

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1997

Introduced by Assembly Member Mark Stone

February 16, 2016

An act to amend Sections 48204, 48853, 56155.5, and 79420 of the Education Code, to amend ~~Section~~ Sections 6552 and 7911.1 of the Family Code, to amend Section 30029.7 of the Government Code, to amend Sections 1501.1, 1502, 1502.4, 1506, 1506.1, 1506.3, 1506.5, 1506.6, 1506.7, 1506.8, 1517, 1520.1, 1522.44, 1523.1, 1525.5, 1536, 1538.8, 1538.9, and 1562.01 of, to amend and repeal Section 1506.3 of, and to add Sections 1517.1, 1517.2, ~~and 1517.3 to~~, 1517.3, and 1551.3 to, the Health and Safety Code, to amend Section 676.7 of the Insurance Code, to amend Section 11165.7 of the Penal Code, to amend Sections 1541 and 1543 of the Probate Code, and to amend Sections 291, 293, 294, 295, 309, 361.2, 361.3, 361.4, 361.45, 361.5, 366.26, 727, 727.4, 4094.2, 4096, 4096.5, 11400, 11402, 11460, 11461, 11462, 11462.01, 11462.04, 11463, ~~11463.01, 11463.1,~~ 11466, 11466.2, 11466.21, 11466.22, 11466.24, 11466.25, 11466.31, 11466.32, 11469, 16504.5, 16514, 16519.5, ~~and 16519.55~~ 16519.55, 16519.6, and 18358.30 of, to amend, repeal, and add Section 11462.06 of, to add Sections 11466.01, 16519.61, and 16519.62 to, to add the heading of Article 2 (commencing with Section 16519.5) to Chapter 5 of Part 4 of Division 9 of, to add the heading of Article 3 (commencing with Section 16520) to Chapter 5 of Part 4 of Division 9 of, to repeal Sections 11463.01 and 11463.1 of, and to repeal and add Sections 11402.01 and 16519.51 of, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1997, as amended, Mark Stone. Foster care.

(1) Existing law provides for the early implementation, by counties and foster family agencies, of the resource family approval process, which is a unified, family friendly, and child-centered approval process that replaces the multiple processes for licensing foster family homes, approving relatives and nonrelative extended family members as foster care providers, and approving adoptive families. Existing law requires the State Department of Social Services to implement the resource family approval process in all counties and with all foster family agencies by January 1, 2017.

This bill would also specify that the resource family approval process replaces certification of foster homes by foster family agencies and the approval of guardians. The bill would make conforming statutory changes related to the statewide implementation of the resource family approval process, including prohibiting the department *and counties* from accepting applications to license foster family ~~homes~~ *homes, and prohibiting foster family agencies from accepting applications to certify foster homes*, on and after January 1, 2017. The bill would also make specified changes relating to resource families including by, among others, requiring ~~that the basic rate paid to resource families be the same whether the family is approved by a foster family agency or a county,~~ *the department to develop a basic rate that ensures that a child placed in a licensed foster family home, a certified family home, or with a resource family approved by a county or foster family agency is eligible for the same basic rate*, and would revise certain aspects of the resource family approval process, including by, among other things, requiring counties and foster family agencies to conduct annual, announced inspections of resource family homes and to inspect resource family homes as often as necessary to ensure the quality of care ~~provided,~~ *provided*; authorizing counties to grant, deny, or rescind criminal records exemptions, *exemptions*; and making it a misdemeanor to ~~declare as true, in a resource family application form, any material matter that the applicant knows to be false.~~ *willfully and knowingly, with the intent to deceive, make a false statement or fail to disclose a material fact in a resource family application*. By imposing additional duties on counties, by creating a new crime, and by expanding the duties of foster family agencies, for which the failure to comply is a crime, this bill would impose a state-mandated local program.

~~Existing law requires the State Department of Social Services to develop, implement, and maintain a ratesetting system for foster family agencies that have been granted a specified rate exception extension. Existing law makes these provisions inoperative on January 1, 2018.~~

~~This bill would instead make those provision inoperative on January 1, 2019. The bill would require the department to establish rates for foster family agencies that include an interim rate, provisional rate, and probationary rate, and would provide for the implementation of those rates.~~

~~Existing law requires certain foster care providers, in accordance with the federal Single Audit Act, to annually submit a financial audit on its most recent fiscal period to the State Department of Social Services, and requires the department to provide timely notice to the providers of the date that submission of the financial audits is required. Existing law provides that repeated late financial audits may result in monetary penalties or termination of the provider's rate.~~

~~This bill would delete the requirement that the department provide timely notice of the date that submission of the financial audits is required and would instead require those foster care providers to submit a financial audit pursuant to Generally Accepted Government Auditing Standards. The bill would instead provide that repeated late submission of financial audits, repeat findings in financial audits, or failure to comply with corrective action in a management decision letter may result in monetary penalties or a reduction, suspension, or termination of the provider's rate.~~

~~Existing law authorizes the juvenile court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a minor or nonminor who is adjudged a ward of the court, and provides that, once the court makes a placement order, it is the sole responsibility of the probation agency to determine the appropriate placement for the ward. Existing law requires, if a placement is with a foster family agency or in a short-term residential treatment center and is for longer than 12 months, the placement to be approved by the chief probation officer or his or her designee.~~

~~This bill would require, for youth 13 years of age and older, a placement with a foster family agency or in a short-term residential treatment center to be approved by the chief probation officer or his or her designee, only if the placement is longer than 12 months.~~

~~Existing law, the California Community Care Facilities Act, provides for the licensure of short-term residential treatment centers, which are~~

residential facilities licensed by the State Department of Social Services and operated by any public agency or private organization that provides short-term, specialized, and intensive treatment, and 24-hour care and supervision to children. A violation of the act is a crime.

This bill would require the department to establish rates for short-term residential treatment centers that include an interim rate, provisional rate, and probationary rate, and would provide for the implementation of those rates. The bill would require a private short-term residential treatment center to be organized and operated on a nonprofit basis. By expanding the scope of a crime, this bill would impose a state-mandated local program.

Existing law requires the department to, at least annually, compile specified information relating to the use of psychotropic medication for each group home and to establish a methodology to identify those group homes that have levels of psychotropic drug utilization warranting additional review.

This bill would also require the department to compile that information for short-term residential treatment centers and require that methodology to apply to short-term residential treatment centers in a manner determined by the department.

Existing law requires, on and after January 1, 2017, a foster family agency to have national accreditation, as specified, and requires a short-term residential treatment center to have national accreditation, as specified. Existing law also authorizes, in certain circumstances, the department to extend the term of a foster family agency's or short-term residential treatment center's provisional license to 2 years if it determines that additional time is required to secure that accreditation.

This bill would delete that authorization. The bill would specify that a foster family agency licensed before January 1, 2017, has until December 31, 2018, to obtain accreditation, and that a foster family agency licensed on or after January 1, 2017, or a short-term residential treatment center has up to 24 months from the date of licensure to obtain accreditation. The bill would authorize the department to revoke a foster family agency's or a short-term treatment centers license for failure to obtain accreditation within these timeframes.

Existing law generally requires, commencing January 1, 2017, a community treatment facility program to have accreditation from a nationally recognized accrediting entity identified by the State Department of Social Services pursuant to a specified process. Existing law provides that a community treatment facility program that has been

~~granted a specified extension does not have to comply with that requirement until January 1, 2018.~~

~~This bill would provide that a community treatment facility program that has been granted that specified extension does not have to comply with the accreditation requirement until January 1, 2019.~~

(2) Existing law, the California Community Care Facilities Act, provides for the licensure of short-term residential treatment centers, which are residential facilities licensed by the State Department of Social Services and operated by any public agency or private organization that provides short-term, specialized, and intensive treatment, and 24-hour care and supervision to children. The act also provides for the licensure of foster family agencies, which are organizations engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes and other places for placement of children for temporary or permanent care who require that level of care. A violation of the act is a crime.

This bill would make various changes relating to the licensing and operation of short-term residential treatment centers and foster family agencies, including by, among other things, requiring the department to establish rates for short-term residential treatment centers and foster family agencies that include an interim rate, provisional rate, and probationary rate, and providing for the implementation of those rates; specifying that a foster family agency licensed before January 1, 2017, has until December 31, 2018, to obtain accreditation, and that a foster family agency licensed on or after January 1, 2017, or a short-term residential treatment center has up to 24 months from the date of licensure to obtain accreditation; and requiring a private short-term residential treatment center to be organized and operated on a nonprofit basis. By expanding the scope of a crime, this bill would impose a state-mandated local program.

(3) Existing federal law, the Adoption and Safe Families Act of 1997, among other provisions, establishes a permanent placement option for older children as an alternative to long-term foster care, referred to in the act as “another planned permanent living arrangement” (APPLA). Existing law declares the intent of the Legislature to conform state law to the federal act, as specified. Existing law generally provides a minor 16 years of age and older with another planned permanent living arrangement, as prescribed.

This bill would make conforming changes by deleting references to long-term foster care and instead providing for placement in another planned permanent living arrangement.

(4) *This bill would require the State Department of Social Services and the State Department of Health Care Services to adopt regulations to implement its provisions, and to implement certain other provisions of existing law. The bill would authorize those departments to implement the provisions of this bill by all-county letter or similar written instructions until regulations are adopted. The bill would make other changes related to foster care and the placement of foster children.*

The

(5) *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 specified reasons.

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. Section 48204 of the Education Code, as amended
2 by Section 1.5 of Chapter 554 of the Statutes of 2015, is amended
3 to read:

4 48204. (a) Notwithstanding Section 48200, a pupil complies
5 with the residency requirements for school attendance in a school
6 district, if he or she is any of the following:

7 (1) (A) A pupil placed within the boundaries of that school
8 district in a regularly established licensed children’s ~~institution,~~
9 *institution* or a licensed foster ~~home,~~ *home as defined in Section*
10 *56155.5*, or a family home pursuant to a commitment or placement
11 under Chapter 2 (commencing with Section 200) of Part 1 of
12 Division 2 of the Welfare and Institutions Code.

13 (B) An agency placing a pupil in a home or institution described
14 in subparagraph (A) shall provide evidence to the school that the
15 placement or commitment is pursuant to law.

16 (2) A pupil who is a foster child who remains in his or her school
17 of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

1 (3) A pupil for whom interdistrict attendance has been approved
2 pursuant to Chapter 5 (commencing with Section 46600) of Part
3 26.

4 (4) A pupil whose residence is located within the boundaries of
5 that school district and whose parent or legal guardian is relieved
6 of responsibility, control, and authority through emancipation.

7 (5) A pupil who lives in the home of a caregiving adult that is
8 located within the boundaries of that school district. Execution of
9 an affidavit under penalty of perjury pursuant to Part 1.5
10 (commencing with Section 6550) of Division 11 of the Family
11 Code by the caregiving adult is a sufficient basis for a
12 determination that the pupil lives in the home of the caregiver,
13 unless the school district determines from actual facts that the pupil
14 is not living in the home of the caregiver.

15 (6) A pupil residing in a state hospital located within the
16 boundaries of that school district.

17 (7) A pupil whose parent or legal guardian resides outside of
18 the boundaries of that school district but is employed and lives
19 with the pupil at the place of his or her employment within the
20 boundaries of the school district for a minimum of three days
21 during the school week.

22 (b) A school district may deem a pupil to have complied with
23 the residency requirements for school attendance in the school
24 district if at least one parent or the legal guardian of the pupil is
25 physically employed within the boundaries of that school district
26 for a minimum of 10 hours during the school week.

27 (1) This subdivision does not require the school district within
28 which at least one parent or the legal guardian of a pupil is
29 employed to admit the pupil to its schools. A school district shall
30 not, however, refuse to admit a pupil under this subdivision on the
31 basis, except as expressly provided in this subdivision, of race,
32 ethnicity, sex, parental income, scholastic achievement, or any
33 other arbitrary consideration.

34 (2) The school district in which the residency of either the
35 parents or the legal guardian of the pupil is established, or the
36 school district to which the pupil is to be transferred under this
37 subdivision, may prohibit the transfer of the pupil under this
38 subdivision if the governing board of the school district determines
39 that the transfer would negatively impact the court-ordered or
40 voluntary desegregation plan of the school district.

1 (3) The school district to which the pupil is to be transferred
2 under this subdivision may prohibit the transfer of the pupil if the
3 school district determines that the additional cost of educating the
4 pupil would exceed the amount of additional state aid received as
5 a result of the transfer.

6 (4) The governing board of a school district that prohibits the
7 transfer of a pupil pursuant to paragraph (1), (2), or (3) is
8 encouraged to identify, and communicate in writing to the parents
9 or the legal guardian of the pupil, the specific reasons for that
10 determination and is encouraged to ensure that the determination,
11 and the specific reasons for the determination, are accurately
12 recorded in the minutes of the board meeting in which the
13 determination was made.

14 (5) The average daily attendance for pupils admitted pursuant
15 to this subdivision is calculated pursuant to Section 46607.

16 (6) Unless approved by the sending school district, this
17 subdivision does not authorize a net transfer of pupils out of a
18 school district, calculated as the difference between the number
19 of pupils exiting the school district and the number of pupils
20 entering the school district, in a fiscal year in excess of the
21 following amounts:

22 (A) For a school district with an average daily attendance for
23 that fiscal year of less than 501, 5 percent of the average daily
24 attendance of the school district.

25 (B) For a school district with an average daily attendance for
26 that fiscal year of 501 or more, but less than 2,501, 3 percent of
27 the average daily attendance of the school district or 25 pupils,
28 whichever amount is greater.

29 (C) For a school district with an average daily attendance of
30 2,501 or more, 1 percent of the average daily attendance of the
31 school district or 75 pupils, whichever amount is greater.

32 (7) Once a pupil is deemed to have complied with the residency
33 requirements for school attendance pursuant to this subdivision
34 and is enrolled in a school in a school district the boundaries of
35 which include the location where at least one parent or the legal
36 guardian of a pupil is physically employed, the pupil does not have
37 to reapply in the next school year to attend a school within that
38 school district and the governing board of the school district shall
39 allow the pupil to attend school through grade 12 in that school
40 district if the parent or legal guardian so chooses and if at least

1 one parent or the legal guardian of the pupil continues to be
2 physically employed by an employer situated within the attendance
3 boundaries of the school district, subject to paragraphs (1) to (6),
4 inclusive.

5 (c) This section shall become inoperative on July 1, 2017, and
6 as of January 1, 2018, is repealed, unless a later enacted statute,
7 that becomes operative on or before January 1, 2018, deletes or
8 extends the dates on which it becomes inoperative and is repealed.

9 *SEC. 2. Section 48204 of the Education Code, as amended by*
10 *Section 2.5 of Chapter 554 of the Statutes of 2015, is amended to*
11 *read:*

12 48204. (a) Notwithstanding Section 48200, a pupil complies
13 with the residency requirements for school attendance in a school
14 ~~district~~, *district* if he or she is:

15 (1) (A) A pupil placed within the boundaries of that school
16 district in a regularly established licensed children's ~~institution~~,
17 *institution* or a licensed foster ~~home~~, *home as defined in Section*
18 *56155.5*, or a family home pursuant to a commitment or placement
19 under Chapter 2 (commencing with Section 200) of Part 1 of
20 Division 2 of the Welfare and Institutions Code.

21 (B) An agency placing a pupil in the home or institution
22 described in subparagraph (A) shall provide evidence to the school
23 that the placement or commitment is pursuant to law.

24 (2) A pupil who is a foster child who remains in his or her school
25 of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

26 (3) A pupil for whom interdistrict attendance has been approved
27 pursuant to Chapter 5 (commencing with Section 46600) of Part
28 26.

29 (4) A pupil whose residence is located within the boundaries of
30 that school district and whose parent or legal guardian is relieved
31 of responsibility, control, and authority through emancipation.

32 (5) A pupil who lives in the home of a caregiving adult that is
33 located within the boundaries of that school district. Execution of
34 an affidavit under penalty of perjury pursuant to Part 1.5
35 (commencing with Section 6550) of Division 11 of the Family
36 Code by the caregiving adult is a sufficient basis for a
37 determination that the pupil lives in the home of the caregiver,
38 unless the school district determines from actual facts that the pupil
39 is not living in the home of the caregiver.

1 (6) A pupil residing in a state hospital located within the
2 boundaries of that school district.

3 (7) A pupil whose parent or legal guardian resides outside of
4 the boundaries of that school district but is employed and lives
5 with the pupil at the place of his or her employment within the
6 boundaries of the school district for a minimum of three days
7 during the school week.

8 (b) This section shall become operative on July 1, 2017.

9 *SEC. 3. Section 48853 of the Education Code is amended to*
10 *read:*

11 48853. (a) A pupil described in subdivision (a) of Section
12 48853.5 who is placed in a licensed children’s institution or foster
13 family home *as defined in Section 56155.5*, shall attend programs
14 operated by the local educational agency, unless one of the
15 following applies:

16 (1) The pupil is entitled to remain in his or her school of origin
17 pursuant to paragraph (1) of subdivision (e) of Section 48853.5.

18 (2) The pupil has an individualized education program requiring
19 placement in a nonpublic, nonsectarian school or agency, or in
20 another local educational agency.

21 (3) The parent or guardian, or other person holding the right to
22 make educational decisions for the pupil pursuant to Section 361
23 or 726 of the Welfare and Institutions Code or Section 56055,
24 determines that it is in the best interests of the pupil to be placed
25 in another educational program, in which case the parent or
26 guardian or other person holding the right to make educational
27 decisions for the pupil shall provide a written statement that he or
28 she has made that determination to the local educational agency.
29 This statement shall include a declaration that the parent, guardian,
30 or other person holding the right to make educational decisions
31 for the pupil is aware of all of the following:

32 (A) The pupil has a right to attend a regular public school in the
33 least restrictive environment.

34 (B) The alternate education program is a special education
35 program, if applicable.

36 (C) The decision to unilaterally remove the pupil from the
37 regular public school and to place the pupil in an alternate
38 education program may not be financed by the local educational
39 agency.

1 (D) Any attempt to seek reimbursement for the alternate
2 education program may be at the expense of the parent, guardian,
3 or other person holding the right to make educational decisions
4 for the pupil.

5 (b) For purposes of ensuring a parent, guardian, or other person
6 holding the right to make educational decisions for the pupil is
7 aware of the information described in subparagraphs (A) to (D),
8 inclusive, of paragraph (3) of subdivision (a), the local educational
9 agency may provide him or her with that information in writing.

10 (c) Before any decision is made to place a pupil in a juvenile
11 court school as defined by Section 48645.1, a community school
12 as described in Sections 1981 and 48660, or other alternative
13 educational setting, the parent or guardian, or person holding the
14 right to make educational decisions for the pupil pursuant to
15 Section 361 or 726 of the Welfare and Institutions Code or Section
16 56055, shall first consider placement in the regular public school.

17 (d) If any dispute arises as to the school placement of a pupil
18 subject to this section, the pupil has the right to remain in his or
19 her school of origin, as defined in subdivision (f) of Section
20 48853.5, pending resolution of the dispute. The dispute shall be
21 resolved in accordance with the existing dispute resolution process
22 available to any pupil served by the local educational agency.

23 (e) This section does not supersede other laws that govern pupil
24 expulsion.

25 (f) This section does not supersede any other law governing the
26 educational placement in a juvenile court school, as defined by
27 Section 48645.1, of a pupil detained in a county juvenile hall, or
28 committed to a county juvenile ranch, camp, forestry camp, or
29 regional facility.

30 (g) (1) Foster children living in emergency shelters, as
31 referenced in the federal McKinney-Vento Homeless Assistance
32 Act (42 U.S.C. Sec. 11301 et seq.), may receive educational
33 services at the emergency shelter as necessary for short periods of
34 time for either of the following reasons:

35 (A) For health and safety emergencies.

36 (B) To provide temporary, special, and supplementary services
37 to meet the child's unique needs if a decision regarding whether
38 it is in the child's best interests to attend the school of origin cannot
39 be made promptly, it is not practical to transport the child to the

1 school of origin, and the child would otherwise not receive
2 educational services.

3 (2) The educational services may be provided at the shelter
4 pending a determination by the person holding the right regarding
5 the educational placement of the child.

6 (h) All educational and school placement decisions shall be
7 made to ensure that the child is placed in the least restrictive
8 educational programs and has access to academic resources,
9 services, and extracurricular and enrichment activities that are
10 available to all pupils. In all instances, educational and school
11 placement decisions shall be based on the best interests of the
12 child.

13 (i) (1) A complaint of noncompliance with the requirements of
14 this section may be filed with the local educational agency under
15 the Uniform Complaint Procedures set forth in Chapter 5.1
16 (commencing with Section 4600) of Division 1 of Title 5 of the
17 California Code of Regulations.

18 (2) A complainant not satisfied with the decision of a local
19 educational agency may appeal the decision to the department
20 pursuant to Chapter 5.1 (commencing with Section 4600) of
21 Division 1 of Title 5 of the California Code of Regulations and
22 shall receive a written decision regarding the appeal within 60
23 days of the department's receipt of the appeal.

24 (3) If a local educational agency finds merit in a complaint, or
25 the Superintendent finds merit in an appeal, the local educational
26 agency shall provide a remedy to the affected pupil.

27 (4) Information regarding the requirements of this section shall
28 be included in the annual notification distributed to, among others,
29 pupils, parents or guardians of pupils, employees, and other
30 interested parties pursuant to Section 4622 of Title 5 of the
31 California Code of Regulations.

32 *SEC. 4. Section 56155.5 of the Education Code is amended to*
33 *read:*

34 56155.5. (a) As used in this ~~article, part~~, "licensed children's
35 institution" means a residential facility that is licensed by the state,
36 or other public agency having delegated authority by contract with
37 the state to license, to provide nonmedical care to children,
38 including, but not limited to, individuals with exceptional needs.
39 "Licensed children's institution" includes a group home ~~as defined~~
40 ~~by subdivision (g) of Section 80001 of Title 22 of the California~~

1 ~~Code of Regulations~~; or short-term residential treatment center,
2 as defined in Section 1502 of the Health and Safety Code. As used
3 in this article and Article 3 (commencing with Section 56836.165)
4 of Chapter 7.2, a “licensed children’s institution” does not include
5 any of the following:

6 (1) A juvenile court school, juvenile hall, juvenile home, day
7 center, juvenile ranch, or juvenile camp administered pursuant to
8 Article 2.5 (commencing with Section 48645) of Chapter 4 of Part
9 27.

10 (2) A county community school program provided pursuant to
11 Section 1981.

12 (3) Any special education programs provided pursuant to Section
13 56150.

14 (4) Any other public agency.

15 (b) As used in this ~~article~~, *part*, “foster family home” means a
16 family residence that is licensed by the state, or other public agency
17 having delegated authority by contract with the state to license, to
18 provide 24-hour nonmedical care and supervision for not more
19 than six foster children, including, but not necessarily limited to,
20 individuals with exceptional needs. “Foster family home” includes
21 a small family home as defined in paragraph (6) of subdivision (a)
22 of Section 1502 of the Health and Safety ~~Code~~. *Code*, a certified
23 family home of a foster family agency as defined in Section 1506
24 of the Health and Safety Code, and a resource family as defined
25 in Section 1517 of the Health and Safety Code and Section 16519.5
26 of the Welfare and Institutions Code.

27 *SEC. 5. Section 79420 of the Education Code is amended to*
28 *read:*

29 79420. Funds appropriated to the Board of Governors of the
30 California Community Colleges for the Foster Care Education
31 Program shall be used for foster parent and relative/kinship care
32 provider education in accordance with the following provisions:

33 (a) The Chancellor of the California Community Colleges shall
34 allocate these funds exclusively for foster parent and
35 relative/kinship care provider education and training, as specified
36 by the chancellor, in consultation with an advisory committee that
37 includes foster parents, representatives of statewide foster parent
38 organizations, parent and relative/kinship care providers, *county*
39 *child welfare services representatives*, and representatives of the
40 State Department of Social Services.

1 (b) If a community college district accepts funds for this
2 program, the district shall comply with all reporting requirements,
3 guidelines, and other conditions for receipt of those funds
4 established by the chancellor.

5 (c) Each college receiving funds for this program shall have a
6 ~~plan~~ *plan, developed in consultation with the county child welfare*
7 *agency*, for foster parent and relative/kinship care provider
8 education that includes the provision of training to facilitate the
9 development of foster family homes, ~~small family homes, and~~
10 ~~relative/kinship homes as defined in Section 56155.5~~, that care for
11 no more than six children who have special mental, emotional,
12 developmental, or physical needs.

13 (d) The State Department of Social Services shall facilitate the
14 participation of county welfare departments in the Foster Care
15 Education Program.

16 *SEC. 6. Section 6552 of the Family Code is amended to read:*
17 6552. The caregiver’s authorization affidavit shall be in
18 substantially the following form:

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Caregiver’s Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with
Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1–4 and the signing of the affidavit is
sufficient to authorize enrollment of a minor in school and authorize
school-related medical care. Completion of items 5–8 is additionally
required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or
older.

- 1. Name of minor: _____.
- 2. Minor’s birth date: _____.
- 3. My name (adult giving authorization): _____.
- 4. My home address: _____
_____.

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5. I am a grandparent, aunt, uncle, or other qualified relative of the minor (see back of this form for a definition of “qualified relative”).

6. Check one or both (for example, if one parent was advised and the other cannot be located):

I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____.

8. My California driver’s license or identification card number: _____.

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor’s parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.

1 2. A person who relies on this affidavit has no obligation to make
2 any further inquiry or investigation.

3
4 Additional Information:

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6 TO CAREGIVERS:

7
8 1. “Qualified relative,” for purposes of item 5, means a spouse,
9 parent, stepparent, brother, sister, stepbrother, stepsister, half
10 brother, half sister, uncle, aunt, niece, nephew, first cousin, or any
11 person denoted by the prefix “grand” or “great,” or the spouse of
12 any of the persons specified in this definition, even after the
13 marriage has been terminated by death or dissolution.

14
15 2. The law may require you, if you are not a relative or a currently
16 ~~licensed foster parent, to obtain a foster home license~~ *licensed,*
17 *certified, or approved foster parent, to obtain resource family*
18 *approval pursuant to Section 16519.5 of the Welfare and*
19 *Institutions Code* in order to care for a minor. If you have any
20 questions, please contact your local department of social services.

21
22 3. If the minor stops living with you, you are required to notify
23 any school, health care provider, or health care service plan to
24 which you have given this affidavit. The affidavit is invalid after
25 the school, health care provider, or health care service plan receives
26 notice that the minor no longer lives with you.

27
28 4. If you do not have the information requested in item 8
29 (California driver’s license or I.D.), provide another form of
30 identification such as your social security number or Medi-Cal
31 number.

32
33 TO SCHOOL OFFICIALS:

34
35 1. Section 48204 of the Education Code provides that this affidavit
36 constitutes a sufficient basis for a determination of residency of
37 the minor, without the requirement of a guardianship or other
38 custody order, unless the school district determines from actual
39 facts that the minor is not living with the caregiver.

40

1 2. The school district may require additional reasonable evidence
2 that the caregiver lives at the address provided in item 4.

3
4 TO HEALTH CARE PROVIDERS AND HEALTH CARE
5 SERVICE PLANS:

6
7 1. A person who acts in good faith reliance upon a caregiver's
8 authorization affidavit to provide medical or dental care, without
9 actual knowledge of facts contrary to those stated on the affidavit,
10 is not subject to criminal liability or to civil liability to any person,
11 and is not subject to professional disciplinary action, for that
12 reliance if the applicable portions of the form are completed.

13
14 2. This affidavit does not confer dependency for health care
15 coverage purposes.

16 ~~SECTION 4.~~

17 *SEC. 7.* Section 7911.1 of the Family Code is amended to read:

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

39 (b) Any contract, memorandum of understanding, or agreement
40 entered into pursuant to paragraph (b) of Article 5 of the Interstate

1 Compact on the Placement of Children regarding the placement
2 of a child out of state by a California county social services agency
3 or probation department shall include the language set forth in
4 subdivision (a).

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

12 (2) (A) On and after January 1, 2017, the licensing standards
13 applicable to out-of-state group homes certified by the department,
14 as described in paragraph (1), shall be those required of short-term
15 residential treatment centers operated in this state, unless the
16 out-of-state group home is granted an extension pursuant to
17 subdivision (d) of Section 11462.04 of the Welfare and Institutions
18 ~~Code~~. *Code or has otherwise been granted a waiver pursuant to*
19 *this subdivision.*

20 (B) *On and after January 1, 2017, an out-of-state group home*
21 *shall satisfy the licensing standards for mental health program*
22 *approval in Section 1562.01 of the Health and Safety Code if the*
23 *out-of-state group home has an equivalent mental health program*
24 *approval in the state in which it is operating.*

25 (3) In order to receive certification, the out-of-state group home
26 shall have a current license, or an equivalent approval, in good
27 standing issued by the appropriate authority or authorities of the
28 state in which it is operating.

29 (4) On and after January 1, 2017, an out-of-state group home
30 program shall, in order to receive an AFDC-FC rate, meet the
31 requirements of paragraph (2) of subdivision (c) of Section 11460
32 of the Welfare and Institutions Code.

33 (5) Any failure by an out-of-state group home facility to make
34 children or staff available as required by subdivision (a) for a
35 private interview or make files available for review shall be
36 grounds to deny or discontinue the certification.

37 (6) Certifications made pursuant to this subdivision shall be
38 reviewed annually.

1 (d) A county shall be required to obtain an assessment and
2 placement recommendation by a county multidisciplinary team
3 prior to placement of a child in an out-of-state group home facility.

4 (e) Any failure by an out-of-state group home to obtain or
5 maintain its certification as required by subdivision (c) shall
6 preclude the use of any public funds, whether county, state, or
7 federal, in the payment for the placement of any child in that
8 out-of-state group home, pursuant to the Interstate Compact on
9 the Placement of Children.

10 (f) (1) A multidisciplinary team shall consist of participating
11 members from county social services, county mental health, county
12 probation, county superintendents of schools, and other members
13 as determined by the county.

14 (2) Participants shall have knowledge or experience in the
15 prevention, identification, and treatment of child abuse and neglect
16 cases, and shall be qualified to recommend a broad range of
17 services related to child abuse or neglect.

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

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

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

32 (i) Only an out-of-state group home authorized by the Compact
33 Administrator to receive state funds for the placement by a county
34 social services agency or probation department of any child in that
35 out-of-state group home from the effective date of this section
36 shall be eligible for public funds pending the department's
37 certification under this section.

38 *SEC. 8. Section 30029.7 of the Government Code is amended*
39 *to read:*

1 30029.7. (a) Notwithstanding any other law and to the extent
 2 consistent with or required by federal law or court order, a county
 3 or counties may contract directly with the State Department of
 4 Health Care Services or the State Department of Social Services,
 5 as applicable, to provide or administer the following programs,
 6 services, or activities:

7 (1) The Drug Medi-Cal Treatment Program pursuant to Article
 8 3.2 (commencing with Section 14124.20) of Chapter 7 of Part 3
 9 of Division 9 of the Welfare and Institutions Code.

10 (2) Agency adoptions pursuant to Chapter 2 (commencing with
 11 Section 16100) of Part 4 of Division 9 of the Welfare and
 12 Institutions Code and Chapter 2 (commencing with Section 8700)
 13 of Part 2 of Division 13 of the Family Code. Notwithstanding any
 14 other law, a license issued pursuant to Chapter 3 (commencing
 15 with Section 1500) of Division 2 of the Health and Safety Code
 16 shall not be required of a county that provides agency adoption
 17 program services.

18 (3) *The resource family approval program pursuant to Article*
 19 *2 (commencing with Section 16519.5) of Chapter 5 of Part 4 of*
 20 *Division 9 of the Welfare and Institutions Code, or any portion*
 21 *thereof.*

22 (b) Nothing in paragraph (1) or (2) of subdivision (a) shall
 23 prevent a county from providing funding for any of the programs,
 24 services, or activities through a contract with another county, joint
 25 powers agreement, or county consortium.

26 (c) (1) Contracts awarded pursuant to *paragraph (1) of*
 27 *subdivision (a) shall be exempt from the requirements of Chapter*
 28 *1 (commencing with Section 10100) and Chapter 2 (commencing*
 29 *with Section 10290) of Part 2 of Division 2 of the Public Contract*
 30 *Code. Contracts with the State Department of Health Care Services*
 31 *or the State Department of Social Services shall include*
 32 *reimbursement to the state for the cost of providing the services*
 33 *or activities in paragraph (1) of subdivision (a), subject to the*
 34 *terms of the contract. Those reimbursement amounts shall not*
 35 *exceed the funding provided to counties for specified programs.*

36 (2) *Contracts awarded pursuant to paragraphs (2) and (3) of*
 37 *subdivision (a) shall be exempt from the requirements of Chapter*
 38 *1 (commencing with Section 10100) and Chapter 2 (commencing*
 39 *with Section 10290) of Part 2 of Division 2 of the Public Contract*
 40 *Code. Contracts with the State Department of Social Services shall*

1 *include reimbursement to the state for the actual costs of providing*
2 *the services or activities in paragraph (2) or (3) of subdivision*
3 *(a), subject to the terms of the contract.*

4 ~~SEC. 2.~~

5 *SEC. 9.* Section 1501.1 of the Health and Safety Code is
6 amended to read:

7 1501.1. (a) It is the policy of the state to facilitate the proper
8 placement of every child in residential care facilities where the
9 placement is in the best interests of the child. A county may require
10 placement or licensing agencies, or both placement and licensing
11 agencies, to actively seek out-of-home care facilities capable of
12 meeting the varied needs of the child. Therefore, in placing children
13 in out-of-home care, particular attention should be given to the
14 individual child's needs, the ability of the facility to meet those
15 needs, the needs of other children in the facility, the licensing
16 requirements of the facility as determined by the licensing agency,
17 and the impact of the placement on the family reunification plan.

18 (b) Pursuant to this section, children with varying designations
19 and varying needs, including, on and after January 1, 2012,
20 nonminor dependents, as defined in subdivision (v) of Section
21 11400 of the Welfare and Institutions Code, except as provided
22 by statute, may be placed in the same facility provided the facility
23 is licensed, complies with all licensing requirements relevant to
24 the protection of the child, and has a special permit, if necessary,
25 to meet the needs of each child so placed. A facility may not
26 require, as a condition of placement, that a child be identified as
27 an individual with exceptional needs as defined by Section 56026
28 of the Education Code.

29 (c) Neither the requirement for any license nor any regulation
30 shall restrict the implementation of the provisions of this section.
31 Implementation of this section does not obviate the requirement
32 for a facility to be licensed by the department.

33 (d) Pursuant to this section, children with varying designations
34 and varying needs, including, on and after January 1, 2012,
35 nonminor dependents, as defined in subdivision (v) of Section
36 11400 of the Welfare and Institutions Code, except as provided
37 by statute, may be placed in the same licensed foster family home
38 or with a foster family agency for subsequent placement in a
39 certified family home or with a resource family. Children, including
40 nonminor dependents, with developmental disabilities, mental

1 disorders, or physical disabilities may be placed in licensed foster
2 family homes or certified family homes or with resource families,
3 provided that an appraisal of the child's or nonminor dependent's
4 needs and the ability of the receiving home to meet those needs is
5 made jointly by the placement agency and the licensee in the case
6 of licensed foster family homes or the placement agency and the
7 foster family agency in the case of certified family homes or
8 resource families, and is followed by written confirmation prior
9 to placement. The appraisal shall confirm that the placement poses
10 no threat to any child in the home.

11 (e) (1) For purposes of this chapter, the placing of children by
12 foster family agencies shall be referred to as "subsequent
13 placement" to distinguish the activity from the placing by public
14 agencies.

15 (2) For purposes of this chapter, and unless otherwise specified,
16 references to a "child" shall include a "nonminor dependent" and
17 "nonminor former dependent or ward" as those terms are defined
18 in subdivision (v) and paragraph (1) of subdivision (aa) of Section
19 11400 of the Welfare and Institutions Code.

20 ~~SEC. 3:~~

21 *SEC. 10.* Section 1502 of the Health and Safety Code is
22 amended to read:

23 1502. As used in this chapter:

24 (a) "Community care facility" means any facility, place, or
25 building that is maintained and operated to provide nonmedical
26 residential care, day treatment, adult day care, or foster family
27 agency services for children, adults, or children and adults,
28 including, but not limited to, the physically handicapped, mentally
29 impaired, incompetent persons, and abused or neglected children,
30 and includes the following:

31 (1) "Residential facility" means any family home, group care
32 facility, or similar facility determined by the department, for
33 24-hour nonmedical care of persons in need of personal services,
34 supervision, or assistance essential for sustaining the activities of
35 daily living or for the protection of the individual.

36 (2) "Adult day program" means any community-based facility
37 or program that provides care to persons 18 years of age or older
38 in need of personal services, supervision, or assistance essential
39 for sustaining the activities of daily living or for the protection of
40 these individuals on less than a 24-hour basis.

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

9 (4) “Foster family agency” means any public agency or private
10 organization, organized and operated on a nonprofit basis, engaged
11 in ~~either~~ *any* of the following:

12 (A) Recruiting, certifying, approving, and training of, and
13 providing professional support to, foster parents and resource
14 families.

15 (B) Coordinating with *county* placing agencies to find homes
16 for *foster* children in need of care.

17 (C) *Providing services and supports to licensed or certified*
18 *foster parents, county-approved resource families, and children*
19 *to the extent authorized by state and federal law.*

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

28 (6) “Small family home” means any residential facility, in the
29 licensee’s family residence, that provides 24-hour care for six or
30 fewer foster children who have mental disorders or developmental
31 or physical disabilities and who require special care and supervision
32 as a result of their disabilities. A small family home may accept
33 children with special health care needs, pursuant to subdivision
34 (a) of Section 17710 of the Welfare and Institutions Code. In
35 addition to placing children with special health care needs, the
36 department may approve placement of children without special
37 health care needs, up to the licensed capacity.

38 (7) “Social rehabilitation facility” means any residential facility
39 that provides social rehabilitation services for no longer than 18
40 months in a group setting to adults recovering from mental illness

1 who temporarily need assistance, guidance, or counseling. Program
2 components shall be subject to program standards pursuant to
3 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
4 2 of Division 5 of the Welfare and Institutions Code.

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

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

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

20 (A) Assumes care, custody, and control of a child through
21 relinquishment of the child to the agency or involuntary termination
22 of parental rights to the child.

23 (B) Assesses the birth parents, prospective adoptive parents, or
24 child.

25 (C) Places children for adoption.

26 (D) Supervises adoptive placements.

27 Private full-service adoption agencies shall be organized and
28 operated on a nonprofit basis. As a condition of licensure to provide
29 intercountry adoption services, a full-service adoption agency shall
30 be accredited and in good standing according to Part 96 of Title
31 22 of the Code of Federal Regulations, or supervised by an
32 accredited primary provider, or acting as an exempted provider,
33 in compliance with Subpart F (commencing with Section 96.29)
34 of Part 96 of Title 22 of the Code of Federal Regulations.

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

38 (A) Assesses the prospective adoptive parents.

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

4 (C) Cooperatively supervises adoptive placements with a
5 full-service adoption agency, but does not disrupt a placement or
6 remove a child from a placement.

7 Private noncustodial adoption agencies shall be organized and
8 operated on a nonprofit basis. As a condition of licensure to provide
9 intercountry adoption services, a noncustodial adoption agency
10 shall be accredited and in good standing according to Part 96 of
11 Title 22 of the Code of Federal Regulations, or supervised by an
12 accredited primary provider, or acting as an exempted provider,
13 in compliance with Subpart F (commencing with Section 96.29)
14 of Part 96 of Title 22 of the Code of Federal Regulations.

15 (11) “Transitional shelter care facility” means any group care
16 facility that provides for 24-hour nonmedical care of persons in
17 need of personal services, supervision, or assistance essential for
18 sustaining the activities of daily living or for the protection of the
19 individual. Program components shall be subject to program
20 standards developed by the State Department of Social Services
21 pursuant to Section 1502.3.

22 (12) “Transitional housing placement provider” means an
23 organization licensed by the department pursuant to Section
24 1559.110 and Section 16522.1 of the Welfare and Institutions Code
25 to provide transitional housing to foster children at least 16 years
26 of age and not more than 18 years of age, and nonminor
27 dependents, as defined in subdivision (v) of Section 11400 of the
28 Welfare and Institutions Code, to promote their transition to
29 adulthood. A transitional housing placement provider shall be
30 privately operated and organized on a nonprofit basis.

31 (13) “Group home” means a residential facility that provides
32 24-hour care and supervision to children, delivered at least in part
33 by staff employed by the licensee in a structured environment. The
34 care and supervision provided by a group home shall be
35 nonmedical, except as otherwise permitted by law.

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

1 (15) “Enhanced behavioral supports home” means a facility
2 certified by the State Department of Developmental Services
3 pursuant to Article 3.6 (commencing with Section 4684.80) of
4 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
5 and licensed by the State Department of Social Services as an adult
6 residential facility or a group home that provides 24-hour
7 nonmedical care to individuals with developmental disabilities
8 who require enhanced behavioral supports, staffing, and
9 supervision in a homelike setting. An enhanced behavioral supports
10 home shall have a maximum capacity of four consumers, shall
11 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal
12 Regulations, and shall be eligible for federal Medicaid home- and
13 community-based services funding.

14 (16) “Community crisis home” means a facility certified by the
15 State Department of Developmental Services pursuant to Article
16 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
17 of the Welfare and Institutions Code, and licensed by the State
18 Department of Social Services pursuant to Article 9.7 (commencing
19 with Section 1567.80), as an adult residential facility, providing
20 24-hour nonmedical care to individuals with developmental
21 disabilities receiving regional center service, in need of crisis
22 intervention services, and who would otherwise be at risk of
23 admission to the acute crisis center at Fairview Developmental
24 Center, Sonoma Developmental Center, an acute general hospital,
25 acute psychiatric hospital, an institution for mental disease, as
26 described in Part 5 (commencing with Section 5900) of Division
27 5 of the Welfare and Institutions Code, or an out-of-state
28 placement. A community crisis home shall have a maximum
29 capacity of eight consumers, as defined in subdivision (a) of
30 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
31 42 of the Code of Federal Regulations, and shall be eligible for
32 federal Medicaid home- and community-based services funding.

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

38 (18) “Short-term residential treatment center” means a
39 residential facility licensed by the department pursuant to Section
40 1562.01 and operated by any public agency or private organization

1 that provides short-term, specialized, and intensive treatment, and
2 24-hour care and supervision to children. The care and supervision
3 provided by a short-term residential treatment center shall be
4 nonmedical, except as otherwise permitted by law. Private
5 short-term residential treatment centers shall be organized and
6 operated on a nonprofit basis.

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

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

10 *SEC. 11. Section 1502.4 of the Health and Safety Code, as*
11 *added by Section 8 of Chapter 773 of the Statutes of 2015, is*
12 *amended to read:*

13 1502.4. (a) A licensed short-term residential treatment center,
14 as defined in paragraph (18) of subdivision (a) of Section 1502,
15 may only accept for placement a child who does not require
16 inpatient care in a licensed health facility and who has been
17 assessed pursuant to Section 11462.01 of the Welfare and
18 Institutions Code as meeting the applicable criteria for placement
19 in a short-term residential treatment center.

20 ~~(b) A licensed foster family agency, as defined in paragraph (4)~~
21 ~~of subdivision (a) of Section 1502, may accept for placement a~~
22 ~~child who does not require inpatient care in a licensed health~~
23 ~~facility, as defined in Section 1250, and who has been assessed~~
24 ~~pursuant to Section 11462.01 of the Welfare and Institutions Code~~
25 ~~as meeting the applicable criteria for placement by a foster family~~
26 ~~agency.~~

27 ~~(e)~~

28 (b) For the purposes of this chapter, the following definitions
29 shall apply:

30 (1) “Health facility” has the meaning set forth in Section 1250.

31 (2) “Seriously emotionally disturbed” has the same meaning as
32 that term is used in subdivision (a) of Section 5600.3 of the Welfare
33 and Institutions Code.

34 ~~(d)~~

35 (c) The department shall not evaluate, nor have any
36 responsibility or liability with regard to the evaluation of, the
37 mental health treatment services provided pursuant to this section.

38 ~~(e)~~

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

1 ~~SEC. 4.~~

2 *SEC. 12.* Section 1506 of the Health and Safety Code is
3 amended to read:

4 1506. (a) (1) A foster family agency may use only a certified
5 family home or a resource family that has been certified or
6 approved by that agency or, pursuant to Section 1506.5, a licensed
7 foster family home or a county-approved resource family approved
8 for this use by the county.

9 (2) Any home selected and certified or approved for the
10 reception and care of children by a foster family agency is not
11 subject to Section 1508. A certified family home or a resource
12 family of a foster family agency shall not be licensed as a
13 residential facility.

14 (3) A child with a developmental disability who is placed in a
15 certified family home or with a resource family by a foster family
16 agency that is operating under agreement with the regional center
17 responsible for that child may remain in the certified family home
18 or with the resource family after 18 years of age. The determination
19 regarding whether and how long he or she may remain as a resident
20 after 18 years of age shall be made through the agreement of all
21 parties involved, including the resident, the certified parent or
22 resource family, the foster family agency social worker, the
23 resident's regional center case manager, and the resident's parent,
24 legal guardian, or conservator, as appropriate. This determination
25 shall include a needs and service plan that contains an assessment
26 of the child's needs to ensure continued compatibility with the
27 other children in placement. The needs and service plan shall be
28 completed no more than six months prior to the child's 18th
29 birthday. The assessment shall be documented and maintained in
30 the child's file with the foster family agency.

31 (b) (1) A foster family agency shall certify to the department
32 that the certified family home has met the department's licensing
33 standards. A foster family agency may require a certified family
34 home to meet additional standards or be compatible with its
35 treatment approach.

36 (2) The foster family agency shall issue a certificate of approval
37 to the certified family home upon its determination that it has met
38 the standards established by the department and before the
39 placement of any child in the home. The certificate shall be valid
40 for a period not to exceed one year. The annual recertification shall

1 require a certified family home to complete at least eight hours of
2 structured applicable training or continuing education. At least
3 one hour of training during the first six months following initial
4 certification shall be dedicated to meeting the requirements of
5 paragraph (1) of subdivision (b) of Section 11174.1 of the Penal
6 Code.

7 (3) If the agency determines that the home no longer meets the
8 standards, it shall notify the department and the local placing
9 agency.

10 (4) This subdivision shall apply to foster family agencies only
11 until December 31, 2019, in accordance with Section 1517.

12 (c) As used in this chapter, “certified family home” means an
13 individual or family certified by a licensed foster family agency
14 and issued a certificate of approval by that agency as meeting
15 licensing standards, and used exclusively by that foster family
16 agency for placements.

17 (d) (1) *A foster family agency shall not accept applications to*
18 *certify foster homes and shall instead approve resource families*
19 *pursuant to Section 1517.*

20 (2) (A) *A foster family agency that chooses not to approve*
21 *resource families shall not recruit any new applicants, but may*
22 *continue to coordinate with county placing agencies to find homes*
23 *for foster children with its existing certified family homes, as*
24 *authorized by the department.*

25 (B) *No later than July 1, 2017, a foster family agency described*
26 *in subparagraph (A) shall, in addition to the notification required*
27 *in paragraph (4) of subdivision (f) of Section 1517, notify its*
28 *certified family homes that, in order to care for foster children*
29 *after December 31, 2019, a certified family is required to submit*
30 *an application for resource family approval to the county in which*
31 *the home is located or to a foster family agency that approves*
32 *resource families and shall complete the approval process no later*
33 *than December 31, 2019.*

34 ~~(d)~~

35 (e) (1) Requirements for social work personnel for a foster
36 family agency shall be a master’s degree from an accredited or
37 state-approved graduate school in social work or social welfare,
38 or equivalent education and experience, as determined by the
39 department.

- 1 (2) Persons who possess a master’s degree from an accredited
 2 or state-approved graduate school in any of the following areas,
 3 or equivalent education and experience, as determined by the
 4 department, shall be considered to be qualified to perform social
 5 work activities in a foster family agency:
- 6 (A) Marriage, family, and child counseling.
 - 7 (B) Child psychology.
 - 8 (C) Child development.
 - 9 (D) Counseling psychology.
 - 10 (E) Social psychology.
 - 11 (F) Clinical psychology.
 - 12 (G) Educational psychology, consistent with the scope of
 13 practice as described in Section 4989.14 of the Business and
 14 Professions Code.
 - 15 (H) Education, with emphasis on counseling.
 - 16 (I) *A subject area that is functionally equivalent to those listed*
 17 *in subparagraphs (A) to (H), inclusive, as set forth by the*
 18 *department.*
- 19 ~~(e)~~
- 20 (f) (1) In addition to the degree specifications in subdivision
 21 ~~(d)~~, (e), all of the following coursework and field practice or
 22 experience, as defined in departmental regulations, shall be required
 23 of all new hires for the position of social work personnel effective
 24 January 1, 1995:
- 25 (A) At least three semester units of field practice at the master’s
 26 level or six months’ full-time equivalent experience in a public or
 27 private social service agency setting.
 - 28 (B) At least nine semester units of coursework related to human
 29 development or human behavior, or, within the first year of
 30 employment, experience working with children and families as a
 31 major responsibility of the position under the supervision of a
 32 supervising social worker.
 - 33 (C) At least three semester units in working with minority
 34 populations or six months of experience in working with minority
 35 populations or training in cultural competency and working with
 36 minority populations within the first six months of employment
 37 as a condition of employment.
 - 38 (D) At least three semester units in child welfare or at least six
 39 months of experience in a public or private child welfare social
 40 services setting for a nonsupervisory social worker. A supervising

1 social worker shall have two years' experience in a public or private
2 child welfare social services setting.

3 (2) (A) Persons who do not meet the requirements specified in
4 ~~subdivision (d) or (e)~~ *subdivision (e) or this subdivision* may apply
5 for an exception as provided for in subdivisions ~~(f) and (g)~~. *(h)*
6 *and (i)*.

7 (B) Exceptions granted by the department prior to January 1,
8 1995, shall remain in effect.

9 (3) (A) Persons who are hired as social work personnel on or
10 after January 1, 1995, who do not meet the requirements listed in
11 this subdivision shall be required to successfully meet those
12 requirements in order to be employed as social work personnel in
13 a foster family agency.

14 (B) Employees who were hired prior to January 1, 1995, shall
15 not be required to meet the requirements of this subdivision in
16 order to remain employed as social work personnel in a foster
17 family agency.

18 (4) Coursework and field practice or experience completed to
19 fulfill the degree requirements of subdivision ~~(d)~~ *(e)* may be used
20 to satisfy the requirements of this subdivision.

21 *(g) In addition to the degree specifications in subdivision (e)*
22 *and the coursework and field practice or experience described in*
23 *subdivision (f), social work personnel shall meet core competencies*
24 *to participate in the assessment and evaluation of an applicant or*
25 *resource family, as determined by the department in written*
26 *directives or regulations adopted pursuant to Section 16519.5 of*
27 *the Welfare and Institutions Code.*

28 ~~(f)~~

29 *(h) Individuals seeking an exception to the requirements of*
30 *subdivision ~~(d) or (e)~~ *(e) or (f)* based on completion of equivalent*
31 *education and experience shall apply to the department by the*
32 *process established by the department.*

33 ~~(g)~~

34 *(i) The department shall be required to complete the process for*
35 *the exception to minimum education and experience requirements*
36 *described in subdivisions ~~(d) and (e)~~ *(e) and (f)* within 30 days of*
37 *receiving the exception application of social work personnel or*
38 *supervising social worker qualifications from the foster family*
39 *agency.*

40 ~~(h)~~

1 (j) For purposes of this section, “social work personnel” means
2 supervising social workers as well as nonsupervisory social
3 workers.

4 ~~SEC. 5.~~

5 *SEC. 13.* Section 1506.1 of the Health and Safety Code is
6 amended to read:

7 1506.1. (a) A foster family agency shall prepare and maintain
8 a current, written plan of operation as required by the department.

9 (b) (1) A foster family agency shall have national accreditation
10 from an entity identified by the department pursuant to the process
11 described in paragraph (8) of subdivision (b) of Section 11463 of
12 the Welfare and Institutions Code.

13 (2) The following applies to a foster family agency licensed
14 before January 1, 2017:

15 (A) The foster family agency shall have until December 31,
16 2018, to obtain accreditation.

17 (B) The foster family agency shall submit documentation of
18 accreditation or application for accreditation to the department in
19 a time and manner as determined by the department.

20 (C) The foster family agency shall provide documentation to
21 the department reporting its accreditation status as of January 1,
22 2018, and July 1, 2018, in a time and manner as determined by the
23 department.

24 (3) The following applies to a foster family agency licensed on
25 or after January 1, 2017:

26 (A) The foster family agency shall have up to 24 months from
27 the date of licensure to obtain accreditation.

28 (B) The foster family agency applicant shall submit
29 documentation of accreditation or application for accreditation
30 with its application for licensure.

31 (C) The foster family agency shall provide documentation to
32 the department reporting its accreditation status at 12 months and
33 at 18 months after the date of licensure.

34 (4) This subdivision does not preclude the department from
35 requesting additional information from the foster family agency
36 regarding its accreditation status.

37 (5) The department may revoke a foster family agency’s license
38 pursuant to Article 5 (commencing with Section 1550) for failure
39 to obtain accreditation within the timeframes specified in this
40 subdivision.

1 ~~(e) (1) On and after January 1, 2017, a foster family agency's~~
2 ~~plan of operation shall demonstrate the foster family agency's~~
3 ~~ability to support the differing needs of children and their families.~~

4 ~~(2) On and after January 1, 2017, a foster family agency's plan~~
5 ~~of operation shall contain a plan for the supervision, evaluation,~~
6 ~~and training of staff. The training plan shall be appropriate to meet~~
7 ~~the needs of children, and it shall be consistent with the training~~
8 ~~provided to resource families as set forth in Section 16519.5 of~~
9 ~~the Welfare and Institutions Code.~~

10 ~~(3) In addition to complying with the rules and regulations~~
11 ~~adopted pursuant to this chapter, on and~~

12 ~~(c) On and after January 1, 2017, a foster family agency's plan~~
13 ~~of operation shall include a program statement. The program~~
14 ~~statement shall contain a description of all of the following:~~

15 ~~(A)~~

16 ~~(1) The core services and supports, as set forth in paragraph (5)~~
17 ~~of subdivision (b) of Section 11463 of the Welfare and Institutions~~
18 ~~Code, and as prescribed by the department, to be offered to children~~
19 ~~and their families, as appropriate or as necessary.~~

20 ~~(B)~~

21 ~~(2) The treatment practices that will be used in serving children~~
22 ~~and families.~~

23 ~~(C)~~

24 ~~(3) The procedures for the development, implementation, and~~
25 ~~periodic updating of the needs and services plan for children placed~~
26 ~~with the foster family agency or served by the foster family agency,~~
27 ~~consistent with the case plans as developed by the county placing~~
28 ~~agency, that support the reasonable and prudent parent standard,~~
29 ~~as defined in Section 362.05 of the Welfare and Institutions Code,~~
30 ~~and procedures for collaborating with the child and family team~~
31 ~~as described in paragraph (4) of subdivision (a) of Section 16501~~
32 ~~of the Welfare and Institutions Code, that includes, but is not~~
33 ~~limited to, a description of the services to be provided to meet the~~
34 ~~treatment needs of children assessed pursuant to subdivision (d)~~
35 ~~or (e) of Section 11462.01 of the Welfare and Institutions Code.~~
36 ~~assessed.~~

37 ~~(D)~~

38 ~~(4) (i) How the foster family agency will comply with the~~
39 ~~resource family approval standards and requirements, as set forth~~
40 ~~in Section 1517 of this code and Article 2 (commencing with~~

1 ~~Section 16519.5) of Chapter 5 of Part 4 of Division 9 of the~~
2 ~~Welfare and Institutions Code: 1517.~~

3 *(ii) A foster family agency that chooses not to approve resource*
4 *families pursuant to Section 1517 shall describe in the program*
5 *statement the transition plan for its certified family homes to obtain*
6 *resource family approval prior to December 31, 2019.*

7 ~~(E) A description of the~~

8 *(5) The population or populations to be served.*

9 *(6) The ability to support the differing needs of children and*
10 *their families.*

11 *(7) The plan for the supervision, evaluation, and training of*
12 *staff. The training plan shall be appropriate to meet the needs of*
13 *children, and it shall be consistent with the training provided to*
14 *resource families as set forth in Section 16519.5 of the Welfare*
15 *and Institutions Code.*

16 *(8) The ability to provide or arrange for treatment services to*
17 *meet the individual needs of children placed in certified family*
18 *homes or with resource families, as specified in Section 11402 of*
19 *the Welfare and Institutions Code.*

20 *(9) The plan for the training, supervision, and support of*
21 *resource families to meet the appropriate needs of children,*
22 *consistent with the training requirements set forth in Section*
23 *16519.5 of the Welfare and Institutions Code. To the extent*
24 *possible, the foster family agency training plan for resource*
25 *families shall be consistent with the training requirements set forth*
26 *by the county child welfare placing agency.*

27 *(10) The agency or agencies that the foster family agency has*
28 *partnered with, either formally or informally, to provide additional*
29 *supports and services to families and children during care and*
30 *postpermanency.*

31 *(11) The plan for participation in child and family teams and*
32 *supporting the participation of the agency’s resource families in*
33 *those teams, as appropriate.*

34 ~~(F)~~

35 *(12) Any other information that may be prescribed by the*
36 *department for the proper administration of this section.*

37 *(d) In addition to the rules and regulations adopted pursuant to*
38 *this chapter, a county licensed to operate a foster family agency*
39 *shall describe, in the plan of operation, its conflict-of-interest*
40 *mitigation plan, on and after January 1, 2017, as set forth in*

1 subdivision (g) of Section 11462.02 of the Welfare and Institutions
2 Code.

3 ~~(e) The foster family agency's plan of operation shall~~
4 ~~demonstrate the foster family agency's ability to provide treatment~~
5 ~~services to meet the individual needs of children placed in certified~~
6 ~~family homes or with resource families, as specified in Section~~
7 ~~11402 of the Welfare and Institutions Code.~~

8 *(e) (1) (A) (i) A foster family agency applicant shall submit*
9 *an application to the department that includes a letter of*
10 *recommendation in support of its program from a county placing*
11 *agency.*

12 *(ii) The letter of recommendation shall include a statement that*
13 *the county placing agency reviewed the applicant's program*
14 *statement.*

15 *(iii) If the letter of recommendation is not from the county in*
16 *which the facility is located, the foster family agency applicant*
17 *shall include with its application a statement that it provided the*
18 *county in which the facility is located an opportunity for that county*
19 *to review the program statement and notified that county that the*
20 *facility has received a letter of recommendation from another*
21 *county.*

22 *(B) If the application does not contain a letter of*
23 *recommendation as described in subparagraph (A), then the*
24 *department shall cease review of the application. Nothing in this*
25 *paragraph shall constitute a denial of the application for purposes*
26 *of Section 1526 or any other law.*

27 *(C) A new letter of recommendation is not required when a*
28 *foster family agency moves locations.*

29 *(2) A foster family agency shall submit a copy of its program*
30 *statement to all county placing agencies with which placements*
31 *are coordinated or for which services are provided, including the*
32 *county in which the facility is located, for optional review when*
33 *the foster family agency updates its program statement.*

34 *(f) The department shall have the authority to inspect a foster*
35 *family agency pursuant to the system of governmental monitoring*
36 *and oversight developed by the department on and after January*
37 *1, 2017, pursuant to subdivision (c) of Section 11463 of the*
38 *Welfare and Institutions Code.*

39 ~~(g) The department shall establish procedures for a county~~
40 ~~review process, at the county's option, for foster family agencies,~~

1 which may include the review of the foster family agency's
2 program statement, and which shall be established in consultation
3 with the County Welfare Directors Association of California, Chief
4 Probation Officers of California, and stakeholders, as appropriate.

