
34 case to keep siblings informed of significant life events that occur
35 within the extended family, the social worker shall determine the
36 appropriate means and setting for disclosure of this information
37 to the child commensurate with the child's age and emotional
38 well-being. These significant life events shall include, but shall
39 not be limited to, the following:

40 (A) The death of an immediate relative.

1 (B) The birth of a sibling.

2 (C) Significant changes regarding a dependent child, unless the
3 child objects to the sharing of the information with his or her
4 siblings, including changes in placement, major medical or mental
5 health diagnoses, treatments, or hospitalizations, arrests, and
6 changes in the permanent plan.

7 (7) If out-of-home placement is made in a foster family home,
8 group home, or other child care institution that is either a
9 substantial distance from the home of the child's parent or out of
10 state, the case plan shall specify the reasons why that placement
11 is in the best interest of the child. When an out-of-state group home
12 placement is recommended or made, the case plan shall, in
13 addition, specify compliance with Section 7911.1 of the Family
14 Code.

15 (8) Effective January 1, 2010, a case plan shall ensure the
16 educational stability of the child while in foster care and shall
17 include both of the following:

18 (A) An assurance that the placement takes into account the
19 appropriateness of the current educational setting and the proximity
20 to the school in which the child is enrolled at the time of placement.

21 (B) An assurance that the placement agency has coordinated
22 with the person holding the right to make educational decisions
23 for the child and appropriate local educational agencies to ensure
24 that the child remains in the school in which the child is enrolled
25 at the time of placement or, if remaining in that school is not in
26 the best interests of the child, assurances by the placement agency
27 and the local educational agency to provide immediate and
28 appropriate enrollment in a new school and to provide all of the
29 child's educational records to the new school.

30 (9) (A) If out-of-home services are used, or if parental rights
31 have been terminated and the case plan is placement for adoption,
32 the case plan shall include a recommendation regarding the
33 appropriateness of unsupervised visitation between the child and
34 any of the child's siblings. This recommendation shall include a
35 statement regarding the child's and the siblings' willingness to
36 participate in unsupervised visitation. If the case plan includes a
37 recommendation for unsupervised sibling visitation, the plan shall
38 also note that information necessary to accomplish this visitation
39 has been provided to the child or to the child's siblings.

1 (B) Information regarding the schedule and frequency of the
2 visits between the child and siblings, as well as any court-ordered
3 terms and conditions needed to facilitate the visits while protecting
4 the safety of the child, shall be provided to the child's out-of-home
5 caregiver as soon as possible after the court order is made.

6 (10) If out-of-home services are used and the goal is
7 reunification, the case plan shall describe the services to be
8 provided to assist in reunification and the services to be provided
9 concurrently to achieve legal permanency if efforts to reunify fail.
10 The plan shall also consider in-state and out-of-state placements,
11 the importance of developing and maintaining sibling relationships
12 pursuant to Section 16002, and the desire and willingness of the
13 caregiver to provide legal permanency for the child if reunification
14 is unsuccessful.

15 (11) If out-of-home services are used, the child has been in care
16 for at least 12 months, and the goal is not adoptive placement, the
17 case plan shall include documentation of the compelling reason
18 or reasons why termination of parental rights is not in the child's
19 best interest. A determination completed or updated within the
20 past 12 months by the department when it is acting as an adoption
21 agency or by a licensed adoption agency that it is unlikely that the
22 child will be adopted, or that one of the conditions described in
23 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
24 be deemed a compelling reason.

25 (12) (A) Parents and legal guardians shall have an opportunity
26 to review the case plan, and to sign it whenever possible, and then
27 shall receive a copy of the plan. In a voluntary service or placement
28 agreement, the parents or legal guardians shall be required to
29 review and sign the case plan. Whenever possible, parents and
30 legal guardians shall participate in the development of the case
31 plan. Commencing January 1, 2012, for nonminor dependents, as
32 defined in subdivision (v) of Section 11400, who are receiving
33 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
34 to Section 11403, the transitional independent living case plan, as
35 set forth in subdivision (y) of Section 11400, shall be developed
36 with, and signed by, the nonminor.

37 (B) Parents and legal guardians shall be advised that, pursuant
38 to Section 1228.1 of the Evidence Code, neither their signature on
39 the child welfare services case plan nor their acceptance of any
40 services prescribed in the child welfare services case plan shall

1 constitute an admission of guilt or be used as evidence against the
2 parent or legal guardian in a court of law. However, they shall also
3 be advised that the parent's or guardian's failure to cooperate,
4 except for good cause, in the provision of services specified in the
5 child welfare services case plan may be used in any hearing held
6 pursuant to Section 366.21, 366.22, or 366.25 as evidence.

7 (13) A child shall be given a meaningful opportunity to
8 participate in the development of the case plan and state his or her
9 preference for foster care placement. A child who is 12 years of
10 age or older and in a permanent placement shall also be given the
11 opportunity to review the case plan, sign the case plan, and receive
12 a copy of the case plan.

13 (14) The case plan shall be included in the court report and shall
14 be considered by the court at the initial hearing and each review
15 hearing. Modifications to the case plan made during the period
16 between review hearings need not be approved by the court if the
17 casework supervisor for that case determines that the modifications
18 further the goals of the plan. If out-of-home services are used with
19 the goal of family reunification, the case plan shall consider and
20 describe the application of subdivision (b) of Section 11203.

21 (15) If the case plan has as its goal for the child a permanent
22 plan of adoption or placement in another permanent home, it shall
23 include a statement of the child's wishes regarding their permanent
24 placement plan and an assessment of those stated wishes. The
25 agency shall also include documentation of the steps the agency
26 is taking to find an adoptive family or other permanent living
27 arrangements for the child; to place the child with an adoptive
28 family, an appropriate and willing relative, a legal guardian, or in
29 another planned permanent living arrangement; and to finalize the
30 adoption or legal guardianship. At a minimum, the documentation
31 shall include child-specific recruitment efforts, such as the use of
32 state, regional, and national adoption exchanges, including
33 electronic exchange systems, when the child has been freed for
34 adoption. If the plan is for kinship guardianship, the case plan shall
35 document how the child meets the kinship guardianship eligibility
36 requirements.