5 ~~SEC. 6.~~

6 *SEC. 14.* Section 1506.3 of the Health and Safety Code is
7 amended to read:

8 1506.3. (a) A foster family agency that provides treatment of
9 children in foster families shall employ one full-time social work
10 supervisor for every eight social workers or fraction thereof in the
11 agency.

12 ~~(b) This section shall remain in effect only until the date when
13 the total foster family agency rate by age group paid to licensed
14 foster family agencies for the placement of children in certified
15 foster family homes is restored to at least the rate in effect on
16 September 30, 2009, and the Director of Social Services issues a
17 declaration to this effect to the Senate Committee on Budget and
18 Fiscal Review, Senate Committee on Human Services, the
19 Assembly Committee on Budget, and the Assembly Committee
20 on Human Services, or their successor committees. Upon the
21 restoration to at least the rate in effect on September 30, 2009, the
22 director shall issue the declaration. On that date, this section shall
23 be repealed.~~

24 ~~(c) Notwithstanding subdivision (b), this section shall be
25 inoperative on January 1, 2017, except with regard to foster family
26 agencies that have been granted an extension pursuant to Section
27 11463.1, in which case it shall be inoperative on January 1, 2019,
28 and, as of January 1, 2019, is repealed, unless a later enacted
29 statute, that becomes operative on or before January 1, 2019,
30 deletes or extends the dates on which it becomes ineffective and
31 is repealed.~~

32 ~~SEC. 7.~~

33 *SEC. 15.* Section 1506.5 of the Health and Safety Code is
34 amended to read:

35 1506.5. (a) Foster family agencies shall not use foster family
36 homes licensed by a county or resource families approved by a
37 county without the approval of the licensing or approving county.
38 When approval is granted, a written agreement between the foster
39 family agency and the county shall specify the nature of

1 administrative control and case management responsibility and
2 the nature and number of the children to be served in the home.

3 (b) Before a foster family agency may use a licensed foster
4 family home it shall review and, with the exception of a new
5 fingerprint clearance, qualify the home in accordance with Section
6 1506.

7 (c) When approval is granted pursuant to subdivision (a), and
8 for the duration of the agreement permitting the foster family
9 agency use of the licensed foster family home or county-approved
10 resource family, no child shall be placed in that home except
11 through the foster family agency.

12 (d) Nothing in this section shall transfer or eliminate the
13 responsibility of the placing agency for the care, custody, or control
14 of the child. Nothing in this section shall relieve a foster family
15 agency of its responsibilities for or on behalf of a child placed with
16 it.

17 (e) (1) If an application to a foster family agency for a certificate
18 of approval indicates, or the department determines during the
19 application review process, that the applicant previously was issued
20 a license under this chapter or under Chapter 1 (commencing with
21 Section 1200), Chapter 2 (commencing with Section 1250), Chapter
22 3.01 (commencing with Section 1568.01), Chapter 3.2
23 (commencing with Section 1569), Chapter 3.4 (commencing with
24 Section 1596.70), Chapter 3.5 (commencing with Section 1596.90),
25 or Chapter 3.6 (commencing with Section 1597.30) and the prior
26 license was revoked within the preceding two years, the foster
27 family agency shall cease any further review of the application
28 until two years have elapsed from the date of the revocation.

29 (2) If an application to a foster family agency for a certificate
30 of approval indicates, or the department determines during the
31 application review process, that the applicant previously was issued
32 a certificate of approval by a foster family agency that was revoked
33 by the department pursuant to subdivision (b) of Section 1534
34 within the preceding two years, the foster family agency shall cease
35 any further review of the application until two years have elapsed
36 from the date of the revocation.

37 (3) If an application to a foster family agency for a certificate
38 of approval indicates, or the department determines during the
39 application review process, that the applicant was excluded from
40 a facility licensed by the department or from a certified family

1 home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897,
2 the foster family agency shall cease any further review of the
3 application unless the excluded person has been reinstated pursuant
4 to Section 11522 of the Government Code by the department.

5 (4) The cessation of review shall not constitute a denial of the
6 application for purposes of subdivision (b) of Section 1534 or any
7 other law.

8 (f) (1) If an application to a foster family agency for a certificate
9 of approval indicates, or the department determines during the
10 application review process, that the applicant had previously
11 applied for a license under any of the chapters listed in paragraph
12 (1) of subdivision (e) and the application was denied within the
13 last year, the foster family agency shall cease further review of the
14 application as follows:

15 (A) When the applicant petitioned for a hearing, the foster family
16 agency shall cease further review of the application until one year
17 has elapsed from the effective date of the decision and order of
18 the department upholding a denial.

19 (B) When the department informed the applicant of his or her
20 right to petition for a hearing and the applicant did not petition for
21 a hearing, the foster family agency shall cease further review of
22 the application until one year has elapsed from the date of the
23 notification of the denial and the right to petition for a hearing.

24 (2) The foster family agency may continue to review the
25 application if the department has determined that the reasons for
26 the denial of the application were due to circumstances and a
27 condition that either have been corrected or are no longer in
28 existence.

29 (3) The cessation of review shall not constitute a denial of the
30 application for purposes of subdivision (b) of Section 1534 or any
31 other law.

32 (g) (1) If an application to a foster family agency for a
33 certificate of approval indicates, or the department determines
34 during the application review process, that the applicant had
35 previously applied for a certificate of approval with a foster family
36 agency and the department ordered the foster family agency to
37 deny the application pursuant to subdivision (b) of Section 1534,
38 the foster family agency shall cease further review of the
39 application as follows:

1 (A) In cases where the applicant petitioned for a hearing, the
2 foster family agency shall cease further review of the application
3 until one year has elapsed from the effective date of the decision
4 and order of the department upholding a denial.

5 (B) In cases where the department informed the applicant of his
6 or her right to petition for a hearing and the applicant did not
7 petition for a hearing, the foster family agency shall cease further
8 review of the application until one year has elapsed from the date
9 of the notification of the denial and the right to petition for a
10 hearing.

11 (2) The foster family agency may continue to review the
12 application if the department has determined that the reasons for
13 the denial of the application were due to circumstances and
14 conditions that either have been corrected or are no longer in
15 existence.

16 (3) The cessation of review shall not constitute a denial of the
17 application for purposes of subdivision (b) of Section 1534 or any
18 other law.

19 (h) Subdivisions (e), (f), and (g) shall apply only to certified
20 family home applications received on or before December 31,
21 2016, in accordance with Section 1517.

22 ~~SEC. 8.~~

23 *SEC. 16.* Section 1506.6 of the Health and Safety Code is
24 amended to read:

25 1506.6. (a) It is the intent of the Legislature that public and
26 private efforts to recruit foster parents not be competitive and that
27 the total number of foster parents be increased.

28 (b) A foster family agency shall not certify a family home that
29 is licensed by the department or a county. A licensed foster family
30 home shall forfeit its license, pursuant to subdivision (b) of Section
31 1524, concurrent with final certification by the foster family
32 agency. The department or a county shall not license a family home
33 that is certified by a foster family agency. A certified family home
34 shall forfeit its certificate concurrent with final licensing by the
35 department or a county.

36 (c) (1) A licensed foster family home shall forfeit its license,
37 pursuant to subdivision (b) of Section 1524, concurrent with
38 resource family approval by a foster family agency. ~~A resourcee~~
39 ~~family shall forfeit its resourcee family approval, pursuant to Section~~
40 ~~16519.5 of the Welfare and Institutions Code, concurrent with~~

1 ~~resource family approval by a foster family agency.~~ *agency or a*
2 *county.*

3 (2) A certified family home shall forfeit its certificate of
4 approval concurrent with resource family approval by ~~the county.~~
5 ~~A resource family shall forfeit its resource family approval,~~
6 ~~pursuant to Section 1517, concurrent with resource family approval~~
7 ~~by the county.~~ *a foster family agency, pursuant to subdivision (f)*
8 *of Section 1517, or a county.*

9 (3) *A resource family approved pursuant to Section 1517 shall*
10 *forfeit its approval concurrent with resource family approval by*
11 *another foster family agency or a county.*

12 ~~SEC. 9.~~

13 *SEC. 17.* Section 1506.7 of the Health and Safety Code is
14 amended to read:

15 1506.7. (a) A foster family agency shall require the owner or
16 operator of a family home applying for certification to sign an
17 application that shall contain, but shall not be limited to, the
18 following information:

19 (1) Whether the applicant has been certified, and by which foster
20 family agency.

21 (2) Whether the applicant has been decertified, and by which
22 foster family agency.

23 (3) Whether a placement hold has been placed on the applicant
24 by a foster family agency, and by which foster family agency.

25 (4) Whether the applicant has been a foster home licensed by a
26 county or by the state and, if so, by which county or state, or
27 whether the applicant has been approved for relative placement
28 by a county and, if so, by which county.

29 (b) (1) The application form signed by the owner or operator
30 of the family home applying for certification shall contain notice
31 to the applicant for certification that the foster family agency is
32 required to check references of all foster family agencies that have
33 previously certified the applicant and of all state or county licensing
34 offices that have licensed the applicant as a foster parent, and that
35 the signing of the application constitutes the authorization of the
36 applicant for the foster family agency to conduct its check of
37 references.

38 (2) The application form signed by the owner or operator of the
39 family home applying for certification shall be signed with a
40 declaration by the applicant that the information submitted is true,

1 correct, and contains no material omissions of fact to the best
2 knowledge and belief of the applicant. Any person who declares
3 as true any material matter pursuant to this section that he or she
4 knows to be false is guilty of a misdemeanor. The application shall
5 include a statement that submitting false information is a violation
6 of law punishable by incarceration, a fine, or both incarceration
7 and a fine.

8 (c) This section shall apply only to certified family home
9 applications received on or before December 31, 2016, in
10 accordance with Section 1517.

11 ~~SEC. 10.~~

12 *SEC. 18.* Section 1506.8 of the Health and Safety Code is
13 amended to read:

14 1506.8. (a) Before certifying a family home, a foster family
15 agency shall contact any foster family agencies by whom an
16 applicant has been previously certified and any state or county
17 licensing offices that have licensed the applicant as a foster parent,
18 and shall conduct a reference check as to the applicant.

19 (b) This section shall apply only to certified family home
20 applications received on or before December 31, 2016, in
21 accordance with Section 1517.

22 ~~SEC. 11.~~

23 *SEC. 19.* Section 1517 of the Health and Safety Code is
24 amended to read:

25 1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5
26 of the Welfare and Institutions Code, the State Department of
27 Social Services, shall implement a unified, family friendly, and
28 child-centered resource family approval process to replace the
29 existing multiple processes for licensing foster family homes,
30 certifying foster homes by licensed foster family agencies,
31 approving relatives and nonrelative extended family members as
32 foster care providers, and approving guardians and adoptive
33 families.

34 (2) For purposes of this section, a “resource family” means an
35 individual or family that has successfully met both the home
36 environment assessment and the permanency assessment criteria,
37 as set forth in Section 16519.5 of the Welfare and Institutions
38 Code, necessary for providing care for a related or unrelated child
39 who is under the jurisdiction of the juvenile court, or otherwise in
40 the care of a county child welfare agency or probation department.

1 (3) For purposes of this chapter, “resource family approval”
2 means that the applicant or resource family successfully meets the
3 home environment assessment and permanency assessment
4 standards adopted pursuant to subdivision (d) of Section 16519.5
5 of the Welfare and Institutions Code. This approval is in lieu of a
6 certificate of approval issued by a licensed foster family agency
7 pursuant to subdivision (b) of Section 1506.

8 (4) Approval of a resource family does not guarantee an initial,
9 continued, or adoptive placement of a child with a resource family.
10 Approval of a resource family does not guarantee the establishment
11 of a legal guardianship of a child with a resource family. There is
12 no fundamental right to resource family approval.

13 (5) Notwithstanding paragraphs (1) to (4), inclusive, a foster
14 family agency shall cease any further review of an application if
15 the applicant has had a previous application denial within the
16 preceding year by the department or county, or if the applicant has
17 had a previous rescission, revocation, or exemption denial or
18 exemption rescission by the department or county within the
19 preceding two years. However, a foster family agency may continue
20 to review an application if it has determined that the reasons for
21 the previous denial, rescission, or revocation were due to
22 circumstances and conditions that either have been corrected or
23 are no longer in existence. If an individual was excluded from a
24 resource family home or facility licensed by the department, a
25 foster family agency shall cease review of the individual’s
26 application unless the excluded individual has been reinstated
27 pursuant to Section 11522 of the Government Code. The cessation
28 of review shall not constitute a denial of the application for
29 purposes of this section, Section 16519.5 of the Welfare and
30 Institutions Code, or any other law.

31 (6) A resource family shall meet the approval standards set forth
32 in Section 16519.5 of the Welfare and Institutions Code, comply
33 with the written directives or regulations adopted pursuant to
34 Section 16519.5 of the Welfare and Institutions Code, and comply
35 with other applicable *federal and state* laws in order to maintain
36 approval.

37 (7) A resource family may be approved by the department or a
38 county pursuant to Section 16519.5 of the Welfare and Institutions
39 Code or by a foster family agency pursuant to this section.

1 (b) (1) A foster family agency shall comply with the provisions
2 of this section.

3 (2) Notwithstanding any other law, a foster family agency shall
4 require its applicants and resource families to meet the resource
5 family approval standards set forth in Section 16519.5 of the
6 Welfare and Institutions Code, the written directives or regulations
7 adopted thereto, and other applicable laws prior to approval and
8 in order to maintain approval.

9 (3) A foster family agency shall be responsible for all of the
10 following:

11 (A) Complying with the applicable provisions of this chapter,
12 the regulations for foster family agencies, the resource family
13 approval standards and requirements set forth in Article 2
14 (commencing with Section 16519.5) of Chapter 5 of Part 4 of
15 Division 9 of the Welfare and Institutions Code, and the applicable
16 written directives or regulations adopted thereto by the department.

17 (B) Implementing the requirements for the resource family
18 approval and utilizing standardized documentation established by
19 the department.

20 (C) Ensuring staff have the ~~education and experience necessary~~
21 ~~to complete the home environment and psychosocial assessments~~
22 ~~competently.~~ *education, experience, and core competencies*
23 *necessary to participate in the assessment and evaluation of an*
24 *applicant or resource family.*

25 (D) Taking the following actions, as applicable:

26 (i) ~~(I) Approving or denying resource family applications.~~
27 *applications, including preparing a written evaluation of an*
28 *applicant's capacity to foster, adopt, or provide legal guardianship*
29 *of a child based on all of the information gathered through the*
30 *resource family application and assessment processes.*

31 *(II) Considering the applicant's preference to provide a specific*
32 *level of permanency, including adoption, guardianship, or, in the*
33 *case of a relative, placement with a fit and willing relative, shall*
34 *not be a basis to deny an application.*

35 (ii) Rescinding approvals of resource families.

36 (E) Providing to the department a log of resource families that
37 were approved or had approval rescinded during the month by the
38 10th day of the following month.

39 (F) (i) Updating resource family approval annually and as
40 necessary to address any changes that have occurred in the resource

1 family's circumstances, including, but not limited to, moving to
2 a new home location or commencing operation of a family day
3 care home, as defined in Section 1596.78.

4 (ii) A foster family agency shall conduct an announced
5 inspection of a resource family home during the annual update,
6 and as necessary to address any changes specified in clause (i), to
7 ensure that the resource family is conforming to all applicable laws
8 and the written directives or regulations adopted pursuant to
9 Section 16519.5 of the Welfare and Institutions Code.

10 (G) Monitoring resource families through all of the following:

11 (i) Ensuring that social workers who identify a condition in the
12 home that may not meet the resource family approval standards
13 while in the course of a routine visit to children subsequently
14 placed with a resource family take appropriate action as needed.

15 (ii) Requiring resource families to meet the approval standards
16 set forth in Section 16519.5 of the Welfare and Institutions Code
17 and to comply with the written directives or regulations adopted
18 thereto, other applicable laws, and corrective action plans as
19 necessary to correct identified deficiencies. If corrective action is
20 not completed as specified in the plan, the foster family agency or
21 the department may rescind the approval of the resource family
22 or take other administrative action in accordance with applicable
23 law or the written directives or regulations adopted pursuant to
24 Section 16519.5 of the Welfare and Institutions Code.

25 (iii) Requiring resource families to report to the foster family
26 agency any incidents as specified in the written directives or
27 regulations adopted pursuant to Section 16519.5 of the Welfare
28 and Institutions Code.

29 (iv) Inspecting resource family homes as often as necessary to
30 ensure the quality of care provided.

31 (H) Performing corrective action as required by the department.

32 (I) Submitting information and data that the department
33 determines is necessary to study, monitor, and prepare the report
34 specified in paragraph (6) of subdivision (f) of Section 16519.5 of
35 the Welfare and Institutions Code.

36 (J) (i) Ensuring applicants and resource families meet the
37 training requirements, and, if applicable, the specialized training
38 requirements set forth in Section 16519.5 of the Welfare and
39 Institutions Code.

1 (ii) Nothing in this section shall preclude a foster family agency
2 from requiring training in excess of the requirements in this section.

3 (4) A foster family agency may cooperatively match a child
4 who is under the care, custody, and control of a county with a
5 resource family for initial placement.

6 (c) In addition to subdivision (f) of Section 16519.5 of the
7 Welfare and Institutions Code, the State Department of Social
8 Services shall be responsible for all of the following:

9 (1) Requiring foster family agencies to monitor resource
10 families, including, but not limited to, inspecting resource family
11 homes, developing and monitoring resource family corrective
12 action plans to correct identified deficiencies, and rescinding
13 resource family approval if compliance with a corrective action
14 plan is not achieved.

15 (2) Investigating all complaints against a resource family
16 approved by a foster family agency and taking any action it deems
17 necessary. This shall include investigating any incidents reported
18 about a resource family indicating that the approval standard is
19 not being maintained. Complaint investigations shall be conducted
20 in accordance with the written directives or regulations adopted
21 pursuant to Section 16519.5 of the Welfare and Institutions Code.
22 A foster family agency shall not conduct an internal investigation
23 regarding an incident report or complaint against a resource family
24 that interferes with an investigation being conducted by the
25 department.

26 (3) Rescinding approvals of a resource family approved by a
27 foster family agency.

28 (4) Excluding a resource family parent or other individual from
29 presence in a resource family home or licensed community care
30 facility, from being a member of the board of directors, an
31 executive director, or an officer of a licensed community care
32 facility, or prohibiting a licensed community care facility from
33 employing the resource family parent or other individual, if
34 appropriate.

35 (5) Issuing a temporary suspension order that suspends the
36 resource family approval prior to a hearing, when urgent action is
37 needed to protect a child from physical or mental abuse,
38 abandonment, or any other substantial threat to health or safety.

39 (6) Providing a resource family parent, applicant, excluded
40 individual, or individual who is the subject of a criminal record

1 exemption decision with due process pursuant to Section 16519.6
2 of the Welfare and Institutions Code.

3 (d) The department may enter and inspect the home of a resource
4 family approved by a foster family agency to secure compliance
5 with the resource family approval standards, investigate a
6 complaint or incident, or ensure the quality of care provided.

7 (e) Nothing in this section or in Article 2 (commencing with
8 Section 16519.5) of Chapter 5 of Part 4 of Division 9 of the
9 Welfare and Institutions Code limits the authority of the department
10 to inspect, evaluate, investigate a complaint or incident, or initiate
11 a disciplinary action against a foster family agency pursuant to
12 this chapter or to take any action it may deem necessary for the
13 health and safety of children placed with the foster family agency.

14 (f) (1) The applicable certification and oversight processes shall
15 continue to be administered for foster homes certified by a foster
16 family agency prior to January 1, 2017, or as specified in paragraph
17 (2), until the certification is revoked or forfeited by operation of
18 law pursuant to this subdivision.

19 (2) Notwithstanding paragraph (3), a foster family agency shall
20 approve or deny all certified family home applications received
21 on or before December 31, 2016, in accordance with this chapter.

22 (3) On and after January 1, 2017, a foster family agency shall
23 not accept applications to certify foster homes and shall approve
24 resource families in lieu of certifying foster homes.

25 (4) No later than July 1, 2017, each foster family agency shall
26 provide the following information to its certified family homes:

27 (A) A detailed description of the resource family approval
28 program.

29 (B) Notification that, in order to care for a foster child, resource
30 family approval is required by December 31, 2019.

31 (C) Notification that a certificate of approval shall be forfeited
32 by operation of law as specified in paragraph (7).

33 (5) By no later than January 1, 2018, the following shall apply
34 to all certified family homes:

35 (A) A certified family home with an approved adoptive home
36 study, completed prior to January 1, 2018, shall be deemed to be
37 an approved resource family.

38 (B) A certified family home that had a child in placement at
39 any time between January 1, 2017, and December 31, 2017,
40 inclusive, may be approved as a resource family on the date of

1 successful completion of a psychosocial assessment pursuant to
2 subparagraph (B) of paragraph (3) of subdivision (d) of Section
3 16519.5 of the Welfare and Institutions Code.

4 (6) A foster family agency may provide supportive services to
5 all certified family homes with a child in placement to assist with
6 the resource family transition and to minimize placement
7 disruptions.

8 (7) All certificates of approval shall be forfeited by operation
9 of law on December 31, 2019, except as provided in this paragraph:

10 (A) All certified family homes that did not have a child in
11 placement at any time between January 1, 2017, and December
12 31, 2017, inclusive, shall forfeit the certificate of approval by
13 operation of law on January 1, 2018.

14 (B) For certified family homes with a pending resource family
15 application on December 31, 2019, the certificate of approval shall
16 be forfeited by operation of law upon approval as a resource family.
17 If approval is denied, forfeiture by operation of law shall occur on
18 the date of completion of any proceedings required by law to ensure
19 due process.

20 (C) A certificate of approval shall be forfeited by operation of
21 law upon approval as a resource family.

22 (g) *A foster family agency may obtain any arrest or conviction*
23 *records or reports from any law enforcement agency as necessary*
24 *to the performance of its duties, as provided in this section.*

25 ~~SEC. 12.~~

26 *SEC. 20.* Section 1517.1 is added to the Health and Safety
27 Code, to read:

28 1517.1. (a) (1) Pursuant to subdivision (a) of Section 16519.5
29 of the Welfare and Institutions Code, the State Department of
30 Social Services shall implement a unified, family friendly, and
31 child-centered resource family approval process to replace the
32 existing multiple processes for licensing foster family homes,
33 certifying foster homes by licensed foster family agencies,
34 approving relatives and nonrelative extended family members as
35 foster care providers, and approving guardians and adoptive
36 families.

37 (2) For purposes of this section, a “resource family” means an
38 individual or family that has successfully met both the home
39 environment assessment and the permanency assessment criteria,
40 as set forth in Section 16519.5 of the Welfare and Institutions

1 Code, necessary for providing care for a related or unrelated child
2 who is under the jurisdiction of the juvenile court, or otherwise in
3 the care of a county child welfare agency or probation department.

4 (b) (1) The applicable licensure and oversight processes shall
5 continue to be administered for foster family homes licensed prior
6 to January 1, 2017, or as specified in paragraph (2), until the license
7 is revoked or forfeited by operation of law pursuant to this section
8 or Section 1524 of the Health and Safety Code.

9 (2) The department shall approve or deny all foster family home
10 license applications received on or before December 31, 2016, in
11 accordance with this chapter.

12 (3) On and after January 1, 2017, the department shall not accept
13 applications to license foster family homes.

14 (4) By no later than January 1, 2018, the following shall apply
15 to all foster family homes:

16 (A) A foster family home with an approved adoptive home
17 study, completed prior to January 1, 2018, shall be deemed to be
18 an approved resource family.

19 (B) A foster family home that had a child in placement for any
20 length of time between January 1, 2017, and December 31, 2017,
21 inclusive, may be approved as a resource family on the date of
22 successful completion of a psychosocial assessment pursuant to
23 subparagraph (B) of paragraph (3) of subdivision (d) of Section
24 16519.5 of the Welfare and Institutions Code.

25 (5) All foster family home licenses shall be forfeited by
26 operation of law on December 31, 2019, except as provided in this
27 paragraph or Section 1524.

28 (A) All licensed foster family homes that did not have a child
29 in placement at any time between January 1, 2017, and December
30 31, 2017, inclusive, shall forfeit the license by operation of law
31 on January 1, 2018.

32 (B) For foster family home licensees who have pending resource
33 family applications on December 31, 2019, the foster family home
34 license shall be forfeited by operation of law upon approval as a
35 resource family. If approval is denied, forfeiture by operation of
36 law shall occur on the date of completion of any proceedings
37 required by law to ensure due process.

38 (C) A foster family home license shall be forfeited by operation
39 of law upon approval as a resource family.

1 ~~SEC. 13.~~

2 ~~SEC. 21.~~ Section 1517.2 is added to the Health and Safety
3 Code, to read:

4 1517.2. (a) The application form signed by a resource family
5 applicant of a foster family agency shall be signed with a
6 declaration by the applicant that the information submitted is true,
7 correct, and contains no material omissions of fact to the best
8 knowledge and belief of the applicant. Any person who ~~declares~~
9 ~~as true any material matter pursuant to this section that he or she~~
10 ~~knows to be false is guilty of a misdemeanor. The application shall~~
11 ~~include a statement that submitting false information is a violation~~
12 ~~of law punishable by incarceration, a fine, or both incarceration~~
13 ~~and a fine. willfully and knowingly, with the intent to deceive,~~
14 ~~makes a false statement or fails to disclose a material fact in his~~
15 ~~or her application is guilty of a misdemeanor.~~

16 (b) Before approving a resource family, a foster family agency
17 shall conduct a reference check of the applicant by contacting all
18 of the following:

19 (1) Any foster family agencies that have certified the applicant.

20 (2) Any state or county licensing offices that have licensed the
21 applicant as a foster family home.

22 (3) Any counties that have approved the applicant as a relative
23 or nonrelative extended family member.

24 (4) Any foster family agencies or counties that have approved
25 the applicant as a resource family.

26 (5) Any state licensing offices that have licensed the applicant
27 as a community care facility, child day care center, or family child
28 care home.

29 (c) The department, a county, or a foster family agency may
30 request information from, or divulge information to, the
31 department, a county, or a foster family agency regarding a
32 prospective resource family for the purpose of conducting, and as
33 necessary to conduct, a reference check to determine whether it is
34 safe and appropriate to approve an applicant to be a resource
35 family.

36 ~~SEC. 14.~~

37 ~~SEC. 22.~~ Section 1517.3 is added to the Health and Safety
38 Code, to read:

39 1517.3. (a) A person shall not incur civil liability as a result
40 of providing the department with either of the following:

1 (1) A foster family agency's log of resource families that have
2 been approved or have had approval rescinded.

3 (2) Notification of a foster family agency's determination to
4 rescind the approval of a resource family due to any of the
5 following actions by a resource family parent:

6 (A) Violation of Section 16519.5, the written directives or
7 regulations adopted pursuant to Section 16519.5, or any other
8 applicable law.

9 (B) Aiding, abetting, or permitting the violation of Section
10 16519.5, the written directives or regulations adopted pursuant to
11 Section 16519.5, or any other applicable law.

12 (C) Conduct that poses a risk or threat to the health and safety,
13 protection, or well-being of a child, or the people of the State of
14 California.

15 (D) Conviction at any time before or during his or her approval
16 of a crime described in Section 1522.

17 (E) Knowingly allowing a child to have illegal drugs, alcohol,
18 or any tobacco product, as defined in subdivision (d) of Section
19 22950.5 of the Business and Professions Code.

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

22 (b) The department, a county, or a foster family agency shall
23 not incur civil liability for providing each other with information
24 if the communication is for the purpose of aiding in the evaluation
25 of an application for approval of a resource family by a foster
26 family agency.

27 ~~SEC. 15.~~

28 *SEC. 23.* Section 1520.1 of the Health and Safety Code is
29 amended to read:

30 1520.1. In addition to Section 1520, applicants for a group
31 home or short-term residential treatment center license shall meet
32 the following requirements:

33 (a) (1) During the first 12 months of operation, the facility shall
34 operate with a provisional license. After eight months of operation,
35 the department shall conduct a comprehensive review of the facility
36 for compliance with all applicable laws and regulations and help
37 develop a plan of correction with the provisional licensee, if
38 appropriate. By the end of the 12th month of operation, the
39 department shall determine if the permanent license should be
40 issued.

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

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

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

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

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

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

33 (b) (1) After the production of the booklet provided for in
34 paragraph (2), every member of the group home's board of
35 directors or governing body and every member of a short-term
36 residential treatment center's board of directors or governing body
37 shall, prior to becoming a member of the board of directors or
38 governing body sign a statement that he or she understands his or
39 her legal duties and obligations as a member of the board of
40 directors or governing body and that the group home's or

1 short-term residential treatment center’s operation is governed by
2 laws and regulations that are enforced by the department, as set
3 forth in the booklet. The applicant, provisional licensee, and
4 licensee shall have this statement available for inspection by the
5 department. For members of the board of directors or governing
6 body when the booklet is produced, the licensee shall obtain this
7 statement by the next scheduled meeting of the board of directors
8 or governing body. Compliance with this paragraph shall be a
9 condition of licensure.

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

19 (A) The financial responsibilities of a member of the board of
20 directors or governing body.

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

22 (C) Legal requirements pertaining to articles of incorporation,
23 bylaws, length of member terms, voting procedures, board or
24 governing body meetings, quorums, minutes of meetings, and, as
25 provided for in subdivision (f), member duties.

26 (D) A general overview of the laws and regulations governing
27 the group home’s or short-term residential treatment center’s
28 operation that are enforced by the department.

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

1 (d) An applicant, provisional licensee, or licensee shall maintain,
2 submit, and sign financial documents to verify the legitimacy and
3 accuracy of these documents. These documents include, but are
4 not limited to, the group home or short-term residential treatment
5 center application, any financial documents and plans of corrections
6 submitted to the department, and timesheets.

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

11 (2) The representatives on the board of directors or the
12 community advisory board members should consist of at least the
13 following persons:

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

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

16 (C) Neighbors of the facility.

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

18 (E) A representative from a local law enforcement or other city
19 or county representative.

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

33 ~~SEC. 16.~~

34 *SEC. 24.* Section 1522.44 of the Health and Safety Code is
35 amended to read:

36 1522.44. (a) It is the policy of the state that caregivers of
37 children in foster care possess knowledge and skills relating to the
38 reasonable and prudent parent standard, as defined in subdivision
39 (c) of Section 362.05 of the Welfare and Institutions Code.

1 (b) Except for licensed foster family homes, certified family
 2 homes, and resource families ~~licensed by foster family agencies,~~
 3 *approved by a foster family agency*, each licensed community care
 4 facility that provides care and supervision to children and operates
 5 with staff shall designate at least one onsite staff member to apply
 6 the reasonable and prudent parent standard to decisions involving
 7 the participation of a child who is placed in the facility in age or
 8 developmentally appropriate activities in accordance with the
 9 requirements of Section 362.05 of the Welfare and Institutions
 10 Code, Section 671(a)(10) of Title 42 of the United States Code,
 11 and the regulations adopted by the department pursuant to this
 12 chapter.

13 (c) A licensed and certified foster parent, resource family, or
 14 facility staff member, as described in subdivision (b), shall receive
 15 training related to the reasonable and prudent parent standard that
 16 is consistent with Section 671(a)(24) of Title 42 of the United
 17 States Code. This training shall include knowledge and skills
 18 relating to the reasonable and prudent parent standard for the
 19 participation of the child in age or developmentally appropriate
 20 activities, including knowledge and skills relating to the
 21 developmental stages of the cognitive, emotional, physical, and
 22 behavioral capacities of a child, and knowledge and skills relating
 23 to applying the standard to decisions such as whether to allow the
 24 child to engage in extracurricular, enrichment, cultural, and social
 25 activities, including sports, field trips, and overnight activities
 26 lasting one or more days, and to decisions involving the signing
 27 of permission slips and arranging of transportation for the child to
 28 and from extracurricular, enrichment, and social activities.

29 (d) This section does not apply to runaway and homeless youth
 30 shelters as defined in paragraph (14) of subdivision (a) of Section
 31 1502.

32 ~~SEC. 17.~~

33 *SEC. 25.* Section 1523.1 of the Health and Safety Code is
 34 amended to read:

35 1523.1. (a) (1) An application fee adjusted by facility and
 36 capacity shall be charged by the department for the issuance of a
 37 license. After initial licensure, a fee shall be charged by the
 38 department annually on each anniversary of the effective date of
 39 the license. The fees are for the purpose of financing the activities

1 specified in this chapter. Fees shall be assessed as follows, subject
2 to paragraph (2):

3				
4 Fee Schedule				
5				
6 Facility Type	Capacity	Initial	Application	Annual
7 Foster Family and		\$3,025		\$1,513
8 Adoption Agencies				
9 Adult Day Programs	1-15	\$182		\$91
10	16-30	\$303		\$152
11	31-60	\$605		\$303
12	61-75	\$758		\$378
13	76-90	\$908		\$454
14	91-120	\$1,210		\$605
15	121+	\$1,513		\$757
16				
17 Other Community	1-3	\$454		\$454
18 Care Facilities	4-6	\$908		\$454
19	7-15	\$1,363		\$681
20	16-30	\$1,815		\$908
21	31-49	\$2,270		\$1,135
22	50-74	\$2,725		\$1,363
23	75-100	\$3,180		\$1,590
24	101-150	\$3,634		\$1,817
25	151-200	\$4,237		\$2,119
26	201-250	\$4,840		\$2,420
27	251-300	\$5,445		\$2,723
28	301-350	\$6,050		\$3,025
29	351-400	\$6,655		\$3,328
30	401-500	\$7,865		\$3,933
31	501-600	\$9,075		\$4,538
32	601-700	\$10,285		\$5,143
33	701+	\$12,100		\$6,050

34
35 (2) (A) The Legislature finds that all revenues generated by
36 fees for licenses computed under this section and used for the
37 purposes for which they were imposed are not subject to Article
38 XIII B of the California Constitution.

39 (B) The department, at least every five years, shall analyze
40 initial application fees and annual fees issued by it to ensure the

1 appropriate fee amounts are charged. The department shall
2 recommend to the Legislature that fees established by the
3 Legislature be adjusted as necessary to ensure that the amounts
4 are appropriate.

5 (b) (1) In addition to fees set forth in subdivision (a), the
6 department shall charge the following fees:

7 (A) A fee that represents 50 percent of an established application
8 fee when an existing licensee moves the facility to a new physical
9 address.

10 (B) A fee that represents 50 percent of the established
11 application fee when a corporate licensee changes who has the
12 authority to select a majority of the board of directors.

13 (C) A fee of twenty-five dollars (\$25) when an existing licensee
14 seeks to either increase or decrease the licensed capacity of the
15 facility.

16 (D) An orientation fee of fifty dollars (\$50) for attendance by
17 any individual at a department-sponsored orientation session.

18 (E) A probation monitoring fee equal to the current annual fee,
19 in addition to the current annual fee for that category and capacity
20 for each year a license has been placed on probation as a result of
21 a stipulation or decision and order pursuant to the administrative
22 adjudication procedures of the Administrative Procedure Act
23 (Chapter 4.5 (commencing with Section 11400) and Chapter 5
24 (commencing with Section 11500) of Part 1 of Division 3 of Title
25 2 of the Government Code).

26 (F) A late fee that represents an additional 50 percent of the
27 established current annual fee when any licensee fails to pay the
28 current annual licensing fee on or before the due date as indicated
29 by postmark on the payment.

30 (G) A fee to cover any costs incurred by the department for
31 processing payments including, but not limited to, bounced check
32 charges, charges for credit and debit transactions, and postage due
33 charges.

34 (H) A plan of correction fee of two hundred dollars (\$200) when
35 any licensee does not implement a plan of correction on or prior
36 to the date specified in the plan.

37 (2) Foster family homes and resource family homes approved
38 by a foster family agency shall be exempt from the fees imposed
39 pursuant to this subdivision.

1 (3) Foster family agencies shall be annually assessed
2 eighty-eight dollars (\$88) for each certified family home and
3 resource family certified or approved by the agency.

4 (4) No local jurisdiction shall impose any business license, fee,
5 or tax for the privilege of operating a facility licensed under this
6 chapter which serves six or fewer persons.

7 (c) (1) The revenues collected from licensing fees pursuant to
8 this section shall be utilized by the department for the purpose of
9 ensuring the health and safety of all individuals provided care and
10 supervision by licensees and to support activities of the licensing
11 program, including, but not limited to, monitoring facilities for
12 compliance with licensing laws and regulations pursuant to this
13 chapter, and other administrative activities in support of the
14 licensing program, when appropriated for these purposes. The
15 revenues collected shall be used in addition to any other funds
16 appropriated in the Budget Act in support of the licensing program.
17 The department shall adjust the fees collected pursuant to this
18 section as necessary to ensure that they do not exceed the costs
19 described in this paragraph.

20 (2) The department shall not utilize any portion of these revenues
21 sooner than 30 days after notification in writing of the purpose
22 and use of this revenue, as approved by the Director of Finance,
23 to the Chairperson of the Joint Legislative Budget Committee, and
24 the chairpersons of the committee in each house that considers
25 appropriations for each fiscal year. The department shall submit
26 a budget change proposal to justify any positions or any other
27 related support costs on an ongoing basis.

28 (d) A facility may use a bona fide business check to pay the
29 license fee required under this section.

30 (e) The failure of an applicant or licensee to pay all applicable
31 and accrued fees and civil penalties shall constitute grounds for
32 denial or forfeiture of a license.

33 ~~SEC. 18.~~

34 *SEC. 26.* Section 1525.5 of the Health and Safety Code is
35 amended to read:

36 1525.5. (a) The department may issue provisional licenses to
37 operate community care facilities for facilities that it determines
38 are in substantial compliance with this chapter and the rules and
39 regulations adopted pursuant to this chapter, provided that no life
40 safety risks are involved, as determined by the department. In

1 determining whether any life safety risks are involved, the
 2 department shall require completion of all applicable fire clearances
 3 and criminal record clearances as otherwise required by the
 4 department’s rules and regulations. The provisional license shall
 5 expire six months from the date of issuance, or at any earlier time
 6 as the department may determine, and may not be renewed.
 7 However, the department may extend the term of a provisional
 8 license for an additional six months at time of application, if it is
 9 determined that more than six months will be required to achieve
 10 full compliance with licensing standards due to circumstances
 11 beyond the control of the applicant, provided all other requirements
 12 for a license have been met.

13 (b) This section shall not apply to foster family homes.

14 ~~SEC. 19:~~

15 *SEC. 27.* Section 1536 of the Health and Safety Code is
 16 amended to read:

17 1536. (a) (1) At least annually, the department shall publish
 18 and make available to interested persons a list or lists covering all
 19 licensed community care facilities and the services for which each
 20 facility has been licensed or issued a special permit.

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

25 (A) The number of licensing complaints, types of complaint,
 26 and outcomes of complaints, including citations, fines, exclusion
 27 orders, license suspensions, revocations, and surrenders.

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

31 (3) This subdivision does not apply to foster family homes or
 32 the certified family homes or resource families of foster family
 33 agencies.

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

1 information for purposes of the Information Practices Act of 1977
2 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
3 4 of Division 3 of the Civil Code). This information shall not be
4 disclosed by any state or local agency pursuant to the California
5 Public Records Act (Chapter 3.5 (commencing with Section 6250)
6 of Division 7 of Title 1 of the Government Code), except as
7 necessary for administering the licensing program, facilitating the
8 placement of children in these facilities, and providing names and
9 addresses, upon request, only to bona fide professional foster parent
10 organizations and to professional organizations educating foster
11 parents, including the Foster and Kinship Care Education Program
12 of the California Community Colleges.

13 (c) (1) Notwithstanding subdivision (b), the department, a
14 county, or a foster family agency may request information from,
15 or divulge information to, the department, a county, or a foster
16 family agency, regarding a prospective certified parent, foster
17 parent, or relative caregiver for the purpose of, and as necessary
18 to, conduct a reference check to determine whether it is safe and
19 appropriate to license, certify, or approve an applicant to be a
20 certified parent, foster parent, or relative caregiver.

21 (2) This subdivision shall apply only to applications received
22 on or before December 31, 2016, in accordance with Section 1517
23 or 1517.1 of this code or Section 16519.5 of the Welfare and
24 Institutions Code.

25 (d) The department may issue a citation and, after the issuance
26 of that citation, may assess a civil penalty of fifty dollars (\$50) per
27 day for each instance of a foster family agency's failure to provide
28 the department with a log of certified and decertified homes or a
29 log of resource families that were approved or had approval
30 rescinded during the month by the 10th day of the following month.

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

34 (1) Monthly reports by a foster family agency regarding certified
35 family homes and resource families.

36 (2) A log of certified and decertified family homes, approved
37 resource families, and resource families for which approval was
38 rescinded, provided by a foster family agency to the department.

39 (3) Notification by a foster family agency to the department
40 informing the department of a foster family agency's determination

1 to decertify a certified family home or rescind the approval of a
2 resource family due to any of the following actions by the certified
3 family parent or resource family:

4 (A) Violating licensing rules and regulations.

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

7 (C) Conducting oneself in a way that is inimical to the health,
8 morals, welfare, or safety of a child placed in that certified family
9 home, or for a resource family, engaging in conduct that poses a
10 risk or threat to the health and safety, protection, or well-being of
11 a child or nonminor dependent.

12 (D) Being convicted of a crime while a certified family parent
13 or resource family.

14 (E) Knowingly allowing any child to have illegal drugs or
15 alcohol.

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

18 (f) At least annually, the department shall post on its Internet
19 Web site a statewide summary of the information gathered pursuant
20 to Sections 1538.8 and 1538.9. The summary shall include only
21 deidentified and aggregate information that does not violate the
22 confidentiality of a child's identity and records.

23 ~~SEC. 20.~~

24 *SEC. 28.* Section 1538.8 of the Health and Safety Code is
25 amended to read:

26 1538.8. (a) (1) In order to review and evaluate the use of
27 psychotropic medications in group homes and short-term residential
28 treatment centers, the department shall compile, to the extent
29 feasible and not otherwise prohibited by law and based on
30 information received from the State Department of Health Care
31 Services, at least annually, information concerning each group
32 home and short-term residential treatment center, including, but
33 not limited to, the child welfare psychotropic medication measures
34 developed by the department and the following Healthcare
35 Effectiveness Data and Information Set (HEDIS) measures related
36 to psychotropic medications:

37 (A) Follow-Up Care for Children Prescribed Attention Deficit
38 Hyperactivity Disorder Medication (HEDIS ADD), which measures
39 the number of children 6 to 12 years of age, inclusive, who have

1 a visit with a provider with prescribing authority within 30 days
2 of the new prescription.

3 (B) Use of Multiple Concurrent Antipsychotics in Children and
4 Adolescents (HEDIS APC), which does both of the following:

5 (i) Measures the number of children receiving an antipsychotic
6 medication for at least 60 out of 90 days and the number of children
7 who additionally receive a second antipsychotic medication that
8 overlaps with the first.

9 (ii) Reports a total rate and age stratifications including 6 to 11
10 years of age, inclusive, and 12 to 17 years of age, inclusive.

11 (C) Use of First-Line Psychosocial Care for Children and
12 Adolescents on Antipsychotics (HEDIS APP), which measures
13 whether a child has received psychosocial services 90 days before
14 through 30 days after receiving a new prescription for an
15 antipsychotic medication.

16 (D) Metabolic Monitoring for Children and Adolescents on
17 Antipsychotics (HEDIS APM), which does both of the following:

18 (i) Measures testing for glucose or HbA1c and lipid or
19 cholesterol of a child who has received at least two different
20 antipsychotic prescriptions on different days.

21 (ii) Reports a total rate and age stratifications including 6 to 11
22 years of age, inclusive, and 12 to 17 years of age, inclusive.

23 (2) The department shall post the list of data to be collected
24 pursuant to this subdivision on the department's Internet Web site.

25 (b) The data in subdivision (a) concerning psychotropic
26 medication, mental health services, and placement shall be drawn
27 from existing data maintained by the State Department of Health
28 Care Services and the State Department of Social Services and
29 shared pursuant to a data sharing agreement meeting the
30 requirements of all applicable state and federal laws and
31 regulations.

32 (c) This section does not apply to a runaway and homeless youth
33 shelter, as defined in Section 1502.

34 ~~SEC. 21.~~

35 *SEC. 29.* Section 1538.9 of the Health and Safety Code is
36 amended to read:

37 1538.9. (a) (1) (A) The department shall consult with the
38 State Department of Health Care Services and stakeholders to
39 establish a methodology for identifying those group homes
40 providing care under the AFDC-FC program pursuant to Sections

1 11460 and 11462 of the Welfare and Institutions Code that have
2 levels of psychotropic drug utilization warranting additional review.
3 The methodology shall be adopted on or before July 1, 2016.

4 (B) Every three years after adopting the methodology developed
5 under subparagraph (A), or earlier if needed, the department shall
6 consult with the State Department of Health Care Services and
7 stakeholders and revise the methodology, if necessary.

8 (2) If the department, applying the methodology described in
9 paragraph (1), determines that a facility appears to have levels of
10 psychotropic drug utilization warranting additional review, it shall
11 inspect the facility at least once a year.

12 (3) The inspection of the facility shall include, but not be limited
13 to, a review of the following:

14 (A) Plan of operation, policies, procedures, and practices.

15 (B) Child-to-staff ratios.

16 (C) Staff qualifications and training.

17 (D) Implementation of children's needs and services plan.

18 (E) Availability of psychosocial and other alternative treatments
19 to the use of psychotropic medications.

20 (F) Other factors that the department determines contribute to
21 levels of psychotropic drug utilization that warrant additional
22 review.

23 (G) Confidential interviews of children residing in the facility
24 at the time of the inspection.

25 (4) The inspection of the facility may include, but is not limited
26 to, the following:

27 (A) Confidential interviews of children who resided in the
28 facility within the last six months.

29 (B) Confidential discussions with physicians identified as
30 prescribing the medications.

31 (b) Following an inspection conducted pursuant to this section,
32 the department, as it deems appropriate, may do either or both of
33 the following:

34 (1) Share relevant information and observations with county
35 placing agencies, social workers, probation officers, the court,
36 dependency counsel, or the Medical Board of California, as
37 applicable.

38 (2) Share relevant information and observations with the facility
39 and require the facility to submit a plan, within 30 days of receiving
40 the information and observations from the department, to address

1 any identified risks within the control of the facility related to
2 psychotropic medication. The department shall approve the plan
3 and verify implementation of the plan to determine whether those
4 risks have been remedied.

5 (c) (1) 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), until emergency regulations are filed with the Secretary of
9 State, the department may implement this section through
10 all-county letters or similar instructions.

11 (2) On or before January 1, 2017, the department shall adopt
12 regulations to implement this section. The initial adoption,
13 amendment, or repeal of a regulation authorized by this subdivision
14 is deemed to address an emergency, for purposes of Sections
15 11346.1 and 11349.6 of the Government Code, and the department
16 is hereby exempted for that purpose from the requirements of
17 subdivision (b) of Section 11346.1 of the Government Code. After
18 the initial adoption, amendment, or repeal of an emergency
19 regulation pursuant to this section, the department may twice
20 request approval from the Office of Administrative Law to readopt
21 the regulation as an emergency regulation pursuant to Section
22 11346.1 of the Government Code. The department shall adopt final
23 regulations on or before January 1, 2018.

24 (d) Nothing in this section does any of the following:

25 (1) Replaces or alters other requirements for responding to
26 complaints and making inspections or visits to group homes,
27 including, but not limited to, those set forth in Sections 1534 and
28 1538.

29 (2) Prevents or precludes the department from taking any other
30 action permitted under any other law, including any regulation
31 adopted pursuant to this chapter.

32 (e) The methodology developed pursuant to this section shall
33 apply to short-term residential treatment centers, as defined in
34 Section 1502, in a manner determined by the department.

35 (f) This section does not apply to a runaway and homeless youth
36 shelter, as defined in Section 1502.

37 *SEC. 30. Section 1551.3 is added to the Health and Safety*
38 *Code, to read:*

39 *1551.3. A proceeding conducted pursuant to Section 1534,*
40 *1551, or 1558 against a foster family home or certified family*

1 *home of a foster family agency shall be confidential and not open*
 2 *to the public in order to preserve the confidential information of*
 3 *a child in accordance with Section 1536, Section 11167.5 of the*
 4 *Penal Code, and Sections 827 and 10850 of the Welfare and*
 5 *Institutions Code. Notwithstanding this requirement, an*
 6 *administrative law judge may admit those persons deemed to have*
 7 *a direct and legitimate interest in the particular case or the work*
 8 *of the court on a case-by-case basis and with any admonishments,*
 9 *limitations, and protective orders as may be necessary to preserve*
 10 *the confidential nature of the proceedings.*

11 ~~SEC. 22.~~

12 SEC. 31. Section 1562.01 of the Health and Safety Code is
 13 amended to read:

14 1562.01. (a) The department shall license short-term residential
 15 treatment centers, as defined in paragraph (18) of subdivision (a)
 16 of Section 1502, pursuant to this chapter. A short-term residential
 17 treatment center shall comply with all requirements of this chapter
 18 that are applicable to group homes and to the requirements of this
 19 section.

20 (b) (1) A short-term residential treatment center shall have
 21 national accreditation from an entity identified by the department
 22 pursuant to the process described in paragraph (6) of subdivision
 23 (b) of Section 11462 of the Welfare and Institutions Code.

24 (2) A short-term residential treatment center applicant shall
 25 submit documentation of accreditation or application for
 26 accreditation with its application for licensure.

27 (3) A short-term residential treatment center shall have up to
 28 24 months from the date of licensure to obtain accreditation.

29 (4) A short-term residential treatment center shall provide
 30 documentation to the department reporting its accreditation status
 31 at 12 months and at 18 months after the date of licensure.

32 (5) This subdivision does not preclude the department from
 33 requesting additional information from the short-term residential
 34 treatment center regarding its accreditation status.

35 (6) The department may revoke a short-term residential
 36 treatment center's license pursuant to Article 5 (commencing with
 37 Section 1550) for failure to obtain accreditation within the
 38 timeframes specified in this subdivision.

39 (c) (1) A short-term residential treatment center shall *have up*
 40 *to 12 months from the date of licensure to obtain* ~~and have~~ *in good*

1 standing a mental health *program approval that includes a*
2 *Medi-Cal mental health certification, as set forth in Section 4096.5*
3 *Sections 4096.5 and 11462.01 of the Welfare and Institutions Code.*

4 (2) *A short-term residential treatment center shall maintain the*
5 *program approval described in paragraph (1) in good standing*
6 *during its licensure.*

7 (d) (1) A short-term residential treatment center shall prepare
8 and maintain a current, written plan of operation as required by
9 the department.

10 (2) The plan of operation shall include, but not be limited to,
11 all of the following:

12 (A) A statement of purposes and goals.

13 (B) A plan for the supervision, evaluation, and training of staff.
14 The training plan shall be appropriate to meet the needs of staff
15 and children.

16 (C) A program statement that includes all of the following:

17 (i) Description of the short-term residential treatment center's
18 ability to support the differing needs of children and their families
19 with short-term, specialized, and intensive treatment.

20 (ii) Description of the core services, as set forth in paragraph
21 (1) of subdivision (b) of Section 11462 of the Welfare and
22 Institutions Code, to be offered to children and their families, as
23 appropriate or necessary.

24 (iii) Procedures for the development, implementation, and
25 periodic updating of the needs and services plan for children served
26 by the short-term residential treatment center and procedures for
27 collaborating with the child and family team described in paragraph
28 (4) of subdivision (a) of Section 16501 of the Welfare and
29 Institutions Code, that include, but are not limited to, a description
30 of the services to be provided to meet the treatment needs of the
31 child as assessed, pursuant to subdivision (d) or (e) of Section
32 11462.01 of the Welfare and Institutions Code, the anticipated
33 duration of the treatment, and the timeframe and plan for
34 transitioning the child to a less restrictive family environment.

35 (iv) A description of the population or populations to be served.

36 (v) *A description of compliance with the mental health program*
37 *approval requirement in subdivision (c). A short-term residential*
38 *treatment center that has not satisfied the requirement in*
39 *subdivision (c) shall demonstrate the ability to meet the mental*
40 *health service needs of children.*

1 ~~(v)~~

2 (vi) Any other information that may be prescribed by the
3 department for the proper administration of this section.

4 (e) In addition to the rules and regulations adopted pursuant to
5 this chapter, a county licensed to operate a short-term residential
6 treatment center shall describe, in the plan of operation, its conflict
7 of interest mitigation plan, as set forth in subdivision (g) of Section
8 11462.02 of the Welfare and Institutions Code.

9 ~~(f) The department shall establish procedures for a county review
10 process, at the county's option, for short-term residential treatment
11 centers, which may include the review of the short-term residential
12 treatment center's program statement, and which shall be
13 established in consultation with the County Welfare Directors
14 Association of California, Chief Probation Officers of California,
15 and stakeholders, as appropriate.~~

16 (f) (1) (A) (i) A short-term residential treatment center
17 applicant shall submit an application to the department that
18 includes a letter of recommendation in support of its program from
19 a county placing agency.

20 (ii) The letter of recommendation shall include a statement that
21 the county placing agency reviewed a copy of the applicant's
22 program statement.

23 (iii) If the letter of recommendation is not from the county in
24 which the facility is located, the short-term residential treatment
25 center applicant shall include, with its application, a statement
26 that it provided the county in which the facility is located an
27 opportunity for that county to review the program statement and
28 notified that county that the facility has received a letter of
29 recommendation from another county.

30 (B) If the application does not contain a letter of
31 recommendation as described in subparagraph (A), then the
32 department shall cease review of the application. Nothing in this
33 paragraph shall constitute a denial of the application for purposes
34 of Section 1526 or any other law.

35 (C) A new letter of recommendation is not required when a
36 short-term residential treatment center moves locations.

37 (2) A short-term residential treatment center shall submit a copy
38 of its program statement to all county placing agencies from which
39 the short-term residential treatment center accepts placements,
40 including the county in which the facility is located, for optional

1 *review when the short-term residential treatment center updates*
2 *its program statement.*

3 (g) (1) The department shall adopt regulations to establish
4 requirements for the education, qualification, and training of facility
5 managers and staff who provide care and supervision to children
6 or who have regular, direct contact with children in the course of
7 their responsibilities in short-term residential treatment centers
8 consistent with the intended role of these facilities to provide
9 short-term, specialized, and intensive treatment.

10 (2) Requirements shall include, but not be limited to, all of the
11 following:

12 (A) Staff classifications.

13 (B) Specification of the date by which employees shall be
14 required to meet the education and qualification requirements.

15 (C) Any other requirements that may be prescribed by the
16 department for the proper administration of this section.

17 (h) The department shall adopt regulations to specify training
18 requirements for staff who provide care and supervision to children
19 or who have regular, direct contact with children in the course of
20 their responsibilities. These requirements shall include the
21 following:

22 (1) Timeframes for completion of training, including the
23 following:

24 (A) Training that shall be completed prior to unsupervised care
25 of children.

26 (B) Training to be completed within the first 180 days of
27 employment.

28 (C) Training to be completed annually.

29 (2) Topics to be covered in the training shall include, but are
30 not limited to, the following:

31 (A) Child and adolescent development, including sexual
32 orientation, gender identity, and gender expression.

33 (B) The effects of trauma, including grief and loss, and child
34 abuse and neglect on child development and behavior and methods
35 to behaviorally support children impacted by that trauma or child
36 abuse and neglect.

37 (C) The rights of a child in foster care, including the right to
38 have fair and equal access to all available services, placement,
39 care, treatment, and benefits, and to not be subjected to
40 discrimination or harassment on the basis of actual or perceived

1 race, ethnic group identification, ancestry, national origin, color,
2 religion, sex, sexual orientation, gender identity, mental or physical
3 disability, or HIV status.

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

5 (E) Core practice model.

6 (F) An overview of the child welfare and probation systems.

7 (G) Reasonable and prudent parent standard.

8 (H) Instruction on cultural competency and sensitivity and
9 related best practices for providing adequate care for children
10 across diverse ethnic and racial backgrounds, as well as children
11 identifying as lesbian, gay, bisexual, or transgender.

12 (I) Awareness and identification of commercial sexual
13 exploitation and best practices for providing care and supervision
14 to commercially sexually exploited children.

15 (J) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
16 et seq.), its historical significance, the rights of children covered
17 by the act, and the best interests of Indian children, including the
18 role of the caregiver in supporting culturally appropriate child
19 centered practices that respect Native American history, culture,
20 retention of tribal membership, and connection to the tribal
21 community and traditions.

22 (K) Permanence, well-being, and educational needs of children.

23 (L) Basic instruction on existing laws and procedures regarding
24 the safety of foster youth at school; and ensuring a harassment and
25 violence free school environment pursuant to Article 3.6
26 (commencing with Section 32228) of Chapter 2 of Part 19 of
27 Division 1 of Title 1 of the Education Code.

28 (M) Best practices for providing care and supervision to
29 nonminor dependents.

30 (N) Health issues in foster care.

31 (O) Physical and psychosocial needs of children, including
32 behavior management, deescalation techniques, and
33 trauma-informed crisis management planning.

34 (i) (1) Each person employed as a facility manager or staff
35 member of a short-term residential treatment center, who provides
36 direct care and supervision to children and youth residing in the
37 short-term residential treatment center shall be at least 21 years of
38 age.

39 (2) This subdivision shall not apply to a facility manager or staff
40 member employed, before October 1, 2014, at a short-term

1 residential treatment center which was operating under a group
2 home license prior to January 1, 2016.

3 (j) Notwithstanding any other section of this chapter, the
4 department may establish requirements for licensed group homes
5 that are transitioning to short-term residential treatment centers,
6 which may include, but not be limited to, requirements related to
7 application and plan of operation.

8 (k) A short-term residential treatment center shall have a
9 qualified and certified administrator, as set forth in Section
10 1522.41.

11 (l) The department shall have the authority to inspect a
12 short-term residential treatment center pursuant to the system of
13 governmental monitoring and oversight developed by the
14 department pursuant to subdivision (c) of Section 11462 of the
15 Welfare and Institutions Code.

16 *SEC. 32. Section 676.7 of the Insurance Code is amended to*
17 *read:*

18 676.7. (a) No admitted insurer, licensed to issue and issuing
19 homeowner's or tenant's policies, as described in Section 122,
20 shall (1) fail or refuse to accept an application for that insurance
21 or to issue that insurance to an applicant or (2) cancel that
22 insurance, solely on the basis that the applicant or policyholder is
23 engaged in foster home activities in a licensed foster family home
24 or licensed small family home, as defined in Section 1502 of the
25 Health and Safety ~~Code~~. *Code, or an approved resource family,*
26 *as defined in Section 16519.5 of the Welfare and Institutions Code.*

27 (b) Coverage under policies described in subdivision (a) with
28 respect to a foster child shall be the same as that provided for a
29 natural child. However, unless specifically provided in the policy,
30 there shall be no coverage expressly provided in the policy for any
31 bodily injury arising out of the operation or use of any motor
32 vehicle, aircraft, or watercraft owned or operated by, or rented or
33 loaned to, any foster parent.

34 (c) It is against public policy for a policy of homeowner's or
35 tenant's insurance subject to this section to provide liability
36 coverage for any of the following losses:

37 (1) Claims of a foster child, or a parent, guardian, or guardian
38 ad litem thereof, of a type payable by the Foster Family Home and
39 Small Family Home Insurance Fund established by Section 1527.1
40 of the Health and Safety Code, regardless of whether the claim is

1 within the limits of coverage specified in Section 1527.4 of the
2 Health and Safety Code.

3 (2) An insurer shall not be liable, under a policy of insurance
4 subject to this section, to any governmental agency for damage
5 arising from occurrences peculiar to the foster-care relationship
6 and the provision of foster-care services.

7 (3) Alienation of affection of a foster child.

8 (4) Any loss arising out of licentious, immoral, or sexual
9 behavior on the part of a foster parent intended to lead to, or
10 culminating in, any sexual act.

11 (5) Any loss arising out of a dishonest, fraudulent, criminal, or
12 intentional act.

13 (d) There shall be no penalty for violations of this section prior
14 to January 1, 1987.

15 (e) Insurers may provide a special endorsement to a
16 homeowners' or tenants' policy covering claims related to foster
17 care that are not excluded by subdivision (c).

18 (f) Insurers may provide by a separate policy for some or all of
19 the claims related to foster care that are excluded by subdivision
20 (c).

21 ~~SEC. 23.~~

22 *SEC. 33.* Section 11165.7 of the Penal Code is amended to
23 read:

24 11165.7. (a) As used in this article, "mandated reporter" is
25 defined as any of the following:

26 (1) A teacher.

27 (2) An instructional aide.

28 (3) A teacher's aide or teacher's assistant employed by a public
29 or private school.

30 (4) A classified employee of a public school.

31 (5) An administrative officer or supervisor of child welfare and
32 attendance, or a certificated pupil personnel employee of a public
33 or private school.

34 (6) An administrator of a public or private day camp.

35 (7) An administrator or employee of a public or private youth
36 center, youth recreation program, or youth organization.

37 (8) An administrator or employee of a public or private
38 organization whose duties require direct contact and supervision
39 of children.

- 1 (9) An employee of a county office of education or the State
2 Department of Education whose duties bring the employee into
3 contact with children on a regular basis.
- 4 (10) A licensee, an administrator, or an employee of a licensed
5 community care or child day care facility.
- 6 (11) A Head Start program teacher.
- 7 (12) A licensing worker or licensing evaluator employed by a
8 licensing agency, as defined in Section 11165.11.
- 9 (13) A public assistance worker.
- 10 (14) An employee of a child care institution, including, but not
11 limited to, foster parents, group home personnel, and personnel of
12 residential care facilities.
- 13 (15) A social worker, probation officer, or parole officer.
- 14 (16) An employee of a school district police or security
15 department.
- 16 (17) A person who is an administrator or presenter of, or a
17 counselor in, a child abuse prevention program in a public or
18 private school.
- 19 (18) A district attorney investigator, inspector, or local child
20 support agency caseworker, unless the investigator, inspector, or
21 caseworker is working with an attorney appointed pursuant to
22 Section 317 of the Welfare and Institutions Code to represent a
23 minor.
- 24 (19) A peace officer, as defined in Chapter 4.5 (commencing
25 with Section 830) of Title 3 of Part 2, who is not otherwise
26 described in this section.
- 27 (20) A firefighter, except for volunteer firefighters.
- 28 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
29 resident, intern, podiatrist, chiropractor, licensed nurse, dental
30 hygienist, optometrist, marriage and family therapist, clinical social
31 worker, professional clinical counselor, or any other person who
32 is currently licensed under Division 2 (commencing with Section
33 500) of the Business and Professions Code.
- 34 (22) An emergency medical technician I or II, paramedic, or
35 other person certified pursuant to Division 2.5 (commencing with
36 Section 1797) of the Health and Safety Code.
- 37 (23) A psychological assistant registered pursuant to Section
38 2913 of the Business and Professions Code.

1 (24) A marriage and family therapist trainee, as defined in
2 subdivision (c) of Section 4980.03 of the Business and Professions
3 Code.

4 (25) An unlicensed marriage and family therapist intern
5 registered under Section 4980.44 of the Business and Professions
6 Code.

7 (26) A state or county public health employee who treats a minor
8 for venereal disease or any other condition.

9 (27) A coroner.

10 (28) A medical examiner or other person who performs
11 autopsies.

12 (29) A commercial film and photographic print or image
13 processor as specified in subdivision (e) of Section 11166. As used
14 in this article, “commercial film and photographic print or image
15 processor” means a person who develops exposed photographic
16 film into negatives, slides, or prints, or who makes prints from
17 negatives or slides, or who prepares, publishes, produces, develops,
18 duplicates, or prints any representation of information, data, or an
19 image, including, but not limited to, any film, filmstrip, photograph,
20 negative, slide, photocopy, videotape, video laser disc, computer
21 hardware, computer software, computer floppy disk, data storage
22 medium, CD-ROM, computer-generated equipment, or
23 computer-generated image, for compensation. The term includes
24 any employee of that person; it does not include a person who
25 develops film or makes prints or images for a public agency.

26 (30) A child visitation monitor. As used in this article, “child
27 visitation monitor” means a person who, for financial
28 compensation, acts as a monitor of a visit between a child and
29 another person when the monitoring of that visit has been ordered
30 by a court of law.

31 (31) An animal control officer or humane society officer. For
32 the purposes of this article, the following terms have the following
33 meanings:

34 (A) “Animal control officer” means a person employed by a
35 city, county, or city and county for the purpose of enforcing animal
36 control laws or regulations.

37 (B) “Humane society officer” means a person appointed or
38 employed by a public or private entity as a humane officer who is
39 qualified pursuant to Section 14502 or 14503 of the Corporations
40 Code.

1 (32) A clergy member, as specified in subdivision (d) of Section
2 11166. As used in this article, “clergy member” means a priest,
3 minister, rabbi, religious practitioner, or similar functionary of a
4 church, temple, or recognized denomination or organization.

5 (33) Any custodian of records of a clergy member, as specified
6 in this section and subdivision (d) of Section 11166.

7 (34) An employee of any police department, county sheriff’s
8 department, county probation department, or county welfare
9 department.

10 (35) An employee or volunteer of a Court Appointed Special
11 Advocate program, as defined in Rule 5.655 of the California Rules
12 of Court.

13 (36) A custodial officer, as defined in Section 831.5.

14 (37) A person providing services to a minor child under Section
15 12300 or 12300.1 of the Welfare and Institutions Code.

16 (38) An alcohol and drug counselor. As used in this article, an
17 “alcohol and drug counselor” is a person providing counseling,
18 therapy, or other clinical services for a state licensed or certified
19 drug, alcohol, or drug and alcohol treatment program. However,
20 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
21 and of itself, a sufficient basis for reporting child abuse or neglect.

22 (39) A clinical counselor trainee, as defined in subdivision (g)
23 of Section 4999.12 of the Business and Professions Code.

24 (40) A clinical counselor intern registered under Section 4999.42
25 of the Business and Professions Code.

26 (41) An employee or administrator of a public or private
27 postsecondary educational institution, whose duties bring the
28 administrator or employee into contact with children on a regular
29 basis, or who supervises those whose duties bring the administrator
30 or employee into contact with children on a regular basis, as to
31 child abuse or neglect occurring on that institution’s premises or
32 at an official activity of, or program conducted by, the institution.
33 Nothing in this paragraph shall be construed as altering the
34 lawyer-client privilege as set forth in Article 3 (commencing with
35 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

36 (42) An athletic coach, athletic administrator, or athletic director
37 employed by any public or private school that provides any
38 combination of instruction for kindergarten, or grades 1 to 12,
39 inclusive.

1 (43) (A) A commercial computer technician as specified in
2 subdivision (e) of Section 11166. As used in this article,
3 “commercial computer technician” means a person who works for
4 a company that is in the business of repairing, installing, or
5 otherwise servicing a computer or computer component, including,
6 but not limited to, a computer part, device, memory storage or
7 recording mechanism, auxiliary storage recording or memory
8 capacity, or any other material relating to the operation and
9 maintenance of a computer or computer network system, for a fee.
10 An employer who provides an electronic communications service
11 or a remote computing service to the public shall be deemed to
12 comply with this article if that employer complies with Section
13 2258A of Title 18 of the United States Code.

14 (B) An employer of a commercial computer technician may
15 implement internal procedures for facilitating reporting consistent
16 with this article. These procedures may direct employees who are
17 mandated reporters under this paragraph to report materials
18 described in subdivision (e) of Section 11166 to an employee who
19 is designated by the employer to receive the reports. An employee
20 who is designated to receive reports under this subparagraph shall
21 be a commercial computer technician for purposes of this article.
22 A commercial computer technician who makes a report to the
23 designated employee pursuant to this subparagraph shall be deemed
24 to have complied with the requirements of this article and shall be
25 subject to the protections afforded to mandated reporters, including,
26 but not limited to, those protections afforded by Section 11172.

27 (44) Any athletic coach, including, but not limited to, an
28 assistant coach or a graduate assistant involved in coaching, at
29 public or private postsecondary educational institutions.

30 (45) An individual certified by a licensed foster family agency
31 as a certified family home, as defined in Section 1506 of the Health
32 and Safety Code.

33 (46) An individual approved as a resource family, as defined in
34 Section 1517 of the Health and Safety Code and Section 16519.5
35 of the Welfare and Institutions Code.

36 (b) Except as provided in paragraph (35) of subdivision (a),
37 volunteers of public or private organizations whose duties require
38 direct contact with and supervision of children are not mandated
39 reporters but are encouraged to obtain training in the identification
40 and reporting of child abuse and neglect and are further encouraged

1 to report known or suspected instances of child abuse or neglect
2 to an agency specified in Section 11165.9.

3 (c) Except as provided in subdivision (d), employers are strongly
4 encouraged to provide their employees who are mandated reporters
5 with training in the duties imposed by this article. This training
6 shall include training in child abuse and neglect identification and
7 training in child abuse and neglect reporting. Whether or not
8 employers provide their employees with training in child abuse
9 and neglect identification and reporting, the employers shall
10 provide their employees who are mandated reporters with the
11 statement required pursuant to subdivision (a) of Section 11166.5.

12 (d) Pursuant to Section 44691 of the Education Code, school
13 districts, county offices of education, state special schools and
14 diagnostic centers operated by the State Department of Education,
15 and charter schools shall annually train their employees and persons
16 working on their behalf specified in subdivision (a) in the duties
17 of mandated reporters under the child abuse reporting laws. The
18 training shall include, but not necessarily be limited to, training in
19 child abuse and neglect identification and child abuse and neglect
20 reporting.

21 (e) (1) On and after January 1, 2018, pursuant to Section
22 1596.8662 of the Health and Safety Code, a child care licensee
23 applicant shall take training in the duties of mandated reporters
24 under the child abuse reporting laws as a condition of licensure,
25 and a child care administrator or an employee of a licensed child
26 day care facility shall take training in the duties of mandated
27 reporters during the first 90 days when he or she is employed by
28 the facility.

29 (2) A person specified in paragraph (1) who becomes a licensee,
30 administrator, or employee of a licensed child day care facility
31 shall take renewal mandated reporter training every two years
32 following the date on which he or she completed the initial
33 mandated reporter training. The training shall include, but not
34 necessarily be limited to, training in child abuse and neglect
35 identification and child abuse and neglect reporting.

36 (f) Unless otherwise specifically provided, the absence of
37 training shall not excuse a mandated reporter from the duties
38 imposed by this article.

39 (g) Public and private organizations are encouraged to provide
40 their volunteers whose duties require direct contact with and

1 supervision of children with training in the identification and
2 reporting of child abuse and neglect.

3 ~~SEC. 24.~~

4 *SEC. 34.* Section 1541 of the Probate Code is amended to read:

5 1541. In addition to the other required contents of the petition
6 for appointment of a guardian, the petition shall include both of
7 the following:

8 (a) A statement by the proposed guardian that, upon request by
9 an agency referred to in Section 1543 for information relating to
10 the investigation referred to in that section, the proposed guardian
11 will promptly submit the information required.

12 (b) A disclosure of any petition for adoption by the proposed
13 guardian of the minor who is the subject of the guardianship
14 petition regardless of when or where filed.

15 (c) A statement whether or not the home of the proposed
16 guardian is a licensed foster family home, a certified family home
17 of a licensed foster family agency, or a resource family home
18 approved by a county or a licensed foster family agency.

19 ~~SEC. 25.~~

20 *SEC. 35.* Section 1543 of the Probate Code is amended to read:

21 1543. (a) If the petition as filed or as amended states that an
22 adoption petition has been filed, a report with respect to the
23 suitability of the proposed guardian for guardianship shall be filed
24 with the court by the agency investigating the adoption. In other
25 cases, the local agency designated by the board of supervisors to
26 provide public social services shall file a report with the court with
27 respect to the proposed guardian of the same character required to
28 be made with regard to an applicant for foster family home
29 licensure, or, on and after January 1, 2020, resource family
30 approval, as described in Section 16519.5 of the Welfare and
31 Institutions Code.

32 (b) The report filed with the court pursuant to this section is
33 confidential. The report may be considered by the court and shall
34 be made available only to the persons who have been served in
35 the proceeding and the persons who have appeared in the
36 proceeding or their attorneys. The report may be received in
37 evidence upon stipulation of counsel for all of those persons who
38 are present at the hearing or, if a person is present at the hearing
39 but is not represented by counsel, upon consent of that person.

1 ~~SEC. 26.~~

2 *SEC. 36.* Section 291 of the Welfare and Institutions Code, as
3 amended by Section 5 of Chapter 219 of the Statutes of 2015, is
4 amended to read:

5 291. After the initial petition hearing, the clerk of the court
6 shall cause the notice to be served in the following manner:

7 (a) Notice of the hearing shall be given to the following persons:

8 (1) The mother.

9 (2) The father or fathers, presumed and alleged.

10 (3) The legal guardian or guardians.

11 (4) The child, if the child is 10 years of age or older.

12 (5) Any known sibling of the child who is the subject of the
13 hearing if that sibling either is the subject of a dependency
14 proceeding or has been adjudged to be a dependent child of the
15 juvenile court. If the sibling is 10 years of age or older, the sibling,
16 the sibling's caregiver, and the sibling's attorney. If the sibling is
17 under 10 years of age, the sibling's caregiver and the sibling's
18 attorney. However, notice is not required to be given to any sibling
19 whose matter is calendared in the same court on the same day.

20 (6) Each attorney of record unless counsel of record is present
21 in court when the hearing is scheduled, then no further notice need
22 be given.

23 (7) If there is no parent or guardian residing in California, or if
24 the residence is unknown, then to any adult relative residing within
25 the county, or, if none, the adult relative residing nearest the court.

26 (8) If the hearing is a dispositional hearing that is also serving
27 as a permanency hearing pursuant to subdivision (f) of Section
28 361.5, notice shall be given to the current caregiver for the child,
29 including foster parents, relative caregivers, preadoptive parents,
30 nonrelative extended family members, and resource family. Any
31 person notified may attend all hearings and may submit any
32 information he or she deems relevant to the court in writing.

33 (b) No notice is required for a parent whose parental rights have
34 been terminated.

35 (c) Notice shall be served as follows:

36 (1) If the child is detained, the notice shall be given to the
37 persons required to be noticed as soon as possible, and at least five
38 days before the hearing, unless the hearing is set less than five
39 days and then at least 24 hours prior to the hearing.

1 (2) If the child is not detained, the notice shall be given to those
2 persons required to be noticed at least 10 days prior to the date of
3 the hearing.

4 (d) The notice shall include all of the following:

5 (1) The name and address of the person notified.

6 (2) The nature of the hearing.

7 (3) Each section and subdivision under which the proceeding
8 has been initiated.

9 (4) The date, time, and place of the hearing.

10 (5) The name of the child upon whose behalf the petition has
11 been brought.

12 (6) A statement that:

13 (A) If they fail to appear, the court may proceed without them.

14 (B) The child, parent, guardian, Indian custodian, or adult
15 relative to whom notice is required to be given pursuant to
16 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to
17 have an attorney present at the hearing.

18 (C) If the parent, guardian, Indian custodian, or adult relative
19 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision
20 (a) is indigent and cannot afford an attorney, and desires to be
21 represented by an attorney, the parent, guardian, Indian custodian,
22 or adult relative shall promptly notify the clerk of the juvenile
23 court.

24 (D) If an attorney is appointed to represent the parent, guardian,
25 Indian custodian, or adult relative, the represented person shall be
26 liable for all or a portion of the costs to the extent of his or her
27 ability to pay.

28 (E) The parent, guardian, Indian custodian, or adult relative may
29 be liable for the costs of support of the child in any out-of-home
30 placement.

31 (7) A copy of the petition.

32 (e) Service of the notice of the hearing shall be given in the
33 following manner:

34 (1) If the child is detained and the persons required to be noticed
35 are not present at the initial petition hearing, they shall be noticed
36 by personal service or by certified mail, return receipt requested.

37 (2) If the child is detained and the persons required to be noticed
38 are present at the initial petition hearing, they shall be noticed by
39 personal service or by first-class mail.

1 (3) If the child is not detained, the persons required to be noticed
2 shall be noticed by personal service or by first-class mail, unless
3 the person to be served is known to reside outside the county, in
4 which case service shall be by first-class mail.

5 (4) Except as provided in subdivisions (g), (h), and (i), notice
6 may be served by electronic mail in lieu of notice by first-class
7 mail if the county, or city and county, and the court choose to
8 permit service by electronic mail and the person to be served has
9 consented to service by electronic mail by signing Judicial Council
10 Form EFS-005.

11 (f) Any of the notices required to be given under this section or
12 Sections 290.1 and 290.2 may be waived by a party in person or
13 through his or her attorney, or by a signed written waiver filed on
14 or before the date scheduled for the hearing.

15 (g) If the court knows or has reason to know that an Indian child
16 is involved, notice shall be given in accordance with Section 224.2.

17 (h) Except as provided in subdivision (i), if notice is required
18 to be provided to a child pursuant to paragraph (4) or (5) of
19 subdivision (a), written notice may be served on the child by
20 electronic mail only if all of the following requirements are
21 satisfied:

22 (1) The county, or city and county, and the court choose to
23 permit service by electronic mail.

24 (2) The child is 16 years of age or older.

25 (3) The child has consented to service by electronic mail by
26 signing Judicial Council Form EFS-005.

27 (4) The attorney for the child has consented to service of the
28 minor by electronic mail by signing Judicial Council Form
29 EFS-005.

30 (i) If notice is required to be provided to a child pursuant to
31 paragraph (4) or (5) of subdivision (a), written notice may be served
32 on the child by electronic mail as well as by regular mail if all of
33 the following requirements are satisfied:

34 (1) The county, or city and county, and the court choose to
35 permit service by electronic mail.

36 (2) The child is 14 or 15 years of age.

37 (3) The child has consented to service by electronic mail by
38 signing Judicial Council Form EFS-005.

1 (4) The attorney for the child has consented to service of the
2 minor by electronic mail by signing Judicial Council Form
3 EFS-005.

4 (j) This section shall remain in effect only until January 1, 2019,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2019, deletes or extends that date.

7 ~~SEC. 27.~~

8 *SEC. 37.* Section 291 of the Welfare and Institutions Code, as
9 added by Section 6 of Chapter 219 of the Statutes of 2015, is
10 amended to read:

11 291. After the initial petition hearing, the clerk of the court
12 shall cause the notice to be served in the following manner:

13 (a) Notice of the hearing shall be given to the following persons:

- 14 (1) The mother.
- 15 (2) The father or fathers, presumed and alleged.
- 16 (3) The legal guardian or guardians.
- 17 (4) The child, if the child is 10 years of age or older.

18 (5) Any known sibling of the child who is the subject of the
19 hearing if that sibling either is the subject of a dependency
20 proceeding or has been adjudged to be a dependent child of the
21 juvenile court. If the sibling is 10 years of age or older, the sibling,
22 the sibling’s caregiver, and the sibling’s attorney. If the sibling is
23 under 10 years of age, the sibling’s caregiver and the sibling’s
24 attorney. However, notice is not required to be given to any sibling
25 whose matter is calendared in the same court on the same day.

26 (6) Each attorney of record unless counsel of record is present
27 in court when the hearing is scheduled, then no further notice need
28 be given.

29 (7) If there is no parent or guardian residing in California, or if
30 the residence is unknown, then to any adult relative residing within
31 the county, or, if none, the adult relative residing nearest the court.

32 (8) If the hearing is a dispositional hearing that is also serving
33 as a permanency hearing pursuant to subdivision (f) of Section
34 361.5, notice shall be given to the current caregiver for the child,
35 including foster parents, relative caregivers, preadoptive parents,
36 nonrelative extended family members, and resource family. Any
37 person notified may attend all hearings and may submit any
38 information he or she deems relevant to the court in writing.

39 (b) No notice is required for a parent whose parental rights have
40 been terminated.

1 (c) Notice shall be served as follows:

2 (1) If the child is detained, the notice shall be given to the
3 persons required to be noticed as soon as possible, and at least five
4 days before the hearing, unless the hearing is set less than five
5 days and then at least 24 hours prior to the hearing.

6 (2) If the child is not detained, the notice shall be given to those
7 persons required to be noticed at least 10 days prior to the date of
8 the hearing.

9 (d) The notice shall include all of the following:

10 (1) The name and address of the person notified.

11 (2) The nature of the hearing.

12 (3) Each section and subdivision under which the proceeding
13 has been initiated.

14 (4) The date, time, and place of the hearing.

15 (5) The name of the child upon whose behalf the petition has
16 been brought.

17 (6) A statement that:

18 (A) If they fail to appear, the court may proceed without them.

19 (B) The child, parent, guardian, Indian custodian, or adult
20 relative to whom notice is required to be given pursuant to
21 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to
22 have an attorney present at the hearing.

23 (C) If the parent, guardian, Indian custodian, or adult relative
24 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision
25 (a) is indigent and cannot afford an attorney, and desires to be
26 represented by an attorney, the parent, guardian, Indian custodian,
27 or adult relative shall promptly notify the clerk of the juvenile
28 court.

29 (D) If an attorney is appointed to represent the parent, guardian,
30 Indian custodian, or adult relative, the represented person shall be
31 liable for all or a portion of the costs to the extent of his or her
32 ability to pay.

33 (E) The parent, guardian, Indian custodian, or adult relative may
34 be liable for the costs of support of the child in any out-of-home
35 placement.

36 (7) A copy of the petition.

37 (e) Service of the notice of the hearing shall be given in the
38 following manner:

1 (1) If the child is detained and the persons required to be noticed
2 are not present at the initial petition hearing, they shall be noticed
3 by personal service or by certified mail, return receipt requested.

4 (2) If the child is detained and the persons required to be noticed
5 are present at the initial petition hearing, they shall be noticed by
6 personal service or by first-class mail.

7 (3) If the child is not detained, the persons required to be noticed
8 shall be noticed by personal service or by first-class mail, unless
9 the person to be served is known to reside outside the county, in
10 which case service shall be by first-class mail.

11 (f) Any of the notices required to be given under this section or
12 Sections 290.1 and 290.2 may be waived by a party in person or
13 through his or her attorney, or by a signed written waiver filed on
14 or before the date scheduled for the hearing.

15 (g) If the court knows or has reason to know that an Indian child
16 is involved, notice shall be given in accordance with Section 224.2.

17 (h) This section shall become operative on January 1, 2019.

18 ~~SEC. 28.~~

19 *SEC. 38.* Section 293 of the Welfare and Institutions Code, as
20 amended by Section 9 of Chapter 219 of the Statutes of 2015, is
21 amended to read:

22 293. The social worker or probation officer shall give notice
23 of the review hearings held pursuant to Section 366.21, 366.22,
24 or 366.25 in the following manner:

25 (a) Notice of the hearing shall be given to the following persons:

- 26 (1) The mother.
- 27 (2) The presumed father or any father receiving services.
- 28 (3) The legal guardian or guardians.
- 29 (4) The child, if the child is 10 years of age or older.

30 (5) Any known sibling of the child who is the subject of the
31 hearing if that sibling either is the subject of a dependency
32 proceeding or has been adjudged to be a dependent child of the
33 juvenile court. If the sibling is 10 years of age or older, the sibling,
34 the sibling’s caregiver, and the sibling’s attorney. If the sibling is
35 under 10 years of age, the sibling’s caregiver and the sibling’s
36 attorney. However, notice is not required to be given to any sibling
37 whose matter is calendared in the same court on the same day.

38 (6) In the case of a child removed from the physical custody of
39 his or her parent or legal guardian, the current caregiver of the
40 child, including the foster parents, relative caregivers, preadoptive

1 parents, nonrelative extended family members, resource family,
2 community care facility, or foster family agency having custody
3 of the child. In a case in which a foster family agency is notified
4 of the hearing pursuant to this section, and the child resides in a
5 foster home certified by the foster family agency, the foster family
6 agency shall provide timely notice of the hearing to the child's
7 caregivers.

8 (7) Each attorney of record if that attorney was not present at
9 the time that the hearing was set by the court.

10 (b) No notice is required for a parent whose parental rights have
11 been terminated. On and after January 1, 2012, in the case of a
12 nonminor dependent, as described in subdivision (v) of Section
13 11400, no notice is required for a parent.

14 (c) The notice of hearing shall be served not earlier than 30
15 days, nor later than 15 days, before the hearing.

16 (d) The notice shall contain a statement regarding the nature of
17 the hearing to be held and any change in the custody or status of
18 the child being recommended by the supervising agency. If the
19 notice is to the child, parent or parents, or legal guardian or
20 guardians, the notice shall also advise them of the right to be
21 present, the right to be represented by counsel, the right to request
22 counsel, and the right to present evidence. The notice shall also
23 state that if the parent or parents or legal guardian or guardians
24 fail to appear, the court may proceed without them.

25 (e) Service of the notice shall be by first-class mail addressed
26 to the last known address of the person to be noticed or by personal
27 service on the person. Service of a copy of the notice shall be by
28 personal service or by certified mail, return receipt requested, or
29 any other form of notice that is equivalent to service by first-class
30 mail. Except as provided in subdivisions (g), (h), and (i), notice
31 may be served by electronic mail in lieu of notice by first-class
32 mail if the county, or city and county, and the court choose to
33 permit service by electronic mail and the person to be served has
34 consented to service by electronic mail by signing Judicial Council
35 Form EFS-005.

36 (f) Notice to the current caregiver of the child, including a foster
37 parent, a relative caregiver, a preadoptive parent, a nonrelative
38 extended family member, a resource family, a certified foster parent
39 who has been approved for adoption, or the State Department of
40 Social Services when it is acting as an adoption agency or by a

1 county adoption agency, shall indicate that the person notified may
2 attend all hearings or may submit any information he or she deems
3 relevant to the court in writing.

4 (g) If the social worker or probation officer knows or has reason
5 to know that an Indian child is involved, notice shall be given in
6 accordance with Section 224.2.

7 (h) Except as provided in subdivision (i), if notice is required
8 to be provided to a child pursuant to paragraph (4) or (5) of
9 subdivision (a), written notice may be served on the child by
10 electronic mail only if all of the following requirements are
11 satisfied:

12 (1) The county, or city and county, and the court choose to
13 permit service by electronic mail.

14 (2) The child is 16 years of age or older.

15 (3) The child has consented to service by electronic mail by
16 signing Judicial Council Form EFS-005.

17 (4) The attorney for the child has consented to service of the
18 minor by electronic mail by signing Judicial Council Form
19 EFS-005.

20 (i) If notice is required to be provided to a child pursuant to
21 paragraph (4) or (5) of subdivision (a), written notice may be served
22 on the child by electronic mail as well as by regular mail if all of
23 the following requirements are satisfied:

24 (1) The county, or city and county, and the court choose to
25 permit service by electronic mail.

26 (2) The child is 14 or 15 years of age.

27 (3) The child has consented to service by electronic mail by
28 signing Judicial Council Form EFS-005.

29 (4) The attorney for the child has consented to service of the
30 minor by electronic mail by signing Judicial Council Form
31 EFS-005.

32 (j) This section shall remain in effect only until January 1, 2019,
33 and as of that date is repealed, unless a later enacted statute, that
34 is enacted before January 1, 2019, deletes or extends that date.

35 ~~SEC. 29.~~

36 *SEC. 39.* Section 293 of the Welfare and Institutions Code, as
37 added by Section 10 of Chapter 219 of the Statutes of 2015, is
38 amended to read:

1 293. The social worker or probation officer shall give notice
2 of the review hearings held pursuant to Section 366.21, 366.22,
3 or 366.25 in the following manner:

4 (a) Notice of the hearing shall be given to the following persons:

5 (1) The mother.

6 (2) The presumed father or any father receiving services.

7 (3) The legal guardian or guardians.

8 (4) The child, if the child is 10 years of age or older.

9 (5) Any known sibling of the child who is the subject of the
10 hearing if that sibling either is the subject of a dependency
11 proceeding or has been adjudged to be a dependent child of the
12 juvenile court. If the sibling is 10 years of age or older, the sibling,
13 the sibling's caregiver, and the sibling's attorney. If the sibling is
14 under 10 years of age, the sibling's caregiver and the sibling's
15 attorney. However, notice is not required to be given to any sibling
16 whose matter is calendared in the same court on the same day.

17 (6) In the case of a child removed from the physical custody of
18 his or her parent or legal guardian, the current caregiver of the
19 child, including the foster parents, relative caregivers, preadoptive
20 parents, nonrelative extended family members, resource family,
21 community care facility, or foster family agency having custody
22 of the child. In a case in which a foster family agency is notified
23 of the hearing pursuant to this section, and the child resides in a
24 foster home certified by the foster family agency, the foster family
25 agency shall provide timely notice of the hearing to the child's
26 caregivers.

27 (7) Each attorney of record if that attorney was not present at
28 the time that the hearing was set by the court.

29 (b) No notice is required for a parent whose parental rights have
30 been terminated. On and after January 1, 2012, in the case of a
31 nonminor dependent, as described in subdivision (v) of Section
32 11400, no notice is required for a parent.

33 (c) The notice of hearing shall be served not earlier than 30
34 days, nor later than 15 days, before the hearing.

35 (d) The notice shall contain a statement regarding the nature of
36 the hearing to be held and any change in the custody or status of
37 the child being recommended by the supervising agency. If the
38 notice is to the child, parent or parents, or legal guardian or
39 guardians, the notice shall also advise them of the right to be
40 present, the right to be represented by counsel, the right to request

1 counsel, and the right to present evidence. The notice shall also
2 state that if the parent or parents or legal guardian or guardians
3 fail to appear, the court may proceed without them.

4 (e) Service of the notice shall be by first-class mail addressed
5 to the last known address of the person to be noticed or by personal
6 service on the person. Service of a copy of the notice shall be by
7 personal service or by certified mail, return receipt requested, or
8 any other form of notice that is equivalent to service by first-class
9 mail.

10 (f) Notice to the current caregiver of the child, including a foster
11 parent, a relative caregiver, a preadoptive parent, a nonrelative
12 extended family member, a resource family, a certified foster parent
13 who has been approved for adoption, or the State Department of
14 Social Services when it is acting as an adoption agency or by a
15 county adoption agency, shall indicate that the person notified may
16 attend all hearings or may submit any information he or she deems
17 relevant to the court in writing.

18 (g) If the social worker or probation officer knows or has reason
19 to know that an Indian child is involved, notice shall be given in
20 accordance with Section 224.2.

21 (h) This section shall become operative on January 1, 2019.

22 ~~SEC. 30.~~

23 *SEC. 40.* Section 294 of the Welfare and Institutions Code, as
24 amended by Section 11 of Chapter 219 of the Statutes of 2015, is
25 amended to read:

26 294. The social worker or probation officer shall give notice
27 of a selection and implementation hearing held pursuant to Section
28 366.26 in the following manner:

29 (a) Notice of the hearing shall be given to the following persons:

- 30 (1) The mother.
- 31 (2) The fathers, presumed and alleged.
- 32 (3) The child, if the child is 10 years of age or older.

33 (4) Any known sibling of the child who is the subject of the
34 hearing if that sibling either is the subject of a dependency
35 proceeding or has been adjudged to be a dependent child of the
36 juvenile court. If the sibling is 10 years of age or older, the sibling,
37 the sibling’s caregiver, and the sibling’s attorney. If the sibling is
38 under 10 years of age, the sibling’s caregiver and the sibling’s
39 attorney. However, notice is not required to be given to any sibling
40 whose matter is calendared in the same court on the same day.

1 (5) The grandparents of the child, if their address is known and
2 if the parent's whereabouts are unknown.

3 (6) All counsel of record.

4 (7) To any unknown parent by publication, if ordered by the
5 court pursuant to paragraph (2) of subdivision (g).

6 (8) The current caregiver of the child, including foster parents,
7 relative caregivers, preadoptive parents, nonrelative extended
8 family members, or resource family. Any person notified may
9 attend all hearings and may submit any information he or she
10 deems relevant to the court in writing.

11 (b) The following persons shall not be notified of the hearing:

12 (1) A parent who has relinquished the child to the State
13 Department of Social Services, county adoption agency, or licensed
14 adoption agency for adoption, and the relinquishment has been
15 accepted and filed with notice as required under Section 8700 of
16 the Family Code.

17 (2) An alleged father who has denied paternity and has executed
18 a waiver of the right to notice of further proceedings.

19 (3) A parent whose parental rights have been terminated.

20 (c) (1) Service of the notice shall be completed at least 45 days
21 before the hearing date. Service is deemed complete at the time
22 the notice is personally delivered to the person named in the notice
23 or 10 days after the notice has been placed in the mail or sent by
24 electronic mail, or at the expiration of the time prescribed by the
25 order for publication.

26 (2) Service of notice in cases where publication is ordered shall
27 be completed at least 30 days before the date of the hearing.

28 (d) Regardless of the type of notice required, or the manner in
29 which it is served, once the court has made the initial finding that
30 notice has properly been given to the parent, or to any person
31 entitled to receive notice pursuant to this section, subsequent notice
32 for any continuation of a Section 366.26 hearing may be by
33 first-class mail to any last known address, by an order made
34 pursuant to Section 296, except as provided in paragraphs (2) and
35 (3) of subdivision (h) and subdivision (i), by electronic mail if the
36 county, or city and county, and the court choose to permit service
37 by electronic mail and the person to be served has consented to
38 service by electronic mail by signing Judicial Council Form
39 EFS-005, or by any other means that the court determines is
40 reasonably calculated, under any circumstance, to provide notice

1 of the continued hearing. However, if the recommendation changes
2 from the recommendation contained in the notice previously found
3 to be proper, notice shall be provided to the parent, and to any
4 person entitled to receive notice pursuant to this section, regarding
5 that subsequent hearing.

6 (e) The notice shall contain the following information:

7 (1) The date, time, and place of the hearing.

8 (2) The right to appear.

9 (3) The parents' right to counsel.

10 (4) The nature of the proceedings.

11 (5) The recommendation of the supervising agency.

12 (6) A statement that, at the time of hearing, the court is required
13 to select a permanent plan of adoption, legal guardianship,
14 placement with a fit and willing relative, or another planned
15 permanent living arrangement, as appropriate, for the child.

16 (f) Notice to the parents may be given in any one of the
17 following manners:

18 (1) If the parent is present at the hearing at which the court
19 schedules a hearing pursuant to Section 366.26, the court shall
20 advise the parent of the date, time, and place of the proceedings,
21 their right to counsel, the nature of the proceedings, and the
22 requirement that at the proceedings the court shall select and
23 implement a plan of adoption, legal guardianship, placement with
24 a fit and willing relative, or another planned permanent living
25 arrangement, as appropriate, for the child. The court shall direct
26 the parent to appear for the proceedings and then direct that the
27 parent be notified thereafter by first-class mail to the parent's usual
28 place of residence or business only. In lieu of notice by first-class
29 mail, notice may be served by electronic mail if the county, or city
30 and county, and the court choose to permit service by electronic
31 mail and the person to be served has consented to service by
32 electronic mail by signing Judicial Council Form EFS-005.

33 (2) Certified mail, return receipt requested, to the parent's last
34 known mailing address. This notice shall be sufficient if the child
35 welfare agency receives a return receipt signed by the parent.

36 (3) Personal service to the parent named in the notice.

37 (4) Delivery to a competent person who is at least 18 years of
38 age at the parent's usual place of residence or business, and
39 thereafter mailed to the parent named in the notice by first-class
40 mail at the place where the notice was delivered.

1 (5) If the residence of the parent is outside the state, service
2 may be made as described in paragraph (1), (3), or (4) or by
3 certified mail, return receipt requested.

4 (6) If the recommendation of the probation officer or social
5 worker is legal guardianship, placement with a fit and willing
6 relative, or another planned permanent living arrangement, as
7 appropriate, or, in the case of an Indian child, tribal customary
8 adoption, service may be made by first-class mail to the parent's
9 usual place of residence or business. In lieu of notice by first-class
10 mail, notice may be served by electronic mail if the county, or city
11 and county, and the court choose to permit service by electronic
12 mail and the person to be served has consented to service by
13 electronic mail by signing Judicial Council Form EFS-005.

14 (7) If a parent's identity is known but his or her whereabouts
15 are unknown and the parent cannot, with reasonable diligence, be
16 served in any manner specified in paragraphs (1) to (6), inclusive,
17 the petitioner shall file an affidavit with the court at least 75 days
18 before the hearing date, stating the name of the parent and
19 describing the efforts made to locate and serve the parent.

20 (A) If the court determines that there has been due diligence in
21 attempting to locate and serve the parent and the probation officer
22 or social worker recommends adoption, service shall be to that
23 parent's attorney of record, if any, by certified mail, return receipt
24 requested. If the parent does not have an attorney of record, the
25 court shall order that service be made by publication of citation
26 requiring the parent to appear at the date, time, and place stated in
27 the citation, and that the citation be published in a newspaper
28 designated as most likely to give notice to the parent. Publication
29 shall be made once a week for four consecutive weeks. Whether
30 notice is to the attorney of record or by publication, the court shall
31 also order that notice be given to the grandparents of the child, if
32 their identities and addresses are known, by first-class mail.

33 (B) If the court determines that there has been due diligence in
34 attempting to locate and serve the parent and the probation officer
35 or social worker recommends legal guardianship, placement with
36 a fit and willing relative, or another planned permanent living
37 arrangement, as appropriate, no further notice is required to the
38 parent, but the court shall order that notice be given to the
39 grandparents of the child, if their identities and addresses are
40 known, by first-class mail.

1 (C) In any case where the residence of the parent becomes
2 known, notice shall immediately be served upon the parent as
3 provided for in either paragraph (2), (3), (4), (5), or (6).

4 (g) (1) If the identity of one or both of the parents, or alleged
5 parents, of the child is unknown, or if the name of one or both
6 parents is uncertain, then that fact shall be set forth in the affidavit
7 filed with the court at least 75 days before the hearing date and
8 the court, consistent with the provisions of Sections 7665 and 7666
9 of the Family Code, shall issue an order dispensing with notice to
10 a natural parent or possible natural parent under this section if,
11 after inquiry and a determination that there has been due diligence
12 in attempting to identify the unknown parent, the court is unable
13 to identify the natural parent or possible natural parent and no
14 person has appeared claiming to be the natural parent.

15 (2) After a determination that there has been due diligence in
16 attempting to identify an unknown parent pursuant to paragraph
17 (1) and the probation officer or social worker recommends
18 adoption, the court shall consider whether publication notice would
19 be likely to lead to actual notice to the unknown parent. The court
20 may order publication notice if, on the basis of all information
21 before the court, the court determines that notice by publication
22 is likely to lead to actual notice to the parent. If publication notice
23 to an unknown parent is ordered, the court shall order the published
24 citation to be directed to either the father or mother, or both, of
25 the child, and to all persons claiming to be the father or mother of
26 the child, naming and otherwise describing the child. An order of
27 publication pursuant to this paragraph shall be based on an affidavit
28 describing efforts made to identify the unknown parent or parents.
29 Service made by publication pursuant to this paragraph shall
30 require the unknown parent or parents to appear at the date, time,
31 and place stated in the citation. Publication shall be made once a
32 week for four consecutive weeks.

33 (3) If the court determines that there has been due diligence in
34 attempting to identify one or both of the parents, or alleged parents,
35 of the child and the probation officer or social worker recommends
36 legal guardianship, placement with a fit and willing relative, or
37 another planned permanent living arrangement, as appropriate, no
38 further notice to the parent shall be required.

39 (h) (1) Notice to all counsel of record shall be by first-class
40 mail, or by electronic mail if the county, or city and county, and

1 the court choose to permit service by electronic mail and the person
2 to be served has consented to service by electronic mail by signing
3 Judicial Council Form EFS-005.

4 (2) Except as provided in paragraph (3), if notice is required to
5 be provided to a child, written notice may be served on the child
6 by electronic mail only if all of the following requirements are
7 satisfied:

8 (A) The county, or city and county, and the court choose to
9 permit service by electronic mail.

10 (B) The child is 16 years of age or older.

11 (C) The child has consented to service by electronic mail by
12 signing Judicial Council Form EFS-005.

13 (D) The attorney for the child has consented to service of the
14 minor by electronic mail by signing Judicial Council Form
15 EFS-005.

16 (3) If notice is required to be provided to a child, written notice
17 may be served on the child by electronic mail as well as by regular
18 mail if all of the following requirements are satisfied:

19 (A) The county, or city and county, and the court choose to
20 permit service by electronic mail.

21 (B) The child is 14 or 15 years of age.

22 (C) The child has consented to service by electronic mail by
23 signing Judicial Council Form EFS-005.

24 (D) The attorney for the child has consented to service of the
25 minor by electronic mail by signing Judicial Council Form
26 EFS-005.

27 (i) If the court knows or has reason to know that an Indian child
28 is involved, notice shall be given in accordance with Section 224.2.

29 (j) Notwithstanding subdivision (a), if the attorney of record is
30 present at the time the court schedules a hearing pursuant to Section
31 366.26, no further notice is required, except as required by
32 subparagraph (A) of paragraph (7) of subdivision (f).

33 (k) This section shall also apply to children adjudged wards
34 pursuant to Section 727.31.

35 (l) The court shall state the reasons on the record explaining
36 why good cause exists for granting any continuance of a hearing
37 held pursuant to Section 366.26 to fulfill the requirements of this
38 section.

39 (m) Notwithstanding any choice by a county, or city and county,
40 and the court to permit service of written notice of court

1 proceedings by electronic mail, or consent by any person to service
2 of written notice by electronic mail by signing Judicial Council
3 Form EFS-005, notice of any hearing at which the county welfare
4 department is recommending the termination of parental rights
5 may only be served by electronic mail if supplemental and in
6 addition to the other forms of notice provided for in this section.

7 (n) This section shall remain in effect only until January 1, 2019,
8 and as of that date is repealed, unless a later enacted statute, that
9 is enacted before January 1, 2019, deletes or extends that date.

10 ~~SEC. 31.~~

11 *SEC. 41.* Section 294 of the Welfare and Institutions Code, as
12 added by Section 12 of Chapter 219 of the Statutes of 2015, is
13 amended to read:

14 294. The social worker or probation officer shall give notice
15 of a selection and implementation hearing held pursuant to Section
16 366.26 in the following manner:

17 (a) Notice of the hearing shall be given to the following persons:

18 (1) The mother.

19 (2) The fathers, presumed and alleged.

20 (3) The child, if the child is 10 years of age or older.

21 (4) Any known sibling of the child who is the subject of the
22 hearing if that sibling either is the subject of a dependency
23 proceeding or has been adjudged to be a dependent child of the
24 juvenile court. If the sibling is 10 years of age or older, the sibling,
25 the sibling’s caregiver, and the sibling’s attorney. If the sibling is
26 under 10 years of age, the sibling’s caregiver and the sibling’s
27 attorney. However, notice is not required to be given to any sibling
28 whose matter is calendared in the same court on the same day.

29 (5) The grandparents of the child, if their address is known and
30 if the parent’s whereabouts are unknown.

31 (6) All counsel of record.

32 (7) To any unknown parent by publication, if ordered by the
33 court pursuant to paragraph (2) of subdivision (g).

34 (8) The current caregiver of the child, including foster parents,
35 relative caregivers, preadoptive parents, nonrelative extended
36 family members, or resource family. Any person notified may
37 attend all hearings and may submit any information he or she
38 deems relevant to the court in writing.

39 (b) The following persons shall not be notified of the hearing:

1 (1) A parent who has relinquished the child to the State
2 Department of Social Services, county adoption agency, or licensed
3 adoption agency for adoption, and the relinquishment has been
4 accepted and filed with notice as required under Section 8700 of
5 the Family Code.

6 (2) An alleged father who has denied paternity and has executed
7 a waiver of the right to notice of further proceedings.

8 (3) A parent whose parental rights have been terminated.

9 (c) (1) Service of the notice shall be completed at least 45 days
10 before the hearing date. Service is deemed complete at the time
11 the notice is personally delivered to the person named in the notice
12 or 10 days after the notice has been placed in the mail, or at the
13 expiration of the time prescribed by the order for publication.

14 (2) Service of notice in cases where publication is ordered shall
15 be completed at least 30 days before the date of the hearing.

16 (d) Regardless of the type of notice required, or the manner in
17 which it is served, once the court has made the initial finding that
18 notice has properly been given to the parent, or to any person
19 entitled to receive notice pursuant to this section, subsequent notice
20 for any continuation of a Section 366.26 hearing may be by
21 first-class mail to any last known address, by an order made
22 pursuant to Section 296, or by any other means that the court
23 determines is reasonably calculated, under any circumstance, to
24 provide notice of the continued hearing. However, if the
25 recommendation changes from the recommendation contained in
26 the notice previously found to be proper, notice shall be provided
27 to the parent, and to any person entitled to receive notice pursuant
28 to this section, regarding that subsequent hearing.

29 (e) The notice shall contain the following information:

30 (1) The date, time, and place of the hearing.

31 (2) The right to appear.

32 (3) The parents' right to counsel.

33 (4) The nature of the proceedings.

34 (5) The recommendation of the supervising agency.

35 (6) A statement that, at the time of hearing, the court is required
36 to select a permanent plan of adoption, legal guardianship,
37 placement with a fit and willing relative, or another planned
38 permanent living arrangement, as appropriate, for the child.

39 (f) Notice to the parents may be given in any one of the
40 following manners:

1 (1) If the parent is present at the hearing at which the court
2 schedules a hearing pursuant to Section 366.26, the court shall
3 advise the parent of the date, time, and place of the proceedings,
4 their right to counsel, the nature of the proceedings, and the
5 requirement that at the proceedings the court shall select and
6 implement a plan of adoption, legal guardianship, placement with
7 a fit and willing relative, or another planned permanent living
8 arrangement, as appropriate, for the child. The court shall direct
9 the parent to appear for the proceedings and then direct that the
10 parent be notified thereafter by first-class mail to the parent's usual
11 place of residence or business only.

12 (2) Certified mail, return receipt requested, to the parent's last
13 known mailing address. This notice shall be sufficient if the child
14 welfare agency receives a return receipt signed by the parent.

15 (3) Personal service to the parent named in the notice.

16 (4) Delivery to a competent person who is at least 18 years of
17 age at the parent's usual place of residence or business, and
18 thereafter mailed to the parent named in the notice by first-class
19 mail at the place where the notice was delivered.

20 (5) If the residence of the parent is outside the state, service
21 may be made as described in paragraph (1), (3), or (4) or by
22 certified mail, return receipt requested.

23 (6) If the recommendation of the probation officer or social
24 worker is legal guardianship, placement with a fit and willing
25 relative, or another planned permanent living arrangement, as
26 appropriate, or, in the case of an Indian child, tribal customary
27 adoption, service may be made by first-class mail to the parent's
28 usual place of residence or business.

29 (7) If a parent's identity is known but his or her whereabouts
30 are unknown and the parent cannot, with reasonable diligence, be
31 served in any manner specified in paragraphs (1) to (6), inclusive,
32 the petitioner shall file an affidavit with the court at least 75 days
33 before the hearing date, stating the name of the parent and
34 describing the efforts made to locate and serve the parent.

35 (A) If the court determines that there has been due diligence in
36 attempting to locate and serve the parent and the probation officer
37 or social worker recommends adoption, service shall be to that
38 parent's attorney of record, if any, by certified mail, return receipt
39 requested. If the parent does not have an attorney of record, the
40 court shall order that service be made by publication of citation

1 requiring the parent to appear at the date, time, and place stated in
2 the citation, and that the citation be published in a newspaper
3 designated as most likely to give notice to the parent. Publication
4 shall be made once a week for four consecutive weeks. Whether
5 notice is to the attorney of record or by publication, the court shall
6 also order that notice be given to the grandparents of the child, if
7 their identities and addresses are known, by first-class mail.

8 (B) If the court determines that there has been due diligence in
9 attempting to locate and serve the parent and the probation officer
10 or social worker recommends legal guardianship, placement with
11 a fit and willing relative, or another planned permanent living
12 arrangement, as appropriate, no further notice is required to the
13 parent, but the court shall order that notice be given to the
14 grandparents of the child, if their identities and addresses are
15 known, by first-class mail.

16 (C) In any case where the residence of the parent becomes
17 known, notice shall immediately be served upon the parent as
18 provided for in either paragraph (2), (3), (4), (5), or (6).

19 (g) (1) If the identity of one or both of the parents, or alleged
20 parents, of the child is unknown, or if the name of one or both
21 parents is uncertain, then that fact shall be set forth in the affidavit
22 filed with the court at least 75 days before the hearing date and
23 the court, consistent with the provisions of Sections 7665 and 7666
24 of the Family Code, shall issue an order dispensing with notice to
25 a natural parent or possible natural parent under this section if,
26 after inquiry and a determination that there has been due diligence
27 in attempting to identify the unknown parent, the court is unable
28 to identify the natural parent or possible natural parent and no
29 person has appeared claiming to be the natural parent.

30 (2) After a determination that there has been due diligence in
31 attempting to identify an unknown parent pursuant to paragraph
32 (1) and the probation officer or social worker recommends
33 adoption, the court shall consider whether publication notice would
34 be likely to lead to actual notice to the unknown parent. The court
35 may order publication notice if, on the basis of all information
36 before the court, the court determines that notice by publication
37 is likely to lead to actual notice to the parent. If publication notice
38 to an unknown parent is ordered, the court shall order the published
39 citation to be directed to either the father or mother, or both, of
40 the child, and to all persons claiming to be the father or mother of

1 the child, naming and otherwise describing the child. An order of
 2 publication pursuant to this paragraph shall be based on an affidavit
 3 describing efforts made to identify the unknown parent or parents.
 4 Service made by publication pursuant to this paragraph shall
 5 require the unknown parent or parents to appear at the date, time,
 6 and place stated in the citation. Publication shall be made once a
 7 week for four consecutive weeks.

8 (3) If the court determines that there has been due diligence in
 9 attempting to identify one or both of the parents, or alleged parents,
 10 of the child and the probation officer or social worker recommends
 11 legal guardianship, placement with a fit and willing relative, or
 12 another planned permanent living arrangement, as appropriate, no
 13 further notice to the parent shall be required.

14 (h) Notice to the child and all counsel of record shall be by
 15 first-class mail.

16 (i) If the court knows or has reason to know that an Indian child
 17 is involved, notice shall be given in accordance with Section 224.2.

18 (j) Notwithstanding subdivision (a), if the attorney of record is
 19 present at the time the court schedules a hearing pursuant to Section
 20 366.26, no further notice is required, except as required by
 21 subparagraph (A) of paragraph (7) of subdivision (f).

22 (k) This section shall also apply to children adjudged wards
 23 pursuant to Section 727.31.

24 (l) The court shall state the reasons on the record explaining
 25 why good cause exists for granting any continuance of a hearing
 26 held pursuant to Section 366.26 to fulfill the requirements of this
 27 section.

28 (m) This section shall become operative on January 1, 2019.

29 ~~SEC. 32.~~

30 *SEC. 42.* Section 295 of the Welfare and Institutions Code, as
 31 amended by Section 13 of Chapter 219 of the Statutes of 2015, is
 32 amended to read:

33 295. The social worker or probation officer shall give notice
 34 of review hearings held pursuant to Sections 366.3 and 366.31 and
 35 for termination of jurisdiction hearings held pursuant to Section
 36 391 in the following manner:

37 (a) Notice of the hearing shall be given to the following persons:

- 38 (1) The mother.
- 39 (2) The presumed father.
- 40 (3) The legal guardian or guardians.

1 (4) The child, if the child is 10 years of age or older, or a
2 nonminor dependent.

3 (5) Any known sibling of the child or nonminor dependent who
4 is the subject of the hearing if that sibling either is the subject of
5 a dependency proceeding or has been adjudged to be a dependent
6 child of the juvenile court. If the sibling is 10 years of age or older,
7 the sibling, the sibling's caregiver, and the sibling's attorney. If
8 the sibling is under 10 years of age, the sibling's caregiver and the
9 sibling's attorney. However, notice is not required to be given to
10 any sibling whose matter is calendared in the same court on the
11 same day.

12 (6) The current caregiver of the child, including the foster
13 parents, relative caregivers, preadoptive parents, nonrelative
14 extended family members, resource family, community care
15 facility, or foster family agency having physical custody of the
16 child if a child is removed from the physical custody of the parents
17 or legal guardian. The person notified may attend all hearings and
18 may submit any information he or she deems relevant to the court
19 in writing.

20 (7) The current caregiver of a nonminor dependent, as described
21 in subdivision (v) of Section 11400. The person notified may attend
22 all hearings and may submit for filing an original and eight copies
23 of written information he or she deems relevant to the court. The
24 court clerk shall provide the current parties and attorneys of record
25 with a copy of the written information immediately upon receipt
26 and complete, file, and distribute a proof of service.

27 (8) The attorney of record if that attorney of record was not
28 present at the time that the hearing was set by the court.

29 (9) The alleged father or fathers, but only if the recommendation
30 is to set a new hearing pursuant to Section 366.26.

31 (b) No notice shall be required for a parent whose parental rights
32 have been terminated or for the parent of a nonminor dependent,
33 as described in subdivision (v) of Section 11400, unless the parent
34 is receiving court-ordered family reunification services pursuant
35 to Section 361.6.

36 (c) The notice of the review hearing shall be served no earlier
37 than 30 days, nor later than 15 days, before the hearing.

38 (d) The notice of the review hearing shall contain a statement
39 regarding the nature of the hearing to be held, any recommended
40 change in the custody or status of the child, and any

1 recommendation that the court set a new hearing pursuant to
2 Section 366.26 in order to select a more permanent plan.

3 (e) Service of notice shall be by first-class mail addressed to
4 the last known address of the person to be provided notice. Except
5 as provided in subdivisions (g), (h), and (i), notice may be served
6 by electronic mail in lieu of notice by first-class mail if the county,
7 or city and county, and the court choose to permit service by
8 electronic mail and the person to be served has consented to service
9 by electronic mail by signing Judicial Council Form EFS-005. In
10 the case of an Indian child, notice shall be by registered mail, return
11 receipt requested.

12 (f) If the child is ordered into a permanent plan of legal
13 guardianship, and subsequently a petition to terminate or modify
14 the guardianship is filed, the probation officer or social worker
15 shall serve notice of the petition not less than 15 court days prior
16 to the hearing on all persons listed in subdivision (a) and on the
17 court that established legal guardianship if it is in another county.

18 (g) If the social worker or probation officer knows or has reason
19 to know that an Indian child is involved, notice shall be given in
20 accordance with Section 224.2.

21 (h) Except as provided in subdivision (i), if notice is required
22 to be provided to a child pursuant to paragraph (4) or (5) of
23 subdivision (a), written notice may be served on the child by
24 electronic mail only if all of the following requirements are
25 satisfied:

26 (1) The county, or city and county, and the court choose to
27 permit service by electronic mail.

28 (2) The child is 16 years of age or older.

29 (3) The child has consented to service by electronic mail by
30 signing Judicial Council Form EFS-005.

31 (4) The attorney for the child has consented to service of the
32 minor by electronic mail by signing Judicial Council Form
33 EFS-005.

34 (i) If notice is required to be provided to a child pursuant to
35 paragraph (4) or (5) of subdivision (a), written notice may be served
36 on the child by electronic mail as well as by regular mail if all of
37 the following requirements are satisfied:

38 (1) The county, or city and county, and the court choose to
39 permit service by electronic mail.

40 (2) The child is 14 or 15 years of age.

1 (3) The child has consented to service by electronic mail by
2 signing Judicial Council Form EFS-005.

3 (4) The attorney for the child has consented to service of the
4 minor by electronic mail by signing Judicial Council Form
5 EFS-005.

6 (j) This section shall remain in effect only until January 1, 2019,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2019, deletes or extends that date.

9 ~~SEC. 33.~~

10 *SEC. 43.* Section 295 of the Welfare and Institutions Code, as
11 added by Section 14 of Chapter 219 of the Statutes of 2015, is
12 amended to read:

13 295. The social worker or probation officer shall give notice
14 of review hearings held pursuant to Sections 366.3 and 366.31 and
15 for termination of jurisdiction hearings held pursuant to Section
16 391 in the following manner:

17 (a) Notice of the hearing shall be given to the following persons:

18 (1) The mother.

19 (2) The presumed father.

20 (3) The legal guardian or guardians.

21 (4) The child, if the child is 10 years of age or older, or a
22 nonminor dependent.

23 (5) Any known sibling of the child or nonminor dependent who
24 is the subject of the hearing if that sibling either is the subject of
25 a dependency proceeding or has been adjudged to be a dependent
26 child of the juvenile court. If the sibling is 10 years of age or older,
27 the sibling, the sibling's caregiver, and the sibling's attorney. If
28 the sibling is under 10 years of age, the sibling's caregiver and the
29 sibling's attorney. However, notice is not required to be given to
30 any sibling whose matter is calendared in the same court on the
31 same day.

32 (6) The current caregiver of the child, including the foster
33 parents, relative caregivers, preadoptive parents, nonrelative
34 extended family members, resource family, community care
35 facility, or foster family agency having physical custody of the
36 child if a child is removed from the physical custody of the parents
37 or legal guardian. The person notified may attend all hearings and
38 may submit any information he or she deems relevant to the court
39 in writing.

1 (7) The current caregiver of a nonminor dependent, as described
2 in subdivision (v) of Section 11400. The person notified may attend
3 all hearings and may submit for filing an original and eight copies
4 of written information he or she deems relevant to the court. The
5 court clerk shall provide the current parties and attorneys of record
6 with a copy of the written information immediately upon receipt
7 and complete, file, and distribute a proof of service.

8 (8) The attorney of record if that attorney of record was not
9 present at the time that the hearing was set by the court.

10 (9) The alleged father or fathers, but only if the recommendation
11 is to set a new hearing pursuant to Section 366.26.

12 (b) No notice shall be required for a parent whose parental rights
13 have been terminated or for the parent of a nonminor dependent,
14 as described in subdivision (v) of Section 11400, unless the parent
15 is receiving court-ordered family reunification services pursuant
16 to Section 361.6.

17 (c) The notice of the review hearing shall be served no earlier
18 than 30 days, nor later than 15 days, before the hearing.

19 (d) The notice of the review hearing shall contain a statement
20 regarding the nature of the hearing to be held, any recommended
21 change in the custody or status of the child, and any
22 recommendation that the court set a new hearing pursuant to
23 Section 366.26 in order to select a more permanent plan.

24 (e) Service of notice shall be by first-class mail addressed to
25 the last known address of the person to be provided notice. In the
26 case of an Indian child, notice shall be by registered mail, return
27 receipt requested.