37 (16) (A) When appropriate, for a child who is 16 years of age
38 or older and, commencing January 1, 2012, for a nonminor
39 dependent, the case plan shall include the transitional independent
40 living plan (TILP), a written description of the programs and

1 services that will help the child, consistent with the child's best
2 interests, to prepare for the transition from foster care to
3 independent living, and, in addition, whether the youth has an
4 in-progress application pending for Title XVI Supplemental
5 Security Income benefits or for Special Immigrant Juvenile Status
6 or other applicable application for legal residency and an active
7 dependency case is required for that application. When appropriate,
8 for a nonminor dependent, the transitional independent living case
9 plan, as described in subdivision (v) of Section 11400, shall include
10 the TILP, a written description of the programs and services that
11 will help the nonminor dependent, consistent with his or her best
12 interests, to prepare for transition from foster care and assist the
13 youth in meeting the eligibility criteria set forth in paragraphs (1)
14 to (5), inclusive, of subdivision (b) Section 11403. If applicable,
15 the case plan shall describe the individualized supervision provided
16 in the supervised independent living placement as defined in
17 subdivision (w) of Section 11400. The case plan shall be developed
18 with the child or nonminor dependent and individuals identified
19 as important to the child or nonminor dependent, and shall include
20 steps the agency is taking to ensure that the child or nonminor
21 dependent achieves permanence, including maintaining or
22 obtaining permanent connections to caring and committed adults.

23 (B) During the 90-day period prior to the participant attaining
24 18 years of age or older as the state may elect under Section
25 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
26 675(8)(B)(iii)), whether during that period foster care maintenance
27 payments are being made on the child's behalf or the child is
28 receiving benefits or services under Section 477 of the federal
29 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
30 appropriate agency staff or probation officer and other
31 representatives of the participant, as appropriate, shall provide the
32 youth or nonminor with assistance and support in developing the
33 written 90-day transition plan, that is personalized at the direction
34 of the child, information as detailed as the participant elects that
35 shall include, but not be limited to, options regarding housing,
36 health insurance, education, local opportunities for mentors and
37 continuing support services, and workforce supports and
38 employment services, a power of attorney for health care, and
39 information regarding the advance health care directive form.

1 (C) For youth 16 years of age or older, the case plan shall
2 include documentation that a consumer credit report was requested
3 annually from each of the three major credit reporting agencies at
4 no charge to the youth and that any results were provided to the
5 youth. For nonminor dependents, the case plan shall include
6 documentation that the county assisted the nonminor dependent
7 in obtaining his or her reports. The case plan shall include
8 documentation of barriers, if any, to obtaining the credit reports.
9 If the consumer credit report reveals any accounts, the case plan
10 shall detail how the county ensured the youth received assistance
11 with interpreting the credit report and resolving any inaccuracies,
12 including any referrals made for the assistance.

13 (g) If the court finds, after considering the case plan, that
14 unsupervised sibling visitation is appropriate and has been
15 consented to, the court shall order that the child or the child's
16 siblings, the child's current caregiver, and the child's prospective
17 adoptive parents, if applicable, be provided with information
18 necessary to accomplish this visitation. This section does not
19 require or prohibit the social worker's facilitation, transportation,
20 or supervision of visits between the child and his or her siblings.

21 (h) The case plan documentation on sibling placements required
22 under this section shall not require modification of existing case
23 plan forms until the Child Welfare Services Case Management
24 System is implemented on a statewide basis.

25 (i) When a child is 10 years of age or older and has been in
26 out-of-home placement for six months or longer, the case plan
27 shall include an identification of individuals, other than the child's
28 siblings, who are important to the child and actions necessary to
29 maintain the child's relationship with those individuals, provided
30 that those relationships are in the best interest of the child. The
31 social worker or probation officer shall ask every child who is 10
32 years of age or older and who has been in out-of-home placement
33 for six months or longer to identify individuals other than the
34 child's siblings who are important to the child, and may ask any
35 other child to provide that information, as appropriate. The social
36 worker or probation officer shall make efforts to identify other
37 individuals who are important to the child, consistent with the
38 child's best interests.

1 (j) The child's caregiver shall be provided a copy of a plan
2 outlining the child's needs and services. The nonminor dependent's
3 caregiver shall be provided with a copy of the nonminor's TILP.

4 (k) On or before June 30, 2008, the department, in consultation
5 with the County Welfare Directors Association of California and
6 other advocates, shall develop a comprehensive plan to ensure that
7 90 percent of foster children are visited by their caseworkers on a
8 monthly basis by October 1, 2011, and that the majority of the
9 visits occur in the residence of the child. The plan shall include
10 any data reporting requirements necessary to comply with the
11 provisions of the federal Child and Family Services Improvement
12 Act of 2006 (Public Law 109-288).

13 (l) The implementation and operation of the amendments to
14 subdivision (i) enacted at the 2005-06 Regular Session shall be
15 subject to appropriation through the budget process and by phase,
16 as provided in Section 366.35.

17 ~~SEC. 80.~~

18 *SEC. 90.* Section 16519.5 of the Welfare and Institutions Code
19 is amended to read:

20 16519.5. (a) The State Department of Social Services, in
21 consultation with county child welfare agencies, foster parent
22 associations, and other interested community parties, shall
23 implement a unified, family friendly, and child-centered resource
24 family approval process to replace the existing multiple processes
25 for licensing foster family homes, approving relatives and
26 nonrelative extended family members as foster care providers, and
27 approving adoptive families.

28 (b) (1) Counties shall be selected to participate on a voluntary
29 basis as early implementation counties for the purpose of
30 participating in the initial development of the approval process.
31 Early implementation counties shall be selected according to
32 criteria developed by the department in consultation with the
33 County Welfare Directors Association. In selecting the five early
34 implementation counties, the department shall promote diversity
35 among the participating counties in terms of size and geographic
36 location.

37 (2) Additional counties may participate in the early
38 implementation of the program upon authorization by the
39 department.

1 (c) (1) For the purposes of this chapter, “resource family” means
2 an individual or couple that a participating county or foster family
3 agency determines to have successfully met both the home approval
4 standards and the permanency assessment criteria adopted pursuant
5 to subdivision (d) necessary for providing care for a related or
6 unrelated child who is under the jurisdiction of the juvenile court,
7 or otherwise in the care of a county child welfare agency or
8 probation department. A resource family shall demonstrate all of
9 the following:

10 (A) An understanding of the safety, permanence, and well-being
11 needs of children who have been victims of child abuse and neglect,
12 and the capacity and willingness to meet those needs, including
13 the need for protection, and the willingness to make use of support
14 resources offered by the agency, or a support structure in place,
15 or both.

16 (B) An understanding of children’s needs and development,
17 effective parenting skills or knowledge about parenting, and the
18 capacity to act as a reasonable, prudent parent in day-to-day
19 decisionmaking.

20 (C) An understanding of his or her role as a resource family and
21 the capacity to work cooperatively with the agency and other
22 service providers in implementing the child’s case plan.

23 (D) The financial ability within the household to ensure the
24 stability and financial security of the family.

25 (E) An ability and willingness to maintain the least restrictive
26 and most familylike environment that serves the needs of the child.

27 (2) Subsequent to meeting the criteria set forth in this
28 subdivision and designation as a resource family, a resource family
29 shall be considered eligible to provide foster care for related and
30 unrelated children in out-of-home placement, shall be considered
31 approved for adoption or guardianship, and shall not have to
32 undergo any additional approval or licensure as long as the family
33 lives in a county participating in the program.

34 (3) Resource family assessment and approval means that the
35 applicant meets the standard for home approval, and has
36 successfully completed a permanency assessment. This approval
37 is in lieu of the existing foster care license, relative or nonrelative
38 extended family member approval, and the adoption home study
39 approval.

1 (4) Approval of a resource family does not guarantee an initial
2 or continued placement of a child with a resource family.

3 (d) Prior to implementation of this program, the department
4 shall adopt standards pertaining to home approval and permanency
5 assessment of a resource family.

6 (1) Resource family home approval standards shall include, but
7 not be limited to, all of the following:

8 (A) (i) Criminal records clearance of all adults residing in the
9 home, pursuant to Section 8712 of the Family Code, utilizing a
10 check of the Child Abuse Central Index (CACI), a check of the
11 Child Welfare Services/Case Management System (CWS/CMS),
12 and receipt of a fingerprint-based state and federal criminal
13 offender record information search response . The criminal history
14 information shall include subsequent state and federal arrest and
15 disposition notifications pursuant to Section 11105.2 of the Penal
16 Code.

17 (ii) Consideration of any substantiated allegations of child abuse
18 or neglect against either the applicant or any other adult residing
19 in the home. An approval may not be granted to applicants whose
20 criminal record indicates a conviction for any of the offenses
21 specified in subdivision (g) of Section 1522 of the Health and
22 Safety Code.

23 (iii) Exemptions from the criminal records clearance
24 requirements set forth in this section may be granted by the director
25 or the early implementation county, if that county has been granted
26 permission by the director to issue criminal records exemptions
27 pursuant to Section 361.4, using the exemption criteria currently
28 used for foster care licensing as specified in subdivision (g) of
29 Section 1522 of the Health and Safety Code.

30 (B) Buildings and grounds and storage requirements set forth
31 in Sections 89387 and 89387.2 of Title 22 of the California Code
32 of Regulations.

33 (C) In addition to the foregoing requirements, the resource
34 family home approval standards shall also require the following:

35 (i) That the applicant demonstrate an understanding about the
36 rights of children in care and his or her responsibility to safeguard
37 those rights.

38 (ii) That the total number of children residing in the home of a
39 resource family shall be no more than the total number of children
40 the resource family can properly care for, regardless of status, and

1 shall not exceed six children, unless exceptional circumstances
2 that are documented in the foster child’s case file exist to permit
3 a resource family to care for more children, including, but not
4 limited to, the need to place siblings together.

5 (iii) That the applicant understands his or her responsibilities
6 with respect to acting as a reasonable and prudent parent, and
7 maintaining the least restrictive and most familylike environment
8 that serves the needs of the child.

9 (D) The results of a caregiver risk assessment are consistent
10 with the factors listed in subparagraphs (A) to (D), inclusive, of
11 paragraph (1) of subdivision (c). A caregiver risk assessment shall
12 include, but not be limited to, physical and mental health, alcohol
13 and other substance use and abuse, and family and domestic
14 violence.

15 (2) The resource family permanency assessment standards shall
16 include, but not be limited to, all of the following:

17 (A) The applicant shall complete caregiver training.

18 (B) The applicant shall complete a psychosocial evaluation.

19 (C) The applicant shall complete any other activities that relate
20 to a resource family’s ability to achieve permanency with the child.

21 (e) (1) A child may be placed with a resource family that has
22 received home approval prior to completion of a permanency
23 assessment only if a compelling reason for the placement exists
24 based on the needs of the child.

25 (2) The permanency assessment shall be completed within 90
26 days of the child’s placement in the approved home, unless good
27 cause exists based upon the needs of the child.

28 (3) If additional time is needed to complete the permanency
29 assessment, the county shall document the extenuating
30 circumstances for the delay and generate a timeframe for the
31 completion of the permanency assessment.

32 (4) The county shall report to the department on a quarterly
33 basis the number of families with a child in an approved home
34 whose permanency assessment goes beyond 90 days and
35 summarize the reasons for these delays.