28 (f) If the child is ordered into a permanent plan of legal
29 guardianship, and subsequently a petition to terminate or modify
30 the guardianship is filed, the probation officer or social worker
31 shall serve notice of the petition not less than 15 court days prior
32 to the hearing on all persons listed in subdivision (a) and on the
33 court that established legal guardianship if it is in another county.

34 (g) If the social worker or probation officer knows or has reason
35 to know that an Indian child is involved, notice shall be given in
36 accordance with Section 224.2.

37 (h) This section shall become operative on January 1, 2019.

38 *SEC. 44. Section 309 of the Welfare and Institutions Code is*
39 *amended to read:*

1 309. (a) Upon delivery to the social worker of a child who has
2 been taken into temporary custody under this article, the social
3 worker shall immediately investigate the circumstances of the child
4 and the facts surrounding the child's being taken into custody and
5 attempt to maintain the child with the child's family through the
6 provision of services. The social worker shall immediately release
7 the child to the custody of the child's parent, guardian, or
8 responsible relative, regardless of the parent's, guardian's, or
9 relative's immigration status, unless one or more of the following
10 conditions exist:

11 (1) The child has no parent, guardian, or responsible relative;
12 or the child's parent, guardian, or responsible relative is not willing
13 to provide care for the child.

14 (2) Continued detention of the child is a matter of immediate
15 and urgent necessity for the protection of the child and there are
16 no reasonable means by which the child can be protected in his or
17 her home or the home of a responsible relative.

18 (3) There is substantial evidence that a parent, guardian, or
19 custodian of the child is likely to flee the jurisdiction of the court.

20 (4) The child has left a placement in which he or she was placed
21 by the juvenile court.

22 (5) The parent or other person having lawful custody of the
23 child voluntarily surrendered physical custody of the child pursuant
24 to Section 1255.7 of the Health and Safety Code and did not
25 reclaim the child within the 14-day period specified in subdivision
26 (e) of that section.

27 (b) In any case in which there is reasonable cause for believing
28 that a child who is under the care of a physician and surgeon or a
29 hospital, clinic, or other medical facility and cannot be immediately
30 moved and is a person described in Section 300, the child shall be
31 deemed to have been taken into temporary custody and delivered
32 to the social worker for the purposes of this chapter while the child
33 is at the office of the physician and surgeon or the medical facility.

34 (c) If the child is not released to his or her parent or guardian,
35 the child shall be deemed detained for purposes of this chapter.

36 (d) (1) If an able and willing relative, as defined in Section 319,
37 or an able and willing nonrelative extended family member, as
38 defined in Section 362.7, is available and requests temporary
39 placement of the child pending the detention hearing, or after the
40 detention hearing and pending the dispositional hearing conducted

1 pursuant to Section 358, the county welfare department shall
2 initiate an assessment of the relative's or nonrelative extended
3 family member's suitability, which shall include an in-home
4 inspection to assess the safety of the home and the ability of the
5 relative or nonrelative extended family member to care for the
6 child's needs, and a consideration of the results of a criminal
7 records check conducted pursuant to subdivision (a) of Section
8 16504.5 and a check of allegations of prior child abuse or neglect
9 concerning the relative or nonrelative extended family member
10 and other adults in the home. A relative's identification card from
11 a foreign consulate or foreign passport shall be considered a valid
12 form of identification for conducting a criminal records check and
13 fingerprint clearance check under this subdivision. Upon
14 completion of this assessment, the child may be placed *on an*
15 *emergency basis* in the assessed home. ~~For purposes of this~~
16 ~~paragraph, and except for the criminal records check conducted~~
17 ~~pursuant to subdivision (a) of Section 16504.5, the standards used~~
18 ~~to determine suitability shall be the same standards set forth in the~~
19 ~~regulations for the licensing of foster family homes.~~

20 (2) ~~Immediately following the~~ *Following the emergency*
21 placement of a child in the home of a relative or a nonrelative
22 extended family member, the county welfare department shall
23 evaluate and approve or deny the home ~~for purposes of AFDC-FC~~
24 ~~eligibility pursuant to Section 11402. The standards used to~~
25 ~~evaluate and grant or deny approval of the home of the relative~~
26 ~~and of the home of a nonrelative extended family member, as~~
27 ~~described in Section 362.7, shall be the same standards set forth~~
28 ~~in regulations for the licensing of foster family homes which~~
29 ~~prescribe standards of safety and sanitation for the physical plant~~
30 ~~and standards for basic personal care, supervision, and services~~
31 ~~provided by the caregiver. pursuant to Section 16519.5.~~

32 (3) ~~To the extent allowed by federal law, as a condition of~~
33 ~~receiving funding under Title IV-E of the federal Social Security~~
34 ~~Act (42 U.S.C. Sec. 670 et seq.), if a relative or nonrelative~~
35 ~~extended family member meets all other conditions for approval,~~
36 ~~except for the receipt of the Federal Bureau of Investigation's~~
37 ~~criminal history information for the relative or nonrelative extended~~
38 ~~family member, and other adults in the home, as indicated, the~~
39 ~~county welfare department may approve the home and document~~
40 ~~that approval, if the relative or nonrelative extended family~~

1 ~~member, and each adult in the home, has signed and submitted a~~
2 ~~statement that he or she has never been convicted of a crime in the~~
3 ~~United States, other than a traffic infraction as defined in paragraph~~
4 ~~(1) of subdivision (a) of Section 42001 of the Vehicle Code. If,~~
5 ~~after the approval has been granted, the department determines~~
6 ~~that the relative or nonrelative extended family member or other~~
7 ~~adult in the home has a criminal record, the approval may be~~
8 ~~terminated.~~

9 ~~(4)~~

10 (3) If the criminal records check indicates that the person has
11 been convicted of a crime for which the Director of Social Services
12 cannot grant an exemption under Section 1522 of the Health and
13 Safety Code, the child shall not be placed in the home. If the
14 criminal records check indicates that the person has been convicted
15 of a crime for which the Director of Social Services may grant an
16 exemption under Section 1522 of the Health and Safety Code, the
17 child shall not be placed in the home unless a criminal records
18 exemption has been granted by the county based on substantial
19 and convincing evidence to support a reasonable belief that the
20 person with the criminal conviction is of such good character as
21 to justify the placement and not present a risk of harm to the child.

22 (e) (1) If the child is removed, the social worker shall conduct,
23 within 30 days, an investigation in order to identify and locate all
24 grandparents, parents of a sibling of the child, if the parent has
25 legal custody of the sibling, adult siblings, and other adult relatives
26 of the child, as defined in paragraph (2) of subdivision (f) of
27 Section 319, including any other adult relatives suggested by the
28 parents. As used in this section, "sibling" means a person related
29 to the identified child by blood, adoption, or affinity through a
30 common legal or biological parent. The social worker shall provide
31 to all adult relatives who are located, except when that relative's
32 history of family or domestic violence makes notification
33 inappropriate, within 30 days of removal of the child, written
34 notification and shall also, whenever appropriate, provide oral
35 notification, in person or by telephone, of all the following
36 information:

37 (A) The child has been removed from the custody of his or her
38 parent or parents, or his or her guardians.

39 (B) An explanation of the various options to participate in the
40 care and placement of the child and support for the child's family,

1 including any options that may be lost by failing to respond. The
2 notice shall provide information about providing care for the child
3 while the family receives reunification services with the goal of
4 returning the child to the parent or guardian, how to become a
5 ~~foster family home or approved relative or nonrelative extended~~
6 ~~family member as defined in Section 362.7, resource family,~~ and
7 additional services and support that are available in out-of-home
8 placements. The notice shall also include information regarding
9 the Kin-GAP Program (Article 4.5 (commencing with Section
10 11360) of Chapter 2 of Part 3 of Division 9), the CalWORKs
11 program for approved relative caregivers (Chapter 2 (commencing
12 with Section 11200) of Part 3 of Division 9), adoption, and
13 adoption assistance (Chapter 2.1 (commencing with Section 16115)
14 of Part 4 of Division 9), as well as other options for contact with
15 the child, including, but not limited to, visitation. The State
16 Department of Social Services, in consultation with the County
17 Welfare Directors Association of California and other interested
18 stakeholders, shall develop the written notice.

19 (2) The social worker shall also provide the adult relatives
20 notified pursuant to paragraph (1) with a relative information form
21 to provide information to the social worker and the court regarding
22 the needs of the child. The form shall include a provision whereby
23 the relative may request the permission of the court to address the
24 court, if the relative so chooses. The Judicial Council, in
25 consultation with the State Department of Social Services and the
26 County Welfare Directors Association of California, shall develop
27 the form.

28 (3) The social worker shall use due diligence in investigating
29 the names and locations of the relatives pursuant to paragraph (1),
30 including, but not limited to, asking the child in an age-appropriate
31 manner about relatives important to the child, consistent with the
32 child's best interest, and obtaining information regarding the
33 location of the child's adult relatives. Each county welfare
34 department shall create and make public a procedure by which
35 relatives of a child who has been removed from his or her parents
36 or guardians may identify themselves to the county welfare
37 department and be provided with the notices required by paragraphs
38 (1) and (2).

1 ~~SEC. 34.~~

2 *SEC. 45.* Section 361.2 of the Welfare and Institutions Code,
3 as added by Section 48 of Chapter 773 of the Statutes of 2015, is
4 amended to read:

5 361.2. (a) When a court orders removal of a child pursuant to
6 Section 361, the court shall first determine whether there is a parent
7 of the child, with whom the child was not residing at the time that
8 the events or conditions arose that brought the child within the
9 provisions of Section 300, who desires to assume custody of the
10 child. If that parent requests custody, the court shall place the child
11 with the parent unless it finds that placement with that parent would
12 be detrimental to the safety, protection, or physical or emotional
13 well-being of the child. The fact that the parent is enrolled in a
14 certified substance abuse treatment facility that allows a dependent
15 child to reside with his or her parent shall not be, for that reason
16 alone, prima facie evidence that placement with that parent would
17 be detrimental.

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

20 (1) Order that the parent become legal and physical custodian
21 of the child. The court may also provide reasonable visitation by
22 the noncustodial parent. The court shall then terminate its
23 jurisdiction over the child. The custody order shall continue unless
24 modified by a subsequent order of the superior court. The order
25 of the juvenile court shall be filed in any domestic relation
26 proceeding between the parents.

27 (2) Order that the parent assume custody subject to the
28 jurisdiction of the juvenile court and require that a home visit be
29 conducted within three months. In determining whether to take
30 the action described in this paragraph, the court shall consider any
31 concerns that have been raised by the child's current caregiver
32 regarding the parent. After the social worker conducts the home
33 visit and files his or her report with the court, the court may then
34 take the action described in paragraph (1), (3), or this paragraph.
35 However, nothing in this paragraph shall be interpreted to imply
36 that the court is required to take the action described in this
37 paragraph as a prerequisite to the court taking the action described
38 in either paragraph (1) or (3).

39 (3) Order that the parent assume custody subject to the
40 supervision of the juvenile court. In that case the court may order

1 that reunification services be provided to the parent or guardian
2 from whom the child is being removed, or the court may order that
3 services be provided solely to the parent who is assuming physical
4 custody in order to allow that parent to retain later custody without
5 court supervision, or that services be provided to both parents, in
6 which case the court shall determine, at review hearings held
7 pursuant to Section 366, which parent, if either, shall have custody
8 of the child.

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

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

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

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

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

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

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

27 (5) A foster home considering first a foster home in which the
28 child has been placed before an interruption in foster care, if that
29 placement is in the best interest of the child and space is available.

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

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

36 (8) With a foster family agency, as defined in subdivision (g)
37 of Section 11400 and paragraph (4) of subdivision (a) of Section
38 1502 of the Health and Safety Code, to be placed in a suitable
39 family home certified or approved by the agency, with prior
40 approval of the county placing agency.

1 (9) A child of any age who is placed in a community care facility
2 licensed as a group home for children or a short-term residential
3 treatment center, as defined in subdivision (ad) of Section 11400
4 and paragraph (18) of subdivision (a) of Section 1502 of the Health
5 and Safety Code, shall have a case plan that indicates that
6 placement is for purposes of providing short term, specialized, and
7 intensive treatment for the child, the case plan specifies the need
8 for, nature of, and anticipated duration of this treatment, pursuant
9 to paragraph (2) of subdivision (c) of Section 16501.1, and the
10 case plan includes transitioning the child to a less restrictive
11 environment and the projected timeline by which the child will be
12 transitioned to a less restrictive environment. If the placement is
13 longer than six months, the placement shall be documented
14 consistent with paragraph (3) of subdivision (a) of Section 16501.1
15 and shall be approved by the deputy director or director of the
16 county child welfare department.

17 (A) A child under six years of age shall not be placed in a
18 community care facility licensed as a group home for children, or
19 a short-term residential treatment center, except under the following
20 circumstances:

21 (i) When the facility meets the applicable regulations adopted
22 under Section 1530.8 of the Health and Safety Code and standards
23 developed pursuant to Section 11467.1 of this code, and the deputy
24 director or director of the county child welfare department has
25 approved the case plan.

26 (ii) The short term, specialized, and intensive treatment period
27 shall not exceed 120 days, unless the county has made progress
28 toward or is actively working toward implementing the case plan
29 that identifies the services or supports necessary to transition the
30 child to a family setting, circumstances beyond the county's control
31 have prevented the county from obtaining those services or
32 supports within the timeline documented in the case plan, and the
33 need for additional time pursuant to the case plan is documented
34 by the caseworker and approved by a deputy director or director
35 of the county child welfare department.

36 (iii) To the extent that placements pursuant to this paragraph
37 are extended beyond an initial 120 days, the requirements of
38 clauses (i) and (ii) shall apply to each extension. In addition, the
39 deputy director or director of the county child welfare department

1 shall approve the continued placement no less frequently than
2 every 60 days.

3 (iv) In addition, when a case plan indicates that placement is
4 for purposes of providing family reunification services, the facility
5 shall offer family reunification services that meet the needs of the
6 individual child and his or her family, permit parents to have
7 reasonable access to their children 24 hours a day, encourage
8 extensive parental involvement in meeting the daily needs of their
9 children, and employ staff trained to provide family reunification
10 services. In addition, one of the following conditions exists:

11 (I) The child’s parent is also under the jurisdiction of the court
12 and resides in the facility.

13 (II) The child’s parent is participating in a treatment program
14 affiliated with the facility and the child’s placement in the facility
15 facilitates the coordination and provision of reunification services.

16 (III) Placement in the facility is the only alternative that permits
17 the parent to have daily 24-hour access to the child in accordance
18 with the case plan, to participate fully in meeting all of the daily
19 needs of the child, including feeding and personal hygiene, and to
20 have access to necessary reunification services.

21 (B) A child who is 6 to 12 years of age, inclusive, may be placed
22 in a community care facility licensed as a group home for children
23 or a short-term residential treatment center under the following
24 conditions.

25 (i) The short-term, specialized, and intensive treatment period
26 shall not exceed six months, unless the county has made progress
27 or is actively working toward implementing the case plan that
28 identifies the services or supports necessary to transition the child
29 to a family setting, circumstances beyond the county’s control
30 have prevented the county from obtaining those services or
31 supports within the timeline documented in the case plan, and the
32 need for additional time pursuant to the case plan is documented
33 by the caseworker and approved by a deputy director or director
34 of the county child welfare department.

35 (ii) To the extent that placements pursuant to this paragraph are
36 extended beyond an initial six months, the requirements of this
37 subparagraph shall apply to each extension. In addition, the deputy
38 director or director of the county child welfare department shall
39 approve the continued placement no less frequently than every 60
40 days.

1 (10) Any child placed in a short-term residential treatment center
2 shall be either of the following:

3 (A) A child who has been assessed as meeting one of the
4 placement requirements set forth in subdivisions (d) and (e) of
5 Section 11462.01.

6 (B) A child under 6 years of age who is placed with his or her
7 minor parent or for the purpose of reunification pursuant to clause
8 (iv) of subparagraph (A) of paragraph (9).

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

12 (f) (1) A child under the supervision of a social worker pursuant
13 to subdivision (e) shall not be placed outside the United States
14 prior to a judicial finding that the placement is in the best interest
15 of the child, except as required by federal law or treaty.

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

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

22 (A) Placement with a relative.

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

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

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

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

28 (F) Social, cultural, and educational needs of the dependent
29 child.

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

32 (4) If the court finds that a placement outside the United States
33 is, by clear and convincing evidence, in the best interest of the
34 child, the court may issue an order authorizing the social worker
35 to make a placement outside the United States. A child subject to
36 this subdivision shall not leave the United States prior to the
37 issuance of the order described in this paragraph.

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

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

3 (g) (1) If the child is taken from the physical custody of the
4 child's parent or guardian and unless the child is placed with
5 relatives, the child shall be placed in foster care in the county of
6 residence of the child's parent or guardian in order to facilitate
7 reunification of the family.

8 (2) In the event that there are no appropriate placements
9 available in the parent's or guardian's county of residence, a
10 placement may be made in an appropriate place in another county,
11 preferably a county located adjacent to the parent's or guardian's
12 community of residence.

13 (3) Nothing in this section shall be interpreted as requiring
14 multiple disruptions of the child's placement corresponding to
15 frequent changes of residence by the parent or guardian. In
16 determining whether the child should be moved, the social worker
17 shall take into consideration the potential harmful effects of
18 disrupting the placement of the child and the parent's or guardian's
19 reason for the move.

20 (4) When it has been determined that it is necessary for a child
21 to be placed in a county other than the child's parent's or guardian's
22 county of residence, the specific reason the out-of-county
23 placement is necessary shall be documented in the child's case
24 plan. If the reason the out-of-county placement is necessary is the
25 lack of resources in the sending county to meet the specific needs
26 of the child, those specific resource needs shall be documented in
27 the case plan.

28 (5) When it has been determined that a child is to be placed out
29 of county either in a group home or with a foster family agency
30 for subsequent placement in a certified foster family home, and
31 the sending county is to maintain responsibility for supervision
32 and visitation of the child, the sending county shall develop a plan
33 of supervision and visitation that specifies the supervision and
34 visitation activities to be performed and specifies that the sending
35 county is responsible for performing those activities. In addition
36 to the plan of supervision and visitation, the sending county shall
37 document information regarding any known or suspected dangerous
38 behavior of the child that indicates the child may pose a safety
39 concern in the receiving county. Upon implementation of the Child
40 Welfare Services Case Management System, the plan of

1 supervision and visitation, as well as information regarding any
2 known or suspected dangerous behavior of the child, shall be made
3 available to the receiving county upon placement of the child in
4 the receiving county. If placement occurs on a weekend or holiday,
5 the information shall be made available to the receiving county on
6 or before the end of the next business day.

7 (6) When it has been determined that a child is to be placed out
8 of county and the sending county plans that the receiving county
9 shall be responsible for the supervision and visitation of the child,
10 the sending county shall develop a formal agreement between the
11 sending and receiving counties. The formal agreement shall specify
12 the supervision and visitation to be provided the child, and shall
13 specify that the receiving county is responsible for providing the
14 supervision and visitation. The formal agreement shall be approved
15 and signed by the sending and receiving counties prior to placement
16 of the child in the receiving county. In addition, upon completion
17 of the case plan, the sending county shall provide a copy of the
18 completed case plan to the receiving county. The case plan shall
19 include information regarding any known or suspected dangerous
20 behavior of the child that indicates the child may pose a safety
21 concern to the receiving county.

22 (h) Whenever the social worker must change the placement of
23 the child and is unable to find a suitable placement within the
24 county and must place the child outside the county, the placement
25 shall not be made until he or she has served written notice on the
26 parent or guardian at least 14 days prior to the placement, unless
27 the child's health or well-being is endangered by delaying the
28 action or would be endangered if prior notice were given. The
29 notice shall state the reasons that require placement outside the
30 county. The parent or guardian may object to the placement not
31 later than seven days after receipt of the notice and, upon objection,
32 the court shall hold a hearing not later than five days after the
33 objection and prior to the placement. The court shall order
34 out-of-county placement if it finds that the child's particular needs
35 require placement outside the county.

36 (i) If the court has ordered removal of the child from the physical
37 custody of his or her parents pursuant to Section 361, the court
38 shall consider whether the family ties and best interest of the child
39 will be served by granting visitation rights to the child's

1 grandparents. The court shall clearly specify those rights to the
2 social worker.

3 (j) If the court has ordered removal of the child from the physical
4 custody of his or her parents pursuant to Section 361, the court
5 shall consider whether there are any siblings under the court's
6 jurisdiction, or any nondependent siblings in the physical custody
7 of a parent subject to the court's jurisdiction, the nature of the
8 relationship between the child and his or her siblings, the
9 appropriateness of developing or maintaining the sibling
10 relationships pursuant to Section 16002, and the impact of the
11 sibling relationships on the child's placement and planning for
12 legal permanence.

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

17 (A) The child's caregiver is able to meet the day-to-day health,
18 safety, and well-being needs of the child.

19 (B) The child's caregiver is permitted to maintain the least
20 restrictive family setting that promotes normal childhood
21 experiences and that serves the day-to-day needs of the child.

22 (C) The child is permitted to engage in reasonable,
23 age-appropriate day-to-day activities that promote normal
24 childhood experiences for the foster child.

25 (2) The foster child's caregiver shall use a reasonable and
26 prudent parent standard, as defined in paragraph (2) of subdivision
27 (a) of Section 362.04, to determine day-to-day activities that are
28 age appropriate to meet the needs of the child. Nothing in this
29 section shall be construed to permit a child's caregiver to permit
30 the child to engage in day-to-day activities that carry an
31 unreasonable risk of harm, or subject the child to abuse or neglect.

32 (l) This section shall become operative on January 1, 2017.

33 *SEC. 46. Section 361.3 of the Welfare and Institutions Code*
34 *is amended to read:*

35 361.3. (a) In any case in which a child is removed from the
36 physical custody of his or her parents pursuant to Section 361,
37 preferential consideration shall be given to a request by a relative
38 of the child for placement of the child with the relative, regardless
39 of the relative's immigration status. In determining whether
40 placement with a relative is appropriate, the county social worker

1 and court shall consider, but shall not be limited to, consideration
2 of all the following factors:

3 (1) The best interest of the child, including special physical,
4 psychological, educational, medical, or emotional needs.

5 (2) The wishes of the parent, the relative, and child, if
6 appropriate.

7 (3) The provisions of Part 6 (commencing with Section 7950)
8 of Division 12 of the Family Code regarding relative placement.

9 (4) Placement of siblings and half siblings in the same home,
10 unless that placement is found to be contrary to the safety and
11 well-being of any of the siblings, as provided in Section 16002.

12 (5) The good moral character of the relative and any other adult
13 living in the home, including whether any individual residing in
14 the home has a prior history of violent criminal acts or has been
15 responsible for acts of child abuse or neglect.

16 (6) The nature and duration of the relationship between the child
17 and the relative, and the relative's desire to care for, and to provide
18 legal permanency for, the child if reunification is unsuccessful.

19 (7) The ability of the relative to do the following:

20 (A) Provide a safe, secure, and stable environment for the child.

21 (B) Exercise proper and effective care and control of the child.

22 (C) Provide a home and the necessities of life for the child.

23 (D) Protect the child from his or her parents.

24 (E) Facilitate court-ordered reunification efforts with the parents.

25 (F) Facilitate visitation with the child's other relatives.

26 (G) Facilitate implementation of all elements of the case plan.

27 (H) (i) Provide legal permanence for the child if reunification
28 fails.

29 ~~However,~~

30 (ii) *However*, any finding made with respect to the factor
31 considered pursuant to this subparagraph and pursuant to
32 subparagraph (G) shall not be the sole basis for precluding
33 preferential placement with a relative.

34 (I) Arrange for appropriate and safe child care, as necessary.

35 (8) (A) The safety of the relative's home. For a relative to be
36 considered appropriate to receive placement of a child under this
37 ~~section~~, *section on an emergency basis*, the relative's home shall
38 first be ~~approved~~ *assessed* pursuant to the process and standards
39 described in subdivision (d) of Section 309.

40 ~~In~~

1 (B) In this regard, the Legislature declares that a physical
2 disability, such as blindness or deafness, is no bar to the raising
3 of children, and a county social worker's determination as to the
4 ability of a disabled relative to exercise care and control should
5 center upon whether the relative's disability prevents him or her
6 from exercising care and control. The court shall order the parent
7 to disclose to the county social worker the names, residences, and
8 any other known identifying information of any maternal or
9 paternal relatives of the child. This inquiry shall not be construed,
10 however, to guarantee that the child will be placed with any person
11 so identified. The county social worker shall initially contact the
12 relatives given preferential consideration for placement to
13 determine if they desire the child to be placed with them. Those
14 desiring placement shall be assessed according to the factors
15 enumerated in this subdivision. The county social worker shall
16 document these efforts in the social study prepared pursuant to
17 Section 358.1. The court shall authorize the county social worker,
18 while assessing these relatives for the possibility of placement, to
19 disclose to the relative, as appropriate, the fact that the child is in
20 custody, the alleged reasons for the custody, and the projected
21 likely date for the child's return home or placement for adoption
22 or legal guardianship. However, this investigation shall not be
23 construed as good cause for continuance of the dispositional
24 hearing conducted pursuant to Section 358.

25 (b) In any case in which more than one appropriate relative
26 requests preferential consideration pursuant to this section, each
27 relative shall be considered under the factors enumerated in
28 subdivision (a). Consistent with the legislative intent for children
29 to be placed immediately with a responsible relative, this section
30 does not limit the county social worker's ability to place a child
31 in the home of an appropriate relative or a nonrelative extended
32 family member pending the consideration of other relatives who
33 have requested preferential consideration.

34 (c) For purposes of this section:

35 (1) "Preferential consideration" means that the relative seeking
36 placement shall be the first placement to be considered and
37 investigated.

38 (2) "Relative" means an adult who is related to the child by
39 blood, adoption, or affinity within the fifth degree of kinship,
40 including stepparents, stepsiblings, and all relatives whose status

1 is preceded by the words “great,” “great-great,” or “grand,” or the
2 spouse of any of these persons even if the marriage was terminated
3 by death or dissolution. However, only the following relatives
4 shall be given preferential consideration for the placement of the
5 child: an adult who is a grandparent, aunt, uncle, or sibling.

6 (d) Subsequent to the hearing conducted pursuant to Section
7 358, whenever a new placement of the child must be made,
8 consideration for placement shall again be given as described in
9 this section to relatives who have not been found to be unsuitable
10 and who will fulfill the child’s reunification or permanent plan
11 requirements. In addition to the factors described in subdivision
12 (a), the county social worker shall consider whether the relative
13 has established and maintained a relationship with the child.

14 (e) If the court does not place the child with a relative who has
15 been considered for placement pursuant to this section, the court
16 shall state for the record the reasons placement with that relative
17 was denied.

18 (f) (1) With respect to a child who satisfies the criteria set forth
19 in paragraph (2), the department and any licensed adoption agency
20 may search for a relative and furnish identifying information
21 relating to the child to that relative if it is believed the child’s
22 welfare will be promoted thereby.

23 (2) Paragraph (1) shall apply if both of the following conditions
24 are satisfied:

25 (A) The child was previously a dependent of the court.

26 (B) The child was previously adopted and the adoption has been
27 disrupted, set aside pursuant to Section 9100 or 9102 of the Family
28 Code, or the child has been released into the custody of the
29 department or a licensed adoption agency by the adoptive parent
30 or parents.

31 (3) As used in this subdivision, “relative” includes a member
32 of the child’s birth family and nonrelated extended family
33 members, regardless of whether the parental rights were terminated,
34 provided that both of the following are true:

35 (A) No appropriate potential caretaker is known to exist from
36 the child’s adoptive family, including nonrelated extended family
37 members of the adoptive family.

38 (B) The child was not the subject of a voluntary relinquishment
39 by the birth parents pursuant to Section 8700 of the Family Code
40 or Section 1255.7 of the Health and Safety Code.

1 *SEC. 47. Section 361.4 of the Welfare and Institutions Code*
2 *is amended to read:*

3 361.4. (a) Prior to placing a child in the home of a relative, or
4 the home of any prospective guardian or ~~other~~ *another* person who
5 is not a licensed or certified foster ~~parent~~, *parent or an approved*
6 *resource family*, the county social worker shall visit the home to
7 ascertain the appropriateness of the placement.

8 (b) (1) Whenever a child may be placed in the home of a
9 relative, ~~or the home of any prospective guardian or other a~~
10 ~~*prospective guardian, or another*~~ person who is not a licensed or
11 certified foster ~~parent~~, *parent or an approved resource family*, the
12 court or county social worker placing the child shall cause a
13 state-level criminal records check to be conducted by an appropriate
14 government agency through the California Law Enforcement
15 Telecommunications System (CLETS) pursuant to Section 16504.5.
16 The criminal records check shall be conducted with regard to all
17 persons over 18 years of age living in the home, and on any other
18 person over 18 years of age, other than professionals providing
19 professional services to the child, known to the placing entity who
20 may have significant contact with the child, including any person
21 who has a familial or intimate relationship with any person living
22 in the home. A criminal records check may be conducted pursuant
23 to this section on any person over 14 years of age living in the
24 home who the county social worker believes may have a criminal
25 record. Within 10 calendar days following the criminal records
26 check conducted through the California Law Enforcement
27 Telecommunications System, the social worker shall ensure that
28 a fingerprint clearance check of the relative and any other person
29 whose criminal record was obtained pursuant to this subdivision
30 is initiated through the Department of Justice to ensure the accuracy
31 of the criminal records check conducted through the California
32 Law Enforcement Telecommunications System and shall review
33 the results of any criminal records check to assess the safety of the
34 home. The Department of Justice shall forward fingerprint requests
35 for federal-level criminal history information to the Federal Bureau
36 of Investigation pursuant to this section.

37 (2) An identification card from a foreign consulate or foreign
38 passport shall be considered a valid form of identification for
39 conducting a criminal records check and fingerprint clearance
40 check under this subdivision and under subdivision (c).

1 (c) Whenever a child may be placed in the home of a relative,
2 ~~or a prospective guardian or other~~ *a prospective guardian, or*
3 *another* person who is not a licensed or certified foster ~~parent,~~
4 *parent or an approved resource family*, the county social worker
5 shall cause a check of the Child Abuse Central Index pursuant to
6 subdivision (a) of Section 11170 of the Penal Code to be requested
7 from the Department of Justice. The Child Abuse Central Index
8 check shall be conducted on all persons over 18 years of age living
9 in the home. For any application received on or after January 1,
10 2008, if any person in the household is 18 years of age or older
11 and has lived in another state in the preceding five years, the county
12 social worker shall check the other state's child abuse and neglect
13 registry to the extent required by federal law.

14 (d) (1) If the results of the California and federal criminal
15 records check indicates that the person has no criminal record, the
16 county social worker and court may consider the home of the
17 relative, prospective guardian, or other person who is not a licensed
18 or certified foster parent *or approved resource family* for placement
19 of a child.

20 (2) If the criminal records check indicates that the person has
21 been convicted of a crime that the Director of Social Services
22 cannot grant an exemption for under Section 1522 of the Health
23 and Safety Code, the child shall not be placed in the home. If the
24 criminal records check indicates that the person has been convicted
25 of a crime that the Director of Social Services may grant an
26 exemption for under Section 1522 of the Health and Safety Code,
27 the child shall not be placed in the home unless a criminal records
28 exemption has been granted by the county, based on substantial
29 and convincing evidence to support a reasonable belief that the
30 person with the criminal conviction is of such good character as
31 to justify the placement and not present a risk of harm to the child
32 pursuant to paragraph (3).

33 (3) (A) A county may issue a criminal records exemption only
34 if that county has been granted permission by the Director of Social
35 Services to issue criminal records exemptions. The county may
36 file a request with the Director of Social Services seeking
37 permission for the county to establish a procedure to evaluate and
38 grant appropriate individual criminal records exemptions for
39 persons described in subdivision (b). The director shall grant or
40 deny the county's request within 14 days of receipt. The county

1 shall evaluate individual criminal records in accordance with the
2 standards and limitations set forth in paragraph (1) of subdivision
3 (g) of Section 1522 of the Health and Safety Code, and in no event
4 shall the county place a child in the home of a person who is
5 ineligible for an exemption under that provision.

6 (B) The department shall monitor county implementation of the
7 authority to grant an exemption under this paragraph to ensure that
8 the county evaluates individual criminal records and allows or
9 disallows placements according to the standards set forth in
10 paragraph (1) of subdivision (g) of Section 1522 of the Health and
11 Safety Code.

12 (4) The department shall conduct an evaluation of the
13 implementation of paragraph (3) through random sampling of
14 county exemption decisions.

15 (5) The State Department of Social Services shall not evaluate
16 or grant criminal records exemption requests for persons described
17 in subdivision (b), unless the exemption request is made by an
18 Indian tribe pursuant to subdivision-~~(f)~~: (e).

19 (6) If a county has not requested, or has not been granted,
20 permission by the State Department of Social Services to establish
21 a procedure to evaluate and grant criminal records exemptions,
22 the county shall not place a child into the home of a person
23 described in subdivision (b) if any person residing in the home has
24 been convicted of a crime other than a minor traffic violation,
25 except as provided in subdivision-~~(f)~~: (e).

26 ~~(e) Nothing in this section shall preclude a county from~~
27 ~~conducting a criminal background check that the county is~~
28 ~~otherwise authorized to conduct using fingerprints.~~

29 ~~(f)~~

30 (e) The State Department of Social Services shall evaluate a
31 request from an Indian tribe to exempt a crime that is exemptible
32 under Section 1522 of the Health and Safety Code, if needed, to
33 allow placement into an Indian home that the tribe has designated
34 for placement under the federal Indian Child Welfare Act (25
35 U.S.C. Sec. 1901 et seq.). However, if the county with jurisdiction
36 over the child that is the subject of the tribe's request has
37 established an approved procedure pursuant to paragraph (3) of
38 subdivision (d), the tribe may request that the county evaluate the
39 exemption request. Once a tribe has elected to have the exemption
40 request reviewed by either the State Department of Social Services

1 or the county, the exemption decision may only be made by that
2 entity. Nothing in this subdivision limits the duty of a county social
3 worker to evaluate the home for placement or to gather information
4 needed to evaluate an exemption request.

5 *SEC. 48. Section 361.45 of the Welfare and Institutions Code*
6 *is amended to read:*

7 361.45. (a) Notwithstanding any other ~~provision of law~~, when
8 the sudden unavailability of a foster caregiver requires a change
9 in placement on an emergency basis for a child who is under the
10 jurisdiction of the juvenile court pursuant to Section 300, if an able
11 and willing relative, as defined in Section 319, or an able and
12 willing nonrelative extended family member, as defined in Section
13 362.7, is available and requests temporary placement of the child
14 pending resolution of the emergency situation, the county welfare
15 department shall initiate an assessment of the relative's or
16 nonrelative extended family member's suitability, which shall
17 include an in-home inspection to assess the safety of the home and
18 the ability of the relative or nonrelative extended family member
19 to care for the child's needs, and a consideration of the results of
20 a criminal records check conducted pursuant to *subdivision (a) of*
21 *Section 16504.5* and a check of allegations of prior child abuse or
22 neglect concerning the relative or nonrelative extended family
23 member and other adults in the home. Upon completion of this
24 assessment, the child may be placed *on an emergency basis* in the
25 assessed home. ~~For purposes of this paragraph, and except for the~~
26 ~~criminal records check conducted pursuant to Section 16504.5,~~
27 ~~the standards used to determine suitability shall be the same~~
28 ~~standards set forth in the regulations for the licensing of foster~~
29 ~~family homes.~~

30 (b) ~~Immediately following the~~ *Following the emergency*
31 placement of a child in the home of a relative or a nonrelative
32 extended family member, the county welfare department shall
33 evaluate and approve or deny the home ~~for purposes of AFDC-FC~~
34 ~~eligibility pursuant to Section 11402.~~ The standards used to
35 evaluate and grant or deny approval of the home of the relative
36 ~~and of the home of a nonrelative extended family member,~~ as
37 ~~described in Section 362.7,~~ shall be the same standards set forth
38 ~~in regulations for the licensing of foster family homes which~~
39 ~~prescribe standards of safety and sanitation for the physical plant~~

1 and standards for basic personal care, supervision, and services
2 provided by the caregiver. *pursuant to Section 16519.5.*

3 ~~(e) If a relative or nonrelative extended family member, and~~
4 ~~other adults in the home, as indicated, meets all other conditions~~
5 ~~for approval, except for the receipt of the Federal Bureau of~~
6 ~~Investigation's criminal history information for the relative or~~
7 ~~nonrelative extended family member, the county welfare~~
8 ~~department may approve the home and document that approval;~~
9 ~~if the relative or nonrelative extended family member, and each~~
10 ~~adult in the home, has signed and submitted a statement that he or~~
11 ~~she has never been convicted of a crime in the United States, other~~
12 ~~than a traffic infraction as defined in paragraph (1) of subdivision~~
13 ~~(a) of Section 42001 of the Vehicle Code. If, after the approval~~
14 ~~has been granted, the department determines that the relative or~~
15 ~~nonrelative extended family member or other adult in the home~~
16 ~~has a criminal record, the approval may be terminated.~~

17 ~~(d)~~

18 (c) (1) On and after January 1, 2012, if a nonminor dependent,
19 as defined in subdivision (v) of Section 11400, is placed in the
20 home of a relative or nonrelative extended family member, the
21 home shall be approved using the same standards set forth in
22 regulations as described in Section 1502.7 of the Health and Safety
23 Code.

24 (2) On or before July 1, 2012, the department, in consultation
25 with representatives of the Legislature, the County Welfare
26 Directors Association, the Chief Probation Officers of California,
27 the California Youth Connection, the Judicial Council, former
28 foster youth, child advocacy organizations, dependency counsel
29 for children, juvenile justice advocacy organizations, foster
30 caregiver organizations, labor organizations, and representatives
31 of Indian tribes, shall revise regulations regarding health and safety
32 standards for approving relative homes in which nonminor
33 dependents, as defined in subdivision (v) of Section 11400, of the
34 juvenile court are placed under the responsibility of the county
35 welfare or probation department, or an Indian tribe that entered
36 into an agreement pursuant to Section 10553.1.

37 (3) Notwithstanding the Administrative Procedure Act (Chapter
38 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
39 Title 2 of the Government Code), the department, in consultation
40 with the stakeholders listed in paragraph (2), shall prepare for

1 implementation of the applicable provisions of this section by
2 publishing all-county letters or similar instructions from the director
3 by October 1, 2011, to be effective January 1, 2012. Emergency
4 regulations to implement this section may be adopted by the
5 director in accordance with the Administrative Procedure Act. The
6 initial adoption of the emergency regulations and one readoption
7 of the initial regulations shall be deemed to be an emergency and
8 necessary for the immediate preservation of the public peace,
9 health, safety, or general welfare. Initial emergency regulations
10 and the first readoption of those emergency regulations shall be
11 exempt from review by the Office of Administrative Law. The
12 emergency regulations authorized by this section shall be submitted
13 to the Office of Administrative Law for filing with the Secretary
14 of State and shall remain in effect for no more than 180 days.

15 ~~SEC. 35.~~

16 *SEC. 49.* Section 361.5 of the Welfare and Institutions Code
17 is amended to read:

18 361.5. (a) Except as provided in subdivision (b), or when the
19 parent has voluntarily relinquished the child and the relinquishment
20 has been filed with the State Department of Social Services, or
21 upon the establishment of an order of guardianship pursuant to
22 Section 360, or when a court adjudicates a petition under Section
23 329 to modify the court's jurisdiction from delinquency jurisdiction
24 to dependency jurisdiction pursuant to subparagraph (A) of
25 paragraph (2) of subdivision (b) of Section 607.2 and the parents
26 or guardian of the ward have had reunification services terminated
27 under the delinquency jurisdiction, whenever a child is removed
28 from a parent's or guardian's custody, the juvenile court shall order
29 the social worker to provide child welfare services to the child and
30 the child's mother and statutorily presumed father or guardians.
31 Upon a finding and declaration of paternity by the juvenile court
32 or proof of a prior declaration of paternity by any court of
33 competent jurisdiction, the juvenile court may order services for
34 the child and the biological father, if the court determines that the
35 services will benefit the child.

36 (1) Family reunification services, when provided, shall be
37 provided as follows:

38 (A) Except as otherwise provided in subparagraph (C), for a
39 child who, on the date of initial removal from the physical custody
40 of his or her parent or guardian, was three years of age or older,

1 court-ordered services shall be provided beginning with the
2 dispositional hearing and ending 12 months after the date the child
3 entered foster care as provided in Section 361.49, unless the child
4 is returned to the home of the parent or guardian.

5 (B) For a child who, on the date of initial removal from the
6 physical custody of his or her parent or guardian, was under three
7 years of age, court-ordered services shall be provided for a period
8 of six months from the dispositional hearing as provided in
9 subdivision (e) of Section 366.21, but no longer than 12 months
10 from the date the child entered foster care as provided in Section
11 361.49 unless the child is returned to the home of the parent or
12 guardian.

13 (C) For the purpose of placing and maintaining a sibling group
14 together in a permanent home should reunification efforts fail, for
15 a child in a sibling group whose members were removed from
16 parental custody at the same time, and in which one member of
17 the sibling group was under three years of age on the date of initial
18 removal from the physical custody of his or her parent or guardian,
19 court-ordered services for some or all of the sibling group may be
20 limited as set forth in subparagraph (B). For the purposes of this
21 paragraph, “a sibling group” shall mean two or more children who
22 are related to each other as full or half siblings.

23 (2) Any motion to terminate court-ordered reunification services
24 prior to the hearing set pursuant to subdivision (f) of Section 366.21
25 for a child described by subparagraph (A) of paragraph (1), or
26 prior to the hearing set pursuant to subdivision (e) of Section
27 366.21 for a child described by subparagraph (B) or (C) of
28 paragraph (1), shall be made pursuant to the requirements set forth
29 in subdivision (c) of Section 388. A motion to terminate
30 court-ordered reunification services shall not be required at the
31 hearing set pursuant to subdivision (e) of Section 366.21 if the
32 court finds by clear and convincing evidence one of the following:

33 (A) That the child was removed initially under subdivision (g)
34 of Section 300 and the whereabouts of the parent are still unknown.

35 (B) That the parent has failed to contact and visit the child.

36 (C) That the parent has been convicted of a felony indicating
37 parental unfitness.

38 (3) Notwithstanding subparagraphs (A), (B), and (C) of
39 paragraph (1), court-ordered services may be extended up to a
40 maximum time period not to exceed 18 months after the date the

1 child was originally removed from physical custody of his or her
2 parent or guardian if it can be shown, at the hearing held pursuant
3 to subdivision (f) of Section 366.21, that the permanent plan for
4 the child is that he or she will be returned and safely maintained
5 in the home within the extended time period. The court shall extend
6 the time period only if it finds that there is a substantial probability
7 that the child will be returned to the physical custody of his or her
8 parent or guardian within the extended time period or that
9 reasonable services have not been provided to the parent or
10 guardian. In determining whether court-ordered services may be
11 extended, the court shall consider the special circumstances of an
12 incarcerated or institutionalized parent or parents, parent or parents
13 court-ordered to a residential substance abuse treatment program,
14 or a parent who has been arrested and issued an immigration hold,
15 detained by the United States Department of Homeland Security,
16 or deported to his or her country of origin, including, but not
17 limited to, barriers to the parent's or guardian's access to services
18 and ability to maintain contact with his or her child. The court
19 shall also consider, among other factors, good faith efforts that the
20 parent or guardian has made to maintain contact with the child. If
21 the court extends the time period, the court shall specify the factual
22 basis for its conclusion that there is a substantial probability that
23 the child will be returned to the physical custody of his or her
24 parent or guardian within the extended time period. The court also
25 shall make findings pursuant to subdivision (a) of Section 366 and
26 subdivision (e) of Section 358.1.

27 When counseling or other treatment services are ordered, the
28 parent or guardian shall be ordered to participate in those services,
29 unless the parent's or guardian's participation is deemed by the
30 court to be inappropriate or potentially detrimental to the child, or
31 unless a parent or guardian is incarcerated or detained by the United
32 States Department of Homeland Security and the corrections
33 facility in which he or she is incarcerated does not provide access
34 to the treatment services ordered by the court, or has been deported
35 to his or her country of origin and services ordered by the court
36 are not accessible in that country. Physical custody of the child by
37 the parents or guardians during the applicable time period under
38 subparagraph (A), (B), or (C) of paragraph (1) shall not serve to
39 interrupt the running of the time period. If at the end of the
40 applicable time period, a child cannot be safely returned to the

1 care and custody of a parent or guardian without court supervision,
2 but the child clearly desires contact with the parent or guardian,
3 the court shall take the child's desire into account in devising a
4 permanency plan.

5 In cases where the child was under three years of age on the date
6 of the initial removal from the physical custody of his or her parent
7 or guardian or is a member of a sibling group as described in
8 subparagraph (C) of paragraph (1), the court shall inform the parent
9 or guardian that the failure of the parent or guardian to participate
10 regularly in any court-ordered treatment programs or to cooperate
11 or avail himself or herself of services provided as part of the child
12 welfare services case plan may result in a termination of efforts
13 to reunify the family after six months. The court shall inform the
14 parent or guardian of the factors used in subdivision (e) of Section
15 366.21 to determine whether to limit services to six months for
16 some or all members of a sibling group as described in
17 subparagraph (C) of paragraph (1).

18 (4) Notwithstanding paragraph (3), court-ordered services may
19 be extended up to a maximum time period not to exceed 24 months
20 after the date the child was originally removed from physical
21 custody of his or her parent or guardian if it is shown, at the hearing
22 held pursuant to subdivision (b) of Section 366.22, that the
23 permanent plan for the child is that he or she will be returned and
24 safely maintained in the home within the extended time period.
25 The court shall extend the time period only if it finds that it is in
26 the child's best interest to have the time period extended and that
27 there is a substantial probability that the child will be returned to
28 the physical custody of his or her parent or guardian who is
29 described in subdivision (b) of Section 366.22 within the extended
30 time period, or that reasonable services have not been provided to
31 the parent or guardian. If the court extends the time period, the
32 court shall specify the factual basis for its conclusion that there is
33 a substantial probability that the child will be returned to the
34 physical custody of his or her parent or guardian within the
35 extended time period. The court also shall make findings pursuant
36 to subdivision (a) of Section 366 and subdivision (e) of Section
37 358.1.

38 When counseling or other treatment services are ordered, the
39 parent or guardian shall be ordered to participate in those services,
40 in order for substantial probability to be found. Physical custody

1 of the child by the parents or guardians during the applicable time
2 period under subparagraph (A), (B), or (C) of paragraph (1) shall
3 not serve to interrupt the running of the time period. If at the end
4 of the applicable time period, the child cannot be safely returned
5 to the care and custody of a parent or guardian without court
6 supervision, but the child clearly desires contact with the parent
7 or guardian, the court shall take the child's desire into account in
8 devising a permanency plan.

9 Except in cases where, pursuant to subdivision (b), the court
10 does not order reunification services, the court shall inform the
11 parent or parents of Section 366.26 and shall specify that the
12 parent's or parents' parental rights may be terminated.

13 (b) Reunification services need not be provided to a parent or
14 guardian described in this subdivision when the court finds, by
15 clear and convincing evidence, any of the following:

16 (1) That the whereabouts of the parent or guardian is unknown.
17 A finding pursuant to this paragraph shall be supported by an
18 affidavit or by proof that a reasonably diligent search has failed
19 to locate the parent or guardian. The posting or publication of
20 notices is not required in that search.

21 (2) That the parent or guardian is suffering from a mental
22 disability that is described in Chapter 2 (commencing with Section
23 7820) of Part 4 of Division 12 of the Family Code and that renders
24 him or her incapable of utilizing those services.

25 (3) That the child or a sibling of the child has been previously
26 adjudicated a dependent pursuant to any subdivision of Section
27 300 as a result of physical or sexual abuse, that following that
28 adjudication the child had been removed from the custody of his
29 or her parent or guardian pursuant to Section 361, that the child
30 has been returned to the custody of the parent or guardian from
31 whom the child had been taken originally, and that the child is
32 being removed pursuant to Section 361, due to additional physical
33 or sexual abuse.

34 (4) That the parent or guardian of the child has caused the death
35 of another child through abuse or neglect.

36 (5) That the child was brought within the jurisdiction of the
37 court under subdivision (e) of Section 300 because of the conduct
38 of that parent or guardian.

39 (6) That the child has been adjudicated a dependent pursuant
40 to any subdivision of Section 300 as a result of severe sexual abuse

1 or the infliction of severe physical harm to the child, a sibling, or
2 a half sibling by a parent or guardian, as defined in this subdivision,
3 and the court makes a factual finding that it would not benefit the
4 child to pursue reunification services with the offending parent or
5 guardian.

6 A finding of severe sexual abuse, for the purposes of this
7 subdivision, may be based on, but is not limited to, sexual
8 intercourse, or stimulation involving genital-genital, oral-genital,
9 anal-genital, or oral-anal contact, whether between the parent or
10 guardian and the child or a sibling or half sibling of the child, or
11 between the child or a sibling or half sibling of the child and
12 another person or animal with the actual or implied consent of the
13 parent or guardian; or the penetration or manipulation of the
14 child's, sibling's, or half sibling's genital organs or rectum by any
15 animate or inanimate object for the sexual gratification of the
16 parent or guardian, or for the sexual gratification of another person
17 with the actual or implied consent of the parent or guardian.

18 A finding of the infliction of severe physical harm, for the
19 purposes of this subdivision, may be based on, but is not limited
20 to, deliberate and serious injury inflicted to or on a child's body
21 or the body of a sibling or half sibling of the child by an act or
22 omission of the parent or guardian, or of another individual or
23 animal with the consent of the parent or guardian; deliberate and
24 torturous confinement of the child, sibling, or half sibling in a
25 closed space; or any other torturous act or omission that would be
26 reasonably understood to cause serious emotional damage.

27 (7) That the parent is not receiving reunification services for a
28 sibling or a half sibling of the child pursuant to paragraph (3), (5),
29 or (6).

30 (8) That the child was conceived by means of the commission
31 of an offense listed in Section 288 or 288.5 of the Penal Code, or
32 by an act committed outside of this state that, if committed in this
33 state, would constitute one of those offenses. This paragraph only
34 applies to the parent who committed the offense or act.

35 (9) That the child has been found to be a child described in
36 subdivision (g) of Section 300; that the parent or guardian of the
37 child willfully abandoned the child, and the court finds that the
38 abandonment itself constituted a serious danger to the child; or
39 that the parent or other person having custody of the child
40 voluntarily surrendered physical custody of the child pursuant to

1 Section 1255.7 of the Health and Safety Code. For the purposes
2 of this paragraph, “serious danger” means that without the
3 intervention of another person or agency, the child would have
4 sustained severe or permanent disability, injury, illness, or death.
5 For purposes of this paragraph, “willful abandonment” shall not
6 be construed as actions taken in good faith by the parent without
7 the intent of placing the child in serious danger.

8 (10) That the court ordered termination of reunification services
9 for any siblings or half siblings of the child because the parent or
10 guardian failed to reunify with the sibling or half sibling after the
11 sibling or half sibling had been removed from that parent or
12 guardian pursuant to Section 361 and that parent or guardian is
13 the same parent or guardian described in subdivision (a) and that,
14 according to the findings of the court, this parent or guardian has
15 not subsequently made a reasonable effort to treat the problems
16 that led to removal of the sibling or half sibling of that child from
17 that parent or guardian.

18 (11) That the parental rights of a parent over any sibling or half
19 sibling of the child had been permanently severed, and this parent
20 is the same parent described in subdivision (a), and that, according
21 to the findings of the court, this parent has not subsequently made
22 a reasonable effort to treat the problems that led to removal of the
23 sibling or half sibling of that child from the parent.

24 (12) That the parent or guardian of the child has been convicted
25 of a violent felony, as defined in subdivision (c) of Section 667.5
26 of the Penal Code.

27 (13) That the parent or guardian of the child has a history of
28 extensive, abusive, and chronic use of drugs or alcohol and has
29 resisted prior court-ordered treatment for this problem during a
30 three-year period immediately prior to the filing of the petition
31 that brought that child to the court’s attention, or has failed or
32 refused to comply with a program of drug or alcohol treatment
33 described in the case plan required by Section 358.1 on at least
34 two prior occasions, even though the programs identified were
35 available and accessible.

36 (14) That the parent or guardian of the child has advised the
37 court that he or she is not interested in receiving family
38 maintenance or family reunification services or having the child
39 returned to or placed in his or her custody and does not wish to
40 receive family maintenance or reunification services.

1 The parent or guardian shall be represented by counsel and shall
 2 execute a waiver of services form to be adopted by the Judicial
 3 Council. The court shall advise the parent or guardian of any right
 4 to services and of the possible consequences of a waiver of
 5 services, including the termination of parental rights and placement
 6 of the child for adoption. The court shall not accept the waiver of
 7 services unless it states on the record its finding that the parent or
 8 guardian has knowingly and intelligently waived the right to
 9 services.

10 (15) That the parent or guardian has on one or more occasions
 11 willfully abducted the child or child’s sibling or half sibling from
 12 his or her placement and refused to disclose the child’s or child’s
 13 sibling’s or half sibling’s whereabouts, refused to return physical
 14 custody of the child or child’s sibling or half sibling to his or her
 15 placement, or refused to return physical custody of the child or
 16 child’s sibling or half sibling to the social worker.

17 (16) That the parent or guardian has been required by the court
 18 to be registered on a sex offender registry under the federal Adam
 19 Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.
 20 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the
 21 Child Abuse Prevention and Treatment Act of 2006 (42 U.S.C.
 22 Sec. 5106a(2)(B)(xvi)(VI)).

23 (c) In deciding whether to order reunification in any case in
 24 which this section applies, the court shall hold a dispositional
 25 hearing. The social worker shall prepare a report that discusses
 26 whether reunification services shall be provided. When it is alleged,
 27 pursuant to paragraph (2) of subdivision (b), that the parent is
 28 incapable of utilizing services due to mental disability, the court
 29 shall order reunification services unless competent evidence from
 30 mental health professionals establishes that, even with the provision
 31 of services, the parent is unlikely to be capable of adequately caring
 32 for the child within the time limits specified in subdivision (a).

33 The court shall not order reunification for a parent or guardian
 34 described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12),
 35 (13), (14), (15), or (16) of subdivision (b) unless the court finds,
 36 by clear and convincing evidence, that reunification is in the best
 37 interest of the child.

38 In addition, the court shall not order reunification in any situation
 39 described in paragraph (5) of subdivision (b) unless it finds that,
 40 based on competent testimony, those services are likely to prevent

1 reabuse or continued neglect of the child or that failure to try
2 reunification will be detrimental to the child because the child is
3 closely and positively attached to that parent. The social worker
4 shall investigate the circumstances leading to the removal of the
5 child and advise the court whether there are circumstances that
6 indicate that reunification is likely to be successful or unsuccessful
7 and whether failure to order reunification is likely to be detrimental
8 to the child.

9 The failure of the parent to respond to previous services, the fact
10 that the child was abused while the parent was under the influence
11 of drugs or alcohol, a past history of violent behavior, or testimony
12 by a competent professional that the parent's behavior is unlikely
13 to be changed by services are among the factors indicating that
14 reunification services are unlikely to be successful. The fact that
15 a parent or guardian is no longer living with an individual who
16 severely abused the child may be considered in deciding that
17 reunification services are likely to be successful, provided that the
18 court shall consider any pattern of behavior on the part of the parent
19 that has exposed the child to repeated abuse.

20 (d) If reunification services are not ordered pursuant to
21 paragraph (1) of subdivision (b) and the whereabouts of a parent
22 become known within six months of the out-of-home placement
23 of the child, the court shall order the social worker to provide
24 family reunification services in accordance with this subdivision.

25 (e) (1) If the parent or guardian is incarcerated, institutionalized,
26 or detained by the United States Department of Homeland Security,
27 or has been deported to his or her country of origin, the court shall
28 order reasonable services unless the court determines, by clear and
29 convincing evidence, those services would be detrimental to the
30 child. In determining detriment, the court shall consider the age
31 of the child, the degree of parent-child bonding, the length of the
32 sentence, the length and nature of the treatment, the nature of the
33 crime or illness, the degree of detriment to the child if services are
34 not offered and, for children 10 years of age or older, the child's
35 attitude toward the implementation of family reunification services,
36 the likelihood of the parent's discharge from incarceration,
37 institutionalization, or detention within the reunification time
38 limitations described in subdivision (a), and any other appropriate
39 factors. In determining the content of reasonable services, the court
40 shall consider the particular barriers to an incarcerated,

1 institutionalized, detained, or deported parent’s access to those
2 court-mandated services and ability to maintain contact with his
3 or her child, and shall document this information in the child’s
4 case plan. Reunification services are subject to the applicable time
5 limitations imposed in subdivision (a). Services may include, but
6 shall not be limited to, all of the following:

7 (A) Maintaining contact between the parent and child through
8 collect telephone calls.

9 (B) Transportation services, ~~where~~ *when* appropriate.

10 (C) Visitation services, ~~where~~ *when* appropriate.

11 (D) Reasonable services to extended family members or foster
12 parents providing care for the child if the services are not
13 detrimental to the child.

14 An incarcerated or detained parent may be required to attend
15 counseling, parenting classes, or vocational training programs as
16 part of the reunification service plan if actual access to these
17 services is provided. The social worker shall document in the
18 child’s case plan the particular barriers to an incarcerated,
19 institutionalized, or detained parent’s access to those
20 court-mandated services and ability to maintain contact with his
21 or her child.

22 (E) Reasonable efforts to assist parents who have been deported
23 to contact child welfare authorities in their country of origin, to
24 identify any available services that would substantially comply
25 with case plan requirements, to document the parents’ participation
26 in those services, and to accept reports from local child welfare
27 authorities as to the parents’ living situation, progress, and
28 participation in services.

29 (2) The presiding judge of the juvenile court of each county
30 may convene representatives of the county welfare department,
31 the sheriff’s department, and other appropriate entities for the
32 purpose of developing and entering into protocols for ensuring the
33 notification, transportation, and presence of an incarcerated or
34 institutionalized parent at all court hearings involving proceedings
35 affecting the child pursuant to Section 2625 of the Penal Code.
36 The county welfare department shall utilize the prisoner locator
37 system developed by the Department of Corrections and
38 Rehabilitation to facilitate timely and effective notice of hearings
39 for incarcerated parents.

1 (3) Notwithstanding any other law, if the incarcerated parent is
2 a woman seeking to participate in the community treatment
3 program operated by the Department of Corrections and
4 Rehabilitation pursuant to Chapter 4.8 (commencing with Section
5 1174) of Title 7 of Part 2 of, Chapter 4 (commencing with Section
6 3410) of Title 2 of Part 3 of, the Penal Code, the court shall
7 determine whether the parent's participation in a program is in the
8 child's best interest and whether it is suitable to meet the needs of
9 the parent and child.

10 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
11 (8), (9), (10), (11), (12), (13), (14), (15), or (16) of subdivision (b)
12 or paragraph (1) of subdivision (e), does not order reunification
13 services, it shall, at the dispositional hearing, that shall include a
14 permanency hearing, determine if a hearing under Section 366.26
15 shall be set in order to determine whether adoption, guardianship,
16 placement with a fit and willing relative, or another planned
17 permanent living arrangement, or in the case of an Indian child,
18 in consultation with the child's tribe, tribal customary adoption,
19 is the most appropriate plan for the child, and shall consider in-state
20 and out-of-state placement options. If the court so determines, it
21 shall conduct the hearing pursuant to Section 366.26 within 120
22 days after the dispositional hearing. However, the court shall not
23 schedule a hearing so long as the other parent is being provided
24 reunification services pursuant to subdivision (a). The court may
25 continue to permit the parent to visit the child unless it finds that
26 visitation would be detrimental to the child.