36 (5) A child may be placed with a relative, as defined in Section
37 319, or nonrelative extended family member, as defined in Section
38 362.7, prior to home approval and completion of the permanency
39 assessment only on an emergency basis if all of the following
40 requirements are met:

1 (A) Consideration of the results of a criminal records check
2 conducted pursuant to Section 16504.5 of the relative or nonrelative
3 extended family member and of every other adult in the home.

4 (B) Consideration of the results of the Child Abuse Central
5 Index (CACI) consistent with Section 1522.1 of the Health and
6 Safety Code of the relative or nonrelative extended family member,
7 and of every other adult in the home.

8 (C) The home and grounds are free of conditions that pose undue
9 risk to the health and safety of the child.

10 (D) For any placement made pursuant to this paragraph, the
11 county shall initiate the home approval process no later than five
12 business days after the placement, which shall include a
13 face-to-face interview with the resource family applicant and child.

14 (E) For any placement made pursuant to this paragraph,
15 AFDC-FC funding shall not be available until the home has been
16 approved.

17 (F) Any child placed under this section shall be afforded all the
18 rights set forth in Section 16001.9.

19 (f) The State Department of Social Services shall be responsible
20 for all of the following:

21 (1) Selecting early implementation counties, based on criteria
22 established by the department in consultation with the County
23 Welfare Directors Association.

24 (2) Establishing timeframes for participating counties to submit
25 an implementation plan, enter into terms and conditions for
26 participation in the program, train appropriate staff, and accept
27 applications from resource families.

28 (3) Entering into terms and conditions for participation in the
29 program by counties.

30 (4) Administering the early implementation of the program
31 through the issuance of written directives that shall have the same
32 force and effect as regulations. Any directive affecting Article 1
33 (commencing with Section 700) of Chapter 7 of Title 11 of the
34 California Code of Regulations shall be approved by the
35 Department of Justice. The directives shall be exempt from the
36 rulemaking provisions of the Administrative Procedure Act
37 (Chapter 3.5 (commencing with Section 11340)) of Part 1 of
38 Division 3 of Title 2 of the Government Code.

39 (5) Approving and requiring the use of a single standard for
40 resource family home approval and permanency assessment.

1 (6) Adopting and requiring the use of standardized
2 documentation for the home approval and permanency assessment
3 of resource families.

4 (7) Requiring counties to monitor resource families including,
5 but not limited to, all of the following:

6 (A) Investigating complaints of resource families.

7 (B) Developing and monitoring resource family corrective action
8 plans to correct identified deficiencies and to rescind resource
9 family approval if compliance with corrective action plans is not
10 achieved.

11 (8) Ongoing oversight and monitoring of county systems and
12 operations including all of the following:

13 (A) Reviewing the county's implementation of the program.

14 (B) Reviewing an adequate number of approved resource
15 families in each participating county to ensure that approval
16 standards are being properly applied. The review shall include
17 case file documentation, and may include onsite inspection of
18 individual resource families. The review shall occur on an annual
19 basis, and more frequently if the department becomes aware that
20 a participating county is experiencing a disproportionate number
21 of complaints against individual resource family homes.

22 (C) Reviewing county reports of serious complaints and
23 incidents involving approved resource families, as determined
24 necessary by the department. The department may conduct an
25 independent review of the complaint or incident and change the
26 findings depending on the results of its investigation.

27 (D) Investigating unresolved complaints against participating
28 counties.

29 (E) Requiring corrective action of counties that are not in full
30 compliance with the terms and conditions of the program.

31 (9) Preparing or having prepared, and submitting to the
32 Legislature, a report on the results of the initial phase of
33 implementation of the program. The report shall include all of the
34 following:

35 (A) An analysis, utilizing available data, of state and federal
36 data indicators related to the length of time to permanency
37 including reunification, guardianship and adoption, child safety
38 factors, and placement stability.

39 (B) An analysis of resource family recruitment and retention
40 elements, including resource family satisfaction with approval

1 processes and changes regarding the population of available
2 resource families.

3 (C) An analysis of cost, utilizing available data, including
4 funding sources.

5 (D) An analysis of regulatory or statutory barriers to
6 implementing the program on a statewide basis.

7 (g) Counties participating in the program shall be responsible
8 for all of the following:

9 (1) Submitting an implementation plan, entering into terms and
10 conditions for participation in the program, consulting with the
11 county probation department in the development of the
12 implementation plan, training appropriate staff, and accepting
13 applications from resource families within the timeframes
14 established by the department.

15 (2) Complying with the written directives pursuant to paragraph
16 (4) of subdivision (f).

17 (3) Implementing the requirements for resource family home
18 approval and permanency assessment and utilizing standardized
19 documentation established by the department.

20 (4) (A) Ensuring staff have the education and experience
21 necessary to complete the home approval and permanency
22 assessment competently.

23 (B) A county may contract with a licensed adoption agency to
24 complete the permanency assessment. A permanency assessment
25 completed by a licensed adoption agency shall be reviewed and
26 approved by the county.

27 (5) Approving and denying resource family applications,
28 including all of the following:

29 (A) Rescinding home approvals and resource family approvals
30 where appropriate, consistent with the established standard.

31 (B) Providing an applicant and disapproved resource family
32 requesting review of that decision with due process pursuant to
33 the department's regulations.

34 (C) Notifying the department of any decisions denying a
35 resource family's application or rescinding the approval of a
36 resource family.

37 (6) Updating resource family approval annually.

38 (7) Monitoring resource families through all of the following:

39 (A) Ensuring that social workers who identify a condition in
40 the home that may not meet the approval standards set forth in

1 subdivision (d) while in the course of a routine visit to children
2 placed with a resource family take appropriate action as needed.

3 (B) Requiring resource families to comply with corrective action
4 plans as necessary to correct identified deficiencies. If corrective
5 action is not completed as specified in the plan, the county may
6 rescind the resource family approval.

7 (C) Requiring resource families to report to the county child
8 welfare agency any incidents consistent with the reporting
9 requirements for licensed foster family homes.

10 (8) Investigating all complaints against a resource family and
11 taking action as necessary. This shall include investigating any
12 incidents reported about a resource family indicating that the
13 approval standard is not being maintained.

14 (A) The child's social worker shall not conduct the formal
15 investigation into the complaint received concerning a family
16 providing services under the standards required by subdivision
17 (d). To the extent that adequate resources are available, complaints
18 shall be investigated by a worker who did not initially perform the
19 home approval or permanency assessment.

20 (B) Upon conclusion of the complaint investigation, the final
21 disposition shall be reviewed and approved by a supervising staff
22 member.

23 (C) The department shall be notified of any serious incidents
24 or serious complaints or any incident that falls within the definition
25 of Section 11165.5 of the Penal Code. If those incidents or
26 complaints result in an investigation, the department shall also be
27 notified as to the status and disposition of that investigation.

28 (9) Performing corrective action as required by the department.

29 (10) Assessing county performance in related areas of the
30 California Child and Family Services Review System, and
31 remedying problems identified.

32 (11) Submitting information and data that the department
33 determines is necessary to study, monitor, and prepare the report
34 specified in paragraph (9) of subdivision (f).

35 (12) Ensuring that resource families have the necessary
36 knowledge, skills, and abilities to support children in foster care
37 by completing caregiver training. The training should include a
38 curriculum that supports the role of a resource family in parenting
39 vulnerable children and should be ongoing in order to provide

1 resource families with information on new practices and changes
2 within the foster care system.

3 (13) Ensuring that a resource family applicant completes a
4 minimum number of training hours, as prescribed. The training
5 shall include, but not be limited to, all of the following training
6 courses:

7 (A) An overview of the child protective system.

8 (B) The effects of child abuse and neglect on child development.

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

10 (D) Health issues in foster care, including the administration of
11 psychotropic and other medications.

12 (E) Accessing education and health services available to foster
13 children.

14 (F) The rights of a child in foster care, and the foster parent's
15 responsibility to safeguard those rights, including the right to have
16 fair and equal access to all available services, placement, care,
17 treatment, and benefits, and to not be subjected to discrimination
18 or harassment on the basis of actual or perceived race, ethnic group
19 identification, ancestry, national origin, color, religion, sex, sexual
20 orientation, gender identity, mental or physical disability, or HIV
21 status.

22 (G) Cultural needs of children, including instruction on cultural
23 competency and sensitivity relating to, and best practices for,
24 providing adequate care to lesbian, gay, bisexual, and transgender
25 youth in out-of-home care.

26 (H) Basic instruction on existing laws and procedures regarding
27 the safety of foster youth at school; and ensuring a harassment and
28 violence free school environment pursuant to the California Student
29 Safety and Violence Prevention Act of 2000 (Article 3.6
30 (commencing with Section 32228) of Chapter 2 of Part 19 of
31 Division 1 of Title 1 of the Education Code).

32 (I) Permanence and well-being needs of children.

33 (J) Child and adolescent development.

34 (K) The role of foster parents, including working cooperatively
35 with the child welfare agency, the child's family, and other service
36 providers implementing the case plan.

37 (L) A foster parent's responsibility to act as a reasonable and
38 prudent parent; and to maintain the least restrictive, most
39 family-like environment that serves the needs of the child.

1 (14) Ensuring approved resource families complete a minimum
2 number of training hours annually, as prescribed. The annual
3 training shall include, but not be limited to, all of the following
4 training courses:

5 (A) Age-appropriate child development.

6 (B) Health issues in foster care, including the administration of
7 psychotropic and other medications.

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

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

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

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

20 (h) (1) Approved relatives and nonrelative extended family
21 members, licensed foster family homes, or approved adoptive
22 homes that have completed the license or approval process prior
23 to full implementation of the program shall not be considered part
24 of the program. The otherwise applicable assessment and oversight
25 processes shall continue to be administered for families and
26 facilities not included in the program.

27 (2) Upon implementation of the program in a county, that
28 county may not accept new applications for the licensure of foster
29 family homes, the approval of relative and nonrelative extended
30 family members, or the approval of prospective adoptive homes.

31 (i) The department may waive regulations that pose a barrier to
32 implementation and operation of this program. The waiver of any
33 regulations by the department pursuant to this section shall apply
34 to only those counties or foster family agencies participating in
35 the program and only for the duration of the program.

36 (j) Resource families approved under initial implementation of
37 the program, who move within an early implementation county or
38 who move to another early implementation county, shall retain
39 their resource family status if the new building and grounds,
40 outdoor activity areas, and storage areas meet home approval

1 standards. The State Department of Social Services or early
2 implementation county may allow a program-affiliated individual
3 to transfer his or her subsequent arrest notification if the individual
4 moves from one early implementation county to another early
5 implementation county, as specified in subdivision (h) of Section
6 1522 of the Health and Safety Code.

7 (k) (1) The approval of a resource family who moves to a
8 nonparticipating county remains in full force and effect pending
9 a determination by the county approval agency or the department,
10 as appropriate, whether the new building and grounds and storage
11 areas meet applicable standards, and whether all adults residing
12 in the home have a criminal records clearance or exemptions
13 granted, using the exemption criteria used for foster care licensing,
14 as specified in subdivision (g) of Section 1522 of the Health and
15 Safety Code. Upon this determination, the nonparticipating county
16 shall either approve the family as a relative or nonrelative extended
17 family member, as applicable, or the department shall license the
18 family as a foster family home.

19 (2) Subject to the requirements in paragraph (1), the family shall
20 continue to be approved for guardianship and adoption. Nothing
21 in this subdivision shall limit a county or adoption agency from
22 determining that the family is not approved for guardianship or
23 adoption based on changes in the family's circumstances or
24 permanency assessment.