27 (g) (1) Whenever a court orders that a hearing shall be held
28 pursuant to Section 366.26, including, when, in consultation with
29 the child's tribe, tribal customary adoption is recommended, it
30 shall direct the agency supervising the child and the county
31 adoption agency, or the State Department of Social Services when
32 it is acting as an adoption agency, to prepare an assessment that
33 shall include:

34 (A) Current search efforts for an absent parent or parents and
35 notification of a noncustodial parent in the manner provided for
36 in Section 291.

37 (B) A review of the amount of and nature of any contact between
38 the child and his or her parents and other members of his or her
39 extended family since the time of placement. Although the
40 extended family of each child shall be reviewed on a case-by-case

1 basis, “extended family” for the purpose of this subparagraph shall
2 include, but not be limited to, the child’s siblings, grandparents,
3 aunts, and uncles.

4 (C) An evaluation of the child’s medical, developmental,
5 scholastic, mental, and emotional status.

6 (D) A preliminary assessment of the eligibility and commitment
7 of any identified prospective adoptive parent or guardian, including
8 a prospective tribal customary adoptive parent, particularly the
9 caretaker, to include a social history, including screening for
10 criminal records and prior referrals for child abuse or neglect, the
11 capability to meet the child’s needs, and the understanding of the
12 legal and financial rights and responsibilities of adoption and
13 guardianship. If a proposed guardian is a relative of the minor, the
14 assessment shall also consider, but need not be limited to, all of
15 the factors specified in subdivision (a) of Section 361.3 and in
16 Section 361.4. As used in this subparagraph, “relative” means an
17 adult who is related to the minor by blood, adoption, or affinity
18 within the fifth degree of kinship, including stepparents,
19 stepsiblings, and all relatives whose status is preceded by the words
20 “great,” “great-great,” or “grand,” or the spouse of any of those
21 persons even if the marriage was terminated by death or
22 dissolution. If the proposed permanent plan is guardianship with
23 an approved relative caregiver for a minor eligible for aid under
24 the Kin-GAP Program, as provided for in Article 4.7 (commencing
25 with Section 11385) of Chapter 2 of Part 3 of Division 9, “relative”
26 as used in this section has the same meaning as “relative” as
27 defined in subdivision (c) of Section 11391.

28 (E) The relationship of the child to any identified prospective
29 adoptive parent or guardian, including a prospective tribal
30 customary parent, the duration and character of the relationship,
31 the degree of attachment of the child to the prospective relative
32 guardian or adoptive parent, the relative’s or adoptive parent’s
33 strong commitment to caring permanently for the child, the
34 motivation for seeking adoption or guardianship, a statement from
35 the child concerning placement and the adoption or guardianship,
36 and whether the child over 12 years of age has been consulted
37 about the proposed relative guardianship arrangements, unless the
38 child’s age or physical, emotional, or other condition precludes
39 his or her meaningful response, and if so, a description of the
40 condition.

1 (F) An analysis of the likelihood that the child will be adopted
2 if parental rights are terminated.

3 (G) In the case of an Indian child, in addition to subparagraphs
4 (A) to (F), inclusive, an assessment of the likelihood that the child
5 will be adopted, when, in consultation with the child's tribe, a
6 customary adoption, as defined in Section 366.24, is recommended.
7 If tribal customary adoption is recommended, the assessment shall
8 include an analysis of both of the following:

9 (i) Whether tribal customary adoption would or would not be
10 detrimental to the Indian child and the reasons for reaching that
11 conclusion.

12 (ii) Whether the Indian child cannot or should not be returned
13 to the home of the Indian parent or Indian custodian and the reasons
14 for reaching that conclusion.

15 (2) (A) A relative caregiver's preference for legal guardianship
16 over adoption, if it is due to circumstances that do not include an
17 unwillingness to accept legal or financial responsibility for the
18 child, shall not constitute the sole basis for recommending removal
19 of the child from the relative caregiver for purposes of adoptive
20 placement.

21 (B) Regardless of his or her immigration status, a relative
22 caregiver shall be given information regarding the permanency
23 options of guardianship and adoption, including the long-term
24 benefits and consequences of each option, prior to establishing
25 legal guardianship or pursuing adoption. If the proposed permanent
26 plan is guardianship with an approved relative caregiver for a
27 minor eligible for aid under the Kin-GAP Program, as provided
28 for in Article 4.7 (commencing with Section 11385) of Chapter 2
29 of Part 3 of Division 9, the relative caregiver shall be informed
30 about the terms and conditions of the negotiated agreement
31 pursuant to Section 11387 and shall agree to its execution prior to
32 the hearing held pursuant to Section 366.26. A copy of the executed
33 negotiated agreement shall be attached to the assessment.

34 (h) If, at any hearing held pursuant to Section 366.26, a
35 guardianship is established for the minor with an approved relative
36 caregiver and juvenile court dependency is subsequently dismissed,
37 the minor shall be eligible for aid under the Kin-GAP Program as
38 provided for in Article 4.5 (commencing with Section 11360) or
39 Article 4.7 (commencing with Section 11385) of Chapter 2 of Part
40 3 of Division 9, as applicable.

1 (i) In determining whether reunification services will benefit
 2 the child pursuant to paragraph (6) or (7) of subdivision (b), the
 3 court shall consider any information it deems relevant, including
 4 the following factors:

5 (1) The specific act or omission comprising the severe sexual
 6 abuse or the severe physical harm inflicted on the child or the
 7 child’s sibling or half sibling.

8 (2) The circumstances under which the abuse or harm was
 9 inflicted on the child or the child’s sibling or half sibling.

10 (3) The severity of the emotional trauma suffered by the child
 11 or the child’s sibling or half sibling.

12 (4) Any history of abuse of other children by the offending
 13 parent or guardian.

14 (5) The likelihood that the child may be safely returned to the
 15 care of the offending parent or guardian within 12 months with no
 16 continuing supervision.

17 (6) Whether or not the child desires to be reunified with the
 18 offending parent or guardian.

19 (j) When the court determines that reunification services will
 20 not be ordered, it shall order that the child’s caregiver receive the
 21 child’s birth certificate in accordance with Sections 16010.4 and
 22 16010.5. Additionally, when the court determines that reunification
 23 services will not be ordered, it shall order, when appropriate, that
 24 a child who is 16 years of age or older receive his or her birth
 25 certificate.

26 (k) The court shall read into the record the basis for a finding
 27 of severe sexual abuse or the infliction of severe physical harm
 28 under paragraph (6) of subdivision (b), and shall also specify the
 29 factual findings used to determine that the provision of
 30 reunification services to the offending parent or guardian would
 31 not benefit the child.

32 ~~SEC. 36.~~

33 *SEC. 50.* Section 366.26 of the Welfare and Institutions Code
 34 is amended to read:

35 366.26. (a) This section applies to children who are adjudged
 36 dependent children of the juvenile court pursuant to subdivision
 37 (d) of Section 360. The procedures specified herein are the
 38 exclusive procedures for conducting these hearings; Part 2
 39 (commencing with Section 3020) of Division 8 of the Family Code
 40 is not applicable to these proceedings. Section 8616.5 of the Family

1 Code is applicable and available to all dependent children meeting
2 the requirements of that section, if the postadoption contact
3 agreement has been entered into voluntarily. For children who are
4 adjudged dependent children of the juvenile court pursuant to
5 subdivision (d) of Section 360, this section and Sections 8604,
6 8605, 8606, and 8700 of the Family Code and Chapter 5
7 (commencing with Section 7660) of Part 3 of Division 12 of the
8 Family Code specify the exclusive procedures for permanently
9 terminating parental rights with regard to, or establishing legal
10 guardianship of, the child while the child is a dependent child of
11 the juvenile court.

12 (b) At the hearing, which shall be held in juvenile court for all
13 children who are dependents of the juvenile court, the court, in
14 order to provide stable, permanent homes for these children, shall
15 review the report as specified in Section 361.5, 366.21, 366.22, or
16 366.25, shall indicate that the court has read and considered it,
17 shall receive other evidence that the parties may present, and then
18 shall make findings and orders in the following order of preference:

19 (1) Terminate the rights of the parent or parents and order that
20 the child be placed for adoption and, upon the filing of a petition
21 for adoption in the juvenile court, order that a hearing be set. The
22 court shall proceed with the adoption after the appellate rights of
23 the natural parents have been exhausted.

24 (2) Order, without termination of parental rights, the plan of
25 tribal customary adoption, as described in Section 366.24, through
26 tribal custom, traditions, or law of the Indian child's tribe, and
27 upon the court affording the tribal customary adoption order full
28 faith and credit at the continued selection and implementation
29 hearing, order that a hearing be set pursuant to paragraph (2) of
30 subdivision (e).

31 (3) Appoint a relative or relatives with whom the child is
32 currently residing as legal guardian or guardians for the child, and
33 order that letters of guardianship issue.

34 (4) On making a finding under paragraph (3) of subdivision (c),
35 identify adoption or tribal customary adoption as the permanent
36 placement goal and order that efforts be made to locate an
37 appropriate adoptive family for the child within a period not to
38 exceed 180 days.

39 (5) Appoint a nonrelative legal guardian for the child and order
40 that letters of guardianship issue.

1 (6) Order that the child be permanently placed with a fit and
2 willing relative, subject to the periodic review of the juvenile court
3 under Section 366.3.

4 (7) Order that the child remain in foster care, subject to the
5 conditions described in paragraph (4) of subdivision (c) and the
6 periodic review of the juvenile court under Section 366.3.

7 In choosing among the above alternatives the court shall proceed
8 pursuant to subdivision (c).

9 (c) (1) If the court determines, based on the assessment provided
10 as ordered under subdivision (i) of Section 366.21, subdivision (b)
11 of Section 366.22, or subdivision (b) of Section 366.25, and any
12 other relevant evidence, by a clear and convincing standard, that
13 it is likely the child will be adopted, the court shall terminate
14 parental rights and order the child placed for adoption. The fact
15 that the child is not yet placed in a preadoptive home nor with a
16 relative or foster family who is prepared to adopt the child, shall
17 not constitute a basis for the court to conclude that it is not likely
18 the child will be adopted. A finding under subdivision (b) or
19 paragraph (1) of subdivision (e) of Section 361.5 that reunification
20 services shall not be offered, under subdivision (e) of Section
21 366.21 that the whereabouts of a parent have been unknown for
22 six months or that the parent has failed to visit or contact the child
23 for six months, or that the parent has been convicted of a felony
24 indicating parental unfitness, or, under Section 366.21 or 366.22,
25 that the court has continued to remove the child from the custody
26 of the parent or guardian and has terminated reunification services,
27 shall constitute a sufficient basis for termination of parental rights.
28 Under these circumstances, the court shall terminate parental rights
29 unless either of the following applies:

30 (A) The child is living with a relative who is unable or unwilling
31 to adopt the child because of circumstances that do not include an
32 unwillingness to accept legal or financial responsibility for the
33 child, but who is willing and capable of providing the child with
34 a stable and permanent environment through legal guardianship,
35 and the removal of the child from the custody of his or her relative
36 would be detrimental to the emotional well-being of the child. For
37 purposes of an Indian child, “relative” shall include an “extended
38 family member,” as defined in the federal Indian Child Welfare
39 Act of 1978 (25 U.S.C. Sec. 1903(2)).

1 (B) The court finds a compelling reason for determining that
2 termination would be detrimental to the child due to one or more
3 of the following circumstances:

4 (i) The parents have maintained regular visitation and contact
5 with the child and the child would benefit from continuing the
6 relationship.

7 (ii) A child 12 years of age or older objects to termination of
8 parental rights.

9 (iii) The child is placed in a residential treatment facility,
10 adoption is unlikely or undesirable, and continuation of parental
11 rights will not prevent finding the child a permanent family
12 placement if the parents cannot resume custody when residential
13 care is no longer needed.

14 (iv) The child is living with a foster parent or Indian custodian
15 who is unable or unwilling to adopt the child because of
16 exceptional circumstances, that do not include an unwillingness
17 to accept legal or financial responsibility for the child, but who is
18 willing and capable of providing the child with a stable and
19 permanent environment and the removal of the child from the
20 physical custody of his or her foster parent or Indian custodian
21 would be detrimental to the emotional well-being of the child. This
22 clause does not apply to any child who is either (I) under six years
23 of age or (II) a member of a sibling group where at least one child
24 is under six years of age and the siblings are, or should be,
25 permanently placed together.

26 (v) There would be substantial interference with a child's sibling
27 relationship, taking into consideration the nature and extent of the
28 relationship, including, but not limited to, whether the child was
29 raised with a sibling in the same home, whether the child shared
30 significant common experiences or has existing close and strong
31 bonds with a sibling, and whether ongoing contact is in the child's
32 best interest, including the child's long-term emotional interest,
33 as compared to the benefit of legal permanence through adoption.

34 (vi) The child is an Indian child and there is a compelling reason
35 for determining that termination of parental rights would not be
36 in the best interest of the child, including, but not limited to:

37 (I) Termination of parental rights would substantially interfere
38 with the child's connection to his or her tribal community or the
39 child's tribal membership rights.

1 (II) The child's tribe has identified guardianship, foster care
2 with a fit and willing relative, tribal customary adoption, or another
3 planned permanent living arrangement for the child.

4 (III) The child is a nonminor dependent, and the nonminor and
5 the nonminor's tribe have identified tribal customary adoption for
6 the nonminor.

7 (C) For purposes of subparagraph (B), in the case of tribal
8 customary adoptions, Section 366.24 shall apply.

9 (D) If the court finds that termination of parental rights would
10 be detrimental to the child pursuant to clause (i), (ii), (iii), (iv),
11 (v), or (vi), it shall state its reasons in writing or on the record.

12 (2) The court shall not terminate parental rights if:

13 (A) At each hearing at which the court was required to consider
14 reasonable efforts or services, the court has found that reasonable
15 efforts were not made or that reasonable services were not offered
16 or provided.

17 (B) In the case of an Indian child:

18 (i) At the hearing terminating parental rights, the court has found
19 that active efforts were not made as required in Section 361.7.

20 (ii) The court does not make a determination at the hearing
21 terminating parental rights, supported by evidence beyond a
22 reasonable doubt, including testimony of one or more "qualified
23 expert witnesses" as defined in Section 224.6, that the continued
24 custody of the child by the parent is likely to result in serious
25 emotional or physical damage to the child.

26 (iii) The court has ordered tribal customary adoption pursuant
27 to Section 366.24.

28 (3) If the court finds that termination of parental rights would
29 not be detrimental to the child pursuant to paragraph (1) and that
30 the child has a probability for adoption but is difficult to place for
31 adoption and there is no identified or available prospective adoptive
32 parent, the court may identify adoption as the permanent placement
33 goal and, without terminating parental rights, order that efforts be
34 made to locate an appropriate adoptive family for the child, within
35 the state or out of the state, within a period not to exceed 180 days.
36 During this 180-day period, the public agency responsible for
37 seeking adoptive parents for each child shall, to the extent possible,
38 ask each child who is 10 years of age or older to identify any
39 individuals, other than the child's siblings, who are important to
40 the child, in order to identify potential adoptive parents. The public

1 agency may ask any other child to provide that information, as
2 appropriate. During the 180-day period, the public agency shall,
3 to the extent possible, contact other private and public adoption
4 agencies regarding the availability of the child for adoption. During
5 the 180-day period, the public agency shall conduct the search for
6 adoptive parents in the same manner as prescribed for children in
7 Sections 8708 and 8709 of the Family Code. At the expiration of
8 this period, another hearing shall be held and the court shall
9 proceed pursuant to paragraph (1), (2), (3), (5), or (6) of subdivision
10 (b). For purposes of this section, a child may only be found to be
11 difficult to place for adoption if there is no identified or available
12 prospective adoptive parent for the child because of the child's
13 membership in a sibling group, or the presence of a diagnosed
14 medical, physical, or mental handicap, or the child is seven years
15 of age or older.

16 (4) (A) If the court finds that adoption of the child or
17 termination of parental rights is not in the best interest of the child,
18 because one of the conditions in clause (i), (ii), (iii), (iv), (v), or
19 (vi) of subparagraph (B) of paragraph (1) or in paragraph (2)
20 applies, the court shall order that the present caretakers or other
21 appropriate persons shall become legal guardians of the child, or,
22 in the case of an Indian child, consider a tribal customary adoption
23 pursuant to Section 366.24. Legal guardianship shall be considered
24 before continuing the child in foster care under any other permanent
25 plan, if it is in the best interests of the child and if a suitable
26 guardian can be found. If the child continues in foster care, the
27 court shall make factual findings identifying any barriers to
28 achieving adoption, tribal customary adoption in the case of an
29 Indian child, legal guardianship, or placement with a fit and willing
30 relative as of the date of the hearing. A child who is 10 years of
31 age or older, shall be asked to identify any individuals, other than
32 the child's siblings, who are important to the child, in order to
33 identify potential guardians or, in the case of an Indian child,
34 prospective tribal customary adoptive parents. The agency may
35 ask any other child to provide that information, as appropriate.

36 (B) (i) If the child is living with an approved relative who is
37 willing and capable of providing a stable and permanent
38 environment, but not willing to become a legal guardian as of the
39 hearing date, the court shall order a permanent plan of placement
40 with a fit and willing relative, and the child shall not be removed

1 from the home if the court finds the removal would be seriously
2 detrimental to the emotional well-being of the child because the
3 child has substantial psychological ties to the relative caretaker.

4 (ii) If the child is living with a nonrelative caregiver who is
5 willing and capable of providing a stable and permanent
6 environment, but not willing to become a legal guardian as of the
7 hearing date, the court shall order that the child remain in foster
8 care with a permanent plan of return home, adoption, legal
9 guardianship, or placement with a fit and willing relative, as
10 appropriate. If the child is 16 years of age or older, or a nonminor
11 dependent, and no other permanent plan is appropriate at the time
12 of the hearing, the court may order another planned permanent
13 living arrangement, as described in paragraph (2) of subdivision
14 (i) of Section 16501. Regardless of the age of the child, the child
15 shall not be removed from the home if the court finds the removal
16 would be seriously detrimental to the emotional well-being of the
17 child because the child has substantial psychological ties to the
18 caregiver.

19 (iii) If the child is living in a group home or, on or after January
20 1, 2017, a short-term residential treatment center, the court shall
21 order that the child remain in foster care with a permanent plan of
22 return home, adoption, tribal customary adoption in the case of an
23 Indian child, legal guardianship, or placement with a fit and willing
24 relative, as appropriate. If the child is 16 years of age or older, or
25 a nonminor dependent, and no other permanent plan is appropriate
26 at the time of the hearing, the court may order another planned
27 permanent living arrangement, as described in paragraph (2) of
28 subdivision (i) of Section 16501.

29 (C) The court shall also make an order for visitation with the
30 parents or guardians unless the court finds by a preponderance of
31 the evidence that the visitation would be detrimental to the physical
32 or emotional well-being of the child.

33 (5) If the court finds that the child should not be placed for
34 adoption, that legal guardianship shall not be established, that
35 placement with a fit and willing relative is not appropriate as of
36 the hearing date, and that there are no suitable foster parents except
37 certified family homes or resource families of a foster family
38 agency available to provide the child with a stable and permanent
39 environment, the court may order the care, custody, and control
40 of the child transferred from the county welfare department to a

1 licensed foster family agency. The court shall consider the written
2 recommendation of the county welfare director regarding the
3 suitability of the transfer. The transfer shall be subject to further
4 court orders.

5 The licensed foster family agency shall place the child in a
6 suitable licensed or certified family home that has been certified
7 by the agency as meeting licensing standards or with a resource
8 family approved by the agency. The licensed foster family agency
9 shall be responsible for supporting the child and providing
10 appropriate services to the child, including those services ordered
11 by the court. Responsibility for the support of the child shall not,
12 in and of itself, create liability on the part of the foster family
13 agency to third persons injured by the child. Those children whose
14 care, custody, and control are transferred to a foster family agency
15 shall not be eligible for foster care maintenance payments or child
16 welfare services, except for emergency response services pursuant
17 to Section 16504.

18 (d) The proceeding for the appointment of a guardian for a child
19 who is a dependent of the juvenile court shall be in the juvenile
20 court. If the court finds pursuant to this section that legal
21 guardianship is the appropriate permanent plan, it shall appoint
22 the legal guardian and issue letters of guardianship. The assessment
23 prepared pursuant to subdivision (g) of Section 361.5, subdivision
24 (i) of Section 366.21, subdivision (b) of Section 366.22, and
25 subdivision (b) of Section 366.25 shall be read and considered by
26 the court prior to the appointment, and this shall be reflected in
27 the minutes of the court. The person preparing the assessment may
28 be called and examined by any party to the proceeding.

29 (e) (1) The proceeding for the adoption of a child who is a
30 dependent of the juvenile court shall be in the juvenile court if the
31 court finds pursuant to this section that adoption is the appropriate
32 permanent plan and the petition for adoption is filed in the juvenile
33 court. Upon the filing of a petition for adoption, the juvenile court
34 shall order that an adoption hearing be set. The court shall proceed
35 with the adoption after the appellate rights of the natural parents
36 have been exhausted. The full report required by Section 8715 of
37 the Family Code shall be read and considered by the court prior
38 to the adoption and this shall be reflected in the minutes of the
39 court. The person preparing the report may be called and examined
40 by any party to the proceeding. It is the intent of the Legislature,

1 pursuant to this subdivision, to give potential adoptive parents the
2 option of filing in the juvenile court the petition for the adoption
3 of a child who is a dependent of the juvenile court. Nothing in this
4 section is intended to prevent the filing of a petition for adoption
5 in any other court as permitted by law, instead of in the juvenile
6 court.

7 (2) In the case of an Indian child, if the Indian child's tribe has
8 elected a permanent plan of tribal customary adoption, the court,
9 upon receiving the tribal customary adoption order will afford the
10 tribal customary adoption order full faith and credit to the same
11 extent that the court would afford full faith and credit to the public
12 acts, records, judicial proceedings, and judgments of any other
13 entity. Upon a determination that the tribal customary adoption
14 order may be afforded full faith and credit, consistent with Section
15 224.5, the court shall thereafter order a hearing to finalize the
16 adoption be set upon the filing of the adoption petition. The
17 prospective tribal customary adoptive parents and the child who
18 is the subject of the tribal customary adoption petition shall appear
19 before the court for the finalization hearing. The court shall
20 thereafter issue an order of adoption pursuant to Section 366.24.

21 (3) If a child who is the subject of a finalized tribal customary
22 adoption shows evidence of a developmental disability or mental
23 illness as a result of conditions existing before the tribal customary
24 adoption to the extent that the child cannot be relinquished to a
25 licensed adoption agency on the grounds that the child is considered
26 unadoptable, and of which condition the tribal customary adoptive
27 parent or parents had no knowledge or notice before the entry of
28 the tribal customary adoption order, a petition setting forth those
29 facts may be filed by the tribal customary adoptive parent or
30 parents with the juvenile court that granted the tribal customary
31 adoption petition. If these facts are proved to the satisfaction of
32 the juvenile court, it may make an order setting aside the tribal
33 customary adoption order. The set-aside petition shall be filed
34 within five years of the issuance of the tribal customary adoption
35 order. The court clerk shall immediately notify the child's tribe
36 and the department in Sacramento of the petition within 60 days
37 after the notice of filing of the petition. The department shall file
38 a full report with the court and shall appear before the court for
39 the purpose of representing the child. Whenever a final decree of
40 tribal customary adoption has been vacated or set aside, the child

1 shall be returned to the custody of the county in which the
2 proceeding for tribal customary adoption was finalized. The
3 biological parent or parents of the child may petition for return of
4 custody. The disposition of the child after the court has entered an
5 order to set aside a tribal customary adoption shall include
6 consultation with the child's tribe.

7 (f) At the beginning of any proceeding pursuant to this section,
8 if the child or the parents are not being represented by previously
9 retained or appointed counsel, the court shall proceed as follows:

10 (1) In accordance with subdivision (c) of Section 317, if a child
11 before the court is without counsel, the court shall appoint counsel
12 unless the court finds that the child would not benefit from the
13 appointment of counsel. The court shall state on the record its
14 reasons for that finding.

15 (2) If a parent appears without counsel and is unable to afford
16 counsel, the court shall appoint counsel for the parent, unless this
17 representation is knowingly and intelligently waived. The same
18 counsel shall not be appointed to represent both the child and his
19 or her parent. The public defender or private counsel may be
20 appointed as counsel for the parent.

21 (3) Private counsel appointed under this section shall receive a
22 reasonable sum for compensation and expenses, the amount of
23 which shall be determined by the court. The amount shall be paid
24 by the real parties in interest, other than the child, in any
25 proportions the court deems just. However, if the court finds that
26 any of the real parties in interest are unable to afford counsel, the
27 amount shall be paid out of the general fund of the county.

28 (g) The court may continue the proceeding for a period of time
29 not to exceed 30 days as necessary to appoint counsel, and to
30 enable counsel to become acquainted with the case.

31 (h) (1) At all proceedings under this section, the court shall
32 consider the wishes of the child and shall act in the best interests
33 of the child.

34 (2) In accordance with Section 349, the child shall be present
35 in court if the child or the child's counsel so requests or the court
36 so orders. If the child is 10 years of age or older and is not present
37 at a hearing held pursuant to this section, the court shall determine
38 whether the minor was properly notified of his or her right to attend
39 the hearing and inquire as to the reason why the child is not present.

1 (3) (A) The testimony of the child may be taken in chambers
2 and outside the presence of the child’s parent or parents, if the
3 child’s parent or parents are represented by counsel, the counsel
4 is present, and any of the following circumstances exist:

5 (i) The court determines that testimony in chambers is necessary
6 to ensure truthful testimony.

7 (ii) The child is likely to be intimidated by a formal courtroom
8 setting.

9 (iii) The child is afraid to testify in front of his or her parent or
10 parents.

11 (B) After testimony in chambers, the parent or parents of the
12 child may elect to have the court reporter read back the testimony
13 or have the testimony summarized by counsel for the parent or
14 parents.

15 (C) The testimony of a child also may be taken in chambers and
16 outside the presence of the guardian or guardians of a child under
17 the circumstances specified in this subdivision.

18 (i) (1) Any order of the court permanently terminating parental
19 rights under this section shall be conclusive and binding upon the
20 child, upon the parent or parents and, upon all other persons who
21 have been served with citation by publication or otherwise as
22 provided in this chapter. After making the order, the juvenile court
23 shall have no power to set aside, change, or modify it, except as
24 provided in paragraph (2), but nothing in this section shall be
25 construed to limit the right to appeal the order.

26 (2) A tribal customary adoption order evidencing that the Indian
27 child has been the subject of a tribal customary adoption shall be
28 afforded full faith and credit and shall have the same force and
29 effect as an order of adoption authorized by this section. The rights
30 and obligations of the parties as to the matters determined by the
31 Indian child’s tribe shall be binding on all parties. A court shall
32 not order compliance with the order absent a finding that the party
33 seeking the enforcement participated, or attempted to participate,
34 in good faith, in family mediation services of the court or dispute
35 resolution through the tribe regarding the conflict, prior to the
36 filing of the enforcement action.

37 (3) A child who has not been adopted after the passage of at
38 least three years from the date the court terminated parental rights
39 and for whom the court has determined that adoption is no longer
40 the permanent plan may petition the juvenile court to reinstate

1 parental rights pursuant to the procedure prescribed by Section
2 388. The child may file the petition prior to the expiration of this
3 three-year period if the State Department of Social Services, county
4 adoption agency, or licensed adoption agency that is responsible
5 for custody and supervision of the child as described in subdivision
6 (j) and the child stipulate that the child is no longer likely to be
7 adopted. A child over 12 years of age shall sign the petition in the
8 absence of a showing of good cause as to why the child could not
9 do so. If it appears that the best interests of the child may be
10 promoted by reinstatement of parental rights, the court shall order
11 that a hearing be held and shall give prior notice, or cause prior
12 notice to be given, to the social worker or probation officer and to
13 the child's attorney of record, or, if there is no attorney of record
14 for the child, to the child, and the child's tribe, if applicable, by
15 means prescribed by subdivision (c) of Section 297. The court
16 shall order the child or the social worker or probation officer to
17 give prior notice of the hearing to the child's former parent or
18 parents whose parental rights were terminated in the manner
19 prescribed by subdivision (f) of Section 294 where the
20 recommendation is adoption. The juvenile court shall grant the
21 petition if it finds by clear and convincing evidence that the child
22 is no longer likely to be adopted and that reinstatement of parental
23 rights is in the child's best interest. If the court reinstates parental
24 rights over a child who is under 12 years of age and for whom the
25 new permanent plan will not be reunification with a parent or legal
26 guardian, the court shall specify the factual basis for its findings
27 that it is in the best interest of the child to reinstate parental rights.
28 This subdivision is intended to be retroactive and applies to any
29 child who is under the jurisdiction of the juvenile court at the time
30 of the hearing regardless of the date parental rights were terminated.
31 (j) If the court, by order or judgment, declares the child free
32 from the custody and control of both parents, or one parent if the
33 other does not have custody and control, or declares the child
34 eligible for tribal customary adoption, the court shall at the same
35 time order the child referred to the State Department of Social
36 Services, county adoption agency, or licensed adoption agency for
37 adoptive placement by the agency. However, except in the case
38 of a tribal customary adoption where there is no termination of
39 parental rights, a petition for adoption may not be granted until
40 the appellate rights of the natural parents have been exhausted.

1 The State Department of Social Services, county adoption agency,
2 or licensed adoption agency shall be responsible for the custody
3 and supervision of the child and shall be entitled to the exclusive
4 care and control of the child at all times until a petition for adoption
5 or tribal customary adoption is granted, except as specified in
6 subdivision (n). With the consent of the agency, the court may
7 appoint a guardian of the child, who shall serve until the child is
8 adopted.

9 (k) Notwithstanding any other law, the application of any person
10 who, as a relative caretaker or foster parent, has cared for a
11 dependent child for whom the court has approved a permanent
12 plan for adoption, or who has been freed for adoption, shall be
13 given preference with respect to that child over all other
14 applications for adoptive placement if the agency making the
15 placement determines that the child has substantial emotional ties
16 to the relative caretaker or foster parent and removal from the
17 relative caretaker or foster parent would be seriously detrimental
18 to the child's emotional well-being.

19 As used in this subdivision, "preference" means that the
20 application shall be processed and, if satisfactory, the family study
21 shall be completed before the processing of the application of any
22 other person for the adoptive placement of the child.

23 (l) (1) An order by the court that a hearing pursuant to this
24 section be held is not appealable at any time unless all of the
25 following apply:

26 (A) A petition for extraordinary writ review was filed in a timely
27 manner.

28 (B) The petition substantively addressed the specific issues to
29 be challenged and supported that challenge by an adequate record.

30 (C) The petition for extraordinary writ review was summarily
31 denied or otherwise not decided on the merits.

32 (2) Failure to file a petition for extraordinary writ review within
33 the period specified by rule, to substantively address the specific
34 issues challenged, or to support that challenge by an adequate
35 record shall preclude subsequent review by appeal of the findings
36 and orders made pursuant to this section.

37 (3) The Judicial Council shall adopt rules of court, effective
38 January 1, 1995, to ensure all of the following:

39 (A) A trial court, after issuance of an order directing a hearing
40 pursuant to this section be held, shall advise all parties of the

1 requirement of filing a petition for extraordinary writ review as
2 set forth in this subdivision in order to preserve any right to appeal
3 in these issues. This notice shall be made orally to a party if the
4 party is present at the time of the making of the order or by
5 first-class mail by the clerk of the court to the last known address
6 of a party not present at the time of the making of the order.

7 (B) The prompt transmittal of the records from the trial court
8 to the appellate court.

9 (C) That adequate time requirements for counsel and court
10 personnel exist to implement the objective of this subdivision.

11 (D) That the parent or guardian, or their trial counsel or other
12 counsel, is charged with the responsibility of filing a petition for
13 extraordinary writ relief pursuant to this subdivision.

14 (4) The intent of this subdivision is to do both of the following:

15 (A) Make every reasonable attempt to achieve a substantive and
16 meritorious review by the appellate court within the time specified
17 in Sections 366.21, 366.22, and 366.25 for holding a hearing
18 pursuant to this section.

19 (B) Encourage the appellate court to determine all writ petitions
20 filed pursuant to this subdivision on their merits.

21 (5) This subdivision shall only apply to cases in which an order
22 to set a hearing pursuant to this section is issued on or after January
23 1, 1995.

24 (m) Except for subdivision (j), this section shall also apply to
25 minors adjudged wards pursuant to Section 727.31.

26 (n) (1) Notwithstanding Section 8704 of the Family Code or
27 any other law, the court, at a hearing held pursuant to this section
28 or anytime thereafter, may designate a current caretaker as a
29 prospective adoptive parent if the child has lived with the caretaker
30 for at least six months, the caretaker currently expresses a
31 commitment to adopt the child, and the caretaker has taken at least
32 one step to facilitate the adoption process. In determining whether
33 to make that designation, the court may take into consideration
34 whether the caretaker is listed in the preliminary assessment
35 prepared by the county department in accordance with subdivision
36 (i) of Section 366.21 as an appropriate person to be considered as
37 an adoptive parent for the child and the recommendation of the
38 State Department of Social Services, county adoption agency, or
39 licensed adoption agency.

- 1 (2) For purposes of this subdivision, steps to facilitate the
2 adoption process include, but are not limited to, the following:
- 3 (A) Applying for an adoption homestudy.
 - 4 (B) Cooperating with an adoption homestudy.
 - 5 (C) Being designated by the court or the adoption agency as the
6 adoptive family.
 - 7 (D) Requesting de facto parent status.
 - 8 (E) Signing an adoptive placement agreement.
 - 9 (F) Engaging in discussions regarding a postadoption contact
10 agreement.
 - 11 (G) Working to overcome any impediments that have been
12 identified by the State Department of Social Services, county
13 adoption agency, or licensed adoption agency.
 - 14 (H) Attending classes required of prospective adoptive parents.
- 15 (3) Prior to a change in placement and as soon as possible after
16 a decision is made to remove a child from the home of a designated
17 prospective adoptive parent, the agency shall notify the court, the
18 designated prospective adoptive parent or the current caretaker, if
19 that caretaker would have met the threshold criteria to be
20 designated as a prospective adoptive parent pursuant to paragraph
21 (1) on the date of service of this notice, the child's attorney, and
22 the child, if the child is 10 years of age or older, of the proposal
23 in the manner described in Section 16010.6.
- 24 (A) Within five court days or seven calendar days, whichever
25 is longer, of the date of notification, the child, the child's attorney,
26 or the designated prospective adoptive parent may file a petition
27 with the court objecting to the proposal to remove the child, or the
28 court, upon its own motion, may set a hearing regarding the
29 proposal. The court may, for good cause, extend the filing period.
30 A caretaker who would have met the threshold criteria to be
31 designated as a prospective adoptive parent pursuant to paragraph
32 (1) on the date of service of the notice of proposed removal of the
33 child may file, together with the petition under this subparagraph,
34 a petition for an order designating the caretaker as a prospective
35 adoptive parent for purposes of this subdivision.
 - 36 (B) A hearing ordered pursuant to this paragraph shall be held
37 as soon as possible and not later than five court days after the
38 petition is filed with the court or the court sets a hearing upon its
39 own motion, unless the court for good cause is unable to set the
40 matter for hearing five court days after the petition is filed, in

1 which case the court shall set the matter for hearing as soon as
2 possible. At the hearing, the court shall determine whether the
3 caretaker has met the threshold criteria to be designated as a
4 prospective adoptive parent pursuant to paragraph (1), and whether
5 the proposed removal of the child from the home of the designated
6 prospective adoptive parent is in the child's best interest, and the
7 child may not be removed from the home of the designated
8 prospective adoptive parent unless the court finds that removal is
9 in the child's best interest. If the court determines that the caretaker
10 did not meet the threshold criteria to be designated as a prospective
11 adoptive parent on the date of service of the notice of proposed
12 removal of the child, the petition objecting to the proposed removal
13 filed by the caretaker shall be dismissed. If the caretaker was
14 designated as a prospective adoptive parent prior to this hearing,
15 the court shall inquire into any progress made by the caretaker
16 towards the adoption of the child since the caretaker was designated
17 as a prospective adoptive parent.

18 (C) A determination by the court that the caretaker is a
19 designated prospective adoptive parent pursuant to paragraph (1)
20 or subparagraph (B) does not make the caretaker a party to the
21 dependency proceeding nor does it confer on the caretaker any
22 standing to object to any other action of the department, county
23 adoption agency, or licensed adoption agency, unless the caretaker
24 has been declared a de facto parent by the court prior to the notice
25 of removal served pursuant to paragraph (3).

26 (D) If a petition objecting to the proposal to remove the child
27 is not filed, and the court, upon its own motion, does not set a
28 hearing, the child may be removed from the home of the designated
29 prospective adoptive parent without a hearing.

30 (4) Notwithstanding paragraph (3), if the State Department of
31 Social Services, county adoption agency, or licensed adoption
32 agency determines that the child must be removed from the home
33 of the caretaker who is or may be a designated prospective adoptive
34 parent immediately, due to a risk of physical or emotional harm,
35 the agency may remove the child from that home and is not
36 required to provide notice prior to the removal. However, as soon
37 as possible and not longer than two court days after the removal,
38 the agency shall notify the court, the caretaker who is or may be
39 a designated prospective adoptive parent, the child's attorney, and
40 the child, if the child is 10 years of age or older, of the removal.

1 Within five court days or seven calendar days, whichever is longer,
 2 of the date of notification of the removal, the child, the child's
 3 attorney, or the caretaker who is or may be a designated prospective
 4 adoptive parent may petition for, or the court on its own motion
 5 may set, a noticed hearing pursuant to paragraph (3). The court
 6 may, for good cause, extend the filing period.

7 (5) Except as provided in subdivision (b) of Section 366.28, an
 8 order by the court issued after a hearing pursuant to this subdivision
 9 shall not be appealable.

10 (6) Nothing in this section shall preclude a county child
 11 protective services agency from fully investigating and responding
 12 to alleged abuse or neglect of a child pursuant to Section 11165.5
 13 of the Penal Code.

14 (7) The Judicial Council shall prepare forms to facilitate the
 15 filing of the petitions described in this subdivision, which shall
 16 become effective on January 1, 2006.

17 ~~SEC. 37.~~

18 *SEC. 51.* Section 727 of the Welfare and Institutions Code is
 19 amended to read:

20 727. (a) (1) If a minor or nonminor is adjudged a ward of the
 21 court on the ground that he or she is a person described by Section
 22 601 or 602, the court may make any reasonable orders for the care,
 23 supervision, custody, conduct, maintenance, and support of the
 24 minor or nonminor, including medical treatment, subject to further
 25 order of the court.

26 (2) In the discretion of the court, a ward may be ordered to be
 27 on probation without supervision of the probation officer. The
 28 court, in so ordering, may impose on the ward any and all
 29 reasonable conditions of behavior as may be appropriate under
 30 this disposition. A minor or nonminor who has been adjudged a
 31 ward of the court on the basis of the commission of any of the
 32 offenses described in subdivision (b) or paragraph (2) of
 33 subdivision (d) of Section 707, Section 459 of the Penal Code, or
 34 subdivision (a) of Section 11350 of the Health and Safety Code,
 35 shall not be eligible for probation without supervision of the
 36 probation officer. A minor or nonminor who has been adjudged a
 37 ward of the court on the basis of the commission of any offense
 38 involving the sale or possession for sale of a controlled substance,
 39 except misdemeanor offenses involving marijuana, as specified in
 40 Chapter 2 (commencing with Section 11053) of Division 10 of the

1 Health and Safety Code, or of an offense in violation of Section
2 32625 of the Penal Code, shall be eligible for probation without
3 supervision of the probation officer only when the court determines
4 that the interests of justice would best be served and states reasons
5 on the record for that determination.

6 (3) In all other cases, the court shall order the care, custody, and
7 control of the minor or nonminor to be under the supervision of
8 the probation officer.

9 (4) It is the ~~sole~~ responsibility pursuant to 42 U.S.C. Section
10 672(a)(2)(B) of the probation agency to determine the appropriate
11 placement for the ward once the court issues a placement order.
12 In determination of the appropriate placement for the ward, the
13 probation officer shall consider any recommendations of the child
14 and family. The probation agency may place the minor or nonminor
15 in any of the following:

16 (A) The approved home of a relative or the approved home of
17 a nonrelative, extended family member, as defined in Section
18 362.7. If a decision has been made to place the minor in the home
19 of a relative, the court may authorize the relative to give legal
20 consent for the minor's medical, surgical, and dental care and
21 education as if the relative caregiver were the custodial parent of
22 the minor.

23 (B) A foster home, the approved home of a resource family as
24 defined in Section 16519.5, or a home or facility in accordance
25 with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
26 et seq.).

27 (C) A suitable licensed community care facility, as identified
28 by the probation officer, except a runaway and homeless youth
29 shelter licensed by the State Department of Social Services
30 pursuant to Section 1502.35 of the Health and Safety Code.

31 (D) A foster family agency, as defined in subdivision (g) of
32 Section 11400 and paragraph (4) of subdivision (a) of Section 1502
33 of the Health and Safety Code, in a suitable certified family home
34 or with a resource family.

35 (E) Commencing January 1, 2017, a minor or nonminor
36 dependent may be placed in a short-term residential treatment
37 center as defined in subdivision (ad) of Section 11400 and
38 paragraph (18) of subdivision (a) of Section 1502 of the Health
39 and Safety Code. The placing agency shall also comply with
40 requirements set forth in paragraph (9) of subdivision (e) of Section

1 361.2, which includes, but is not limited to, authorization, limitation
2 on length of stay, extensions, and additional requirements related
3 to minors. For youth 13 years of age and older, ~~the placement shall~~
4 ~~be approved by the chief probation officer of the county probation~~
5 ~~department, or his or her designee, only if the placement is longer~~
6 ~~than 12 months.~~ *shall approve the placement if it is longer than*
7 *12 months, and no less frequently than every 12 months thereafter.*

8 (F) (i) Every minor adjudged a ward of the juvenile court shall
9 be entitled to participate in age-appropriate extracurricular,
10 enrichment, and social activities. A state or local regulation or
11 policy shall not prevent, or create barriers to, participation in those
12 activities. Each state and local entity shall ensure that private
13 agencies that provide foster care services to wards have policies
14 consistent with this section and that those agencies promote and
15 protect the ability of wards to participate in age-appropriate
16 extracurricular, enrichment, and social activities. A group home
17 administrator, a facility manager, or his or her responsible designee,
18 and a caregiver, as defined in paragraph (1) of subdivision (a) of
19 Section 362.04, shall use a reasonable and prudent parent standard,
20 as defined in paragraph (2) of subdivision (a) of Section 362.04,
21 in determining whether to give permission for a minor residing in
22 foster care to participate in extracurricular, enrichment, and social
23 activities. A group home administrator, a facility manager, or his
24 or her responsible designee, and a caregiver shall take reasonable
25 steps to determine the appropriateness of the activity taking into
26 consideration the minor's age, maturity, and developmental level.

27 (ii) A group home administrator or a facility manager, or his or
28 her responsible designee, is encouraged to consult with social work
29 or treatment staff members who are most familiar with the minor
30 at the group home in applying and using the reasonable and prudent
31 parent standard.

32 (G) For nonminors, an approved supervised independent living
33 setting as defined in Section 11400, including a residential housing
34 unit certified by a licensed transitional housing placement provider.

35 (5) The minor or nonminor shall be released from juvenile
36 detention upon an order being entered under paragraph (3), unless
37 the court determines that a delay in the release from detention is
38 reasonable pursuant to Section 737.

39 (b) (1) To facilitate coordination and cooperation among
40 agencies, the court may, at any time after a petition has been filed,

1 after giving notice and an opportunity to be heard, join in the
2 juvenile court proceedings any agency that the court determines
3 has failed to meet a legal obligation to provide services to a minor,
4 for whom a petition has been filed under Section 601 or 602, to a
5 nonminor, as described in Section 303, or to a nonminor dependent,
6 as defined in subdivision (v) of Section 11400. In any proceeding
7 in which an agency is joined, the court shall not impose duties
8 upon the agency beyond those mandated by law. The purpose of
9 joinder under this section is to ensure the delivery and coordination
10 of legally mandated services to the minor. The joinder shall not
11 be maintained for any other purpose. Nothing in this section shall
12 prohibit agencies that have received notice of the hearing on joinder
13 from meeting prior to the hearing to coordinate services.

14 (2) The court has no authority to order services unless it has
15 been determined through the administrative process of an agency
16 that has been joined as a party, that the minor, nonminor, or
17 nonminor dependent is eligible for those services. With respect to
18 mental health assessment, treatment, and case management services
19 pursuant to an individualized education program developed
20 pursuant to Article 2 (commencing with Section 56320) of Chapter
21 4 of Part 30 of Division 4 of Title 2 of the Education Code, the
22 court's determination shall be limited to whether the agency has
23 complied with that chapter.

24 (3) For the purposes of this subdivision, "agency" means any
25 governmental agency or any private service provider or individual
26 that receives federal, state, or local governmental funding or
27 reimbursement for providing services directly to a child, nonminor,
28 or nonminor dependent.

29 (c) If a minor has been adjudged a ward of the court on the
30 ground that he or she is a person described in Section 601 or 602,
31 and the court finds that notice has been given in accordance with
32 Section 661, and if the court orders that a parent or guardian shall
33 retain custody of that minor either subject to or without the
34 supervision of the probation officer, the parent or guardian may
35 be required to participate with that minor in a counseling or
36 education program, including, but not limited to, parent education
37 and parenting programs operated by community colleges, school
38 districts, or other appropriate agencies designated by the court.

39 (d) The juvenile court may direct any reasonable orders to the
40 parents and guardians of the minor who is the subject of any

1 proceedings under this chapter as the court deems necessary and
2 proper to carry out subdivisions (a), (b), and (c), including orders
3 to appear before a county financial evaluation officer, to ensure
4 the minor's regular school attendance, and to make reasonable
5 efforts to obtain appropriate educational services necessary to meet
6 the needs of the minor.

7 If counseling or other treatment services are ordered for the
8 minor, the parent, guardian, or foster parent shall be ordered to
9 participate in those services, unless participation by the parent,
10 guardian, or foster parent is deemed by the court to be inappropriate
11 or potentially detrimental to the minor.

12 *(e) The court may, after receipt of relevant testimony and other*
13 *evidence from the parties, affirm or reject the placement*
14 *determination. If the court rejects the placement determination,*
15 *the probation department shall determine an alternative placement*
16 *for the ward.*

17 ~~SEC. 38.~~

18 *SEC. 52.* Section 727.4 of the Welfare and Institutions Code
19 is amended to read:

20 727.4. (a) (1) Notice of any hearing pursuant to Section 727,
21 727.2, or 727.3 shall be mailed by the probation officer to the
22 minor, the minor's parent or guardian, any adult provider of care
23 to the minor including, but not limited to, foster parents, relative
24 caregivers, preadoptive parents, resource family, community care
25 facility, or foster family agency, and to the counsel of record if the
26 counsel of record was not present at the time that the hearing was
27 set by the court, by first-class mail addressed to the last known
28 address of the person to be notified, or shall be personally served
29 on those persons, not earlier than 30 days nor later than 15 days
30 preceding the date of the hearing. The notice shall contain a
31 statement regarding the nature of the status review or permanency
32 planning hearing and any change in the custody or status of the
33 minor being recommended by the probation department. The notice
34 shall also include a statement informing the foster parents, relative
35 caregivers, or preadoptive parents that he or she may attend all
36 hearings or may submit any information he or she deems relevant
37 to the court in writing. The foster parents, relative caregiver, and
38 preadoptive parents are entitled to notice and opportunity to be
39 heard but need not be made parties to the proceedings. Proof of
40 notice shall be filed with the court.

1 (2) If the court or probation officer knows or has reason to know
2 that the minor is or may be an Indian child, any notice sent under
3 this section shall comply with the requirements of Section 224.2.

4 (b) At least 10 calendar days prior to each status review and
5 permanency planning hearing, after the hearing during which the
6 court orders that the care, custody and control of the minor to be
7 under the supervision of the probation officer for placement
8 pursuant to subdivision (a) of Section 727, the probation officer
9 shall file a social study report with the court, pursuant to the
10 requirements listed in Section 706.5.

11 (c) The probation department shall inform the minor, the minor's
12 parent or guardian, and all counsel of record that a copy of the
13 social study prepared for the hearing will be available 10 days
14 prior to the hearing and may be obtained from the probation officer.

15 (d) As used in Article 15 (commencing with Section 625) to
16 Article 18 (commencing with Section 725), inclusive:

17 (1) "Foster care" means residential care provided in any of the
18 settings described in Section ~~11402~~ 11402 or 11402.01.

19 (2) "At risk of entering foster care" means that conditions within
20 a minor's family may necessitate his or her entry into foster care
21 unless those conditions are resolved.

22 (3) "Preadoptive parent" means a licensed foster parent who
23 has been approved for adoption by the State Department of Social
24 Services when it is acting as an adoption agency or by a licensed
25 adoption agency.

26 (4) "Date of entry into foster care" means the date that is 60
27 days after the date on which the minor was removed from his or
28 her home, unless one of the exceptions below applies:

29 (A) If the minor is detained pending foster care placement, and
30 remains detained for more than 60 days, then the date of entry into
31 foster care means the date the court adjudges the minor a ward and
32 orders the minor placed in foster care under the supervision of the
33 probation officer.

34 (B) If, before the minor is placed in foster care, the minor is
35 committed to a ranch, camp, school, or other institution pending
36 placement, and remains in that facility for more than 60 days, then
37 the "date of entry into foster care" is the date the minor is
38 physically placed in foster care.

39 (C) If at the time the wardship petition was filed, the minor was
40 a dependent of the juvenile court and in out-of-home placement,

1 then the “date of entry into foster care” is the earlier of the date
2 the juvenile court made a finding of abuse or neglect, or 60 days
3 after the date on which the child was removed from his or her
4 home.

5 (5) “Reasonable efforts” means:

6 (A) Efforts made to prevent or eliminate the need for removing
7 the minor from the minor’s home.

8 (B) Efforts to make it possible for the minor to return home,
9 including, but not limited to, case management, counseling,
10 parenting training, mentoring programs, vocational training,
11 educational services, substance abuse treatment, transportation,
12 and therapeutic day services.

13 (C) Efforts to complete whatever steps are necessary to finalize
14 a permanent plan for the minor.

15 (D) In child custody proceedings involving an Indian child,
16 “reasonable efforts” shall also include “active efforts” as defined
17 in Section 361.7.

18 (6) “Relative” means an adult who is related to the minor by
19 blood, adoption, or affinity within the fifth degree of kinship
20 including stepparents, stepsiblings, and all relatives whose status
21 is preceded by the words “great,” “great-great,” “grand,” or the
22 spouse of any of these persons even if the marriage was terminated
23 by death or dissolution. “Relative” shall also include an “extended
24 family member” as defined in the Indian Child Welfare Act (25
25 U.S.C. Sec. 1903(2)).

26 (7) “Hearing” means a noticed proceeding with findings and
27 orders that are made on a case-by-case basis, heard by either of
28 the following:

29 (A) A judicial officer, in a courtroom, recorded by a court
30 reporter.

31 (B) An administrative panel, provided that the hearing is a status
32 review hearing and that the administrative panel meets the
33 following conditions:

34 (i) The administrative review shall be open to participation by
35 the minor and parents or legal guardians and all those persons
36 entitled to notice under subdivision (a).

37 (ii) The minor and his or her parents or legal guardians receive
38 proper notice as required in subdivision (a).

39 (iii) The administrative review panel is composed of persons
40 appointed by the presiding judge of the juvenile court, the

1 membership of which shall include at least one person who is not
2 responsible for the case management of, or delivery of services
3 to, the minor or the parents who are the subjects of the review.

4 (iv) The findings of the administrative review panel shall be
5 submitted to the juvenile court for the court's approval and shall
6 become part of the official court record.

7 ~~SEC. 39.~~

8 *SEC. 53.* Section 4094.2 of the Welfare and Institutions Code
9 is amended to read:

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

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

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

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

1 (2) Except as otherwise provided in paragraph (3), commencing
2 January 1, 2017, the program shall have accreditation from a
3 nationally recognized accrediting entity identified by the State
4 Department of Social Services pursuant to the process described
5 in paragraph (4) of subdivision (b) of Section 11462.

6 (3) With respect to a program that has been granted an extension
7 pursuant to the exception process described in subdivision (d) of
8 Section 11462.04, the requirement described in paragraph (2) shall
9 apply to that program commencing January 1, 2019.

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

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

37 (f) The State Department of Health Care Services shall provide
38 the community treatment facility supplemental rates to the counties
39 for advanced payment to the community treatment facility

1 providers in the same manner as the regular foster care payment
2 and within the same required payment time limits.

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

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

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

34 *SEC. 54. Section 4096 of the Welfare and Institutions Code,*
35 *as added by Section 56 of Chapter 773 of the Statutes of 2015, is*
36 *amended to read:*

37 4096. (a) (1) Interagency collaboration and children's program
38 services shall be structured in a manner that will facilitate
39 implementation of the goals of Part 4 (commencing with Section
40 5850) of Division 5 to develop protocols outlining the roles and

1 responsibilities of placing agencies and short-term residential
2 treatment centers regarding nonemergency placements of foster
3 children in certified short-term residential treatment centers or
4 foster family agencies.

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

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

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

14 (b) Funds specified in subdivision (a) of Section 17601 for
15 services to wards of the court and dependent children of the court
16 shall be allocated and distributed to counties based on the number
17 of wards of the court and dependent children of the court in the
18 county.

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

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

34 (e) (1) Each interagency placement committee shall establish
35 procedures whereby a ward of the court or dependent child of the
36 court, or a voluntarily placed child whose placement is funded by
37 the Aid to Families with Dependent Children-Foster Care Program,
38 who is to be placed or is currently placed in a short-term residential
39 treatment center program, as specified in Section 11462.01, or a
40 group home granted an extension pursuant to Section 11462.04,

1 shall be assessed to determine whether ~~he~~ *the child meets one of*
2 *the following:*

3 (A) *He or she meets the medical necessity criteria for Medi-Cal*
4 *specialty mental health ~~Early and Periodic Screening, Diagnosis,~~*
5 *and ~~Treatment~~ services, as the criteria are described in Section*
6 *1830.205 or 1830.210 of Title 9 of the California Code of*
7 *Regulations, or Regulations.*

8 (B) *He or she is assessed as seriously emotionally disturbed, as*
9 *described in subdivision (a) of Section 5600.3.*

10 (C) *His or her individual behavioral or treatment needs can*
11 *only be met by the level of care provided in a short-term residential*
12 *treatment center. If the short-term residential treatment center*
13 *serves children placed by county child welfare agencies and*
14 *children placed by probation departments, the interagency*
15 *placement committee shall also ensure the requirements of*
16 *subdivision (c) of Section 16514 have been met with respect to*
17 *commonality of need.*

18 (2) The assessment required by paragraph (1) shall also indicate
19 that the child is in need of the care and services provided by a
20 short-term residential treatment center.

21 (3) Nothing in this subdivision shall prohibit an interagency
22 placement committee from considering an assessment that was
23 provided by a licensed mental health professional, as described in
24 subdivision (g), and that was developed consistent with procedures
25 established by the county pursuant to paragraph (1).

26 (4) *The State Department of Health Care Services and the State*
27 *Department of Social Services shall identify a dispute resolution*
28 *process currently operated by each department to jointly review*
29 *a disputed interagency placement committee assessment or*
30 *determination made pursuant to this subdivision.*

31 (f) The interagency placement committee shall document the
32 results of the assessment required by subdivision (e) and shall
33 notify the appropriate provider in writing, of those results within
34 10 days of the completion of the assessment.

35 (g) If the child's or youth's placement is not funded by the Aid
36 to Families with Dependent Children-Foster Care Program, a
37 licensed mental health professional, or an otherwise recognized
38 provider of mental health services, shall certify that the child has
39 been assessed as meeting the medical necessity criteria for
40 Medi-Cal specialty mental health Early and Periodic Screening,

1 Diagnosis, and Treatment services, as the criteria are described in
2 Section 1830.210 of Title 9 of the California Code of Regulations,
3 or assessed as seriously emotionally disturbed, as described in
4 subdivision (a) of Section 5600.3. A “licensed mental health
5 professional” includes a physician licensed under Section 2050 of
6 the Business and Professions Code, a licensed psychologist within
7 the meaning of subdivision (a) of Section 2902 of the Business
8 and Professions Code, a licensed clinical social worker within the
9 meaning of subdivision (a) of Section 4996 of the Business and
10 Professions Code, a licensed marriage and family therapist within
11 the meaning of subdivision (b) of Section 4980 of the Business
12 and Professions Code, or a licensed professional clinical counselor
13 within the meaning of subdivision (e) of Section 4999.12.

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

15 *SEC. 55. Section 4096.5 of the Welfare and Institutions Code,*
16 *as added by Section 59 of Chapter 773 of the Statutes of 2015, is*
17 *amended to read:*

18 4096.5. (a) ~~All~~ *This section governs standards for the mental*
19 *health program approval for short-term residential treatment*
20 *centers, which is required under subdivision (c) of Section 1562.01*
21 *of the Health and Safety Code.*

22 (b) ~~All~~ *short-term residential treatment centers that operate a*
23 *mental health program that serves* ~~serve~~ *children who have either*
24 *been assessed as meeting the medical necessity criteria for*
25 *Medi-Cal specialty mental health services under Early and Periodic*
26 *Screening, Diagnosis, and Treatment services, as the criteria are*
27 *described in Section 1830.20 services, as provided for in Section*
28 *1830.205 or 1830.210 of Title 9 of the California Code of*
29 *Regulations, or who have been assessed as seriously emotionally*
30 *disturbed, as described defined in subdivision (a) of Section 5600.3,*
31 *shall obtain and have in good standing a mental health program*
32 *approval that includes a Medi-Cal mental health certification, as*
33 *described in Section 11462.01, issued by the State Department of*
34 *Health Care Services or a county mental health plan to which the*
35 *department has delegated certification approval authority. This*
36 *certification approval is a condition for receiving an Aid to*
37 *Families with Dependent Children-Foster Care rate pursuant to*
38 *Section 11462.01.*

39 (c) *A short-term residential treatment center shall not directly*
40 *provide specialty mental health services without a current mental*

1 *health program approval. A licensed short-term residential*
2 *treatment center that has not obtained a program approval shall*
3 *provide children in its care access to appropriate mental health*
4 *services.*

5 (b)

6 (d) (1) The State Department of Health Care Services or a
7 county mental health plan to which the department has delegated
8 ~~authority shall certify or deny certification~~ *mental health program*
9 *approval authority shall approve or deny mental health program*
10 *approval requests within 45 days of receiving a certification*
11 *request. The State Department of Health Care Services or a county*
12 *mental health plan to which the department has delegated*
13 ~~certification~~ *mental health program approval authority shall issue*
14 ~~each certification~~ *mental health program approval for a period of*
15 ~~one year~~ *year, except for approvals granted pursuant to paragraph*
16 *(2) and provisional approvals granted pursuant to regulations*
17 *promulgated under subdivision (e), and shall specify the effective*
18 ~~date that the program met the program standards. Certified of the~~
19 *approval. Approved entities shall meet all program standards to*
20 ~~be recertified.~~ *reapproved.*

21 (2) (A) *Between January 1, 2017, and December 31, 2017, the*
22 *State Department of Health Care Services, or a county mental*
23 *health plan to which the department has delegated mental health*
24 *program approval authority, shall approve or deny a mental health*
25 *program approval request within 90 days of receipt.*

26 (B) *Between January 1, 2017, and December 31, 2017, the State*
27 *Department of Health Care Services, or a county mental health*
28 *plan to which the department has delegated mental health program*
29 *approval authority, may issue a mental health program approval*
30 *for a period of less than one year.*

31 (e) (1) *The State Department of Health Care Services and the*
32 *county mental health plans to which the department has delegated*
33 *mental health program approval authority may enforce the mental*
34 *health program approval standards by taking any of the following*
35 *actions against a non-compliant short-term residential treatment*
36 *center:*

37 (A) *Suspend or revoke a mental health program approval.*

38 (B) *Impose monetary penalties.*

39 (C) *Place a mental health program on probation.*

1 (D) Require a mental health program to prepare and comply
 2 with a corrective action plan.