25 (3) A program-affiliated individual who moves to a
26 nonparticipating county may not transfer his or her subsequent
27 arrest notification from a participating county to the
28 nonparticipating county.

29 (l) Implementation of the program shall be contingent upon the
30 continued availability of federal Social Security Act Title IV-E
31 (42 U.S.C. Sec. 670) funds for costs associated with placement of
32 children with resource families assessed and approved under the
33 program.

34 (m) A child placed with a resource family shall be eligible for
35 AFDC-FC payments. A resource family, or a foster family agency
36 pursuant to subdivisions (q) and (r), shall be paid an AFDC-FC
37 rate pursuant to Sections 11460, 11461, and 11463. Sharing ratios
38 for nonfederal expenditures for all costs associated with activities
39 related to the approval of relatives and nonrelative extended family
40 members shall be in accordance with Section 10101.

1 (n) The Department of Justice shall charge fees sufficient to
2 cover the cost of initial or subsequent criminal offender record
3 information and Child Abuse Central Index searches, processing,
4 or responses, as specified in this section.

5 (o) Approved resource families under this program shall be
6 exempt from all of the following:

7 (1) Licensure requirements set forth under the Community Care
8 Facilities Act, commencing with Section 1500 of the Health and
9 Safety Code, and all regulations promulgated thereto.

10 (2) Relative and nonrelative extended family member approval
11 requirements set forth under Sections 309, 361.4, and 362.7, and
12 all regulations promulgated thereto.

13 (3) Adoptions approval and reporting requirements set forth
14 under Section 8712 of the Family Code, and all regulations
15 promulgated thereto.

16 (p) Early implementation counties shall be authorized to
17 continue through the end of the 2016–17 fiscal year, or through
18 the end of the third full fiscal year following the date that counties
19 commence implementation, whichever of these dates is later. The
20 program is authorized in all counties effective July 1, 2017. The
21 program shall be implemented by each county on or before July
22 1, 2019.

23 (q) Notwithstanding any other law, on and after July 1, 2017,
24 a licensed foster family agency shall require a certified family
25 home applicant to meet the resource family approval standards
26 and requirements set forth in this chapter and in the written
27 directives adopted pursuant to paragraph (4) of subdivision (f),
28 prior to approval.

29 (r) No later than July 1, 2017, the department may establish
30 participation conditions, and select and authorize a foster family
31 agency that voluntarily submits an implementation plan and revised
32 plan of operation in accordance with requirements established by
33 the department, to approve resource families in lieu of certifying
34 foster homes.

35 (1) Except for subdivision (g), a participating foster family
36 agency shall comply with the resource family approval standards
37 set forth in this chapter and in the written directives issued pursuant
38 to paragraph (4) of subdivision (f).

39 (2) Notwithstanding any other law, the department shall enforce
40 the resource family approval standards and requirements set forth

1 in this chapter and in the written directives issued pursuant to
2 paragraph (4) of subdivision (f) against a participating foster family
3 agency. In the event of any conflict with the Community Care
4 Facilities Act (Chapter 3 (commencing with Section 1500) of
5 Division 2 of the Health and Safety Code), this section shall be
6 controlling. This subdivision does not impose any new
7 responsibilities upon the counties as described in subdivision (g).

8 (3) Nothing in this subdivision shall limit the department’s
9 authority to take administrative action against a foster family
10 agency or a certified family home of a foster family agency. For
11 purposes of Article 5 of Chapter 3 of Division 2 of the Health and
12 Safety Code, a certified family home includes a resource family
13 approved by a foster family agency pursuant to this subdivision.

14 (4) The department may adjust the foster family agency
15 AFDC-FC rate pursuant to Section 11463 for implementation of
16 this subdivision.

17 ~~SEC. 81.~~

18 *SEC. 91.* Section 16519.52 is added to the Welfare and
19 Institutions Code, to read:

20 16519.52. (a) A resource family may install and use delayed
21 egress devices of the time delay type in the home of the resource
22 family.

23 (b) As used in this section, “delayed egress device” means a
24 device that precludes the use of exits for a predetermined period
25 of time. These devices shall not delay any resident’s departure
26 from the home for longer than 30 seconds.

27 (c) Within the 30 seconds of delay, a resource family may
28 attempt to redirect a resident who attempts to leave the home.

29 (d) Any person accepted by a resource family using delayed
30 egress devices in the home shall meet all of the following
31 conditions:

32 (1) The person shall have a developmental disability, as defined
33 in Section 4512.

34 (2) The person shall be receiving services and case management
35 from a regional center under the Lanterman Developmental
36 Disabilities Services Act (Division 4.5 (commencing with Section
37 4500)).

38 (3) An interdisciplinary team, through the Individual Program
39 Plan (IPP) process pursuant to Section 4646.5, shall have
40 determined that the person lacks hazard awareness or impulse

1 control and requires the level of supervision afforded by a resource
2 family in a home equipped with delayed egress devices, and that,
3 but for this placement, the person would be at risk of admission
4 to, or would have no option but to remain in, a more restrictive
5 state hospital or state developmental center placement.

6 (e) The home shall be subject to all fire and building codes,
7 regulations, and standards applicable to residential care facilities
8 for the elderly utilizing delayed egress devices, and shall receive
9 approval by the county or city fire department, the local fire
10 prevention district, or the State Fire Marshal for the installed
11 delayed egress devices.

12 (f) The resource family shall provide training regarding the use
13 and operation of the egress control devices used by any person
14 caring for a resident, protection of residents' personal rights, lack
15 of hazard awareness and impulse control behavior, and emergency
16 evacuation procedures.

17 (g) The resource family shall develop a plan of operation that
18 is authorized by the approving county and includes a description
19 of how the home is to be equipped with egress control devices that
20 are consistent with regulations adopted by the State Fire Marshal
21 pursuant to Section 13143 of the Health and Safety Code.

22 (h) The plan shall include, but shall not be limited to, all of the
23 following:

24 (1) A description of how the resource family will provide
25 training for persons caring for a resident regarding the use and
26 operation of the egress control devices used in the home.

27 (2) A description of how the resource family will ensure the
28 protection of the residents' personal rights consistent with Sections
29 4502, 4503, and 4504.

30 (3) A description of how the resource family will manage the
31 person's lack of hazard awareness and impulse control behavior.

32 (4) A description of the resource family's emergency evacuation
33 procedures.

34 (i) Delayed egress devices shall not substitute for adequate
35 supervision. The capacity of the home shall not exceed six
36 residents.

37 (j) Emergency fire and earthquake drills shall be conducted at
38 least once every three months, and shall include all persons
39 providing resident care and supervision.

1 ~~SEC. 82.~~

2 *SEC. 92.* Section 16519.53 is added to the Welfare and
3 Institutions Code, to read:

4 16519.53. (a) A resource family shall be authorized to
5 administer emergency medical assistance and injections for severe
6 diabetic hypoglycemia and anaphylactic shock to a foster child in
7 placement in accordance with subdivision (a) of Section 1507.25
8 of the Health and Safety Code.

9 (b) A resource family shall be authorized to administer
10 subcutaneous injections of other medications, including insulin,
11 as prescribed by a child’s physician, to a foster child in placement
12 in accordance with subdivision (b) of Section 1507.25 of the Health
13 and Safety Code.

14 ~~SEC. 83.~~

15 *SEC. 93.* Section 16519.54 is added to the Welfare and
16 Institutions Code, to read:

17 16519.54. Notwithstanding any other law, a resource family
18 shall not be subject to civil penalties imposed pursuant to the
19 Community Care Facilities Care Act (Chapter 3 (commencing
20 with Section 1500) of Division 2 of the Health and Safety Code).

21 ~~SEC. 84.~~

22 *SEC. 94.* Section 16519.55 is added to the Welfare and
23 Institutions Code, to read:

24 16519.55. (a) Subject to subdivision (b), to encourage the
25 recruitment of resource families, to protect their personal privacy,
26 and to preserve the security of confidentiality of the placements
27 with resource families, the names, addresses, and other identifying
28 information of resource families shall be considered personal
29 information for purposes of the Information Practices Act of 1977
30 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
31 4 of Division 3 of the Civil Code). This information shall not be
32 disclosed by any state or local agency pursuant to the California
33 Public Records Act (Chapter 3.5 (commencing with Section 6250)
34 of Division 7 of Title 1 of the Government Code), except as
35 necessary for administering the resource family approval program,
36 facilitating the placement of children with resource families, and
37 providing names and addresses only to bona fide professional
38 foster parent organizations upon request.

39 (b) The department, a county, or a foster family agency may
40 request information from, or divulge information to, the

1 department, a county, or a foster family agency, regarding a
2 prospective resource family for the purpose of and as necessary
3 to conduct a reference check to determine whether it is safe and
4 appropriate to approve an applicant to be a resource family.

5 ~~SEC. 85.~~

6 *SEC. 95.* Section 18251 of the Welfare and Institutions Code
7 is amended to read:

8 18251. As used in this chapter:

9 (a) “County” means each county participating in an
10 individualized or wraparound services program.

11 (b) “County placing agency” means a county welfare or
12 probation department, or a county mental health department.

13 (c) “Eligible child” means a child or nonminor dependent, as
14 described in subdivision (v) of Section 11400, who is any of the
15 following:

16 (1) A child or nonminor dependent who has been adjudicated
17 as either a dependent, transition dependent, or ward of the juvenile
18 court pursuant to Section 300, 450, 601, or 602 and who would be
19 placed in a group home licensed by the department at a rate
20 classification level of 10 or higher, or commencing January 1,
21 2017, would be placed in a short-term residential treatment center.

22 (2) A child or nonminor dependent who is currently, or who
23 would be, placed in a group home licensed by the department at
24 a rate classification level of 10 or higher, or commencing January
25 1, 2017, would be placed in a short-term residential treatment
26 center.

27 (3) A child who is eligible for adoption assistance program
28 benefits when the responsible public agency has approved the
29 provision of wraparound services in lieu of out-of-home placement
30 care at a rate classification level of 10 or higher, or commencing
31 January 1, 2017, would be placed in a short-term residential
32 treatment center.

33 (d) “Wraparound services” means community-based intervention
34 services that emphasize the strengths of the child and family and
35 includes the delivery of coordinated, highly individualized
36 unconditional services to address needs and achieve positive
37 outcomes in their lives.

38 (e) “Service allocation slot” means a specified amount of funds
39 available to the county to pay for an individualized intensive
40 wraparound services package for an eligible child. A service

1 allocation slot may be used for more than one child on a successive
2 basis.

3 ~~SEC. 86.~~

4 *SEC. 96.* Section 18254 of the Welfare and Institutions Code
5 is amended to read:

6 18254. (a) Rates for wraparound services, under the
7 wraparound services program, shall be based on the following
8 factors:

9 (1) The average cost of rate classification 10 to 11 in each
10 county, minus the cost of any concurrent out-of-home placement,
11 for children who are or would be placed in a rate level 10 or 11
12 group home.

13 (2) The average cost of rate classification 12 to 14 in each
14 county, minus the cost of any concurrent out-of-home placement,
15 for children who are or would be placed in a rate level 12 to 14
16 group home.

17 (b) (1) Prior to the 2011–12 fiscal year, the department shall
18 reimburse each county, for the purpose of providing intensive
19 wraparound services, up to 100 percent of the state share of
20 nonfederal funds, to be matched by each county’s share of cost as
21 established by law, and to the extent permitted by federal law, up
22 to 100 percent of the federal funds allocated for group home
23 placements of eligible children, at the rate authorized pursuant to
24 subdivision (a).

25 (2) Beginning in the 2011–12 fiscal year, and for each fiscal
26 year thereafter, funding and expenditures for programs and
27 activities under this section shall be in accordance with the
28 requirements provided in Sections 30025 and 30026.5 of the
29 Government Code.