3 (2) The State Department of Health Care Services and the county
 4 mental health plans to which the department has delegated mental
 5 health program approval authority shall provide short-term
 6 residential treatment centers with due process protections when
 7 taking any of the actions described in paragraph (1).

8 (e)

9 (f) The State Department of Health Care ~~Services~~ Services, in
 10 consultation with the State Department of Social Services, shall
 11 promulgate regulations regarding program standards, oversight,
 12 enforcement, issuance of mental health program approvals,
 13 including provisional approvals that are effective for a period of
 14 less than one year, and due process ~~for~~ protections related to the
 15 mental health ~~certification~~ of program approval process for
 16 short-term residential treatment centers.

17 (d)

18 (g) (1) Except for ~~certification~~ mental health program approval
 19 of short-term residential treatment centers operated by a county,
 20 the State Department of Health Care Services may, upon the
 21 request of a county, delegate to that county mental health plan the
 22 ~~certification~~ mental health program approval of short-term
 23 residential treatment center programs within its borders.

24 (2) Any county to which ~~certification~~ mental health program
 25 approval is delegated pursuant to paragraph (1) shall be responsible
 26 for the oversight and enforcement of program standards and the
 27 provision of due process for ~~certified~~ approved and denied entities.

28 (e)

29 (h) The State Department of Health Care Services or a county
 30 mental health plan to which the department has delegated
 31 ~~certification~~ mental health program approval authority shall notify
 32 the State Department of Social Services immediately upon the
 33 termination of any ~~certification~~ mental health program approval
 34 issued in accordance with subdivisions ~~(a) and (b)~~: (b) and (d).

35 (f)

36 (i) The State Department of Social Services shall notify the
 37 State Department of Health Care Services ~~or~~ and, if applicable, a
 38 county to which the department has delegated ~~certification~~ authority
 39 mental health program approval authority, immediately upon the
 40 revocation of any license issued pursuant to Chapter 3

1 (commencing with Section 1500) of Division 2 of the Health and
2 Safety Code.

3 ~~(g)~~

4 (j) Revocation of a license or a mental health ~~certification~~
5 *program approval* shall be a basis for rate termination.

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

7 ~~SEC. 40.~~

8 *SEC. 56.* Section 11400 of the Welfare and Institutions Code
9 is amended to read:

10 11400. For purposes of this article, the following definitions
11 shall apply:

12 (a) “Aid to Families with Dependent Children-Foster Care
13 (AFDC-FC)” means the aid provided on behalf of needy children
14 in foster care under the terms of this division.

15 (b) “Case plan” means a written document that, at a minimum,
16 specifies the type of home in which the child shall be placed, the
17 safety of that home, and the appropriateness of that home to meet
18 the child’s needs. It shall also include the agency’s plan for
19 ensuring that the child receive proper care and protection in a safe
20 environment, and shall set forth the appropriate services to be
21 provided to the child, the child’s family, and the foster parents, in
22 order to meet the child’s needs while in foster care, and to reunify
23 the child with the child’s family. In addition, the plan shall specify
24 the services that will be provided or steps that will be taken to
25 facilitate an alternate permanent plan if reunification is not possible.

26 (c) “Certified family home” means an individual or family
27 certified by a licensed foster family agency and issued a certificate
28 of approval by that agency as meeting licensing standards, and
29 used exclusively by that foster family agency for placements.

30 (d) “Family home” means the family residence of a licensee in
31 which 24-hour care and supervision are provided for children.

32 (e) “Small family home” means any residential facility, in the
33 licensee’s family residence, which provides 24-hour care for six
34 or fewer foster children who have mental disorders or
35 developmental or physical disabilities and who require special care
36 and supervision as a result of their disabilities.

37 (f) “Foster care” means the 24-hour out-of-home care provided
38 to children whose own families are unable or unwilling to care for
39 them, and who are in need of temporary or long-term substitute
40 parenting.

1 (g) “Foster family agency” means a licensed community care
2 facility, as defined in paragraph (4) of subdivision (a) of Section
3 1502 of the Health and Safety Code. Private foster family agencies
4 shall be organized and operated on a nonprofit basis.

5 (h) “Group home” means a nondetention privately operated
6 residential home, organized and operated on a nonprofit basis only,
7 of any capacity, or a nondetention licensed residential care home
8 operated by the County of San Mateo with a capacity of up to 25
9 beds, that accepts children in need of care and supervision in a
10 group home, as defined by paragraph (13) of subdivision (a) of
11 Section 1502 of the Health and Safety Code.

12 (i) “Periodic review” means review of a child’s status by the
13 juvenile court or by an administrative review panel, that shall
14 include a consideration of the safety of the child, a determination
15 of the continuing need for placement in foster care, evaluation of
16 the goals for the placement and the progress toward meeting these
17 goals, and development of a target date for the child’s return home
18 or establishment of alternative permanent placement.

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

23 (k) “Placement and care” refers to the responsibility for the
24 welfare of a child vested in an agency or organization by virtue of
25 the agency or organization having (1) been delegated care, custody,
26 and control of a child by the juvenile court, (2) taken responsibility,
27 pursuant to a relinquishment or termination of parental rights on
28 a child, (3) taken the responsibility of supervising a child detained
29 by the juvenile court pursuant to Section 319 or 636, or (4) signed
30 a voluntary placement agreement for the child’s placement; or to
31 the responsibility designated to an individual by virtue of his or
32 her being appointed the child’s legal guardian.

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

36 (m) “Relative” means an adult who is related to the child by
37 blood, adoption, or affinity within the fifth degree of kinship,
38 including stepparents, stepsiblings, and all relatives whose status
39 is preceded by the words “great,” “great-great,” or “grand” or the

1 spouse of any of these persons even if the marriage was terminated
2 by death or dissolution.

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

6 (o) “Voluntary placement” means an out-of-home placement
7 of a child by (1) the county welfare department, probation
8 department, or Indian tribe that has entered into an agreement
9 pursuant to Section 10553.1, after the parents or guardians have
10 requested the assistance of the county welfare department and have
11 signed a voluntary placement agreement; or (2) the county welfare
12 department licensed public or private adoption agency, or the
13 department acting as an adoption agency, after the parents have
14 requested the assistance of either the county welfare department,
15 the licensed public or private adoption agency, or the department
16 acting as an adoption agency for the purpose of adoption planning,
17 and have signed a voluntary placement agreement.

18 (p) “Voluntary placement agreement” means a written agreement
19 between either the county welfare department, probation
20 department, or Indian tribe that has entered into an agreement
21 pursuant to Section 10553.1, licensed public or private adoption
22 agency, or the department acting as an adoption agency, and the
23 parents or guardians of a child that specifies, at a minimum, the
24 following:

25 (1) The legal status of the child.

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

28 (q) “Original placement date” means the most recent date on
29 which the court detained a child and ordered an agency to be
30 responsible for supervising the child or the date on which an agency
31 assumed responsibility for a child due to termination of parental
32 rights, relinquishment, or voluntary placement.

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

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

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

8 (t) “Whole family foster home” means a new or existing family
9 home, approved relative caregiver or nonrelative extended family
10 member’s home, the home of a nonrelated legal guardian whose
11 guardianship was established pursuant to Section 360 or 366.26,
12 certified family home, or a host family home placement of a
13 transitional housing placement provider, that provides foster care
14 for a minor or nonminor dependent parent and his or her child,
15 and is specifically recruited and trained to assist the minor or
16 nonminor dependent parent in developing the skills necessary to
17 provide a safe, stable, and permanent home for his or her child.
18 The child of the minor or nonminor dependent parent need not be
19 the subject of a petition filed pursuant to Section 300 to qualify
20 for placement in a whole family foster home.

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

22 (1) A written voluntary agreement of consent for continued
23 placement and care in a supervised setting between a minor or, on
24 and after January 1, 2012, a nonminor dependent, and the county
25 welfare services or probation department or tribal agency
26 responsible for the foster care placement, that documents the
27 nonminor’s continued willingness to remain in supervised
28 out-of-home placement under the placement and care of the
29 responsible county, tribe, consortium of tribes, or tribal
30 organization that has entered into an agreement with the state
31 pursuant to Section 10553.1, remain under the jurisdiction of the
32 juvenile court as a nonminor dependent, and report any change of
33 circumstances relevant to continued eligibility for foster care
34 payments, and that documents the nonminor’s and social worker’s
35 or probation officer’s agreement to work together to facilitate
36 implementation of the mutually developed supervised placement
37 agreement and transitional independent living case plan.

38 (2) An agreement, as described in paragraph (1), between a
39 nonminor former dependent or ward in receipt of Kin-GAP
40 payments under Article 4.5 (commencing with Section 11360) or

1 Article 4.7 (commencing with Section 11385), and the agency
2 responsible for the Kin-GAP benefits, provided that the nonminor
3 former dependent or ward satisfies the conditions described in
4 Section 11403.01, or one or more of the conditions described in
5 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
6 11403. For purposes of this paragraph and paragraph (3),
7 “nonminor former dependent or ward” has the same meaning as
8 described in subdivision (aa).

9 (3) An agreement, as described in paragraph (1), between a
10 nonminor former dependent or ward in receipt of AFDC-FC
11 payments under subdivision (e) or (f) of Section 11405 and the
12 agency responsible for the AFDC-FC benefits, provided that the
13 nonminor former dependent or ward described in subdivision (e)
14 of Section 11405 satisfies one or more of the conditions described
15 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
16 11403, and the nonminor described in subdivision (f) of Section
17 11405 satisfies the secondary school or equivalent training or
18 certificate program conditions described in that subdivision.

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

26 (1) He or she has attained 18 years of age while under an order
27 of foster care placement by the juvenile court, and is not more than
28 19 years of age on or after January 1, 2012, not more than 20 years
29 of age on or after January 1, 2013, or not more than 21 years of
30 age on or after January 1, 2014, and as described in Section
31 10103.5.

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

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

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

7 (x) “Supervised independent living setting,” pursuant to Section
 8 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
 9 672(c)(2)), includes both a supervised independent living
 10 placement, as defined in subdivision (w), and a residential housing
 11 unit certified by the transitional housing placement provider
 12 operating a Transitional Housing Placement-Plus Foster Care
 13 program, as described in paragraph (2) of subdivision (a) of Section
 14 16522.1.

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

33 (z) “Voluntary reentry agreement” means a written voluntary
 34 agreement between a former dependent child or ward or a former
 35 nonminor dependent, who has had juvenile court jurisdiction
 36 terminated pursuant to Section 391, 452, or 607.2, and the county
 37 welfare or probation department or tribal placing entity that
 38 documents the nonminor’s desire and willingness to reenter foster
 39 care, to be placed in a supervised setting under the placement and
 40 care responsibility of the placing agency, the nonminor’s desire,

1 willingness, and ability to immediately participate in one or more
2 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
3 (b) of Section 11403, the nonminor's agreement to work
4 collaboratively with the placing agency to develop his or her
5 transitional independent living case plan within 60 days of reentry,
6 the nonminor's agreement to report any changes of circumstances
7 relevant to continued eligibility for foster care payments, and (1)
8 the nonminor's agreement to participate in the filing of a petition
9 for juvenile court jurisdiction as a nonminor dependent pursuant
10 to subdivision (e) of Section 388 within 15 judicial days of the
11 signing of the agreement and the placing agency's efforts and
12 supportive services to assist the nonminor in the reentry process,
13 or (2) if the nonminor meets the definition of a nonminor former
14 dependent or ward, as described in subdivision (aa), the nonminor's
15 agreement to return to the care and support of his or her former
16 juvenile court-appointed guardian and meet the eligibility criteria
17 for AFDC-FC pursuant to subdivision (e) of Section 11405.

18 (aa) "Nonminor former dependent or ward" means, on and after
19 January 1, 2012, either of the following:

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

24 (2) A nonminor who is over 18 years of age and, while a minor,
25 was a dependent child or ward of the juvenile court when the
26 guardianship was established pursuant to Section 360 or 366.26,
27 or subdivision (d), of Section 728 and the juvenile court
28 dependency or wardship was dismissed following the establishment
29 of the guardianship.

30 (ab) "Runaway and homeless youth shelter" means a type of
31 group home, as defined in paragraph (14) of subdivision (a) of
32 Section 1502 of the Health and Safety Code, that is not an eligible
33 placement option under Sections 319, 361.2, 450, and 727, and
34 that is not eligible for AFDC-FC funding pursuant to subdivision
35 (c) of Section 11402 or Section 11462.

36 (ac) "Transition dependent" is a minor between 17 years and
37 five months and 18 years of age who is subject to the court's
38 transition jurisdiction under Section 450.

39 (ad) "Short-term residential treatment center" means a
40 nondetention, licensed community care facility, as defined in

1 paragraph (18) of subdivision (a) of Section 1502 of the Health
2 and Safety Code, that provides short-term, specialized, and
3 intensive treatment for the child or youth, when the child's or
4 youth's case plan specifies the need for, nature of, and anticipated
5 duration of this specialized treatment. Short-term residential
6 treatment centers shall be organized and operated on a nonprofit
7 basis.

8 (ae) "Resource family" means an approved caregiver, as defined
9 in subdivision (c) of Section 16519.5.

10 (af) "Core Services" mean services, made available to children,
11 youth, and nonminor dependents either directly or secured through
12 formal agreement with other agencies, which are trauma informed
13 and culturally relevant as specified in Sections 11462 and 11463.

14 ~~SEC. 41.~~

15 *SEC. 57.* Section 11402 of the Welfare and Institutions Code,
16 as added by Section 66 of Chapter 773 of the Statutes of 2015, is
17 amended to read:

18 11402. In order to be eligible for AFDC-FC, a child or
19 nonminor dependent shall be placed in one of the following:

20 (a) Prior to January 1, 2020:

21 (1) The approved home of a relative, provided the child or youth
22 is otherwise eligible for federal financial participation in the
23 AFDC-FC payment.

24 ~~(2) The home of a nonrelated legal guardian or the home of a~~
25 ~~former nonrelated legal guardian when the guardianship of a child~~
26 ~~or youth who is otherwise eligible for AFDC-FC has been~~
27 ~~dismissed due to the child or youth attaining 18 years of age.~~

28 ~~(3)~~

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

31 ~~(4)~~

32 (3) The licensed family home of a nonrelative.

33 (b) The approved home of a resource family, as defined in
34 Section 16519.5.

35 (c) A small family home, as defined in paragraph (6) of
36 subdivision (a) of Section 1502 of the Health and Safety Code.

37 (d) A housing model certified by a licensed transitional housing
38 placement provider, as described in Section 1559.110 of the Health
39 and Safety Code, and as defined in subdivision (r) of Section
40 11400.

1 (e) An approved supervised independent living setting for
2 nonminor dependents, as defined in subdivision (w) of Section
3 11400.

4 (f) A licensed foster family agency, as defined in subdivision
5 (g) of Section 11400 and paragraph (4) of subdivision (a) of Section
6 1502 of the Health and Safety Code, for placement into a certified
7 or approved home used exclusively by the foster family agency.

8 (g) A short-term residential treatment center licensed as a
9 community care facility, as defined in subdivision (ad) of Section
10 11400 and paragraph (18) of subdivision (a) of Section 1502 of
11 the Health and Safety Code.

12 (h) An out-of-state group home that meets the requirements of
13 paragraph (2) of subdivision (c) of Section 11460, provided that
14 the placement worker, in addition to complying with all other
15 statutory requirements for placing a child or youth in an out-of-state
16 group home, documents that the requirements of Section 7911.1
17 of the Family Code have been met.

18 (i) A community treatment facility set forth in Article 5
19 (commencing with Section 4094) of Chapter 3 of Part 1 of Division
20 4.

21 ~~(j) This section shall apply to a group home that has been granted
22 an extension pursuant to the exception process described in
23 subdivision (d) of Section 11462.04 or Section 11462.041.~~

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

25 (j) *A community care facility licensed pursuant to Chapter 3
26 (commencing with Section 1500) of Division 2 of the Health and
27 Safety Code and vendored by a regional center pursuant to Section
28 56004 of Title 17 of the California Code of Regulations.*

29 (k) *The home of a nonrelated legal guardian or the home of a
30 former nonrelated legal guardian when the guardianship of a child
31 or youth who is otherwise eligible for AFDC-FC has been
32 dismissed due to the child or youth attaining 18 years of age.*

33 ~~SEC. 42.~~

34 *SEC. 58.* Section 11402.01 of the Welfare and Institutions
35 Code is repealed.

36 ~~SEC. 43.~~

37 *SEC. 59.* Section 11402.01 is added to the Welfare and
38 Institutions Code, to read:

39 11402.01. (a) In addition to the placements *described* in
40 Section 11402, ~~in order to be eligible for AFDC-FC,~~ a child or

1 nonminor dependent may be *eligible for AFDC-FC while placed*
 2 *in a group home with an extension pursuant to the exception*
 3 *process described in subdivision (d) of Section ~~11462.04~~ or a foster*
 4 *family agency that has been granted an extension pursuant to the*
 5 *exception process described in subdivision (d) of Section ~~11463.1.~~*
 6 *11462.04.*

7 (b) This section shall remain in effect only until January 1, 2019,
 8 and as of that date is repealed, unless a later enacted statute, that
 9 is enacted before January 1, 2019, deletes or extends that date.

10 ~~SEC. 44.~~

11 *SEC. 60.* Section 11460 of the Welfare and Institutions Code
 12 is amended to read:

13 11460. (a) (1) Foster care providers shall be paid a per child
 14 per month rate in return for the care and supervision of the
 15 AFDC-FC child placed with them. The department is designated
 16 the single organizational unit whose duty it shall be to administer
 17 a state system for establishing rates in the AFDC-FC program.
 18 State functions shall be performed by the department or by
 19 delegation of the department to county welfare departments or
 20 Indian tribes, consortia of tribes, or tribal organizations that have
 21 entered into an agreement pursuant to Section 10553.1.

22 (2) (A) *Foster care providers that care for a child in a*
 23 *home-based setting described in paragraph (1) of subdivision (g)*
 24 *of Section 11461, or in a certified home or an approved resource*
 25 *family of a foster family agency, shall be paid the per child per*
 26 *month rate as set forth in paragraph (4) of subdivision (g) of*
 27 *Section 11461.*

28 (B) *The basic rate paid to either a certified family home or an*
 29 *approved resource family of a foster family agency shall be paid*
 30 *by the agency to the certified family home or approved resource*
 31 *family from the rate that is paid to the agency pursuant to Section*
 32 *11463.*

33 (b) “Care and supervision” includes food, clothing, shelter, daily
 34 supervision, school supplies, a child’s personal incidentals, liability
 35 insurance with respect to a child, reasonable travel to the child’s
 36 home for visitation, and reasonable travel for the child to remain
 37 in the school in which he or she is enrolled at the time of
 38 placement. Reimbursement for the costs of educational travel, as
 39 provided for in this subdivision, shall be made pursuant to
 40 procedures determined by the department, in consultation with

1 representatives of county welfare and probation directors, and
2 additional stakeholders, as appropriate.

3 (1) For a child or youth placed in a short-term residential
4 treatment center or a group home, care and supervision shall also
5 include reasonable administration and operational activities
6 necessary to provide the items listed in this subdivision.

7 (2) For a child or youth placed in a short-term residential
8 treatment center or a group home, care and supervision may also
9 include reasonable activities performed by social workers employed
10 by the program provider that are not otherwise considered daily
11 supervision or administration activities, but are eligible for federal
12 financial participation under Title IV-E of the federal Social
13 Security Act.

14 (3) The department, in consultation with the California State
15 Foster Parent Association, and other interested stakeholders, shall
16 provide information to the Legislature, no later than January 1,
17 2017, regarding the availability and cost for liability and property
18 insurance covering acts committed by children in care, and shall
19 make recommendations for any needed program development in
20 this area.

21 (c) It is the intent of the Legislature to establish the maximum
22 level of financial participation in out-of-state foster care group
23 home program rates for placements in facilities described in
24 subdivision (g) of Section 11402.

25 (1) The department shall develop regulations that establish the
26 method for determining the level of financial participation in the
27 rate paid for out-of-state placements in facilities described in
28 subdivision (g) of Section 11402. The department shall consider
29 all of the following methods:

30 (A) Until December 31, 2016, a standardized system based on
31 the rate classification level of care and services per child per month.

32 (B) The rate developed for a short-term residential treatment
33 center pursuant to Section 11462.

34 (C) A system that considers the actual allowable and reasonable
35 costs of care and supervision incurred by the out-of-state program.

36 (D) A system that considers the rate established by the host
37 state.

38 (E) Any other appropriate methods as determined by the
39 department.

- 1 (2) Reimbursement for the Aid to Families with Dependent
2 Children-Foster Care rate to be paid to an out-of-state program
3 described in subdivision (g) of Section 11402 shall only be paid
4 to programs that have done all of the following:
- 5 (A) Submitted a rate application to the department, which shall
6 include, but not be limited to, both of the following:
- 7 (i) Commencing January 1, 2017, unless granted an extension
8 from the department pursuant to subdivision (d) of Section
9 11462.04, the equivalent of the mental health ~~certification~~ *program*
10 *approval* required in Section 4096.5.
- 11 (ii) Commencing January 1, 2017, unless granted an extension
12 from the department pursuant to subdivision (d) of Section
13 11462.04, the national accreditation required in paragraph (5) of
14 subdivision (b) of Section 11462.
- 15 (B) Maintained a level of financial participation that shall not
16 exceed any of the following:
- 17 (i) The current fiscal year's standard rate for rate classification
18 level 14 for a group home.
- 19 (ii) Commencing January 1, 2017, the current fiscal year's rate
20 for a short-term residential treatment center.
- 21 (iii) The rate determined by the ratesetting authority of the state
22 in which the facility is located.
- 23 (C) Agreed to comply with information requests, and program
24 and fiscal audits as determined necessary by the department.
- 25 (3) Except as specifically provided for in statute, reimbursement
26 for an AFDC-FC rate shall only be paid to a group home or
27 short-term residential treatment center organized and operated on
28 a nonprofit basis.
- 29 (d) A foster care provider that accepts payments, following the
30 effective date of this section, based on a rate established under this
31 section, shall not receive rate increases or retroactive payments as
32 the result of litigation challenging rates established prior to the
33 effective date of this section. This shall apply regardless of whether
34 a provider is a party to the litigation or a member of a class covered
35 by the litigation.
- 36 (e) Nothing shall preclude a county from using a portion of its
37 county funds to increase rates paid to family homes, foster family
38 agencies, group homes, and short-term residential treatment centers
39 within that county, and to make payments for specialized care

1 increments, clothing allowances, or infant supplements to homes
2 within that county, solely at that county’s expense.

3 (f) Nothing shall preclude a county from providing a
4 supplemental rate to serve commercially sexually exploited foster
5 children to provide for the additional care and supervision needs
6 of these children. To the extent that federal financial participation
7 is available, it is the intent of the Legislature that the federal
8 funding shall be utilized.

9 ~~SEC. 45.~~

10 *SEC. 61.* Section 11461 of the Welfare and Institutions Code
11 is amended to read:

12 11461. (a) For children or, on and after January 1, 2012,
13 nonminor dependents placed in a licensed or approved family
14 home with a capacity of six or less, or in an approved home of a
15 relative or nonrelated legal guardian, or the approved home of a
16 nonrelative extended family member as described in Section 362.7,
17 or, on and after January 1, 2012, a supervised independent living
18 placement, as defined in subdivision (w) of Section 11400, the per
19 child per month basic rates in the following schedule shall be in
20 effect for the period July 1, 1989, through December 31, 1989:

Age	Basic rate
23 0-4.....	\$ 294
24 5-8.....	319
25 9-11.....	340
26 12-14.....	378
27 15-20.....	412

28
29 (b) (1) Any county that, as of October 1, 1989, has in effect a
30 basic rate that is at the levels set forth in the schedule in subdivision
31 (a), shall continue to receive state participation, as specified in
32 subdivision (c) of Section 15200, at these levels.

33 (2) Any county that, as of October 1, 1989, has in effect a basic
34 rate that exceeds a level set forth in the schedule in subdivision
35 (a), shall continue to receive the same level of state participation
36 as it received on October 1, 1989.

37 (c) The amounts in the schedule of basic rates in subdivision
38 (a) shall be adjusted as follows:

39 (1) Effective January 1, 1990, the amounts in the schedule of
40 basic rates in subdivision (a) shall be increased by 12 percent.

1 (2) Effective May 1, 1990, any county that did not increase the
2 basic rate by 12 percent on January 1, 1990, shall do both of the
3 following:

4 (A) Increase the basic rate in effect December 31, 1989, for
5 which state participation is received by 12 percent.

6 (B) Increase the basic rate, as adjusted pursuant to subparagraph
7 (A), by an additional 5 percent.

8 (3) (A) Except as provided in subparagraph (B), effective July
9 1, 1990, for the 1990–91 fiscal year, the amounts in the schedule
10 of basic rates in subdivision (a) shall be increased by an additional
11 5 percent.

12 (B) The rate increase required by subparagraph (A) shall not be
13 applied to rates increased May 1, 1990, pursuant to paragraph (2).

14 (4) Effective July 1, 1998, the amounts in the schedule of basic
15 rates in subdivision (a) shall be increased by 6 percent.
16 Notwithstanding any other ~~provision~~ of law, the 6-percent increase
17 provided for in this paragraph shall, retroactive to July 1, 1998,
18 apply to every county, including any county to which paragraph
19 (2) of subdivision (b) applies, and shall apply to foster care for
20 every age group.

21 (5) Notwithstanding any other ~~provision~~ of law, any increase
22 that takes effect after July 1, 1998, shall apply to every county,
23 including any county to which paragraph (2) of subdivision (b)
24 applies, and shall apply to foster care for every age group.

25 (6) The increase in the basic foster family home rate shall apply
26 only to children placed in a licensed foster family home receiving
27 the basic rate or in an approved home of a relative or nonrelative
28 extended family member, as described in Section 362.7, a
29 supervised independent living placement, as defined in subdivision
30 (w) of Section 11400, or a nonrelated legal guardian receiving the
31 basic rate. The increased rate shall not be used to compute the
32 monthly amount that may be paid to licensed foster family agencies
33 for the placement of children in certified foster homes.

34 (d) (1) (A) Beginning with the 1991–92 fiscal year, the
35 schedule of basic rates in subdivision (a) shall be adjusted by the
36 percentage changes in the California Necessities Index, computed
37 pursuant to the methodology described in Section 11453, subject
38 to the availability of funds.

1 (B) In addition to the adjustment in subparagraph (A) effective
2 January 1, 2000, the schedule of basic rates in subdivision (a) shall
3 be increased by 2.36 percent rounded to the nearest dollar.

4 (C) Effective January 1, 2008, the schedule of basic rates in
5 subdivision (a), as adjusted pursuant to subparagraph (B), shall be
6 increased by 5 percent, rounded to the nearest dollar. The increased
7 rate shall not be used to compute the monthly amount that may be
8 paid to licensed foster family agencies for the placement of children
9 in certified foster family homes, and shall not be used to recompute
10 the foster care maintenance payment that would have been paid
11 based on the age-related, state-approved foster family home care
12 rate and any applicable specialized care increment, for any adoption
13 assistance agreement entered into prior to October 1, 1992, or in
14 any subsequent reassessment for adoption assistance agreements
15 executed before January 1, 2008.

16 (2) (A) Any county that, as of the 1991–92 fiscal year, receives
17 state participation for a basic rate that exceeds the amount set forth
18 in the schedule of basic rates in subdivision (a) shall receive an
19 increase each year in state participation for that basic rate of
20 one-half of the percentage adjustments specified in paragraph (1)
21 until the difference between the county’s adjusted state
22 participation level for its basic rate and the adjusted schedule of
23 basic rates is eliminated.

24 (B) Notwithstanding subparagraph (A), all counties for the
25 1999–2000 fiscal year and the 2007–08 fiscal year shall receive
26 an increase in state participation for the basic rate of the entire
27 percentage adjustment described in paragraph (1).

28 (3) If a county has, after receiving the adjustments specified in
29 paragraph (2), a state participation level for a basic rate that is
30 below the amount set forth in the adjusted schedule of basic rates
31 for that fiscal year, the state participation level for that rate shall
32 be further increased to the amount specified in the adjusted
33 schedule of basic rates.

34 (e) (1) As used in this section, “specialized care increment”
35 means an ~~approved AFDC-FC~~ amount paid on behalf of ~~an~~
36 ~~AFDC-FC~~ a child requiring specialized care to a home listed in
37 subdivision (g) in addition to the basic rate. Notwithstanding
38 subdivision (g), the specialized care increment shall not be paid
39 to a nonminor dependent placed in a supervised independent living
40 setting as defined in subdivision (w) of Section 11403. A county

1 may have a ratesetting system for specialized care to pay for the
2 additional care and supervision needed to address the behavioral,
3 emotional, and physical requirements of foster children. A county
4 may modify its specialized care rate system as needed, to
5 accommodate changing specialized placement needs of children.

6 (2) (A) The department shall have the authority to review the
7 county's specialized care information, including the criteria and
8 methodology used for compliance with state and federal law, and
9 to require counties to make changes if necessary to conform to
10 state and federal law.

11 (B) The department shall make available to the public each
12 county's specialized care information, including the criteria and
13 methodology used to determine the specialized care increments.

14 (3) Upon a request by a county for technical assistance,
15 specialized care information shall be provided by the department
16 within 90 days of the request to the department.

17 (4) (A) Except for subparagraph (B), beginning January 1,
18 1990, specialized care increments shall be adjusted in accordance
19 with the methodology for the schedule of basic rates described in
20 subdivisions (c) and (d).

21 (B) Notwithstanding subdivision (e) of Section 11460, for the
22 1993–94 fiscal year, an amount equal to 5 percent of the State
23 Treasury appropriation for family homes shall be added to the total
24 augmentation for the AFDC-FC program in order to provide
25 incentives and assistance to counties in the area of specialized
26 care. This appropriation shall be used, but not limited to,
27 encouraging counties to implement or expand specialized care
28 payment systems, to recruit and train foster parents for the
29 placement of children with specialized care needs, and to develop
30 county systems to encourage the placement of children in family
31 homes. It is the intent of the Legislature that in the use of these
32 funds, federal financial participation shall be claimed whenever
33 possible.

34 (C) (i) Notwithstanding subparagraph (A), the specialized care
35 increment shall not receive a cost-of-living adjustment in the
36 2011–12 or 2012–13 fiscal years.

37 (ii) Notwithstanding clause (i), a county may choose to apply
38 a cost-of-living adjustment to its specialized care increment during
39 the 2011–12 or 2012–13 fiscal years. To the extent that a county

1 chooses to apply a cost-of-living adjustment during that time, the
2 state shall not participate in the costs of that adjustment.

3 (iii) To the extent that federal financial participation is available
4 for a cost-of-living adjustment made by a county pursuant to clause
5 (ii), it is the intent of the Legislature that the federal funding shall
6 be utilized.

7 (5) Beginning in the 2011–12 fiscal year, and for each fiscal
8 year thereafter, funding and expenditures for programs and
9 activities under this subdivision shall be in accordance with the
10 requirements provided in Sections 30025 and 30026.5 of the
11 Government Code.

12 (f) (1) As used in this section, “clothing allowance” means the
13 amount paid by a county, at the county’s option, in addition to the
14 basic rate for the provision of additional clothing for an ~~AFDC-FC~~
15 a child, including, but not limited to, an initial supply of clothing
16 and school or other uniforms. The frequency and level of funding
17 shall be based on the needs of the child, as determined by the
18 county.

19 (2) The state shall no longer participate in any clothing
20 allowance in addition to the basic rate, commencing with the
21 2011–12 fiscal year.

22 (g) (1) Notwithstanding subdivisions (a) to (d), inclusive, for
23 a child, or on and after January 1, 2012, a nonminor dependent,
24 placed in a licensed foster family home or with a resource family,
25 or placed in an approved home of a relative or the approved home
26 of a nonrelative extended family member as described in Section
27 362.7, or placed on and after January 1, 2012, in a supervised
28 independent living placement, as defined in subdivision (w) of
29 Section 11400, the per child per month basic rate in the following
30 schedule shall be in effect for the period commencing July 1, 2011,
31 or the date specified in the final order, for which the time to appeal
32 has passed, issued by a court of competent jurisdiction in California
33 State Foster Parent Association v. William Lightbourne, et al. (U.S.
34 Dist. Ct. C 07-08056 WHA), whichever is earlier, through June
35 30, 2012:

Age	Basic rate
38 0–4.....	\$ 609
39 5–8.....	\$ 660
40 9–11.....	\$ 695

1	Age	Basic rate
2	12-14.....	\$ 727
3	15-20.....	\$ 761

4

5 (2) Commencing July 1, 2011, the basic rate set forth in this
6 subdivision shall be annually adjusted on July 1 by the annual
7 percentage change in the California Necessities Index applicable
8 to the calendar year within which each July 1 occurs.

9 (3) Subdivisions (e) and (f) shall apply to payments made
10 pursuant to this subdivision.

11 ~~(4) (A) Commencing January 1, 2017, the basic rate for all~~
12 ~~resource families shall be the same as the basic rate established~~
13 ~~pursuant to Section 11463.~~

14 ~~(B) The basic rate shall be annually adjusted on July 1 by the~~
15 ~~annual percentage change in the California Necessities Index~~
16 ~~applicable to the calendar year within which each July 1 occurs.~~

17 (4) (A) (i) *The department shall develop a basic rate in*
18 *coordination with the development of the foster family agency rate*
19 *authorized in Section 11463 that ensures a child placed in a*
20 *home-based setting described in paragraph (1), and a child placed*
21 *in a certified family home or with a resource family approved by*
22 *a foster family agency, is eligible for the same basic rate set forth*
23 *in this paragraph.*

24 (ii) *A certified family home of a foster family agency shall be*
25 *paid the basic rate set forth in this paragraph only through*
26 *December 31, 2019.*

27 (B) *The basic rate paid to either a certified family home or a*
28 *resource family approved by a foster family agency shall be paid*
29 *by the agency to the certified family home or approved resource*
30 *family from the rate that is paid to the agency pursuant to Section*
31 *11463.*

32 (C) *The basic rate shall be adjusted annually on July 1 by the*
33 *annual percentage change in the California Necessities Index*
34 *applicable to the calendar year within which each July 1 occurs.*
35 *Notwithstanding the rulemaking provisions of the Administrative*
36 *Procedure Act (Chapter 3.5 (commencing with Section 11340) of*
37 *Part 1 of Division 3 of Title 2 of the Government Code), the*
38 *annually adjusted basic rates shall be published annually by*
39 *all-county letter.*

1 (D) Notwithstanding the rulemaking provisions of the
2 Administrative Procedure Act (Chapter 3.5 (commencing with
3 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
4 Code), the basic rates and the manner in which they are determined
5 shall be set forth in written directives until regulations are adopted.

6 (E) The basic rates set forth in written directives or regulations
7 pursuant to subparagraph (D) shall become inoperative on January
8 1, 2018, unless a later enacted statute, that becomes operative on
9 or before January 1, 2018, deletes or extends the dates on which
10 they become inoperative.

11 (h) Beginning in the 2011–12 fiscal year, and each fiscal year
12 thereafter, funding and expenditures for programs and activities
13 under this section shall be in accordance with the requirements
14 provided in Sections 30025 and 30026.5 of the Government Code.

15 ~~SEC. 46.~~

16 *SEC. 62.* Section 11462 of the Welfare and Institutions Code,
17 as added by Section 72 of Chapter 773 of the Statutes of 2015, is
18 amended to read:

19 11462. (a) The department shall commence development of
20 a new payment structure for short-term residential treatment center
21 program placements claiming Title IV-E funding, in consultation
22 with county placing agencies and providers.

23 (b) The department shall develop a rate system that includes
24 consideration of all of the following factors:

25 (1) Core services, made available to children and nonminor
26 dependents either directly or secured through formal agreements
27 with other agencies, which are trauma informed and culturally
28 relevant and include:

29 (A) Specialty mental health services for children who meet
30 medical necessity criteria for specialty mental health services under
31 the Medi-Cal Early and Periodic Screening, Diagnosis, and
32 Treatment program.

33 (B) Transition support services for children, youth, and families
34 upon initial entry and placement changes and for families who
35 assume permanency through reunification, adoption, or
36 guardianship.

37 (C) Educational and physical, behavioral, and mental health
38 supports, including extracurricular activities and social supports.

39 (D) Activities designed to support transition-age youth and
40 nonminor dependents in achieving a successful adulthood.

1 (E) Services to achieve permanency, including supporting efforts
2 to reunify or achieve adoption or guardianship and efforts to
3 maintain or establish relationships with parents, siblings, extended
4 family members, tribes, or others important to the child or youth,
5 as appropriate.

6 (F) When serving Indian children, as defined in subdivisions
7 (a) and (b) of Section 224.1, the core services described in
8 subparagraphs (A) to (E), inclusive, which shall be provided to
9 eligible children consistent with active efforts pursuant to Section
10 361.7.

11 (G) (i) Facilitating the identification and, as needed, the
12 approval of resource families pursuant to Section 16519.5, for the
13 purpose of transitioning children and youth to family-based care.

14 (ii) If a short-term residential treatment center elects to approve
15 and monitor resource families directly, the center shall comply
16 with all laws applicable to foster family agencies, including, but
17 not limited to, those set forth in the Community Care Facilities
18 Act (Chapter 3 (commencing with Section 1500) of Division 2 of
19 the Health and Safety Code).

20 (iii) For short-term residential treatment centers that elect to
21 approve and monitor resource families directly, the department
22 shall have all the same duties and responsibilities as those centers
23 have for licensed foster family agencies, as set forth in applicable
24 law, including, but not limited to, those set forth in the Community
25 Care Facilities Act (Chapter 3 (commencing with Section 1500)
26 of Division 2 of the Health and Safety Code).

27 (2) The core services specified in subparagraphs (A) to (G),
28 inclusive, of paragraph (1) are not intended to duplicate services
29 already available to foster children in the community, but to support
30 access to those services and supports to the extent they are already
31 available. Those services and supports may include, but are not
32 limited to, foster youth services available through county offices
33 of education, Indian Health Services, or school-based
34 extracurricular activities.

35 (3) Specialized and intensive treatment supports that encompass
36 the elements of nonmedical care and supervision necessary to meet
37 a child's or youth's safety and other needs that cannot be met in
38 a family-based setting.

39 (4) Staff training.

40 (5) Health and Safety Code requirements.

1 (6) Accreditation that includes:

2 (A) Provision for all licensed short-term residential treatment
3 centers to obtain and maintain in good standing accreditation from
4 a nationally recognized accreditation agency, as identified by the
5 department, with expertise in programs for children or youth group
6 care facilities, as determined by the department.

7 (B) Promulgation by the department of information identifying
8 that agency or agencies from which accreditation shall be required.

9 (C) Provision for timely reporting to the department of any
10 change in accreditation status.

11 (7) Mental health certification, including a requirement to timely
12 report to the department any change in mental health certificate
13 status.

14 (8) Maximization of federal financial participation under Title
15 IV-E and Title XIX of the Social Security Act.

16 (c) The department shall establish rates pursuant to subdivisions
17 (a) and (b) commencing January 1, 2017. The rate structure shall
18 include an interim rate, a provisional rate for new short-term
19 residential treatment centers, and a probationary rate. The
20 department may supplement the rate with a one-time
21 reimbursement for ~~the cost of~~ accreditation *fees* in an amount and
22 manner determined by the department in written directives.

23 (1) Interim rates developed pursuant to this section shall be
24 effective January 1, 2017. The interim rates shall be evaluated and
25 an ongoing payment structure shall be set no later than January 1,
26 2020.

27 (2) Consistent with Section 11466.01, for provisional and
28 probationary rates, the following shall be established:

29 (A) Terms and conditions, including the duration of the rate.

30 (B) An administrative review process for rate determinations,
31 including denials, reductions, and terminations.

32 (C) An administrative review process that includes a
33 departmental review, corrective action, and ~~an appeal~~ *a protest*
34 with the department. Notwithstanding the rulemaking provisions
35 of the Administrative Procedure Act (Chapter 3.5 (commencing
36 with Section 11340) of Part 1 of Division 3 of Title 2 of the
37 Government Code), this process shall be disseminated by written
38 directive pending the promulgation of regulations.

39 (d) The department shall develop a system of governmental
40 monitoring and oversight that shall be carried out in coordination

1 with the State Department of Health Care Services. Oversight
 2 responsibilities shall include, but not be limited to, ensuring
 3 conformity with federal and state law, including program, fiscal,
 4 and health and safety audits and reviews. The state agencies shall
 5 attempt to minimize duplicative audits and reviews to reduce the
 6 administrative burden on providers.

7 ~~(e) This section shall become operative on January 1, 2017.~~

8 *SEC. 63. Section 11462.01 of the Welfare and Institutions*
 9 *Code, as added by Section 75 of Chapter 773 of the Statutes of*
 10 *2015, is amended to read:*

11 11462.01. (a) ~~A~~ (1) *No later than 12 months following the*
 12 *date of initial licensure, a short-term residential treatment center,*
 13 *as defined in subdivision (ad) of Section 11400 of this code and*
 14 *paragraph (18) of subdivision (a) of Section 1502 of the Health*
 15 *and Safety Code, shall obtain a contract with a county mental*
 16 *health plan to provide specialty mental health services and*
 17 *demonstrate the ability to meet the therapeutic needs of each child,*
 18 *as identified in any of the following:*

- 19 (A) *A mental health assessment.*
- 20 (B) *The child’s case plan.*
- 21 (C) *The child’s needs and services plan.*
- 22 (D) *Other documentation demonstrating the child has a mental*
 23 *health need.*

24 (2) *A short-term residential treatment center shall comply with*
 25 *any other mental health program approvals required by the State*
 26 *Department of Health Care Services or by a county mental health*
 27 *plan to which mental health program approval authority has been*
 28 *delegated.*

29 ~~(b) A short-term residential treatment center, as defined in~~
 30 ~~subdivision (ad) of Section 11400 and paragraph (18) of~~
 31 ~~subdivision (a) of Section 1502 of the Health and Safety Code,~~
 32 ~~may have a program that is certified by the State Department of~~
 33 ~~Health Care Services or by a county mental health plan to which~~
 34 ~~the department has delegated certification authority, pursuant to~~
 35 ~~Section 4096.5, or a program that is not certified, or both. A~~
 36 ~~short-term residential treatment center shall accept for placement~~
 37 ~~children who meet all of the following criteria, subject to the other~~
 38 ~~requirements of subdivisions (b) and (c):~~ *center may accept for*
 39 *placement a child who meets the following criteria:*

1 (1) The child does not require inpatient care in a licensed health
2 facility.

3 (2) The child has been assessed as requiring the level of services
4 provided in a short-term residential treatment center in order to
5 maintain the safety and well-being of the child or others due to
6 behaviors, including those resulting from traumas, that render the
7 child or those around the child unsafe or at risk of harm, or that
8 prevent the effective delivery of needed services and supports
9 provided in the child's own home or in other family settings, such
10 as with a relative, guardian, foster family, resource family, or
11 adoptive family. *The assessment shall ensure the child has needs*
12 *in common with other children or youth in the care of the facility,*
13 *consistent with subdivision (c) of Section 16514.*

14 (3) The child meets at least one of the following conditions:

15 (A) The child has been ~~assessed~~ *assessed, pursuant to Section*
16 *4096, as meeting the medical necessity criteria for Medi-Cal*
17 *specialty mental health ~~Early and Periodic Screening, Diagnosis,~~*
18 *and ~~Treatment Services, as the criteria are described in Section~~*
19 *services, as provided for in Section 1830.205 or 1830.210 of Title*
20 *9 of the California Code of Regulations.*

21 (B) The child has been ~~assessed~~ *assessed, pursuant to Section*
22 *4096, as seriously emotionally disturbed, as ~~described~~ defined in*
23 *subdivision (a) of Section 5600.3.*

24 (C) *The child requires emergency placement pursuant to*
25 *paragraph (3) of subdivision (h).*

26 ~~(C)~~

27 (D) The child has been ~~assessed~~ *assessed, pursuant to Section*
28 *4096, as requiring the level of services provided by the short-term*
29 *residential treatment center in order to meet his or her behavioral*
30 *or therapeutic needs. ~~In appropriate circumstances, this may include~~*
31 *any of the following:*

32 (4) *Subject to the requirements of this subdivision, a short-term*
33 *residential treatment center may have a specialized program to*
34 *serve a child, including, but not limited to, the following:*

35 (i)

36 (A) A commercially sexually exploited child.

37 (ii)

38 (B) A private voluntary placement, if the youth exhibits status
39 offender behavior, the parents or other relatives feel they cannot

1 control the child's behavior, and short-term intervention is needed
2 to transition the child back into the home.

3 (iii)

4 (C) A juvenile sex offender.

5 (iv)

6 (D) A child who is affiliated with, or impacted by, a gang.

7 ~~(b) A short-term residential treatment center program that is~~
8 ~~certified by the State Department of Health Care Services, or by~~
9 ~~a county mental health plan to which the department has delegated~~
10 ~~certification authority, pursuant to Section 4096.5, shall solely~~
11 ~~accept for placement, and provide access to mental health services~~
12 ~~to, children who meet the criteria in paragraphs (1) and (2) of~~
13 ~~subdivision (a), and meet the conditions of subparagraph (A) or~~
14 ~~(B) of paragraph (3) of subdivision (a), or both of those~~
15 ~~subparagraphs. Mental health services are provided directly by the~~
16 ~~certified program.~~

17 ~~(e) A short-term residential treatment center program that is not~~
18 ~~certified pursuant to Section 4096.5 shall solely accept for~~
19 ~~placement in that program a child who meets the criteria in~~
20 ~~paragraphs (1) and (2) of subdivision (a), and meets the conditions~~
21 ~~of subparagraph (A), (B), or (C) of paragraph (3) of subdivision~~
22 ~~(a), or any combination of those subparagraphs. A child who meets~~
23 ~~the conditions of subparagraphs (A) and (B) of paragraph (3) of~~
24 ~~subdivision (a) may be accepted for placement, if the interagency~~
25 ~~placement committee determines that a short-term residential~~
26 ~~treatment facility that is not certified has a program that meets the~~
27 ~~specific needs of the child and there is a commonality of needs~~
28 ~~with the other children in the short-term residential treatment~~
29 ~~center. In this situation, the short-term residential treatment center~~
30 ~~shall do either of the following:~~

31 ~~(1) In the case of a child who is a Medi-Cal beneficiary, arrange~~
32 ~~for the child to receive specialty mental health services from the~~
33 ~~county mental health plan.~~

34 ~~(2) In all other cases, arrange for the child to receive mental~~
35 ~~health services.~~

36 ~~(d) A foster family agency, as defined in subdivision (g) of~~
37 ~~Section 11400 and paragraph (4) of subdivision (a) of Section 1502~~
38 ~~of the Health and Safety Code, may have a program that is certified~~
39 ~~by the State Department of Health Care Services, or by a county~~
40 ~~mental health plan to which the department has delegated~~

1 ~~certification authority, pursuant to Section 1810.435 or 1810.436~~
2 ~~of Title 9 of the California Code of Regulations, or a program that~~
3 ~~is not certified, or both. A program, subject to subdivisions (e) and~~
4 ~~(f), shall provide access to mental health services to the children.~~
5 ~~A foster family agency, depending on whether or not it has a~~
6 ~~certified program, shall provide access to mental health services~~
7 ~~to children who do not require inpatient care in a licensed health~~
8 ~~facility and who meet any one or more of the following conditions:~~

9 ~~(1) A child who has been assessed as meeting the medical~~
10 ~~necessity criteria for specialty mental health services under the~~
11 ~~Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment~~
12 ~~benefit, as the criteria are described in Section 1830.210 of Title~~
13 ~~9 of the California Code of Regulations.~~

14 ~~(2) A child who has been assessed as seriously emotionally~~
15 ~~disturbed, as described in subdivision (a) of Section 5600.3.~~

16 ~~(3) A child who has been assessed as requiring the level of~~
17 ~~services to meet his or her behavioral or therapeutic needs.~~

18 ~~(e)~~

19 ~~(c) A foster family agency that is certified as a *Medi-Cal*~~
20 ~~*specialty mental health* provider pursuant to Section 1810.435 or~~
21 ~~1810.436 of Title 9 of the California Code of Regulations by the~~
22 ~~State Department of Health Care Services, or by a county mental~~
23 ~~health plan to which the department has delegated certification~~
24 ~~authority, shall provide access to and which has entered into a~~
25 ~~contract with a county mental health plan pursuant to Section~~
26 ~~1810.436 of Title 9 of the California Code of Regulations, shall~~
27 ~~provide, or provide access to, specialty mental health services~~
28 ~~directly to children in its program under its care who do not require~~
29 ~~inpatient care in a licensed health facility and who meet the~~
30 ~~conditions of paragraph (1) or (2) of subdivision (d). the medical~~
31 ~~necessity criteria for *Medi-Cal* specialty mental health services~~
32 ~~provided for in Sections 1830.205 and 1830.210 of Title 9 of the~~
33 ~~California Code of Regulations.~~

34 ~~(f)~~

35 ~~(d) A foster family agency that is not certified as described in~~
36 ~~subdivision (e) may as a *Medi-Cal* specialty mental health provider~~
37 ~~shall provide access to specialty and non-specialty mental health~~
38 ~~services in that program for children who do not require inpatient~~
39 ~~care in a licensed health facility and who meet either of the~~
40 ~~conditions of paragraphs (1) and (2) of subdivision (d). in~~

1 *paragraph (3) of subdivision (b).* In this situation the foster family
 2 agency shall do the following:

3 (1) In the case of a child who is a Medi-Cal beneficiary, ~~have~~
 4 ~~written interagency protocols in place to arrange for specialty~~
 5 ~~mental health services from the county mental health plan or an~~
 6 ~~organizational provider, as defined in Section 1810.231 of Title 9~~
 7 ~~of California Code of Regulations.~~ *plan.*

8 (2) In all other cases, arrange for the child to receive mental
 9 health services.

10 ~~(g)~~

11 ~~(e)~~ All short-term residential treatment centers and foster family
 12 ~~agencies that operate a certified program~~ shall maintain the level
 13 of care and services necessary to meet the needs of the children
 14 and youth in their care and shall maintain and have in good
 15 standing the appropriate mental health ~~certification~~ *program*
 16 *approval that includes a certification to provide Medi-Cal specialty*
 17 *mental health services* issued by the State Department of Health
 18 Care Services or a county mental health plan to which the
 19 department has delegated ~~certification~~ *mental health program*
 20 *approval* authority, pursuant to Section 4096.5 of this code or
 21 Section 1810.435 or 1810.436 of Title 9 of the California Code of
 22 Regulations. *All foster family agencies that are certified as a*
 23 *Medi-Cal specialty mental health provider pursuant to Section*
 24 *1810.435 of Title 9 of the California Code of Regulations shall*
 25 *maintain the level of care and services necessary to meet the needs*
 26 *of children and youth in their care and shall maintain and have*
 27 *in good standing the Medi-Cal specialty mental health provider*
 28 *certification issued by the State Department of Health Care*
 29 *Services or a county mental health plan to which the department*
 30 *has delegated certification authority.*

31 ~~(h)~~

32 ~~(f)~~ The assessments described in subparagraphs ~~(A) and (B)~~ (A),
 33 (B), (C), and (D) of paragraph (3) of subdivision ~~(a)~~ and paragraphs
 34 ~~(1) and (2) of subdivision (d), shall~~ (b) shall ensure the child's
 35 individual behavioral or treatment needs are consistent with, and
 36 can be met by, the facility and shall be made by ~~at~~ one of the
 37 following, as applicable:

38 (1) An interagency placement committee, as described in Section
 39 4096, considering the recommendations from the child and family
 40 team, if any are available. *If the short-term residential treatment*

1 center serves children who are placed by county child welfare
2 agencies and children who are placed by probation departments,
3 the interagency placement committee shall also ensure the
4 requirements of subdivision (c) of Section 16514 have been met
5 with respect to commonality of need.

6 (2) A licensed mental health professional as defined in
7 subdivision (g) of Section 4096.

8 (3) For the purposes of this section, an AFDC-FC funded child
9 with an individualized education program developed pursuant to
10 Article 2 (commencing with Section 56320) of Chapter 4 of Part
11 30 of Division 4 of Title 2 of the Education Code that assesses the
12 child as seriously emotionally disturbed, as defined in, and subject
13 to, this section and recommends out-of-home placement at the
14 level of care provided by the provider, shall be deemed to have
15 met the assessment requirement.

16 ~~(4) For the purposes of this section, and only for placement into
17 a foster family agency, an AFDC-FC funded child assessed
18 pursuant to subdivision (b) of Section 706.6 or paragraph (2) of
19 subdivision (e) of Section 16501.1, in consultation with a mental
20 health professional, as defined in subdivision (g) of Section 4096.5,
21 shall be deemed to have met the assessment requirement.~~

22 (i)

23 ~~(g) The assessments evaluation described in subparagraph (C)~~
24 ~~(A) of paragraph (3) of subdivision (a) and paragraph (3) of~~
25 ~~subdivision (d) (h) shall be made pursuant to subdivision (b) of~~
26 ~~Section 706.6 or paragraph (2) of subdivision (c) of Section~~
27 ~~16501.1.~~

28 (j)

29 (h) (1) The provider shall ensure that AFDC-FC funded
30 children, assessed pursuant to subparagraphs (A) and (B) of
31 paragraph (3) of subdivision ~~(a) or paragraphs (1) and (2) of~~
32 ~~subdivision (d); (b), who are accepted for placement have been~~
33 ~~approved for placement by an interagency placement committee,~~
34 ~~as described in Section 4096, except as provided for in paragraphs~~
35 ~~(3) and (4) of subdivision (h); (f).~~

36 (2) The approval shall be in writing and shall indicate that the
37 interagency placement committee has determined ~~all~~ one of the
38 following:

39 (A) The child meets the medical necessity criteria for Medi-Cal
40 specialty mental health ~~Early and Periodic Screening, Diagnosis,~~

1 ~~and Treatment as the criteria are described in Section~~ *services, as*
2 *provided for in Section 1830.205 or 1830.210 of Title 9 of the*
3 *California Code of Regulations.*

4 (B) The child is seriously emotionally disturbed, as described
5 in subdivision (a) of Section 5600.3.

6 ~~(C) Subject to Section 1502.4 of the Health and Safety Code,~~
7 ~~the child needs the level of care provided by the program.~~

8 (3) (A) Nothing in subdivisions (a) to ~~(i)~~; *(h)*, inclusive, or this
9 subdivision shall prevent an emergency placement of a child or
10 youth into a certified short-term residential treatment center ~~or~~
11 ~~foster family agency~~ program prior to the determination by the
12 interagency placement committee, but only if a licensed mental
13 health professional, as defined in subdivision (g) of Section 4096,
14 has made a written determination within 72 hours of the child's
15 or youth's placement, that the child or youth ~~is seriously~~
16 ~~emotionally disturbed and is in need of the care and services~~
17 *requires the level of services and supervision* provided by the
18 ~~certified short-term residential treatment center or foster family~~
19 ~~agency; in order to meet his or her behavioral or therapeutic needs.~~
20 *If the short-term residential treatment center serves children placed*
21 *by county child welfare agencies and children placed by probation*
22 *departments, the interagency placement committee shall also*
23 *ensure the requirements of subdivision (c) of Section 16514 have*
24 *been met with respect to commonality of need.*

25 (i) The interagency placement committee, as appropriate, shall,
26 within 30 days of placement, make the determinations, with
27 recommendations from the child and family team, required by this
28 subdivision.

29 (ii) If it determines the placement is appropriate, the interagency
30 placement committee, with recommendations from the child and
31 family team, shall transmit the approval, in writing, to the county
32 placing agency and the short-term residential treatment center ~~or~~
33 ~~foster family agency; center.~~

34 (iii) If it determines the placement is not appropriate, the
35 interagency placement committee shall respond pursuant to
36 subparagraph (B).

37 (B) *(i)* If the interagency placement committee determines at
38 any time that the placement is not appropriate, it shall, with
39 recommendations from the child and family team, transmit the
40 disapproval, in writing, to the county placing agency and the

1 short-term residential treatment center ~~or foster family agency,~~
2 ~~and~~ *and shall include a recommendation as to the child's*
3 *appropriate level of care and placement to meet his or her service*
4 *needs. The necessary interagency placement committee*
5 *representative or representatives shall participate in any child*
6 *and family team meetings to refer the child or youth ~~shall be~~*
7 *referred to an appropriate placement, as specified in this section.*

8 (ii) *The child may remain in the placement for the amount of*
9 *time necessary to identify and transition the child to an alternative,*
10 *suitable placement.*

11 (iii) *Notwithstanding clause (ii), if the interagency placement*
12 *committee determined the placement was not appropriate due to*
13 *a health and safety concern, immediate arrangements for the child*
14 *to transition to an appropriate placement shall occur.*

15 ~~(k)~~

16 (i) Commencing January 1, 2017, for AFDC-FC funded children
17 or youth, only those children or youth who are approved for
18 placement, as set forth in this section, may be accepted by a
19 short-term residential treatment center ~~or foster family agency.~~
20 *center.*

21 ~~(l)~~

22 (j) The department shall, through regulation, establish
23 consequences for the failure of a short-term residential treatment
24 ~~center, or a foster family agency,~~ *center* to obtain written approval
25 for placement of an AFDC-FC funded child or youth pursuant to
26 this section.

27 ~~(m)~~

28 (k) The department shall not establish a rate for a short-term
29 residential treatment center ~~or foster family agency~~ unless the
30 provider submits a recommendation from the host county or the
31 primary placing county that the program is needed and that the
32 provider is willing and capable of operating the program at the
33 level sought. For purposes of this subdivision, "host county," and
34 "primary placing county," mean the same as defined in the
35 department's AFDC-FC ratesetting regulations.

36 ~~(n)~~

37 (l) Any certified short-term residential treatment center ~~or foster~~
38 ~~family agency~~ shall be reclassified and paid at the appropriate
39 program rate for which it is qualified if either of the following
40 occurs:

1 (1) (A) It fails to maintain the level of care and services
 2 necessary to meet the needs of the children and youth in care, as
 3 required by subdivision (a). The determination shall be made
 4 consistent with the department’s AFDC-FC ratesetting regulations
 5 developed pursuant to ~~Sections 11462 and 11463~~ *Section 11462*
 6 and shall take into consideration the highest level of care and
 7 associated rates for which the program ~~is eligible.~~ *may be eligible*
 8 *if granted an extension pursuant to Section 11462.04 or any*
 9 *reduction in rate associated with a provisional or probationary*
 10 *rate granted or imposed under 11466.01.*

11 (B) In the event of a determination under this paragraph, the
 12 short-term residential treatment center ~~or foster family agency~~ may
 13 appeal the finding or submit a corrective action plan. The appeal
 14 process specified in Section 11466.6 shall be available to a
 15 short-term residential treatment center ~~or foster family agency~~ that
 16 provides intensive and therapeutic treatment. During any appeal,
 17 the short-term residential treatment center ~~or foster family agency~~
 18 that provides intensive and therapeutic treatment shall maintain
 19 the appropriate level of care.

20 (2) It fails to maintain a certified mental health treatment
 21 program as required by subdivision ~~(g)~~. *(e)*.

22 ~~(o)~~

23 *(m)* In addition to any other review required by law, the child
 24 and family team as defined in paragraph (4) of subdivision (a) of
 25 Section 16501 may periodically review the placement of the child
 26 or youth. If the child and family team make a recommendation
 27 that the child or youth no longer needs, or is not benefiting from,
 28 placement in a short-term residential treatment center ~~or foster~~
 29 ~~family agency~~, or one of its programs, the team shall transmit the
 30 disapproval, in writing, to the county placing agency to consider
 31 a more appropriate placement.

32 ~~(p)~~

33 *(n)* The department shall develop a process to address
 34 placements when, subsequent to the child’s or youth’s placement,
 35 a determination is made by the interagency placement team and
 36 shall consider the recommendations of the child and family team,
 37 either that the child or youth is not in need of the care and services
 38 provided by the certified program. The process shall include, but
 39 not be limited to:

1 (1) Notice of the determination in writing to both the county
2 placing agency and the short-term residential treatment center or
3 foster family agency that provides intensive and therapeutic
4 treatment.

5 (2) Notice of the county's plan, and a time frame, for removal
6 of the child or youth in writing to the short-term residential
7 treatment center ~~or foster family agency~~ that provides intensive
8 and therapeutic treatment.

9 (3) Referral to an appropriate placement.

10 (4) Actions to be taken if a child or youth is not timely removed
11 from the short-term residential treatment center ~~or foster family~~
12 ~~agency~~ that provides intensive and therapeutic treatment or placed
13 in an appropriate placement.

14 ~~(q)~~

15 ~~(o)~~ (1) Nothing in this section shall prohibit a short-term
16 residential treatment center ~~or foster family agency~~ from accepting
17 private placements of children or youth.

18 (2) When a referral is not from a public agency and no public
19 funding is involved, there is no requirement for public agency
20 review ~~nor~~ or determination of need.

21 (3) Children and youth subject to paragraphs (1) and (2) shall
22 have been determined to be seriously emotionally disturbed, as
23 described in subdivision (a) of Section 5600.3, and subject to
24 Section 1502.4 of the Health and Safety Code, by a licensed mental
25 health professional, as defined in subdivision (g) of Section 4096.

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

27 ~~SEC. 47.~~

28 *SEC. 64.* Section 11462.04 of the Welfare and Institutions
29 Code, as added by Section 82 of Chapter 773 of the Statutes of
30 2015, is amended to read:

31 11462.04. (a) Notwithstanding any other law, commencing
32 January 1, 2017, no new group home rate or change to an existing
33 rate shall be established pursuant to the Rate Classification Level
34 (RCL) system.

35 (b) Notwithstanding subdivision (a), the department may grant
36 an exception as appropriate, on a case-by-case basis, when a written
37 request and supporting documentation are provided by a county
38 placing agency, including a county welfare or probation director,
39 that absent the granting of that exception, there is a material risk
40 to the welfare of children due to an inadequate supply of

1 appropriate alternative placement options to meet the needs of
2 children.

3 (c) For group homes being paid under the RCL system, and
4 those granted an exception pursuant to paragraph (b), group home
5 rates shall terminate on December 31, 2016, unless granted an
6 extension under the exception process in subdivision (d).

7 (d) A group home may request an exception to extend its rate
8 as follows:

9 (1) The department may grant an extension for up to two years,
10 through December 31, 2018, except as provided in paragraph (2),
11 on a case-by-case basis, when a written request and supporting
12 documentation are provided by a county placing agency, including
13 a county welfare or probation director, that absent the granting of
14 that exception, there is a material risk to the welfare of children
15 due to an inadequate supply of appropriate alternative placement
16 options to meet the needs of children. The exception may include
17 time to meet the program accreditation requirement or the mental
18 health certification requirement.

19 (2) Pursuant to Section 11462.041, *after the expiration of the*
20 *extension afforded in paragraph (1)*, the department may grant an
21 *additional* extension to a group home beyond December 31, 2018,
22 upon a provider submitting a written request and the county
23 probation department providing documentation stating that absent
24 the grant of that extension, there is a significant risk to the safety
25 of the youth or the public, due to an inadequate supply of
26 short-term residential treatment centers or resource families
27 necessary to meet the needs of probation youth. The extension
28 granted to any provider through this section may be reviewed
29 annually by the department if concerns arise regarding that
30 provider's facility. Pursuant to subdivision (e) of Section
31 11462.041, the final report submitted to the Legislature shall
32 address whether or not the extensions are still necessary.

33 (3) The exception shall allow the provider to continue to receive
34 the rate under the prior ratesetting system.

35 (4) A provider granted an extension pursuant to this section
36 shall continue to operate and be governed by the applicable laws
37 and regulations that were operative on December 31, 2018.

38 (5) If the exception request granted pursuant to this subdivision
39 is not made by the host county, the placing county shall notify and
40 provide a copy to the host county.

1 (e) (1) The extended rate granted pursuant to either paragraph
2 (1) or (2) of subdivision (d) shall be provisional and subject to
3 terms and conditions set by the department during the provisional
4 period.

5 (2) Consistent with Section 11466.01, for provisional rates, the
6 following shall be established:

7 (A) Terms and conditions, including the duration of the
8 provisional rate.

9 (B) An administrative review process for provisional rate
10 determinations, including denials, reductions, and terminations.

11 (C) An administrative review process that includes a
12 departmental review, corrective action, and ~~an appeal~~ *a protest*
13 with the department. Notwithstanding the rulemaking provisions
14 of the Administrative Procedure Act (Chapter 3.5 (commencing
15 with Section 11340) of Part 1 of Division 3 of Title 2 of the
16 Government Code), this process shall be disseminated by written
17 directive pending the promulgation of regulations.

18 (f) Upon termination of an existing group home rate under the
19 RCL system, a new rate shall not be paid until an application is
20 approved and a rate is granted by the department pursuant to
21 Section 11462 as a short-term residential treatment center or,
22 effective January 1, 2017, the rate set pursuant to Section 11463
23 as a foster family agency.

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

28 ~~SEC. 48.~~

29 *SEC. 65.* Section 11462.06 of the Welfare and Institutions
30 Code is amended to read:

31 11462.06. (a) For purposes of the administration of this article,
32 including the setting of group home rates, the department shall
33 deem the reasonable costs of leases for shelter care for foster
34 children to be allowable costs. Reimbursement of shelter costs
35 shall not exceed 12 percent of the fair market value of owned,
36 leased, or rented buildings, including any structures, improvements,
37 edifices, land, grounds, and other similar property that is owned,
38 leased, or rented by the group home and that is used for group
39 home programs and activities, exclusive of idle capacity and
40 capacity used for nongroup home programs and activities. Shelter

1 costs shall be considered reasonable in relation to the fair market
2 value limit as described in subdivision (b).

3 (b) For purposes of this section, fair market value of leased
4 property shall be determined by either of the following methods,
5 as chosen by the provider:

6 (1) The market value shown on the last tax bill for the cost
7 reporting period.

8 (2) The market value determined by an independent appraisal.
9 The appraisal shall be performed by a qualified, professional
10 appraiser who, at a minimum, meets standards for appraisers as
11 specified in Chapter 6.5 (commencing with Section 3500) of Title
12 10 of the California Code of Regulations. The appraisal shall not
13 be deemed independent if performed under a less-than-arms-length
14 agreement, or if performed by a person or persons employed by,
15 or under contract with, the group home for purposes other than
16 performing appraisals, or by a person having a material interest in
17 any group home which receives foster care payments. If the
18 department believes an appraisal does not meet these standards,
19 the department shall give its reasons in writing to the provider and
20 provide an opportunity for appeal.

21 (c) (1) The department may adopt emergency regulations in
22 order to implement this section, in accordance with Chapter 3.5
23 (commencing with Section 11340) of Part 1 of Division 3 of Title
24 2 of the Government Code.

25 (2) The adoption of emergency regulations pursuant to this
26 section shall be deemed to be an emergency and considered by the
27 Office of Administrative Law as necessary for the immediate
28 preservation of the public peace, health and safety, or general
29 welfare.

30 (3) Emergency regulations adopted pursuant to this section shall
31 be exempt from the review and approval of the Office of
32 Administrative Law.

33 (4) The emergency regulations authorized by this section shall
34 be submitted to the Office of Administrative Law for filing with
35 the Secretary of State and publication in the California Code of
36 Regulations.

37 (d) (1) Commencing July 1, 2003, any group home provider
38 with a self-dealing lease transaction for shelter costs, as defined
39 in Section 5233 of the Corporations Code, shall not be eligible for
40 an AFDC-FC rate.

1 (2) Notwithstanding paragraph (1), providers that received an
2 approval letter for a self-dealing lease transaction for shelter costs
3 during the 2002–03 fiscal year from the Charitable Trust Section
4 of the Department of Justice shall be eligible to continue to receive
5 an AFDC-FC rate until the date that the lease expires, or is
6 modified, extended, or terminated, whichever occurs first. These
7 providers shall be ineligible to receive an AFDC-FC rate after that
8 date if they have entered into any self-dealing lease transactions
9 for group home shelter costs.

10 (e) This section shall remain in effect only until January 1, 2019,
11 and as of that date is repealed, unless a later enacted statute, that
12 is enacted before January 1, 2019, deletes or extends that date.

13 ~~SEC. 49.~~

14 *SEC. 66.* Section 11462.06 is added to the Welfare and
15 Institutions Code, to read:

16 11462.06. (a) For purposes of the administration of this article,
17 including setting AFDC-FC provider rates, the department shall
18 deem the reasonable costs of leases for shelter care for foster
19 children to be allowable costs.

20 (b) Rental costs of real property, allowable as either shelter care
21 or as necessary administration of the foster care maintenance
22 payment, are allowable to the extent that the rates are reasonable
23 in light of such factors as rental costs of comparable property, if
24 any; market conditions in the area; alternatives available; and the
25 type, life expectancy, condition, and value of the leased property,
26 including any structures, improvements, edifices, land, grounds,
27 and other similar property that is used for the facility’s residential
28 foster care programs and activities, exclusive of idle capacity and
29 capacity used for nonresidential foster care programs and activities.

30 (1) Rental costs shall be considered reasonable in relation to
31 the fair market rental value limit, ~~as described~~ *subject to the*
32 *requirements* in Section 200.465 of Title 2 of the Code of Federal
33 ~~Regulations. Regulations, as implemented by the United States~~
34 *Department of Health and Human Services at Section 75.465 of*
35 *Title 45 of the Code of Federal Regulations.*

36 (2) Rental arrangements should be reviewed periodically to
37 determine if circumstances have changed and other options are
38 available.

39 (c) The appraisal shall be performed by an independent,
40 qualified, professional appraiser who, at a minimum, meets

1 standards for appraisers as specified in Chapter 6.5 (commencing
2 with Section 3500) of Title 10 of the California Code of
3 Regulations. The appraisal shall not be deemed independent if
4 performed under a less-than-arms-length agreement, if performed
5 by a person or persons employed by, or under contract with, the
6 program subject to the appraisal for purposes other than performing
7 appraisals, or if performed by a person having a material interest
8 in any program that receives foster care payments. If the department
9 believes an appraisal does not meet these standards, the department
10 shall give its reasons in writing to the program and provide an
11 opportunity for appeal.

12 (d) (1) Any provider with a self-dealing transaction, as defined
13 in Section 5233 of the Corporations Code, for a lease for shelter
14 costs shall be ineligible for an AFDC-FC rate.

15 (2) Lease transactions are subject to restrictions set forth in
16 Section 200.465(c) of Title 2 of the Code of Federal ~~Regulations.~~
17 *Regulations, as implemented by the United States Department of*
18 *Health and Human Services at Section 75.465 of Title 45 of the*
19 *Code of Federal Regulations.*

20 (e) This section shall become operative on January 1, 2019.

21 ~~SEC. 50.~~

22 *SEC. 67.* Section 11463 of the Welfare and Institutions Code,
23 as added by Section 85 of Chapter 773 of the Statutes of 2015, is
24 amended to read:

25 11463. (a) The department shall commence development of
26 a new payment structure for the Title IV-E funded foster family
27 agency placement option that maximizes federal funding, in
28 consultation with county placing agencies.

29 (b) The department shall develop a payment system for foster
30 family agencies that provide treatment, intensive treatment, and
31 therapeutic foster care programs, and shall consider all of the
32 following factors:

33 (1) Administrative activities that are eligible for federal financial
34 participation provided, at county request, for and to county-licensed
35 or approved family homes and resource families, intensive case
36 management and supervision, and services to achieve legal
37 permanency or successful transition to adulthood.

38 (2) Social work activities that are eligible for federal financial
39 participation under Title IV-E of the Social Security Act.

1 (3) Social work and mental health services eligible for federal
2 financial participation under Title XIX of the Social Security Act.

3 (4) Intensive treatment or therapeutic services in the foster
4 family agency.

5 (5) Core services, made available to children and nonminor
6 dependents either directly or secured through ~~formal~~ agreements
7 with other agencies, which are trauma informed and culturally
8 relevant and include:

9 (A) Specialty mental health services for children who meet
10 medical necessity criteria for specialty mental health ~~services under~~
11 ~~the Medi-Cal Early and Periodic Screening, Diagnosis, and~~
12 ~~Treatment program, as the criteria are described in Section~~ *services,*
13 *as provided for in Section 1830.205 or 1830.210 of Title 9, of the*
14 *California Code of Regulations.*

15 (B) Transition support services for children, youth, and families
16 upon initial entry and placement changes and for families who
17 assume permanency through reunification, adoption, or
18 guardianship.

19 (C) Educational and physical, behavioral, and mental health
20 supports, including extracurricular activities and social supports.

21 (D) Activities designed to support transition-age youth and
22 nonminor dependents in achieving a successful adulthood.

23 (E) Services to achieve permanency, including supporting efforts
24 to reunify or achieve adoption or guardianship and efforts to
25 maintain or establish relationships with parents, siblings, extended
26 family members, tribes, or others important to the child or youth,
27 as appropriate.

28 (F) When serving Indian children, as defined in subdivisions
29 (a) and (b) of Section 224.1, the core services specified in
30 subparagraphs (A) to (E), inclusive, shall be provided to eligible
31 children consistent with active efforts pursuant to Section 361.7.

32 (G) The core services specified in subparagraphs (A) to (F),
33 inclusive, are not intended to duplicate services already available
34 to foster children in the community, but to support access to those
35 services and supports to the extent already available. Those services
36 and supports may include, but are not limited to, foster youth
37 services available through county offices of education, Indian
38 Health Services, and school-based extracurricular activities.

39 (6) Staff training.

40 (7) Health and Safety Code requirements.

- 1 (8) A process for accreditation that includes all of the following:
2 (A) Provision for all licensed foster family agencies to maintain
3 in good standing accreditation from a nationally recognized
4 accreditation agency with expertise in programs for youth group
5 care facilities, as determined by the department.
6 (B) Promulgation by the department of information identifying
7 the agency or agencies from which accreditation shall be required.
8 (C) Provision for timely reporting to the department of any
9 change in accreditation status.
- 10 (9) Mental health certification, including a requirement to timely
11 report to the department any change in mental health certificate
12 status.
- 13 (10) Populations served, including, but not limited to, any of
14 the following:
15 (A) (i) Children and youth assessed as seriously emotionally
16 disturbed, as described in subdivision (a) of Section 5600.3,
17 including those placed out-of-home pursuant to an individualized
18 education program developed under Article 2 (commencing with
19 Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of
20 the Education Code.
21 (ii) Children assessed as meeting the medical necessity criteria
22 for specialty mental health services under the Medi-Cal Early and
23 Periodic Screening, Diagnosis, and Treatment program, as the
24 criteria are described in Section *services, as provided for in Section*
25 *1830.205 or 1830.210* of Title 9 of the California Code of
26 Regulations.
27 (B) AFDC-FC children and youth receiving intensive and
28 therapeutic treatment services in a foster family agency.
29 (C) AFDC-FC children and youth receiving mental health
30 treatment services from a foster family agency.
- 31 (11) Maximization of federal financial participation for Title
32 IV-E and Title XIX of the Social Security Act.
- 33 (c) The department shall establish rates pursuant to subdivisions
34 (a) and (b) commencing January 1, 2017. The rate structure shall
35 include an interim rate, a provisional rate for new foster family
36 agency programs, and a probationary rate. The department may
37 supplement the rate with a one-time reimbursement for ~~the cost~~
38 ~~of accreditation fees~~ in an amount and manner determined by the
39 department in written directives.

1 (1) Interim rates developed pursuant to this section shall be
2 effective January 1, 2017. The interim rates shall be evaluated and
3 an ongoing payment structure shall be set no later than January 1,
4 2020.

5 (2) Consistent with Section 11466.01, for provisional and
6 probationary rates, the following shall be established:

7 (A) Terms and conditions, including the duration of the rate.

8 (B) An administrative review process for the rate determinations,
9 including denials, reductions, and terminations.

10 (C) An administrative review process that includes a
11 departmental review, corrective action, and an appeal with the
12 department. Notwithstanding the rulemaking provisions of the
13 Administrative Procedure Act (Chapter 3.5 (commencing with
14 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
15 Code), this process shall be disseminated by written directive
16 pending the promulgation of regulations.

17 ~~(3) When establishing the foster family agency rate pursuant to~~
18 ~~this section, the department shall make the basic rate paid to~~
19 ~~resource families approved by a foster family agency the same as~~
20 ~~the basic rate established pursuant to subdivision (g) of Section~~
21 ~~11461.~~

22 (3) (A) (i) *The foster family agency rate shall include a basic*
23 *rate pursuant to paragraph (4) of subdivision (g) of Section 11461.*
24 *A child or youth placed in a certified family home or an approved*
25 *resource family of a foster family agency is eligible for the basic*
26 *rate, which shall be passed on to the certified parent or resource*
27 *family along with annual increases set forth in subparagraph (D).*

28 (ii) *A certified family home of a foster family agency shall be*
29 *paid the basic rate as set forth in this paragraph only through*
30 *December 31, 2019.*

31 (B) *The basic rate paid to either a certified family home or an*
32 *approved resource family of a foster family agency shall be paid*
33 *by the agency to the home from the rate that is paid to the agency*
34 *pursuant to this section.*

35 (C) *In addition to the basic rate described in this paragraph,*
36 *the department shall develop foster family agency rates that*
37 *consider specialized programs to serve children with specific*
38 *needs, including, but not limited to, the following:*

39 (i) *Intensive treatment and behavioral needs, including those*
40 *currently being served under intensive treatment foster care.*

1 (ii) *Specialized health care needs.*
 2 (D) *The basic rate paid to a certified family home or approved*
 3 *resource family shall be adjusted annually on July 1 by the annual*
 4 *percentage change in the California Necessities Index applicable*
 5 *to the calendar year within which each July 1 occurs.*
 6 *Notwithstanding the rulemaking provisions of the Administrative*
 7 *Procedure Act (Chapter 3.5 (commencing with Section 11340) of*
 8 *Part 1 of Division 3 of Title 2 of the Government Code), the foster*
 9 *family agency and basic rates shall be published annually by*
 10 *all-county letter.*

11 (4) *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 foster family agency rates, and the manner in which*
 15 *they are determined, shall be set forth in written directives until*
 16 *regulations are adopted.*

17 (d) The department shall develop a system of governmental
 18 monitoring and oversight that shall be carried out in coordination
 19 with the State Department of Health Care Services. Oversight
 20 responsibilities shall include, but not be limited to, ensuring
 21 conformity with federal and state law, including program, fiscal,
 22 and health and safety reviews. The state agencies shall attempt to
 23 minimize duplicative audits and reviews to reduce the
 24 administrative burden on providers.

25 (e) The department shall consider the impact on children and
 26 youth being transitioned to alternate programs as a result of the
 27 new ratesetting system.

28 (f) ~~This section shall become operative on January 1, 2017.~~

29 ~~SEC. 51. Section 11463.01 of the Welfare and Institutions~~
 30 ~~Code is amended to read:~~

31 ~~11463.01. (a) (1) The department, with the advice, assistance,~~
 32 ~~and cooperation of the counties and foster care providers, shall~~
 33 ~~develop, implement, and maintain a ratesetting system for foster~~
 34 ~~family agencies.~~

35 ~~(2) No county shall be reimbursed for any percentage increases~~
 36 ~~in payments, made on behalf of AFDC-FC funded children who~~
 37 ~~are placed with foster family agencies, that exceed the percentage~~
 38 ~~cost-of-living increase provided in any fiscal year, as specified in~~
 39 ~~subdivision (g) 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.~~

5 ~~(c) The department shall develop and maintain regulations~~
6 ~~specifying the procedures for the appeal of department decisions~~
7 ~~about the setting of an agency's rate.~~

8 ~~(d) No supplemental clothing allowance shall be provided,~~
9 ~~because the rate issued in accordance with paragraph (1) of~~
10 ~~subdivision (g) takes the cost of clothing into account.~~

11 ~~(e) The schedule of rates for foster family agencies as set forth~~
12 ~~in Section 11463, as that section read on January 1, 2015, shall~~
13 ~~apply for purposes of, and may be modified pursuant to, this~~
14 ~~section.~~

15 ~~(f) (1) The department shall determine, consistent with the~~
16 ~~requirements of this section and other relevant requirements under~~
17 ~~law, the rate category for each foster family agency on a biennial~~
18 ~~basis. Submission of the biennial rate application shall be according~~
19 ~~to a schedule determined by the department.~~

20 ~~(2) The department shall adopt regulations to implement this~~
21 ~~subdivision. The adoption, amendment, repeal, or readoption of a~~
22 ~~regulation authorized by this subdivision is deemed to be necessary~~
23 ~~for the immediate preservation of the public peace, health and~~
24 ~~safety, or general welfare, for purposes of Sections 11346.1 and~~
25 ~~11349.6 of the Government Code, and the department is hereby~~
26 ~~exempted from the requirement to describe specific facts showing~~
27 ~~the need for immediate action.~~

28 ~~(g) (1) The basic rate payment that shall be made to the certified~~
29 ~~parent pursuant to this section for care and supervision of a child~~
30 ~~who is living in a certified home of a foster family agency, as~~
31 ~~defined in Section 11400, shall equal the basic rate for children~~
32 ~~placed in a licensed or approved home, as specified in paragraph~~
33 ~~(1) of subdivision (g) of Section 11461.~~

34 ~~(2) The basic rate payment to the certified parent made pursuant~~
35 ~~to paragraph (1) shall be adjusted annually on July 1, by the annual~~
36 ~~percentage change in the California Necessities Index, in~~
37 ~~accordance with paragraph (2) of subdivision (g) of Section 11461.~~
38 ~~The adjustment in this paragraph shall be in lieu of any adjustment~~
39 ~~pursuant to subdivision (c) of Section 11463, as that section read~~
40 ~~on January 1, 2015.~~

1 ~~(h) Notwithstanding any other law, the changes to the basic rate~~
2 ~~payment specified in subdivision (g) shall not change the remaining~~
3 ~~components of the foster family agency rate. The new foster family~~
4 ~~agency rate shall be increased only by the amounts specified~~
5 ~~pursuant to subdivision (g). The resulting amounts shall constitute~~
6 ~~the new schedule of rates for foster family agencies, which shall~~
7 ~~be issued by all-county letters or similar instructions from the~~
8 ~~department.~~

9 ~~(i) For each fiscal year, funding and expenditures for programs~~
10 ~~and activities under this section shall be in accordance with the~~
11 ~~requirements provided in Sections 30025 and 30026.5 of the~~
12 ~~Government Code.~~

13 ~~(j) (1) Notwithstanding the rulemaking provisions of the~~
14 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~
15 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~
16 ~~Code), the department may implement, interpret, or make specific~~
17 ~~the changes to this section made by the act that added this section,~~
18 ~~and amend and repeal regulations and orders subject to this section~~
19 ~~and adopted by the department by means of all-county letters or~~
20 ~~similar instructions from the department until regulations are~~
21 ~~adopted. The department shall adopt emergency regulations no~~
22 ~~later than July 1, 2016. The department may readopt any emergency~~
23 ~~regulation authorized by this section that is the same as, or~~
24 ~~substantially equivalent to, an emergency regulation previously~~
25 ~~adopted under this section.~~

26 ~~(2) The initial adoption of emergency regulations pursuant to~~
27 ~~this section and one readoption of emergency regulations shall be~~
28 ~~deemed an emergency and necessary for the immediate~~
29 ~~preservation of the public peace, health, safety, or general welfare.~~
30 ~~Initial emergency regulations and the one readoption of emergency~~
31 ~~regulations authorized by this section shall be exempt from review~~
32 ~~by the Office of Administrative Law. The initial emergency~~
33 ~~regulations and the one readoption of emergency regulations~~
34 ~~authorized by this section shall be submitted to the Office of~~
35 ~~Administrative Law for filing with the Secretary of State and each~~
36 ~~shall remain in effect for no more than 180 days, by which time~~
37 ~~final regulations may be adopted.~~

38 ~~(k) This section shall only apply to a foster family agency that~~
39 ~~has been granted an extension pursuant to the exception process~~
40 ~~described in subdivision (d) of Section 11463.1.~~

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

2 ~~(m) This section shall remain in effect only until January 1,~~
3 ~~2019, and as of that date is repealed, unless a later enacted statute,~~
4 ~~that is enacted before January 1, 2019, deletes or extends that date.~~

5 SEC. 52. Section 11463.1 of the Welfare and Institutions Code
6 is amended to read:

7 11463.1. ~~(a) Notwithstanding any other law, commencing~~
8 ~~January 1, 2017, no new foster family agency shall be established~~
9 ~~pursuant to the rate in effect through December 31, 2016.~~

10 ~~(b) Notwithstanding subdivision (a), the department may grant~~
11 ~~an exception as appropriate, on a case-by-case basis, when a written~~
12 ~~request and supporting documentation are provided by a county~~
13 ~~placing agency, including a county welfare or probation director,~~
14 ~~that absent the granting of that exception, there is a material risk~~
15 ~~to the welfare of children due to an inadequate supply of~~
16 ~~appropriate alternative placement options to meet the needs of~~
17 ~~children or youth.~~

18 ~~(c) Rates for foster family agencies paid under the prior rate~~
19 ~~system, and those granted an exception pursuant to subdivision~~
20 ~~(b), shall terminate on December 31, 2016, unless granted an~~
21 ~~extension under the exception process in subdivision (d).~~

22 ~~(d) A foster family agency that is otherwise licensed to operate~~
23 ~~as a foster family agency may request an exception to extend its~~
24 ~~rate as follows:~~

25 ~~(1) The department may grant an extension for up to two years,~~
26 ~~through December 31, 2018, 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) This section shall remain in effect only until January 1, 2019,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2019, deletes or extends that date.

9 *SEC. 68. Section 11463.01 of the Welfare and Institutions Code*
10 *is repealed.*

11 11463.01. (a) (1) The department, with the advice, assistance,
12 and cooperation of the counties and foster care providers, shall
13 develop, implement, and maintain a ratesetting system for foster
14 family agencies.

15 (2) No county shall be reimbursed for any percentage increases
16 in payments, made on behalf of AFDC-FC funded children who
17 are placed with foster family agencies, that exceed the percentage
18 cost-of-living increase provided in any fiscal year, as specified in
19 subdivision (e) of Section 11461.

20 (b) The department shall develop regulations specifying the
21 purposes, types, and services of foster family agencies, including
22 the use of those agencies for the provision of emergency shelter
23 care.

24 (c) The department shall develop and maintain regulations
25 specifying the procedures for the appeal of department decisions
26 about the setting of an agency's rate.

27 (d) No supplemental clothing allowance shall be provided,
28 because the rate issued in accordance with paragraph (1) of
29 subdivision (g) takes the cost of clothing into account.

30 (e) The schedule of rates for foster family agencies as set forth
31 in Section 11463, as that section read on January 1, 2015, shall
32 apply for purposes of, and may be modified pursuant to, this
33 section.

34 (f) (1) The department shall determine, consistent with the
35 requirements of this section and other relevant requirements under
36 law, the rate category for each foster family agency on a biennial
37 basis. Submission of the biennial rate application shall be according
38 to a schedule determined by the department.

39 (2) The department shall adopt regulations to implement this
40 subdivision. The adoption, amendment, repeal, or readoption of a

1 regulation authorized by this subdivision is deemed to be necessary
2 for the immediate preservation of the public peace, health and
3 safety, or general welfare, for purposes of Sections 11346.1 and
4 11349.6 of the Government Code, and the department is hereby
5 exempted from the requirement to describe specific facts showing
6 the need for immediate action.

7 (g) (1) The basic rate payment that shall be made to the certified
8 parent pursuant to this section for care and supervision of a child
9 who is living in a certified home of a foster family agency, as
10 defined in Section 11400, shall equal the basic rate for children
11 placed in a licensed or approved home, as specified in paragraph
12 (1) of subdivision (g) of Section 11461.

13 (2) The basic rate payment to the certified parent made pursuant
14 to paragraph (1) shall be adjusted annually on July 1, by the annual
15 percentage change in the California Necessities Index, in
16 accordance with paragraph (2) of subdivision (g) of Section 11461.
17 The adjustment in this paragraph shall be in lieu of any adjustment
18 pursuant to subdivision (e) of Section 11463, as that section read
19 on January 1, 2015.

20 (h) Notwithstanding any other law, the changes to the basic rate
21 payment specified in subdivision (g) shall not change the remaining
22 components of the foster family agency rate. The new foster family
23 agency rate shall be increased only by the amounts specified
24 pursuant to subdivision (g). The resulting amounts shall constitute
25 the new schedule of rates for foster family agencies, which shall
26 be issued by all-county letters or similar instructions from the
27 department.

28 (i) For each fiscal year, funding and expenditures for programs
29 and activities under this section shall be in accordance with the
30 requirements provided in Sections 30025 and 30026.5 of the
31 Government Code.

32 (j) (1) Notwithstanding the rulemaking provisions of the
33 Administrative Procedure Act (Chapter 3.5 (commencing with
34 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
35 Code), the department may implement, interpret, or make specific
36 the changes to this section made by the act that added this section,
37 and amend and repeal regulations and orders subject to this section
38 and adopted by the department by means of all-county letters or
39 similar instructions from the department until regulations are
40 adopted. The department shall adopt emergency regulations no

1 later than July 1, 2016. The department may readopt any emergency
2 regulation authorized by this section that is the same as, or
3 substantially equivalent to, an emergency regulation previously
4 adopted under this section.

5 (2) ~~The initial adoption of emergency regulations pursuant to
6 this section and one readoption of emergency regulations shall be
7 deemed an emergency and necessary for the immediate
8 preservation of the public peace, health, safety, or general welfare.
9 Initial emergency regulations and the one readoption of emergency
10 regulations authorized by this section shall be exempt from review
11 by the Office of Administrative Law. The initial emergency
12 regulations and the one readoption of emergency regulations
13 authorized by this section shall be submitted to the Office of
14 Administrative Law for filing with the Secretary of State and each
15 shall remain in effect for no more than 180 days, by which time
16 final regulations may be adopted.~~

17 ~~(k) This section shall only apply to a foster family agency that
18 has been granted an extension pursuant to the exception process
19 described in subdivision (d) of Section 11463.1.~~

20 ~~(l) This section shall become operative on January 1, 2017.~~

21 ~~(m) This section shall remain in effect only until January 1,
22 2018, and as of that date is repealed, unless a later enacted statute,
23 that is enacted before January 1, 2018, deletes or extends that date.~~

24 *SEC. 69. Section 11463.1 of the Welfare and Institutions Code*
25 *is repealed.*

26 ~~11463.1. (a) Notwithstanding any other law, commencing
27 January 1, 2017, no new foster family agency shall be established
28 pursuant to the rate in effect through December 31, 2016.~~

29 ~~(b) Notwithstanding subdivision (a), the department may grant
30 an exception as appropriate, on a case-by-case basis, when a written
31 request and supporting documentation are provided by a county
32 placing agency, including a county welfare or probation director,
33 that absent the granting of that exception, there is a material risk
34 to the welfare of children due to an inadequate supply of
35 appropriate alternative placement options to meet the needs of
36 children or youth.~~

37 ~~(c) Rates for foster family agencies paid under the prior rate
38 system, and those granted an exception pursuant to subdivision
39 (b), shall terminate on December 31, 2016, unless granted an
40 extension under the exception process in subdivision (d).~~

1 ~~(d) A foster family agency may request an exception to extend~~
2 ~~its rate as follows:~~

3 ~~(1) The department may grant an extension for up to two years,~~
4 ~~through December 31, 2018, on a case-by-case basis, when a~~
5 ~~written request and supporting documentation are provided by a~~
6 ~~county placing agency, including a county welfare or probation~~
7 ~~director, that absent the granting of that exception, there is a~~
8 ~~material risk to the welfare of children or youth due to an~~
9 ~~inadequate supply of appropriate alternative placement options to~~
10 ~~meet the needs of children. The exception may include time to~~
11 ~~meet the accreditation requirement or the mental health certification~~
12 ~~requirement.~~

13 ~~(2) The exception shall allow the provider to continue to receive~~
14 ~~the rate under the prior ratesetting system.~~

15 ~~(e) Upon termination of an existing foster family agency rate~~
16 ~~under the prior rate system, a new rate shall not be paid until an~~
17 ~~application is approved and a rate is granted by the department~~
18 ~~pursuant to Section 11463 as a foster family agency or Section~~
19 ~~11462 as a short-term residential treatment center.~~

20 ~~(f) The department shall, in the development of the new rate~~
21 ~~structures, consider and provide for placement of all children who~~
22 ~~are displaced as a result of reclassification of treatment facilities.~~

23 ~~(g) This section shall remain in effect only until January 1, 2019,~~
24 ~~and as of that date is repealed, unless a later enacted statute, that~~
25 ~~is enacted before January 1, 2019, deletes or extends that date.~~

26 ~~SEC. 53.~~

27 *SEC. 70.* Section 11466 of the Welfare and Institutions Code
28 is amended to read:

29 11466. For the purposes of this section to Section 11469.1,
30 inclusive, “provider” shall mean a group home, short-term
31 residential treatment center, a foster family agency, and similar
32 foster care business entities.

33 ~~SEC. 54.~~

34 *SEC. 71.* Section 11466.01 is added to the Welfare and
35 Institutions Code, to read:

36 11466.01. (a) Commencing January 1, 2017, a provisional
37 rate shall be set for all of the following:

38 (1) A provider that is granted an extension pursuant to paragraph
39 (1) of subdivision (d) of Section 11462.04.

1 (2) A provider that is granted an extension pursuant to paragraph
2 (2) of subdivision (d) of Section 11462.04.

3 ~~(3) A provider that is granted an extension pursuant to Section~~
4 ~~11463.1.~~

5 (3) *A foster family agency licensed on or before January 1,*
6 *2017, upon submission of a program statement pursuant to Section*
7 *1506.1 of the Health and Safety Code.*

8 (4) A new short-term residential treatment center provider.

9 (5) A new foster family agency provider.

10 (b) The provisional rate shall be subject to terms and conditions,
11 including the duration of the provisional period, set by the
12 department.

13 (1) For a provider described in paragraph (1) or (3) of
14 subdivision (a), a provisional rate may be granted for a period that
15 is not extended beyond December 31, 2018.

16 (2) For a provider described in paragraph (2) of subdivision (a),
17 a provisional rate may be granted and may be reviewed on an
18 annual basis, pursuant to paragraph (2) of subdivision (d) of Section
19 11462.04.

20 (3) For a provider described in paragraph (4) or (5) of
21 subdivision (a), a provisional rate may be granted for a period of
22 up to 24 months from the date the provider's license was issued.

23 (c) In determining whether to grant, and upon what conditions
24 to grant, a provisional rate, the department shall consider factors
25 including the following:

26 (1) Any prior extension granted pursuant to Section 11462.04
27 ~~or 11463.1.~~ *11462.041.*

28 (2) Any licensing history for any license with which the
29 program, or its directors or officers, have been associated.

30 (3) Any financial, fiscal, or compliance audit history with which
31 the program, or its directors or officers, have been associated.

32 (4) Outstanding civil penalties or overpayments with which the
33 program, or its directors or officers, have been associated.

34 (5) *Any violations of state or federal law.*

35 (d) In determining whether to continue, and upon what
36 conditions to continue, a provisional rate, the department shall
37 consider those factors specified in subdivision (c), as well as
38 compliance with the terms, conditions, and requirements during
39 the provisional period.

1 (e) In determining whether, at the end of the provisional rate
2 period or thereafter, to grant a ~~standard~~ rate and whether to impose
3 or continue, and upon what conditions to impose or continue, a
4 probationary rate the department shall consider the factors specified
5 in subdivision (c).

6 (f) The department shall establish an administrative review
7 process for determinations, including denial, *rate* reduction,
8 probation, and termination of the provisional and probationary
9 rates. This process shall include a departmental review, corrective
10 action, and ~~an appeal~~ *a protest* with the department.
11 Notwithstanding the rulemaking provisions of the Administrative
12 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
13 Part 1 of Division 3 of Title 2 of the Government Code), this
14 process shall be disseminated by written directive pending the
15 promulgation of regulations.

16 (g) (1) (A) For the purposes of this section, a “provisional rate”
17 is a prospective rate given to a provider described in subdivision
18 (a) based on an assurance to perform in accordance with terms and
19 conditions attached to the granting of the provisional rate.

20 ~~(B) For the purposes of this section, a “standard rate” is the rate~~
21 ~~granted at the conclusion of a provisional rate period upon meeting~~
22 ~~the terms and conditions.~~

23 ~~(C)~~

24 (B) For the purposes of this section, a “probationary rate” is ~~the~~
25 ~~imposition of limitations and conditions on a standard rate. a rate~~
26 ~~upon which limitations and conditions are imposed as a result of~~
27 ~~violations of terms, conditions, or state or federal law, including~~
28 ~~those set forth in subdivisions (c) and (d).~~

29 (2) (A) At the conclusion of a provisional rate, a probationary
30 rate may be imposed, at the discretion of the department, if
31 additional oversight is deemed necessary based on the provider’s
32 performance during the provisional rate period.

33 (B) At any time, a ~~standard~~ rate may become a probationary
34 rate if additional oversight is deemed necessary based on the
35 provider’s performance in accordance with terms and condition
36 attached to the granting or maintenance of its rate.

37 (C) *A probationary rate may be accompanied by a rate*
38 *reduction.*

1 ~~SEC. 55.~~

2 ~~SEC. 72.~~ Section 11466.2 of the Welfare and Institutions Code,
3 as added by Section 91 of Chapter 773 of the Statutes of 2015, is
4 amended to read:

5 11466.2. (a) (1) The department shall perform or have
6 performed provider program and fiscal audits as needed. Provider
7 programs shall maintain all child-specific, programmatic,
8 personnel, fiscal, and other information affecting ratesetting and
9 AFDC-FC payments for a period of not less than five years.

10 (2) Provider fiscal audits shall be conducted pursuant to Part
11 200 (commencing with Section 200.0) of Chapter II of Subtitle A
12 of Title 2 of the Code of Federal Regulations, *as implemented by*
13 *the United States Department of Health and Human Services at*
14 *Part 75 (commencing with Section 75.1) of Title 45 of the Code*
15 *of Federal Regulations*, including uniform administrative
16 requirements, cost principles, and audit requirements, ~~as authorized~~
17 *specifically implemented* in Section 75.106 of Title 45 of the Code
18 of Federal Regulations.

19 (3) A provider may request a hearing of the department’s audit
20 determination under this section no later than 30 days after the
21 date the department issues its audit determination. The
22 department’s audit determination shall be final if the provider does
23 not request a hearing within the prescribed time. Within 60 days
24 of receipt of the request for hearing, the department shall conduct
25 a hearing on the audit determination. The standard of proof shall
26 be the preponderance of the evidence and the burden of proof shall
27 be on the department. The hearing officer shall issue the proposed
28 decision within 45 days of the close of the evidentiary record. The
29 director shall adopt, reject, or modify the proposed decision, or
30 refer the matter back to the hearing officer for additional evidence
31 or findings within 100 days of issuance of the proposed decision.
32 If the director takes no action on the proposed decision within the
33 prescribed time, the proposed decision shall take effect by operation
34 of law.

35 (b) The department shall develop regulations to correct a
36 program’s audit findings, adjust the rate, and recover any
37 overpayments resulting from an overstatement of the projected
38 level of care and services and other audit findings.

39 (c) (1) In any audit conducted by the department, the
40 department, or other public or private audit agency with which the

1 department contracts, shall coordinate with the department's
2 licensing and ratesetting entities so that a consistent set of
3 standards, rules, and auditing protocols are maintained. The
4 department, or other public or private audit agency with which the
5 department contracts, shall make available to all providers, in
6 writing, any standards, rules, and auditing protocols to be used in
7 those audits.

8 (2) The department shall provide exit interviews with providers,
9 whenever deficiencies are found, in which those deficiencies may
10 be explained and permit providers an opportunity to respond. The
11 department shall adopt regulations specifying the procedure for
12 the appeal of audit findings.

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

14 ~~SEC. 56.~~

15 *SEC. 73.* Section 11466.21 of the Welfare and Institutions
16 Code is amended to read:

17 11466.21. (a) In accordance with subdivision (b), as a
18 condition to receive an AFDC-FC rate for a program including,
19 but not limited to, a group home, a foster family agency, a
20 short-term residential treatment center, and other similar business
21 entities providing foster care, the following shall apply:

22 (1) Any provider who expends in combined federal funds an
23 amount at or above the federal funding threshold in accordance
24 with the federal Single Audit Act, as amended, and Section 200.501
25 of Title 2 of the Code of Federal ~~Regulations~~ *Regulations, as*
26 *implemented by the United States Department of Health and*
27 *Human Services at Section 75.501 of Title 45 of the Code of*
28 *Federal Regulations*, shall arrange to have a financial audit
29 conducted on an annual basis, and shall submit the financial audit
30 to the department in accordance with regulations adopted by the
31 department, all-county letter, or similar written instructions.

32 (2) Any provider who expends in combined federal funds an
33 amount below the federal funding threshold shall annually submit
34 a financial audit to the department pursuant to Generally Accepted
35 Government Auditing Standards (GAGAS), and shall submit the
36 financial audit to the department in accordance with regulations
37 adopted by the department, all-county letter, or similar written
38 instructions.

39 (3) The scope of the financial audit shall include all of the
40 programs and activities operated by the provider and shall not be

1 limited to those funded in whole or in part by the AFDC-FC
2 program. The financial audits shall include, but not be limited to,
3 an evaluation of the expenditures and accounting and control
4 systems of the provider.

5 (4) The provider shall have its financial audit conducted by
6 certified public accountants or by state-licensed public accountants,
7 with audit designation, who have no direct or indirect relationship
8 with the functions or activities being audited, or with the provider,
9 its board of directors, or other governing body, officers, or staff.

10 (5) The provider shall have its financial audits conducted in
11 accordance with Government Auditing Standards issued by the
12 Comptroller General of the United States and in compliance with
13 generally accepted accounting principles applicable to private
14 entities organized and operated on a nonprofit basis.

15 (6) (A) Each provider shall have the flexibility to define the
16 calendar months included in its fiscal year.

17 (B) A provider may change the definition of its fiscal year.
18 However, the financial audit conducted following the change shall
19 cover all of the months since the last audit, even though this may
20 cover a period that exceeds 12 months.

21 (b) (1) In accordance with subdivision (a), as a condition to
22 receive an AFDC-FC rate, a provider shall submit a copy of its
23 most recent financial audit report, except as provided in paragraph
24 (3).

25 (2) The department shall terminate the rate of a provider who
26 fails to submit a copy of its most recent financial audit pursuant
27 to subdivision (a). A terminated rate shall only be reinstated upon
28 the provider's submission to the department of an acceptable
29 financial audit.

30 (3) A new provider that has been incorporated for fewer than
31 12 calendar months shall not be required to submit a copy of a
32 financial audit to receive an AFDC-FC rate for a new program.
33 The financial audit shall be conducted on the provider's next full
34 fiscal year of operation. The provider shall submit the financial
35 audit to the department in accordance with subdivision (a).

36 (c) The department shall issue a management decision letter on
37 audit findings, made by the independent auditor or as a result of
38 department review, within six months of receipt of the financial
39 audit report. The management decision letter shall clearly state
40 whether or not the audit finding is sustained, the reasons for the

1 decision, and the action or actions expected of the nonprofit
2 organization provider to repay disallowed costs, make financial
3 adjustments, or take other action.

4 (d) Repeated late submission of financial audits, repeat findings
5 in financial audits, or failure to comply with corrective action in
6 a management decision letter may result in monetary penalties or
7 a reduction, suspension, or termination of the provider's rate in
8 accordance with regulations adopted by the department, all-county
9 letter, or similar written instructions. This subdivision shall not be
10 construed to affect the department's authority under other
11 provisions of law, including, but not limited to, Part 200 of Title
12 2 of the Code of Federal Regulations. ~~Regulations, as implemented~~
13 ~~by the United States Department of Health and Human Services~~
14 ~~at Part 75 (commencing with Section 75.1) of Title 45 of the Code~~
15 ~~of Federal Regulations.~~

16 ~~SEC. 57.~~

17 *SEC. 74.* Section 11466.22 of the Welfare and Institutions
18 Code is amended to read:

19 11466.22. (a) It is the intent of the Legislature to ensure overall
20 program integrity in the AFDC-FC program through the
21 establishment of an effective and efficient process for the collection
22 of provider sustained overpayments. Furthermore, the intent of the
23 Legislature is to ensure that children placed in AFDC-FC programs,
24 including, but not limited to, group homes, short-term residential
25 treatment centers, and foster family agencies, receive the level of
26 care and supervision commensurate with the program's paid rate.

27 (b) For the purposes of this section, a provider is a licensee of
28 an AFDC-FC program listed in Section 11402, including, but not
29 limited to, a group home, short-term residential treatment center,
30 foster family agency that provides treatment services, or a similar
31 business entity, receiving foster care maintenance payments under
32 the AFDC-FC program. The department may collect a sustained
33 overpayment from the party responsible for the sustained
34 overpayment, regardless of whether the party remains in the
35 business of providing any AFDC-FC programs, and regardless of
36 whether the provider remains licensed by the department.

37 (c) For the purposes of this section, a provider overpayment is
38 an overpayment that results in an audit period when a provider
39 receives a rate reimbursement to which it is not entitled. If a
40 provider receives a rate reimbursement to which it is not entitled,

1 including, but not limited to, the provider failing to maintain a
2 license, or failing to maintain its status as a nonprofit organization,
3 or due to an overpayment determined as described in paragraph
4 (1) of subdivision (d), it shall be liable to repay the overpayment.

5 (d) (1) Overpayments shall be determined by either a provider
6 audit pursuant to Section 11466.21, a department audit conducted
7 pursuant to Section 11466.2, a management decision letter, or a
8 provider self-reporting an overpayment. A self-reported
9 overpayment may include a finding in the financial audit report
10 submitted by the provider whether that finding is formally made
11 in the financial audit report or discovered through department
12 review of the report or other provider submission.

13 (2) If a hearing is not requested, or on the 60th day after an
14 informal decision if a provider or the department does not file a
15 notice of intent to file a formal appeal, or on the 30th day following
16 a formal appeal hearing decision, whichever is latest, a provider
17 overpayment shall be sustained for collection purposes and the
18 department shall issue a demand letter for repayment of the
19 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 consider renegotiation of a voluntary repayment agreement
32 if the department determines that the agreement would cause severe
33 harm to children in placement.

34 (4) The department shall establish an involuntary overpayment
35 collection procedure, that shall take into account the amount of
36 the overpayment, projected annual income, a minimum required
37 repayment amount, including principal and interest, of 5 percent
38 of the annual income prorated on a monthly basis, simple interest
39 on the overpayment amount based on the Surplus Money
40 Investment Fund, and a maximum repayment period of seven

1 years. The department may consider renegotiation of an involuntary
2 payment agreement if the department determines that the agreement
3 would cause severe harm to children in placement.

4 (e) The department shall maintain, by regulation, all-county
5 letter, or similar written directive, a procedure for recovery of any
6 provider sustained overpayments. The department shall prioritize
7 collection methods, which shall include voluntary repayment
8 agreement procedures, involuntary overpayment collection
9 procedures, including the use of a statutory lien, rate request
10 denials, rate decreases, and rate terminations. The department may
11 also deny rate requests, including requests for rate increases, or
12 program changes or expansions, while an overpayment is due.

13 (f) Whenever the department determines that a provider
14 sustained overpayment has occurred, the department shall recover
15 from the provider the full amount of the sustained overpayment,
16 and simple interest on the sustained overpayment amount, pursuant
17 to methods described in subdivision (e), against the provider's
18 income or assets.

19 (g) If a provider is successful in its appeal of a collected
20 overpayment, it shall be repaid the collected overpayment plus
21 simple interest based on the Surplus Money Investment Fund.

22 ~~SEC. 58.~~

23 *SEC. 75.* Section 11466.24 of the Welfare and Institutions
24 Code is amended to read:

25 11466.24. (a) In accordance with this section, a county shall
26 collect an overpayment, discovered on or after January 1, 1999,
27 made to a foster family home, an approved home of a relative,
28 including, on and after the date that the director executes a
29 declaration pursuant to Section 11217, the home of a Kin-GAP
30 guardian, an approved home of a nonrelative extended family
31 member, an approved home of a nonrelative legal guardian, a
32 resource family, as defined in subdivision (c) of Section 16519.5,
33 or the supervised independent living setting where a nonminor
34 dependent resides, for any period of time in which the foster child
35 was not cared for in that home, unless any of the following
36 conditions exist, in which case a county shall not collect the
37 overpayment:

38 (1) The cost of the collection exceeds that amount of the
39 overpayment that is likely to be recovered by the county. The cost
40 of collecting the overpayment and the likelihood of collection shall

1 be documented by the county. Costs that the county shall consider
2 when determining the cost-effectiveness to collect are total
3 administrative, personnel, legal filing fee, and investigative costs,
4 and any other applicable costs.

5 (2) The child was temporarily removed from the home and
6 payment was owed to the provider to maintain the child's
7 placement, or the child was temporarily absent from the provider's
8 home, or on runaway status and subsequently returned, and
9 payment was made to the provider to meet the child's needs.

10 (3) The overpayment was exclusively the result of a county
11 administrative error or both the county welfare department and
12 the provider or nonminor dependent were unaware of the
13 information that would establish that the foster child or nonminor
14 dependent was not eligible for foster care benefits.

15 (4) The provider or nonminor dependent did not have knowledge
16 of, and did not contribute to, the cause of the overpayment.

17 (b) (1) After notification by a county of an overpayment to a
18 foster family home, an approved home of a relative, including the
19 home of a Kin-GAP guardian, or a nonrelative extended family
20 member, approved home of a nonrelative legal guardian, a resource
21 family, or the supervised independent living setting where the
22 nonminor dependent resides, and a demand letter for repayment,
23 the foster parent, approved relative, approved nonrelative legal
24 guardian, resource family, or nonminor dependent may request
25 the county welfare department to review the overpayment
26 determination in an informal hearing, or may file with the
27 department a request for a hearing to appeal the overpayment
28 determination. Requesting an informal hearing shall not preclude
29 a payee from seeking a formal hearing at a later date. The county
30 welfare department shall dismiss the overpayment repayment
31 request if it determines the action to be incorrect through an initial
32 review prior to a state hearing, or through a review in an informal
33 hearing held at the request of the foster parent, relative, nonrelative
34 legal guardian, or nonminor dependent.

35 (2) If an informal hearing does not result in the dismissal of the
36 overpayment, or a formal appeal hearing is not requested, or on
37 the 30th day following a formal appeal hearing decision, whichever
38 is later, the foster family provider overpayment shall be sustained
39 for collection purposes.

1 (3) The department shall adopt regulations that ensure that the
2 best interests of the child or nonminor dependent shall be the
3 primary concern of the county welfare director in any repayment
4 agreement.

5 (c) (1) The department shall develop regulations for recovery
6 of overpayments made to any foster family home, approved home
7 of a relative, including the home of a Kin-GAP guardian, approved
8 home of a nonrelative legal guardian, resource family, or supervised
9 independent living setting where a nonminor dependent resides.
10 The regulations shall prioritize collection methods, that shall
11 include voluntary repayment agreement procedures and involuntary
12 overpayment collection procedures. These procedures shall take
13 into account the amount of the overpayment and a minimum
14 required payment amount.

15 (2) A county shall not collect an overpayment through the use
16 of an involuntary payment agreement unless a foster family home,
17 an approved home of a relative, including the home of a Kin-GAP
18 guardian, approved home of a nonrelative legal guardian, resource
19 family, or supervised independent living setting where a nonminor
20 dependent resides has rejected the offer of a voluntary overpayment
21 agreement, or has failed to comply with the terms of the voluntary
22 overpayment agreement.

23 (3) A county shall not be permitted to collect an overpayment
24 through the offset of payments due to a foster family home, an
25 approved home of a relative, including the home of a Kin-GAP
26 guardian, approved home of a nonrelative legal guardian, resource
27 family, or supervised independent living setting where a nonminor
28 dependent resides, unless this method of repayment is requested
29 by the provider or nonminor dependent in a voluntary repayment
30 agreement, or other circumstances defined by the department by
31 regulation.

32 (d) If a provider or nonminor dependent is successful in its
33 appeal of a collected overpayment, it shall be repaid the collected
34 overpayment plus simple interest based on the Surplus Money
35 Investment Fund.

36 (e) A county may not collect interest on the repayment of an
37 overpayment.

38 (f) There shall be a one-year statute of limitations from the date
39 upon which the county determined that there was an overpayment.

1 ~~SEC. 59.~~

2 *SEC. 76.* Section 11466.25 of the Welfare and Institutions
3 Code is amended to read:

4 11466.25. Interest begins to accrue on a provider overpayment
5 or penalty on the date of the issuance of the penalty, the date of
6 issuance of the final audit report, or the date of the issuance of a
7 management decision letter in accordance with Section 11466.21,
8 or the date that a provider self-reports an overpayment.

9 ~~SEC. 60.~~

10 *SEC. 77.* Section 11466.31 of the Welfare and Institutions
11 Code is amended to read:

12 11466.31. (a) When it has been determined that a provider
13 participating in the AFDC-FC program owes an overpayment that
14 is due and payable, the department may implement involuntary
15 offset collection procedures to collect sustained overpayments
16 from a provider if the provider does not enter into a voluntary
17 repayment agreement with the department or the provider has three
18 outstanding payments on a voluntary repayment agreement before
19 the overpayment is repaid.

20 (b) The minimum monthly overpayment offset amount from
21 monthly rate reimbursements shall be determined using the
22 involuntary collection procedures developed pursuant to paragraph
23 (4) of subdivision (d) of Section 11466.22. Overpayments shall
24 be offset against current monthly rate reimbursement payments
25 due and payable to a provider under this chapter.

26 (c) Failure to repay an overpayment shall be grounds for
27 termination of the provider’s rate and shall result in a referral to
28 the department’s Community Care Licensing Division for license
29 revocation.

30 ~~SEC. 61.~~

31 *SEC. 78.* Section 11466.32 of the Welfare and Institutions
32 Code is amended to read:

33 11466.32. (a) If a provider that owes a sustained overpayment
34 pursuant to paragraph (2) of subdivision (d) of Section 11466.22
35 does not enter into a voluntary repayment agreement with the
36 department, or the provider has three outstanding payments on a
37 voluntary repayment agreement before the overpayment is repaid,
38 in addition to the monthly overpayment offset amount, 50 percent
39 of any increases resulting from California Necessities Index (CNI)
40 adjustments and provider’s rate adjustments to the standard rate

1 that are due to a provider shall be withheld until the sustained
2 overpayment amount is collected. Once the overpayment amount
3 is collected, the provider shall begin to prospectively receive the
4 full amount of any California Necessities Index and rate adjustment
5 to which it is entitled.

6 (b) Any provider subject to involuntary repayment of a sustained
7 overpayment pursuant to Section 11466.31 shall be ineligible to
8 receive any rate increase or program change or expansion, until
9 the repayment is completed or until the host county or the primary
10 placement county provide the department with a request for waiver
11 of this paragraph.

12 ~~SEC. 62.~~

13 *SEC. 79.* Section 11469 of the Welfare and Institutions Code
14 is amended to read:

15 11469. (a) The department shall develop, following
16 consultation with group home providers, the County Welfare
17 Directors Association of California, the Chief Probation Officers
18 of California, the County Behavioral Health Directors Association
19 of California, the State Department of Health Care Services, and
20 stakeholders, performance standards and outcome measures for
21 determining the effectiveness of the care and supervision, as
22 defined in subdivision (b) of Section 11460, provided by group
23 homes under the AFDC-FC program pursuant to Sections 11460
24 and 11462. These standards shall be designed to measure group
25 home program performance for the client group that the group
26 home program is designed to serve.

27 (1) The performance standards and outcome measures shall be
28 designed to measure the performance of group home programs in
29 areas over which the programs have some degree of influence, and
30 in other areas of measurable program performance that the
31 department can demonstrate are areas over which group home
32 programs have meaningful managerial or administrative influence.

33 (2) These standards and outcome measures shall include, but
34 are not limited to, the effectiveness of services provided by each
35 group home program, and the extent to which the services provided
36 by the group home assist in obtaining the child welfare case plan
37 objectives for the child.

38 (3) In addition, when the group home provider has identified
39 as part of its program for licensing, ratesetting, or county placement
40 purposes, or has included as a part of a child's case plan by mutual

1 agreement between the group home and the placing agency,
2 specific mental health, education, medical, and other child-related
3 services, the performance standards and outcome measures may
4 also measure the effectiveness of those services.

5 (b) Regulations regarding the implementation of the group home
6 performance standards system required by this section shall be
7 adopted no later than one year prior to implementation. The
8 regulations shall specify both the performance standards system
9 and the manner by which the AFDC-FC rate of a group home
10 program shall be adjusted if performance standards are not met.

11 (c) Except as provided in subdivision (d), effective July 1, 1995,
12 group home performance standards shall be implemented. Any
13 group home program not meeting the performance standards shall
14 have its AFDC-FC rate, set pursuant to Section 11462, adjusted
15 according to the regulations required by this section.

16 (d) A group home program shall be classified at rate
17 classification level 13 or 14 only if it has been granted an extension
18 pursuant to subdivision (d) of Section 11462.04 and all of the
19 following are met:

20 (1) The program generates the requisite number of points for
21 rate classification level 13 or 14.

22 (2) The program only accepts children with special treatment
23 needs as determined through the assessment process pursuant to
24 paragraph (2) of subdivision (a) of Section 11462.01.

25 (3) The program meets the performance standards designed
26 pursuant to this section.

27 (e) Notwithstanding subdivision (c), the group home program
28 performance standards system shall not be implemented prior to
29 the implementation of the AFDC-FC performance standards
30 system.