30 (c) County, and to the extent permitted by federal law, federal,
31 foster care funds shall remain with the administrative authority of
32 the county, which may enter into an interagency agreement to
33 transfer those funds, and shall be used to provide intensive
34 wraparound services.

35 (d) Costs for the provision of benefits to eligible children, at
36 rates authorized by subdivision (a), through the wraparound
37 services program authorized by this chapter, shall not exceed the
38 costs which would otherwise have been incurred had the eligible
39 children been placed in a group home.

1 (e) This section shall remain in effect only until January 1, 2017,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2017, deletes or extends that date.

4 ~~SEC. 87.~~

5 *SEC. 97.* Section 18254 is added to the Welfare and Institutions
6 Code, to read:

7 18254. (a) Commencing January 1, 2017, the rate for
8 wraparound services, under the wraparound services program,
9 shall be eight thousand five hundred seventy-three dollars (\$8,573),
10 based on the average cost of rate classification levels 10.5 and 13
11 in effect for the 2014–15 fiscal year.

12 (1) The rate was determined by using the existing rates
13 determined for the 2014–15 fiscal year for rate classification levels
14 10.5 and 13.

15 (A) Combining and calculating the average of the two.

16 (B) Minus the cost of any concurrent out-of-home placement
17 for children who are or would be placed in a rate classification
18 level 10 to 11 and 12 to 14 group home, respectively.

19 (b) For each fiscal year, funding and expenditures for programs
20 and activities under this section shall be in accordance with the
21 requirements provided in Sections 30025 and 30026.5 of the
22 Government Code.

23 (c) County and federal foster care funds, to the extent permitted
24 by federal law, shall remain with the administrative authority of
25 the county, which may enter into an interagency agreement to
26 transfer those funds, and shall be used to provide intensive
27 wraparound services.

28 (d) Costs for the provision of benefits to eligible children, at
29 rates authorized by subdivision (a), through the wraparound
30 services program authorized by this chapter, shall not exceed the
31 costs that otherwise would have been incurred had the eligible
32 children been placed in a short-term residential treatment center.

33 (e) Commencing January 1, 2018, and each January 1 thereafter,
34 an annual cost-of-living increase shall be applied to the wraparound
35 rate, subject to the availability of county funds, equal to the
36 California Necessities Index used in the preparation of the May
37 Revision for the current fiscal year. ~~This adjustment is not a~~
38 ~~reimbursable mandate pursuant to Section 30026.5 of the~~
39 ~~Government Code.~~

1 ~~SEC. 88.~~

2 ~~SEC. 98.~~ (a) The State Department of Social Services and the
3 State Department of Health Care Services shall adopt regulations
4 as required to implement the provisions of this act.

5 (b) Notwithstanding the rulemaking provisions of the
6 Administrative Procedure Act (Chapter 3.5 (commencing with
7 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
8 Code), the departments identified in subdivision (a) may implement
9 and administer the changes made by this legislation through
10 all-county letters or similar written instructions until regulations
11 are adopted.

12 ~~SEC. 99.~~ *The State Department of Social Services shall work*
13 *with counties that operate shelters, probation agencies, homeless*
14 *shelter providers, residential education providers, and others to*
15 *identify jointly developed alternative timeframes or criteria to be*
16 *met in order to address the unique circumstances and needs of the*
17 *populations they serve, while remaining consistent with the*
18 *principles of this act.*

19 ~~SEC. 89.~~

20 ~~SEC. 100.~~ The Legislature finds and declares that Section-85
21 94 of this act, which adds Section 16519.55 to the Welfare and
22 Institutions Code, imposes a limitation on the public's right of
23 access to the meetings of public bodies or the writings of public
24 officials and agencies within the meaning of Section 3 of Article
25 I of the California Constitution. Pursuant to that constitutional
26 provision, the Legislature makes the following findings to
27 demonstrate the interest protected by this limitation and the need
28 for protecting that interest:

29 In order to encourage the recruitment of resource families, to
30 protect their personal privacy, and to preserve the security of
31 confidentiality of the placements with resource families, it is
32 necessary that the names, addresses, and other identifying
33 information of resource families not be disclosed by any state or
34 local agency pursuant to the California Public Records Act
35 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
36 Title 1 of the Government Code), except as necessary for
37 administering the resource family approval program, facilitating
38 the placement of children with resource families, and providing
39 names and addresses only to bona fide professional foster parent
40 organizations upon request.

1 ~~SEC. 90.~~

2 *SEC. 101.* Except as required by Section 36 of Article XIII of
3 the California Constitution, no reimbursement is required by this
4 act pursuant to Section 6 of Article XIII B of the California
5 Constitution for certain costs because, in that regard, this act
6 implements a federal law or regulation and results in costs
7 mandated by the federal government, within the meaning of Section
8 17556 of the Government Code.

9 No reimbursement is required by this act pursuant to Section 6
10 of Article XIII B of the California Constitution for certain costs
11 that may be incurred by a local agency or school district because,
12 in that regard, this act creates a new crime or infraction, eliminates
13 a crime or infraction, or changes the penalty for a crime or
14 infraction, within the meaning of Section 17556 of the Government
15 Code, or changes the definition of a crime within the meaning of
16 Section 6 of Article XIII B of the California Constitution.

17 With regard to other costs, to the extent that this act has an
18 overall effect of increasing the costs already borne by a local
19 agency for programs or levels of service mandated by the 2011
20 Realignment Legislation within the meaning of Section 36 of
21 Article XIII of the California Constitution, it shall apply to local
22 agencies only to the extent that the state provides annual funding
23 for the cost increase. Any new program or higher level of service
24 provided by a local agency pursuant to this act above the level for
25 which funding has been provided shall not require a subvention
26 of funds by the state nor otherwise be subject to Section 6 of Article
27 XIII B of the California Constitution.

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