31 (f) On or before January 1, 2016, the department shall develop,
32 following consultation with the County Welfare Directors
33 Association of California, the Chief Probation Officers of
34 California, the County Behavioral Health Directors Association
35 of California, research entities, foster children, advocates for foster
36 children, foster care provider business entities organized and
37 operated on a nonprofit basis, Indian tribes, and other stakeholders,
38 additional performance standards and outcome measures that
39 require group homes to implement programs and services to
40 minimize law enforcement contacts and delinquency petition filings

1 arising from incidents of allegedly unlawful behavior by minors
2 occurring in group homes or under the supervision of group home
3 staff, including individualized behavior management programs,
4 emergency intervention plans, and conflict resolution processes.

5 (g) On or before January 1, 2017, the department shall develop,
6 following consultation with the County Welfare Directors
7 Association of California, the Chief Probation Officers of
8 California, the County Behavioral Health Directors Association
9 of California, the Medical Board of California, research entities,
10 foster children advocates for foster children, foster care provider
11 business entities organized and operated on a nonprofit basis,
12 Indian tribes, and other stakeholders, additional performance
13 standards and outcome measures that require group homes and
14 short-term residential treatment centers to implement alternative
15 programs and services, including individualized behavior
16 management programs, emergency intervention plans, and conflict
17 resolution processes.

18 (h) Performance standards and outcome measures developed
19 pursuant to this section shall apply to short-term residential
20 treatment centers.

21 ~~SEC. 63.~~

22 *SEC. 80.* Section 16504.5 of the Welfare and Institutions Code
23 is amended to read:

24 16504.5. (a) (1) Notwithstanding any other law, pursuant to
25 subdivision (b) of Section 11105 of the Penal Code, a child welfare
26 agency may secure from an appropriate governmental criminal
27 justice agency the state summary criminal history information, as
28 defined in subdivision (a) of Section 11105 of the Penal Code,
29 through the California Law Enforcement Telecommunications
30 System pursuant to subdivision (d) of Section 309, and subdivision
31 (a) of Section 1522 of the Health and Safety Code for the following
32 purposes:

33 (A) To conduct an investigation pursuant to Section 11166.3 of
34 the Penal Code or an investigation involving a child in which the
35 child is alleged to come within the jurisdiction of the juvenile court
36 under Section 300.

37 (B) (i) To assess the appropriateness and safety of placing a
38 child who has been detained or is a dependent of the court, in the
39 home of a relative assessed pursuant to Section 309, 361.4, or
40 16519.5, or in the home of a nonrelative extended family member

1 assessed as described in Section 362.7 or 16519.5 during an
2 emergency situation.

3 (ii) When a relative or nonrelative family member who has been
4 assessed pursuant to clause (i) and approved as a caregiver moves
5 to a different county and continued placement of the child with
6 that person is intended, the move shall be considered an emergency
7 situation for purposes of this subparagraph.

8 (C) To attempt to locate a parent or guardian pursuant to Section
9 311 of a child who is the subject of dependency court proceedings.

10 (D) To obtain information about the background of a nonminor
11 who has petitioned to reenter foster care under subdivision (e) of
12 Section 388, in order to assess the appropriateness and safety of
13 placing the nonminor in a foster care or other placement setting
14 with minor dependent children.

15 (2) Any time that a child welfare agency initiates a criminal
16 background check through the California Law Enforcement
17 Telecommunications System for the purpose described in
18 subparagraph (B) of paragraph (1), the agency shall ensure that a
19 state-level fingerprint check is initiated within 10 calendar days
20 of the check, unless the whereabouts of the subject of the check
21 are unknown or the subject of the check refuses to submit to the
22 fingerprint check. The Department of Justice shall provide the
23 requesting agency a copy of all criminal history information
24 regarding an individual that it maintains pursuant to subdivision
25 (b) of Section 11105 of the Penal Code.

26 (b) Criminal justice personnel shall cooperate with requests for
27 criminal history information authorized pursuant to this section
28 and shall provide the information to the requesting entity in a
29 timely manner.

30 (c) Any law enforcement officer or person authorized by this
31 section to receive the information who obtains the information in
32 the record and knowingly provides the information to a person not
33 authorized by law to receive the information is guilty of a
34 misdemeanor as specified in Section 11142 of the Penal Code.

35 (d) Information obtained pursuant to this section shall not be
36 used for any purposes other than those described in subdivision
37 (a).

38 (e) Nothing in this section shall preclude a nonminor petitioning
39 to reenter foster care or a relative or other person living in a
40 relative's home from refuting any of the information obtained by

1 law enforcement if the individual believes the state- or federal-level
2 criminal records check revealed erroneous information.

3 (f) (1) A state or county welfare agency may submit to the
4 Department of Justice fingerprint images and related information
5 required by the Department of Justice of parents or legal guardians
6 when determining their suitability for reunification with a
7 dependent child subject to the jurisdiction of the juvenile court,
8 for the purposes of obtaining information as to the existence and
9 content of a record of state or federal convictions and state or
10 federal arrests, as well as information as to the existence and
11 content of a record of state or federal arrests for which the
12 Department of Justice establishes that the person is free on bail or
13 on his or her own recognizance pending trial or appeal. Of the
14 information received by the Department of Justice pursuant to this
15 subdivision, only the parent's or legal guardian's criminal history
16 for the time period following the removal of the child from the
17 parent or legal guardian shall be considered.

18 (2) A county welfare agency or county probation office may
19 submit to the Department of Justice fingerprint images and related
20 information required by the Department of Justice of nonminors
21 petitioning to reenter foster care under Section 388, in order to
22 assess the appropriateness and safety of placing the nonminor in
23 a foster care or other placement setting with minor dependent
24 children.

25 (3) When received, the Department of Justice shall forward to
26 the Federal Bureau of Investigation requests for federal summary
27 criminal history information received pursuant to this subdivision.
28 The Department of Justice shall review the information returned
29 from the Federal Bureau of Investigation and respond to the state
30 or county welfare agency.

31 (4) The Department of Justice shall provide a response to the
32 state or county welfare agency pursuant to subdivision (p) of
33 Section 11105 of the Penal Code.

34 (5) The state or county welfare agency shall not request from
35 the Department of Justice subsequent arrest notification service,
36 as provided pursuant to Section 11105.2 of the Penal Code, for
37 individuals described in this subdivision.

38 (6) The Department of Justice shall charge a fee sufficient to
39 cover the costs of processing the request described in this
40 subdivision.

1 (7) This subdivision shall become operative on July 1, 2007.

2 (g) A fee, determined by the Federal Bureau of Investigation
3 and collected by the Department of Justice, shall be charged for
4 each federal-level criminal offender record information request
5 submitted pursuant to this section and Section 361.4.

6 ~~SEC. 64.~~

7 *SEC. 81.* Section 16514 of the Welfare and Institutions Code
8 is amended to read:

9 16514. (a) A minor or nonminor who has been voluntarily
10 placed, adjudged a dependent child of the juvenile court pursuant
11 to Section 300, or as to whom a petition has been filed under
12 Section 325, may be housed in an emergency shelter or, pursuant
13 to the procedures for placement set forth in this code, placed in a
14 foster family home, a resource family home, or with a foster family
15 agency for subsequent placement in a certified family home or
16 with a resource family, with minors adjudged wards of the juvenile
17 court pursuant to Section 601.

18 (b) A minor who has been voluntarily placed, adjudged a
19 dependent child of the juvenile court pursuant to Section 300, or
20 adjudged a ward of the juvenile court pursuant to Section 601,
21 shall not be housed in an emergency shelter with any minor
22 adjudged a ward of the juvenile court pursuant to Section 602.

23 (c) A minor or nonminor who has been voluntarily placed,
24 adjudged a dependent child of the juvenile court pursuant to Section
25 300, or as to whom a petition has been filed under Section 325, or
26 a nonminor dependent, as described in subdivision (v) of Section
27 11400, shall not be placed or detained in a short-term residential
28 treatment center, group home, licensed foster family home, resource
29 family home, or certified family home or approved resource family
30 home of a foster family agency, with any minor adjudged a ward
31 of the juvenile court pursuant to Section 601 or 602, unless the
32 social worker or probation officer with placement authority has
33 determined that the placement setting has a program that meets
34 the specific needs of the minor or nonminor dependent being placed
35 or detained, and there is a commonality of needs with the other
36 minors and nonminor dependents in the placement setting.

37 (d) Nothing in this section shall transfer or eliminate the
38 responsibility of the placing agency for the care, custody, or control
39 of the child. Nothing in this section shall relieve a foster family

1 agency of its responsibilities for or on behalf of a child placed with
2 it.

3 (e) For purposes of this section, the placing of children or
4 nonminor dependents by foster family agencies shall be referred
5 to as “subsequent placement” to distinguish the activity from the
6 placing by public agencies.

7 ~~SEC. 65.~~

8 *SEC. 82.* The heading of Article 2 (commencing with Section
9 16519.5) is added to Chapter 5 of Part 4 of Division 9 of the
10 Welfare and Institutions Code, to read:

11
12 Article 2. Resource Family Approval Program

13
14 ~~SEC. 66.~~

15 *SEC. 83.* Section 16519.5 of the Welfare and Institutions Code
16 is amended to read:

17 16519.5. (a) The State Department of Social Services, in
18 consultation with county child welfare agencies, foster parent
19 associations, and other interested community parties, shall
20 implement a unified, family friendly, and child-centered resource
21 family approval process to replace the existing multiple processes
22 for licensing foster family homes, certifying foster homes by
23 licensed foster family agencies, approving relatives and nonrelative
24 extended family members as foster care providers, and approving
25 guardians and adoptive families.

26 (b) (1) Counties shall be selected to participate on a voluntary
27 basis as early implementation counties for the purpose of
28 participating in the initial development of the approval process.
29 Early implementation counties shall be selected according to
30 criteria developed by the department in consultation with the
31 County Welfare Directors Association. In selecting the five early
32 implementation counties, the department shall promote diversity
33 among the participating counties in terms of size and geographic
34 location.

35 (2) Additional counties may participate in the early
36 implementation of the program upon authorization by the
37 department.

38 (3) The State Department of Social Services shall be responsible
39 for all of the following:

- 1 (A) Selecting early implementation counties, based on criteria
- 2 established by the department in consultation with the County
- 3 Welfare Directors Association.
- 4 (B) Establishing timeframes for participating counties to submit
- 5 an implementation plan, enter into terms and conditions for early
- 6 implementation participation in the program, train appropriate
- 7 staff, and accept applications from resource families.
- 8 (C) Entering into terms and conditions for early implementation
- 9 participation in the program by counties.
- 10 (4) Counties participating in the early implementation of the
- 11 program shall be responsible for all of the following:
- 12 (A) Submitting an implementation plan.
- 13 (B) Entering into terms and conditions for early implementation
- 14 participation in the program.
- 15 (C) Consulting with the county probation department in the
- 16 development of the implementation plan.
- 17 (D) Training appropriate staff.
- 18 (E) Accepting applications from resource families within the
- 19 timeframes established by the department.
- 20 (5) (A) 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 statewide implementation of the program shall not be considered
- 24 part of the program. The otherwise applicable assessment and
- 25 oversight processes shall continue to be administered for families
- 26 and facilities not included in the program.
- 27 (B) Upon implementation of the program in a county, that
- 28 county shall 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 guardians and
- 31 adoptive homes.
- 32 (6) The department may waive regulations that pose a barrier
- 33 to the early implementation and operation of this program. The
- 34 waiver of any regulations by the department pursuant to this section
- 35 shall apply to only those counties or foster family agencies
- 36 participating in the early implementation of the program and only
- 37 for the duration of the program.
- 38 (7) *This subdivision shall become inoperative on January 1,*
- 39 *2017.*

1 (c) (1) For the purposes of this article, “resource family” means
2 an individual or family that has successfully met both the home
3 environment assessment standards and the permanency assessment
4 criteria adopted pursuant to subdivision (d) necessary for providing
5 care for a related or unrelated child who is under the jurisdiction
6 of the juvenile court, or otherwise in the care of a county child
7 welfare agency or probation department. A resource family shall
8 demonstrate all of the following:

9 (A) An understanding of the safety, permanence, and well-being
10 needs of children who have been victims of child abuse and neglect,
11 and the capacity and willingness to meet those needs, including
12 the need for protection, and the willingness to make use of support
13 resources offered by the agency, or a support structure in place,
14 or both.

15 (B) An understanding of children’s needs and development,
16 effective parenting skills or knowledge about parenting, and the
17 capacity to act as a reasonable, prudent parent in day-to-day
18 decisionmaking.

19 (C) An understanding of his or her role as a resource family and
20 the capacity to work cooperatively with the agency and other
21 service providers in implementing the child’s case plan.

22 (D) The financial ability within the household to ensure the
23 stability and financial security of the family.

24 (E) An ability and willingness to provide a family setting that
25 promotes normal childhood experiences that serves the needs of
26 the child.

27 (2) For purposes of this article, and unless otherwise specified,
28 references to a “child” shall include a “nonminor dependent” and
29 “nonminor former dependent or ward” as defined in subdivision
30 (v) and paragraph (1) of subdivision (aa) of Section 11400.

31 (3) There is no fundamental right to approval as a resource
32 family.

33 (4) Subsequent to meeting the criteria set forth in this
34 subdivision and designation as a resource family, a resource family
35 shall be considered eligible to provide foster care for related and
36 unrelated children in out-of-home ~~placement~~, *placement and* shall
37 be considered approved for adoption or ~~guardianship~~, and shall
38 ~~not have to undergo any additional approval or licensure as long~~
39 ~~as the family lives in a county participating in the program.~~
40 *guardianship.*

1 (5) For purposes of this article, “resource family approval”
 2 means that the applicant or resource family successfully meets the
 3 home environment assessment and permanency assessment
 4 standards. This approval is in lieu of a foster family home license
 5 issued pursuant to Chapter 3 (commencing with Section 1500) of
 6 Division 2 of the Health and Safety Code, a certificate of approval
 7 issued by a licensed foster family agency, as described in
 8 subdivision ~~(e)~~ (b) of Section 1506 of the Health and Safety Code,
 9 relative or nonrelative extended family member approval,
 10 guardianship approval pursuant to Section 360, 366.26, or 728,
 11 approval, and the adoption home study approval.

12 (6) Approval of a resource family does not guarantee an initial,
 13 continued, or adoptive placement of a child with a resource family
 14 or with a relative or nonrelative extended family member pursuant
 15 to subdivision (e). Approval of a resource family does not
 16 guarantee the establishment of a legal guardianship of a child with
 17 a resource family.

18 (7) (A) Notwithstanding paragraphs (1) to (6), inclusive, the
 19 department or county shall cease any further review of an
 20 application if the applicant has had a previous application denial
 21 within the preceding year, or if the applicant has had a previous
 22 rescission, revocation, or exemption denial or exemption rescission
 23 by the department or county within the preceding two years.

24 (B) Notwithstanding subparagraph (A), the department or county
 25 may continue to review an application if it has determined that the
 26 reasons for the previous denial, rescission, or revocation were due
 27 to circumstances and conditions that either have been corrected or
 28 are no longer in existence. If an individual was excluded from a
 29 resource family home or facility licensed by the department, the
 30 department or county shall cease review of the individual’s
 31 application unless the excluded individual has been reinstated
 32 pursuant to Section 11522 of the Government Code. ~~Code and~~
 33 ~~subdivision (h) of Section 1558 of the Health and Safety Code.~~ The
 34 cessation of review shall not constitute a denial of the application
 35 for purposes of this section or any other law.

36 (8) A resource family shall meet the approval standards set forth
 37 in this section, comply with the written directives or regulations
 38 adopted pursuant to this section, and comply with other applicable
 39 laws in order to maintain approval.

1 (9) A resource family may be approved by the department or a
2 county pursuant to this section or by a foster family agency
3 pursuant to Section 1517 of the Health and Safety Code.

4 (10) A resource family shall not be licensed as a residential
5 facility, as defined in paragraph (1) of subdivision (a) of Section
6 1502 of the Health and Safety Code.

7 (d) (1) The department shall adopt standards pertaining to the
8 home environment and permanency assessments of a resource
9 family.

10 (2) Resource family home environment assessment standards
11 shall include, but not be limited to, all of the following:

12 (A) (i) Criminal records clearance of each applicant and all
13 adults residing in, or regularly present in, the home, and not
14 exempted from fingerprinting, as set forth in subdivision (b) of
15 Section 1522 of the Health and Safety Code, pursuant to Section
16 8712 of the Family Code, utilizing a check of the Child Abuse
17 Central Index (CACI), and receipt of a fingerprint-based state and
18 federal criminal offender record information search response. The
19 criminal history information shall include subsequent notifications
20 pursuant to Section 11105.2 of the Penal Code.

21 (ii) Consideration of any substantiated allegations of child abuse
22 or neglect against the applicant and any other adult residing in, or
23 regularly present in, the home. An approval may not be granted
24 to applicants whose criminal record indicates a conviction for any
25 of the offenses specified in subdivision (g) of Section 1522 of the
26 Health and Safety Code.

27 (iii) If the resource family parent, applicant, or any other person
28 specified in subdivision (b) of Section 1522 of the Health and
29 Safety Code has been convicted of a crime other than a minor
30 traffic violation or arrested for a serious offense specified in
31 subdivision (e) of Section 1522 of the Health and Safety Code,
32 except for the civil penalty language, the criminal background
33 check provisions specified in subdivisions (d) through (f) of Section
34 1522 of the Health and Safety Code shall apply. Exemptions from
35 the criminal records clearance requirements set forth in this section
36 may be granted by the department or the county, if that county had
37 been granted permission by the department to issue criminal
38 records exemptions pursuant to Section 361.4 on or before January
39 1, 2017, using the exemption criteria specified in subdivision (g)
40 of Section 1522 of the Health and Safety Code and the written

1 directives or regulations adopted pursuant to this section. ~~A county
2 may obtain arrest and conviction records or reports from any court
3 or law enforcement agency as necessary to the performance of its
4 duties, as provided in subdivision (e) of Section 1522 of the Health
5 and Safety Code.~~

6 (iv) For public foster family agencies approving resource
7 families, the criminal records clearance process set forth in clause
8 (i) shall be utilized.

9 (v) For private foster family agencies approving resource
10 families, the criminal records clearance process set forth in clause
11 (i) shall be utilized, but the Department of Justice shall disseminate
12 a fitness determination resulting from the federal criminal offender
13 record information search.

14 (B) Buildings and grounds and storage requirements that ensure
15 the health and safety of children.

16 (C) In addition to the foregoing requirements, the resource
17 family home environment assessment standards shall also require
18 the following:

19 (i) That the applicant demonstrate an understanding about the
20 rights of children in care and his or her responsibility to safeguard
21 those rights.

22 (ii) That the total number of children residing in the home of a
23 resource family shall be no more than the total number of children
24 the resource family can properly care for, regardless of status, and
25 shall not exceed six children, unless exceptional circumstances
26 that are documented in the foster child’s case file exist to permit
27 a resource family to care for more children, including, but not
28 limited to, the need to place siblings together.

29 (iii) That the applicant understands his or her responsibilities
30 with respect to acting as a reasonable and prudent parent, and
31 maintaining the least restrictive environment that serves the needs
32 of the child.

33 (3) The resource family permanency assessment standards shall
34 include, but not be limited to, all of the following:

35 (A) Caregiver training, as described in subdivisions (g) and (h).

36 (B) A psychosocial assessment of an applicant, which shall
37 include the results of a risk assessment.

38 (i) When the applicant is a relative or nonrelative extended
39 family member to an identified child, the psychosocial assessment
40 shall consider the nature of the relationship between the relative

1 or nonrelative extended family member and the child. The relative
2 or nonrelative extended family member's expressed desire to only
3 care for a specific child or children shall not be a reason to deny
4 the approval.

5 (ii) A caregiver risk assessment shall include, but not be limited
6 to, physical and mental health, alcohol and other substance use
7 and abuse, family and domestic violence, and the factors listed in
8 subparagraphs (A) and (D) of paragraph (1) of subdivision (c).

9 (C) Completion of any other activities that relate to the ability
10 of an applicant or a resource family to achieve permanency with
11 a child.

12 (e) (1) A county may place a child with a resource family
13 applicant who has successfully completed the home environment
14 assessment prior to completion of a permanency assessment only
15 if a compelling reason for the placement exists based on the needs
16 of the child.

17 (A) The permanency assessment shall be completed within 90
18 days of the child's placement in the home, unless good cause exists
19 based upon the needs of the child.

20 (B) If additional time is needed to complete the permanency
21 assessment, the county shall document the extenuating
22 circumstances for the delay and generate a timeframe for the
23 completion of the permanency assessment.

24 (C) The county shall report to the department on a quarterly
25 basis the number of families with a child in an approved home
26 whose permanency assessment goes beyond 90 days and
27 summarize the reasons for these delays.

28 (2) ~~(A) Upon an assessment completed pursuant to Section~~
29 ~~309 or 361.45, a county may place a child with a relative, as~~
30 ~~defined in Section 319, or nonrelative extended family member,~~
31 ~~as defined in Section 362.7, prior to applying as a resource family~~
32 ~~only on an emergency basis if all of the following requirements~~
33 ~~are met: 362.7.~~

34 ~~(A) Consideration of the results of a criminal records check~~
35 ~~conducted pursuant to Section 16504.5 of the relative or nonrelative~~
36 ~~extended family member and of every other adult residing in or~~
37 ~~regularly present in the home.~~

38 ~~(B) Consideration of the results of the Child Abuse Central~~
39 ~~Index (CACI) consistent with Section 1522.1 of the Health and~~
40 ~~Safety Code of the relative or nonrelative extended family member,~~

1 and of every other adult residing in or regularly present in the
2 home.

3 ~~(C) The home and grounds are free of conditions that pose undue
4 risk to the health and safety of the child.~~

5 ~~(D)~~

6 (B) For any *emergency* placement made pursuant to this
7 paragraph, the county shall initiate the home environment
8 assessment no later than five business days after the placement,
9 which shall include a face-to-face interview with the resource
10 family applicant and child.

11 *(C) Nothing in this paragraph shall be construed to limit the
12 obligation under existing law to assess and give placement
13 consideration to relatives and nonrelative extended family
14 members.*

15 (3) For any placement made pursuant to this subdivision,
16 AFDC-FC funding shall not be available until approval of the
17 resource family has been completed.

18 (4) Any child placed under this section shall be afforded all the
19 rights set forth in Section 16001.9 and in the written directions or
20 regulations adopted pursuant to this section.

21 (5) Nothing in this section shall limit the county’s authority to
22 inspect the home of a resource family applicant or a relative or
23 nonrelative extended family member as often as necessary to ensure
24 the quality of care provided.

25 (f) The State Department of Social Services shall be responsible
26 for all of the following:

27 (1) (A) Until regulations are adopted, administering the program
28 through the issuance of written directives that shall have the same
29 force and effect as regulations. Any directive affecting Article 1
30 (commencing with Section 700) of Chapter 7 of Title 11 of the
31 California Code of Regulations shall be approved by the
32 Department of Justice. The directives shall be exempt from the
33 rulemaking provisions of the Administrative Procedure Act
34 (Chapter 3.5 (commencing with Section 11340)) of Part 1 of
35 Division 3 of Title 2 of the Government Code.

36 (B) Adopting, amending, or repealing, in accordance with
37 Chapter 4.5 (commencing with Section 11371) of Part 1 of Division
38 3 of Title 2 of the Government Code, any reasonable rules,
39 regulations, and standards that may be necessary or proper to carry
40 out the purposes and intent of this chapter and to enable the

1 department to exercise the powers and perform the duties conferred
2 upon it by this section, consistent with the laws of this state.

3 (2) Approving and requiring the use of a single standard for
4 resource family approval.

5 (3) Adopting and requiring the use of standardized
6 documentation for the home environment and permanency
7 assessments of resource families.

8 (4) *Adopting core competencies for county staff to participate*
9 *in the assessment and evaluation of an applicant or resource*
10 *family.*

11 ~~(4)~~

12 (5) Requiring counties to monitor county-approved resource
13 families including, but not limited to, all of the following:

14 (A) Investigating complaints of resource families.

15 (B) Developing and monitoring resource family corrective action
16 plans to correct identified deficiencies and to rescind resource
17 family approval if compliance with corrective action plans is not
18 achieved.

19 ~~(5)~~

20 (6) Ongoing oversight and monitoring of county systems and
21 operations including all of the following:

22 (A) Reviewing the county's implementation plan and
23 implementation of the program.

24 (B) Reviewing an adequate number of county-approved resource
25 families in each county to ensure that approval standards are being
26 properly applied. The review shall include case file documentation,
27 and may include onsite inspection of individual resource families.
28 The review shall occur on an annual basis, and more frequently if
29 the department becomes aware that a county is experiencing a
30 disproportionate number of complaints against individual resource
31 family homes.

32 (C) Reviewing county reports of serious complaints and
33 incidents involving approved resource families, as determined
34 necessary by the department. The department may conduct an
35 independent review of the complaint or incident and change the
36 findings depending on the results of its investigation.

37 (D) Investigating unresolved complaints against counties.

38 (E) Requiring corrective action of counties that are not in full
39 compliance with this section.

40 ~~(6)~~

- 1 (7) Updating the Legislature on the early implementation phase
 2 of the program, including the status of implementation, successes,
 3 and challenges during the early implementation phase, and relevant
 4 available data, including resource family satisfaction.
 5 ~~(7)~~
 6 (8) Implementing due process procedures, including, but not
 7 limited to, all of the following:
 8 (A) Providing a statewide fair hearing process for application
 9 denials, rescissions of approval, exclusion actions, or criminal
 10 record exemption denials or rescissions, by a county or the
 11 department.
 12 (B) *Providing an excluded individual with due process pursuant*
 13 *to Section 16519.6.*
 14 ~~(B)~~
 15 (C) Amending the department’s applicable state hearing
 16 procedures and regulations or using the Administrative Procedure
 17 Act, when applicable, as necessary for the administration of the
 18 program.
 19 (g) Counties shall be responsible for all of the following:
 20 (1) Submitting an implementation plan and consulting with the
 21 county probation department in the development of the
 22 implementation plan.
 23 (2) Complying with the written directives or regulations adopted
 24 pursuant to this section.
 25 (3) Implementing the requirements for resource family approval
 26 and utilizing standardized documentation established by the
 27 department.
 28 (4) Training appropriate staff, including ensuring staff have the
 29 education and experience *or core competencies* necessary to
 30 ~~complete the home environment and psychosocial assessments~~
 31 ~~competently.~~ *participate in the assessment and evaluation of an*
 32 *applicant or resource family.*
 33 (5) (A) Taking the following actions, as applicable:
 34 (i) (I) ~~Approving or denying resource family applications.~~
 35 *applications, including preparing a written evaluation of an*
 36 *applicant’s capacity to foster, adopt, or provide legal guardianship*
 37 *of a child based on all of the information gathered through the*
 38 *resource family application and assessment processes.*
 39 (II) *Considering the applicant’s preference to provide a specific*
 40 *level of permanency, including adoption, guardianship, or, in the*

1 *case of a relative, placement with a fit and willing relative, shall*
2 *not be a basis to deny an application.*

3 (ii) Rescinding approvals of resource families.

4 (iii) When applicable, referring a case to the department for an
5 action to exclude a resource family parent or other individual from
6 presence in any resource family home, consistent with the
7 established standard.

8 (iv) Issuing a temporary suspension order that suspends the
9 resource family approval prior to a hearing when urgent action is
10 needed to protect a child from physical or mental abuse,
11 abandonment, or any other substantial threat to health or safety,
12 consistent with the established standard.

13 (v) Granting, denying, or rescinding criminal record exemptions.

14 (B) Providing a resource family parent, applicant, or individual
15 who is the subject of a criminal record exemption decision with
16 due process pursuant to Section 16519.6.

17 (C) Notifying the department of any decisions denying an
18 application for resource family approval, rescinding the approval
19 of a resource family, or denying or rescinding a criminal record
20 exemption, and, if applicable, notifying the department of the
21 results of an administrative action.

22 (6) (A) Updating resource family approval annually and as
23 necessary to address any changes that have occurred in the resource
24 family's circumstances, including, but not limited to, moving to
25 a new home location or commencing operation of a family day
26 care home, as defined in Section 1596.78 of the Health and Safety
27 Code.

28 (B) A county shall conduct an announced inspection of a
29 resource family home during the annual update, and as necessary
30 to address any changes specified in subparagraph (A), in order to
31 ensure that the resource family is conforming to all applicable laws
32 and the written directives or regulations adopted pursuant to this
33 section.

34 (7) Monitoring resource families through all of the following:

35 (A) Ensuring that social workers who identify a condition in
36 the home that may not meet the approval standards set forth in
37 subdivision (d) while in the course of a routine visit to children
38 placed with a resource family take appropriate action as needed.

39 (B) Requiring resource families to meet the approval standards
40 set forth in this section, and to comply with the written directives

1 or regulations adopted pursuant to this section, other applicable
2 laws, and corrective action plans as necessary to correct identified
3 deficiencies. If corrective action is not completed as specified in
4 the plan, the county may rescind the resource family approval.

5 (C) Requiring resource families to report to the county child
6 welfare agency any incidents consistent with the reporting
7 requirements for licensed foster family homes.

8 (D) Inspecting resource family homes as often as necessary to
9 ensure the quality of care provided.

10 (8) (A) Investigating all complaints against a resource family
11 and taking action as necessary, including, but not limited to,
12 investigating any incidents reported about a resource family
13 indicating that the approval standard is not being maintained and
14 inspecting the resource family home.

15 (B) The child's social worker shall not conduct the formal
16 investigation into the complaint received concerning a family
17 providing services under the standards required by subdivision
18 (d). To the extent that adequate resources are available, complaints
19 shall be investigated by a worker who did not initially conduct the
20 home environment or psychosocial assessments.

21 (C) Upon conclusion of the complaint investigation, the final
22 disposition shall be reviewed and approved by a supervising staff
23 member.

24 (D) The department shall be notified of any serious incidents
25 or serious complaints or any incident that falls within the definition
26 of Section 11165.5 of the Penal Code. If those incidents or
27 complaints result in an investigation, the department shall also be
28 notified as to the status and disposition of that investigation.

29 (9) Performing corrective action as required by the department.

30 (10) Assessing county performance in related areas of the
31 California Child and Family Services Review System, and
32 remedying problems identified.

33 (11) Submitting information and data that the department
34 determines is necessary to study, monitor, and prepare the report
35 specified in paragraph (6) of subdivision (f).

36 (12) Ensuring resource family applicants and resource families
37 have the necessary knowledge, skills, and abilities to support
38 children in foster care by completing caregiver training. The
39 training should include a curriculum that supports the role of a
40 resource family in parenting vulnerable children and should be

1 ongoing in order to provide resource families with information on
2 trauma-informed practices and requirements and other topics within
3 the foster care system.

4 (13) Ensuring that a resource family applicant completes a
5 minimum of 12 hours of preapproval caregiver training. The
6 training shall include, but not be limited to, all of the following
7 courses:

8 (A) An overview of the child protective and probation systems.

9 (B) The effects of trauma, including grief and loss, and child
10 abuse and neglect, on child development and behavior, and
11 methods to behaviorally support children impacted by that trauma
12 or child abuse and neglect.

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

14 (D) Health issues in foster care.

15 (E) Accessing services and supports to address education needs,
16 physical, mental, and behavioral health, and substance use
17 disorders, including culturally relevant services.

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

26 (G) Cultural needs of children, including instruction on cultural
27 competency and sensitivity, and related best practices for providing
28 adequate care for children or youth across diverse ethnic and racial
29 backgrounds, as well as children or youth identifying as lesbian,
30 gay, bisexual, or transgender.

31 (H) Basic instruction on existing laws and procedures regarding
32 the safety of foster youth at school; and ensuring a harassment and
33 violence free school environment pursuant to Article 3.6
34 (commencing with Section 32228) of Chapter 2 of Part 19 of
35 Division 1 of Title 1 of the Education Code.

36 (I) Permanence, well-being, and education needs of children.

37 (J) Child and adolescent development, including sexual
38 orientation, gender identity, and expression.

39 (K) The role of resource families, including working
40 cooperatively with the child welfare or probation agency, the

1 child's family, and other service providers implementing the case
2 plan.

3 (L) The role of a resource family on the child and family team
4 as defined in paragraph (4) of subdivision (a) of Section 16501.

5 (M) A resource family's responsibility to act as a reasonable
6 and prudent parent, as described in subdivision (c) of Section
7 1522.44 of the Health and Safety Code, and to provide a family
8 setting that promotes normal childhood experiences and that serves
9 the needs of the child.

10 (N) An overview of the specialized training identified in
11 subdivision (h).

12 (14) Ensuring approved resource families complete a minimum
13 of eight hours of caregiver training annually, a portion of which
14 shall be from subparagraph (M) of paragraph (13) and from one
15 or more of the other topics listed in paragraph (13).

16 (h) In addition to any training required by this section, a county
17 may require a resource family or applicant to receive relevant
18 specialized training for the purpose of preparing the resource family
19 to meet the needs of a particular child in care. This training may
20 include, but is not limited to, the following:

21 (1) Understanding how to use best practices for providing care
22 and supervision to commercially sexually exploited children.

23 (2) Understanding how to use best practices for providing care
24 and supervision to lesbian, gay, bisexual, and transgender children.

25 (3) Understanding the requirements and best practices regarding
26 psychotropic medications, including, but not limited to, court
27 authorization, benefits, uses, side effects, interactions, assistance
28 with self-administration, misuse, documentation, storage, and
29 metabolic monitoring of children prescribed psychotropic
30 medications.

31 (4) Understanding the federal Indian Child Welfare Act (25
32 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of
33 children covered by the act, and the best interests of Indian
34 children, including the role of the caregiver in supporting culturally
35 appropriate, child-centered practices that respect Native American
36 history, culture, retention of tribal membership and connection to
37 the tribal community and traditions.

38 (5) Understanding how to use best practices for providing care
39 and supervision to nonminor dependents.

1 (6) Understanding how to use best practices for providing care
2 and supervision to children with special health care needs.

3 (7) Understanding the different permanency options and the
4 services and benefits associated with the options.

5 (i) Nothing in this section shall preclude a county from requiring
6 training in excess of the requirements in this section.

7 (j) (1) Resource families who move home locations shall retain
8 their resource family status pending the outcome of the update
9 conducted pursuant to paragraph (6) of subdivision (g).

10 (2) (A) If a resource family moves from one county to another
11 county, the department, or the county to which a resource family
12 has moved, shall submit a written request to the Department of
13 Justice to transfer the individual's subsequent arrest notification,
14 as specified in subdivision (h) of Section 1522 of the Health and
15 Safety Code.

16 (B) A request to transfer subsequent arrest notification shall
17 contain all prescribed data elements and format protocols pursuant
18 to a written agreement between the department and the Department
19 of Justice.

20 (3) Subject to the requirements in paragraph (1), the resource
21 family shall continue to be approved for guardianship and adoption.
22 Nothing in this subdivision shall limit a county, foster family
23 agency, or adoption agency from determining that the family is
24 not approved for guardianship or adoption based on changes in
25 the family's circumstances or psychosocial assessment.

26 (k) Implementation of the program shall be contingent upon the
27 continued availability of federal Social Security Act Title IV-E
28 (42 U.S.C. Sec. 670) funds for costs associated with placement of
29 children with resource families assessed and approved under the
30 program.

31 (l) A child placed with a resource family shall be eligible for
32 AFDC-FC payments. A resource family, or a foster family agency
33 pursuant to subdivisions (p) and (q), shall be paid an AFDC-FC
34 rate pursuant to Sections 11460, 11461, and 11463. Sharing ratios
35 for nonfederal expenditures for all costs associated with activities
36 related to the approval of relatives and nonrelative extended family
37 members shall be in accordance with Section 10101.

38 (m) The Department of Justice shall charge fees sufficient to
39 cover the cost of initial or subsequent criminal offender record

1 information and Child Abuse Central Index searches, processing,
2 or responses, as specified in this section.

3 (n) Except as provided, approved resource families shall be
4 exempt from both of the following:

5 (1) Licensure requirements set forth under the Community Care
6 Facilities Act, commencing with Section 1500 of the Health and
7 Safety Code, and all regulations promulgated thereto.

8 (2) Relative and nonrelative extended family member approval
9 requirements set forth under Sections 309, 361.4, and 362.7, and
10 all regulations promulgated thereto.

11 (o) (1) Early implementation counties shall be authorized to
12 continue through December 31, 2016. The program shall be
13 implemented by each county on or before January 1, 2017.

14 (2) (A) (i) On and after January 1, 2017, a county to which the
15 department has delegated its licensing authority pursuant to Section
16 1511 of the Health and Safety Code shall approve resource families
17 in lieu of licensing foster family homes.

18 (ii) Notwithstanding clause (i), the existing licensure and
19 oversight processes shall continue to be administered for foster
20 family homes licensed prior to January 1, 2017, or as specified in
21 subparagraph (C), until the license is revoked or forfeited by
22 operation of law pursuant to Section 1517.1 of the Health and
23 Safety Code.

24 (B) (i) On and after January 1, 2017, a county shall approve
25 resource families in lieu of approving relative and nonrelative
26 extended family members.

27 (ii) Notwithstanding clause (i), the existing approval and
28 oversight processes shall continue to be administered for relatives
29 and nonrelative extended family members approved prior to
30 January 1, 2017, or as specified in subparagraph (C), until the
31 approval is revoked or forfeited by operation of law pursuant to
32 this section.

33 (C) Notwithstanding subparagraph (D), a county shall approve
34 or deny all applications for foster family home licenses and requests
35 for relative or nonrelative extended family member approvals
36 received on or before December 31, 2016, in accordance with
37 Chapter 3 (commencing with Section 1500) of Division 2 of the
38 Health and Safety Code or provisions providing for the approval
39 of relatives or nonrelative extended family members, as applicable.

1 (D) On and after January 1, 2017, a county shall not accept
2 applications for foster family home licenses or requests to approve
3 relatives or nonrelative extended family members.

4 (3) No later than July 1, 2017, each county shall provide the
5 following information to all licensed foster family homes and
6 approved relatives and nonrelative extended family members
7 licensed or approved by the county:

8 (A) A detailed description of the resource family approval
9 program.

10 (B) Notification that, in order to care for a foster child, resource
11 family approval is required by December 31, 2019.

12 (C) Notification that a foster family home license and an
13 approval of a relative or nonrelative extended family member shall
14 be forfeited by operation of law as specified in paragraph (5).

15 (4) By no later than January 1, 2018, the following shall apply
16 to all licensed foster family homes and approved relative and
17 nonrelative extended family members:

18 (A) A licensed foster family home or an approved relative or
19 nonrelative extended family member with an approved adoptive
20 home study completed prior to January 1, 2018, shall be deemed
21 to be an approved resource family.

22 (B) A licensed foster family home or an approved relative or
23 nonrelative extended family member who had a child in placement
24 at any time between January 1, 2017, and December 31, 2017,
25 inclusive, may be approved as a resource family on the date of
26 successful completion of a psychosocial assessment pursuant to
27 subparagraph (B) of paragraph (3) of subdivision (d).

28 (C) A county may provide supportive services to all licensed
29 foster family homes, relatives, and nonrelative extended family
30 members with a child in placement to assist with the resource
31 family transition and to minimize placement disruptions.

32 (5) All foster family licenses and approvals of relatives and
33 nonrelative extended family members shall be forfeited by
34 operation of law on December 31, 2019, except as provided in this
35 paragraph or Section 1524 of the Health and Safety Code:

36 (A) All licensed foster family homes that did not have a child
37 in placement at any time between January 1, 2017, and December
38 31, 2017, inclusive, shall forfeit the license by operation of law
39 on January 1, 2018.

1 (B) For foster family home licensees and approved relatives or
2 nonrelative extended family members who have a pending resource
3 family application on December 31, 2019, the foster family home
4 license or relative and nonrelative extended family member
5 approval shall be forfeited by operation of law upon approval as
6 a resource family. If approval is denied, forfeiture by operation of
7 law shall occur on the date of completion of any proceedings
8 required by law to ensure due process.

9 (C) A foster family home license ~~or approval as a relative or~~
10 ~~nonrelative extended family member~~ shall be forfeited by operation
11 of ~~law~~ law, pursuant to subdivision (b) of Section 1524 of the
12 Health and Safety Code, upon approval as a resource family.

13 (D) Approval as a relative or nonrelative extended family
14 member shall be forfeited by operation of law upon approval as
15 a resource family.

16 (p) On and after January 1, 2017, all licensed foster family
17 agencies shall approve resource families in lieu of certifying foster
18 homes, as set forth in Section 1517 of the Health and Safety Code.

19 (q) Commencing January 1, 2016, the department may establish
20 participation conditions, and select and authorize foster family
21 agencies that voluntarily submit implementation plans and revised
22 plans of operation in accordance with requirements established by
23 the department, to approve resource families in lieu of certifying
24 foster homes.

25 (1) Notwithstanding any other law, a participating foster family
26 agency shall require resource families to meet and maintain the
27 resource family approval standards and requirements set forth in
28 this chapter and in the written directives adopted hereto prior to
29 approval and in order to maintain approval.

30 (2) A participating foster family agency shall implement the
31 resource family approval program pursuant to Section 1517 of the
32 Health and Safety Code.

33 (3) Nothing in this section shall be construed to limit the
34 authority of the department to inspect, evaluate, or investigate a
35 complaint or incident, or initiate a disciplinary action against a
36 foster family agency pursuant to Article 5 (commencing with
37 Section 1550) of Chapter 3 of Division 2 of the Health and Safety
38 Code, or to take any action it may deem necessary for the health
39 and safety of children placed with the foster family agency.

1 (4) The department may adjust the foster family agency
2 AFDC-FC rate pursuant to Section 11463 for implementation of
3 this subdivision.

4 (5) This subdivision shall become inoperative on January 1,
5 2017.

6 (r) *A county is authorized to obtain any arrest or conviction*
7 *records or reports from any court or law enforcement agency as*
8 *necessary to the performance of its duties, as provided in this*
9 *section or subdivision (e) of Section 1522 of the Health and Safety*
10 *Code.*

11 (s) *A resource family approved pursuant to this section shall*
12 *forfeit its approval concurrent with resource family approval by*
13 *a foster family agency.*

14 ~~SEC. 67:~~

15 *SEC. 84.* Section 16519.51 of the Welfare and Institutions
16 Code is repealed.

17 ~~SEC. 68:~~

18 *SEC. 85.* Section 16519.51 is added to the Welfare and
19 Institutions Code, to read:

20 16519.51. (a) A person shall not incur civil liability as a result
21 of a county notifying the department of its determination to rescind
22 the approval of a resource family due to any of the following
23 actions by a resource family parent:

24 (1) Violation of Section 16519.5, the written directives or
25 regulations adopted pursuant to Section 16519.5, or any applicable
26 law.

27 (2) Aiding, abetting, or permitting the violation of Section
28 16519.5, the written directives or regulations adopted pursuant to
29 Section 16519.5, or any applicable law.

30 (3) Conduct that poses a risk or threat to the health and safety,
31 protection, or well-being of a child, or the people of the state of
32 California.

33 (4) The conviction of the applicant or resource family parent at
34 any time before or during his or her approval of a crime described
35 in Section 1522.

36 (5) Knowingly allowing any child to have illegal drugs, alcohol,
37 or any tobacco product as defined in subdivision (d) of Section
38 22950.5 of the Business and Professions Code.

39 (6) Committing an act of child abuse or neglect or an act of
40 violence against another person.

1 (b) The department or a county shall not incur civil liability for
2 providing each other with information if the communication is for
3 the purpose of aiding in the evaluation of an application for
4 approval of a resource family.

5 ~~SEC. 69.~~

6 SEC. 86. Section 16519.55 of the Welfare and Institutions
7 Code is amended to read:

8 16519.55. (a) Subject to subdivision (d), to encourage the
9 recruitment of resource families, to protect their personal privacy,
10 and to preserve the security of confidentiality of the placements
11 with resource families, the names, addresses, and other identifying
12 information of resource families shall be considered personal
13 information for purposes of the Information Practices Act of 1977
14 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
15 4 of Division 3 of the Civil Code). This information shall not be
16 disclosed by any state or local agency pursuant to the California
17 Public Records Act (Chapter 3.5 (commencing with Section 6250)
18 of Division 7 of Title 1 of the Government Code), except as
19 necessary for administering the resource family approval program,
20 facilitating the placement of children with resource families, and
21 providing names and addresses, upon request, only to bona fide
22 professional foster parent organizations and to professional
23 organizations educating foster parents, including the Foster and
24 Kinship Care Education Program of the California Community
25 Colleges.

26 (b) The application form signed by a resource family applicant
27 *of a county* shall be signed with a declaration by the applicant that
28 the information submitted is true, correct, and contains no material
29 omissions of fact to the best knowledge and belief of the applicant.
30 ~~Any person who declares as true any material matter pursuant to~~
31 ~~this section that he or she knows to be false is guilty of a~~
32 ~~misdemeanor. The application shall include a statement that~~
33 ~~submitting false information is a violation of law punishable by~~
34 ~~incarceration, a fine, or both incarceration and a fine. *willfully and*~~
35 ~~*knowingly, with the intent to deceive, makes a false statement or*~~
36 ~~*fails to disclose a material fact in his or her application is guilty*~~
37 ~~*of a misdemeanor.*~~

38 (c) Before approving a resource family, a county may conduct
39 a reference check of the applicant by contacting the following:

40 (1) Any foster family agencies that have certified the applicant.

1 (2) Any state or county licensing offices that have licensed the
2 applicant as a foster family home.

3 (3) Any counties that have approved the applicant as a relative
4 or nonrelative extended family member.

5 (4) Any foster family agencies or counties that have approved
6 the applicant as a resource family.

7 (5) Any state licensing offices that have licensed the applicant
8 as a community care facility, child day care center, or family child
9 care home.

10 (d) The department, a county, a foster family agency, or a tribe
11 may request information from, or divulge information to, the
12 department, a county, a foster family agency, or a tribe regarding
13 a prospective resource family for the purpose of and as necessary
14 to conduct a reference check to determine whether it is safe and
15 appropriate to approve an applicant to be a resource family.

16 *SEC. 87. Section 16519.6 of the Welfare and Institutions Code*
17 *is amended to read:*

18 16519.6. (a) All hearings conducted pursuant to Section
19 16519.5 shall be conducted in accordance with the requirements
20 of this ~~section~~ *section and the written directives or regulations*
21 *adopted pursuant to Section 16519.5.*

22 (b) ~~The~~ *For resource family hearings held at the department's*
23 *State Hearings Division, the procedures set forth in Chapter 7*
24 *(commencing with Section 10950) of Part 2* ~~apply to matters set~~
25 ~~before the department, shall apply,~~ *shall apply,* except as otherwise provided
26 in this section.

27 (c) ~~The~~ *For resource family hearings held at the Office of*
28 *Administrative Hearings, the procedures set forth in Chapter 3*
29 *(commencing with Section 1500) of Division 2 of the Health and*
30 *Safety* ~~Code, Code~~ *and the procedures set forth in the*
31 *Administrative Procedure Act, apply to matters set before the*
32 ~~Office of Administrative Hearings, Act shall apply,~~ *shall apply,* except as
33 otherwise provided in this section.

34 (d) Notwithstanding Section 10951, a resource family, applicant,
35 ~~or excluded individual may file an appeal~~ *excluded individual, or*
36 *individual who is the subject of a criminal record exemption*
37 *decision may file a written appeal* within 25 days of service of a
38 notice of action. Pursuant to Section 1013 of the Code of Civil
39 Procedure, if the notice of action is served by mail, the time to

1 respond shall be extended five days, not to exceed 30 days to file
 2 the appeal.

3 (e) Notwithstanding Section 10951, a county’s action shall be
 4 final, or for matters set before the ~~department~~, *State Hearings*
 5 *Division*, an action shall be subject to ~~dismissal~~, *dismissal* if the
 6 resource family, applicant, ~~or excluded individual~~ *excluded*
 7 *individual, or individual who is the subject of a criminal record*
 8 *exemption decision* does not file an appeal to the notice of action
 9 within the prescribed time.

10 (f) Except as provided in subdivisions (g) and (h), and
 11 notwithstanding Section 10952, a hearing under ~~this section~~ *section*,
 12 *notwithstanding any time waiver*, shall be held within 90 days
 13 following the receipt of a timely appeal or notice of defense, unless
 14 a continuance *or postponement* of the hearing is granted for good
 15 cause.

16 (g) (1) *The department may exclude a resource family parent,*
 17 *applicant, or other individual from presence in any resource family*
 18 *home, from employment in, presence in, and contact with clients*
 19 *of any facility licensed by the department or certified by a licensed*
 20 *foster family agency, and from holding the position of member of*
 21 *the board of directors, executive director, or officer of the licensee*
 22 *of any facility licensed by the department. If the ~~county~~ or*
 23 *department has issued an immediate exclusion order, the timelines*
 24 *for filings and hearings and the provisions set forth in Section*
 25 *1558 of the Health and Safety Code shall apply, unless a*
 26 *continuance of the hearing is granted for good cause.*

27 (2) *For purposes of this subdivision, a “facility licensed by the*
 28 *department” means a facility licensed pursuant to Chapter 3*
 29 *(commencing with Section 1500) of, Chapter 3.01 (commencing*
 30 *with Section 1568.01) of, Chapter 3.2 (commencing with Section*
 31 *1569) of, Chapter 3.3 (commencing with Section 1570) of, Chapter*
 32 *3.4 (commencing with Section 1596.70) of, Chapter 3.5*
 33 *(commencing with Section 1596.90) of, or Chapter 3.6*
 34 *(commencing with Section 1597.30) of, Division 2 of the Health*
 35 *and Safety Code.*

36 (h) ~~If the~~ *a county or the department* has issued a temporary
 37 suspension order, the hearing shall be held within 30 days
 38 following the receipt of a timely appeal or notice of defense. The
 39 temporary suspension order shall remain in effect until the time
 40 the hearing is completed and the director has made a final

1 determination on the merits. However, the temporary suspension
2 order shall be deemed vacated if the director fails to make a final
3 determination on the merits within 30 days after receipt of the
4 proposed decision by the county or department.

5 (i) Upon a finding of noncompliance, the department may
6 require a foster family agency to deny ~~or a resource family~~
7 *application*, rescind the approval of a ~~home~~, *resource family*, or
8 take other action deemed necessary for the protection of a child
9 who is or who may be placed ~~in the home~~, *with the resource family*.
10 The resource ~~family, applicant, or excluded individual family or~~
11 *applicant* shall be afforded the due process provided pursuant to
12 this section.

13 (1) If the department requires a foster family agency to deny *an*
14 *application* or rescind the ~~approval~~, *approval of a resource family*,
15 the department shall serve an order of denial or rescission notifying
16 the resource family, applicant, and foster family agency of the
17 basis of the department's action and of the right to a hearing.

18 (2) The department's order of the *application* denial or rescission
19 of the approval shall remain in effect until the hearing is completed
20 and the director has made a final determination on the merits.

21 (3) A foster family agency's failure to comply with the
22 department's order to deny *an application* or rescind the approval
23 *of a resource family* by placing or retaining a child in care shall
24 be grounds for disciplining the foster family agency pursuant to
25 Section 1550 of the Health and Safety Code.

26 (j) A resource family, applicant, ~~or excluded individual~~ *excluded*
27 *individual, or individual who is the subject of a criminal record*
28 *exemption decision* who files an appeal to a notice of action
29 pursuant to this section shall, as part of the appeal, provide his or
30 her current mailing address. The resource family, applicant, ~~or~~
31 ~~excluded individual~~ *excluded individual, or individual who is the*
32 *subject of a criminal record exemption decision* shall subsequently
33 notify the county, or department if applicable, in writing of any
34 change in mailing address, until the hearing process has been
35 completed or terminated.

36 (k) Service by mail of a notice or other writing on a resource
37 family, applicant, ~~or excluded individual~~ *excluded individual, or*
38 *individual who is the subject of a criminal record exemption*
39 *decision* in a procedure provided herein is effective if served to
40 the last mailing address on file with the county or department.

1 Service of a notice of action may be by personal service or by first
2 class mail. If the last day for performance of any action required
3 herein falls on a holiday, then such period shall be extended to the
4 next day which is not a holiday.

5 (l) In all proceedings conducted in accordance with this section,
6 the burden of proof on the department or county shall be by a
7 preponderance of the evidence.

8 (m) ~~The~~ (1) A county or the department may institute or
9 continue an administrative proceeding against a resource family,
10 applicant, or individual who is the subject of a criminal record
11 exemption decision upon any ground provided by this section,
12 section or Section 16519.61, enter an order denying an application
13 or rescinding the approval, approval of a resource family, exclude
14 an associated individual, issue a temporary suspension order, or
15 otherwise take disciplinary action against a resource family,
16 applicant, or excluded individual, or individual who is the subject
17 of a criminal record exemption decision, notwithstanding any
18 resignation, withdrawal, surrender of approval, or denial or
19 rescission of the approval by a foster family agency.

20 (2) The department may institute or continue an administrative
21 proceeding against an excluded individual upon any ground
22 provided by this section or Section 16519.61, enter an order to
23 exclude an individual, or otherwise take disciplinary action against
24 an excluded individual, notwithstanding any resignation,
25 withdrawal, surrender of approval, or denial or rescission of the
26 approval by a foster family agency.

27 (n) (1) A proceeding conducted pursuant to this section shall
28 be confidential and not open to the public in order to preserve the
29 confidential information of a child in accordance with Sections
30 827 and 10850, Section 1536 of the Health and Safety Code, and
31 Section 11167.5 of the Penal Code. Notwithstanding this
32 requirement, an administrative law judge may admit persons
33 deemed to have a direct and legitimate interest in the particular
34 case or the work of the court on a case-by-case basis and with any
35 admonishments, limitations, and protective orders as may be
36 necessary to preserve the confidential nature of the proceedings.

37 (2) Except as otherwise required by law, in any writ of mandate
38 proceeding related to an issue arising out of this article, the name,
39 identifying information, or confidential information of a child as
40 described in Sections 827, 10850, and 16519.55, and Section

1 *11167.5 of the Penal Code, shall not be disclosed in a public*
2 *document and a protective order shall be issued by the court in*
3 *order to protect the confidential information of a child.*

4 ~~SEC. 70.~~

5 *SEC. 88.* Section 16519.61 is added to the Welfare and
6 Institutions Code, to read:

7 16519.61. A county or the department may deny a resource
8 family application or rescind the approval of a resource family,
9 and the department may exclude an individual from a resource
10 family home, for any of the following reasons:

11 (a) Violation of Section 16519.5, the written directives or
12 regulations adopted pursuant to Section 16519.5, or any applicable
13 law.

14 (b) Aiding, abetting, or permitting the violation of Section
15 16519.5, the written directives or regulations adopted pursuant to
16 Section 16519.5, or any applicable law.

17 (c) Conduct that poses a risk or threat to the health and safety,
18 protection, or well-being of a child or the people of the State of
19 California.

20 (d) The conviction of the resource family applicant, parent, or
21 associated individual at any time before or during his or her
22 approval of a crime described in Section 1522 of the Health and
23 Safety Code.

24 (e) Engaging in acts of financial malfeasance, including, but
25 not limited to, improper use or embezzlement of the money or
26 property of a child, fraudulent appropriation for personal gain of
27 money or property, or willful or negligent failure to provide
28 services.

29 (f) *Any other reason specified in the written directives or*
30 *regulations adopted pursuant to Section 16519.5.*

31 ~~SEC. 71.~~

32 *SEC. 89.* Section 16519.62 is added to the Welfare and
33 Institutions Code, to read:

34 16519.62. (a) The out-of-court statements of a child under 12
35 years of age who is the subject or victim of an allegation at issue
36 constitutes admissible evidence at an administrative hearing
37 conducted pursuant to this article. The out-of-court statement may
38 provide the sole basis for a finding of fact if the proponent of the
39 statement provided the statement to all parties prior to the hearing
40 and the adjudicator finds that the time, content, and circumstances

1 of the statement provide sufficient indicia of reliability. However,
2 the out-of-court statement shall not be admissible if an objecting
3 party establishes that the statement is unreliable because it was the
4 product of fraud, deceit, or undue influence.

5 (b) This section shall not be construed to limit the right of any
6 party to the administrative hearing to subpoena a witness whose
7 statement is admitted as evidence or to introduce admissible
8 evidence relevant to the weight of the hearsay evidence or the
9 credibility of the hearsay declarant.

10 ~~SEC. 72.~~

11 *SEC. 90.* The heading of Article 3 (commencing with Section
12 16520) is added to Chapter 5 of Part 4 of Division 9 of the Welfare
13 and Institutions Code, to read:

14
15 Article 3. Miscellaneous Provisions

16
17 *SEC. 91. Section 18358.30 of the Welfare and Institutions Code*
18 *is amended to read:*

19 18358.30. (a) Rates for foster family agency programs
20 participating under this chapter shall be exempt from the current
21 AFDC-FC foster family agency ratesetting system.

22 (b) Rates for foster family agency programs participating under
23 this chapter shall be set according to the appropriate service and
24 rate level based on the level of services provided to the eligible
25 child and the certified foster family. For an eligible child placed
26 from a group home program, the service and rate level shall not
27 exceed the rate paid for group home placement. For an eligible
28 child assessed by the county interagency review team or county
29 placing agency as at imminent risk of group home placement or
30 psychiatric hospitalization, the appropriate service and rate level
31 for the child shall be determined by the interagency review team
32 or county placing agency at time of placement. In all of the service
33 and rate levels, the foster family agency programs shall:

34 (1) Provide social work services with average caseloads not to
35 exceed eight children per worker, except that social worker average
36 caseloads for children in Service and Rate Level E shall not exceed
37 12 children per worker.

38 (2) Pay an amount not less than two thousand one hundred
39 dollars (\$2,100) per child per month to the certified foster parent
40 or parents.

1 (3) Perform activities necessary for the administration of the
2 programs, including, but not limited to, training, recruitment,
3 certification, and monitoring of the certified foster parents.

4 (4) (A) (i) Provide a minimum average range of service per
5 month for children in each service and rate level in a participating
6 foster family agency, represented by paid employee hours incurred
7 by the participating foster family agency, by the in-home support
8 counselor to the eligible child and the certified foster parents
9 depending on the needs of the child and according to the following
10 schedule:

11		
12	Service	In-Home Support
13	and	Counselor Hours
14	Rate Level	Per Month
15	A	98-114 hours
16	B	81-97 hours
17	C	64-80 hours
18	D	47-63 hours

19
20 (ii) Children placed at Service and Rate Level E shall receive
21 behavior deescalation and other support services on a flexible, as
22 needed, basis from an in-home support counselor. The foster family
23 agency shall provide one full-time in-home support counselor for
24 every 20 children placed at this level.

25 (B) (i) For the interim period beginning July 1, 2012, through
26 December 31, 2016, inclusive, only the following modified service
27 and rate levels to support modified in-home support counselor
28 hours per month shall apply:

29		
30	Service	In-Home Support
31	and	Counselor Hours
32	Rate Level	Per Month
33	Level I	81-114 hours
34	Level II	47-80 hours
35	Level III	Less than 47 hours

36
37 (ii) Children placed at Service and Rate Level III shall receive
38 behavior deescalation and other support services on a flexible, as
39 needed, basis from an in-home support counselor. The foster family

1 agency shall provide one full-time in-home support counselor for
2 every 20 children placed at this level.

3 (C) When the interagency review team or county placing agency
4 and the foster family agency agree that alternative services are in
5 the best interests of the child, the foster family agency may provide
6 or arrange for services and supports allowable under California’s
7 foster care program in lieu of in-home support services required
8 by subparagraphs (A) and (B). These services and supports may
9 include, but need not be limited to, activities in the
10 Multidimensional Treatment Foster Care (MTFC) program.

11 (c) The department or placing county, or both, may review the
12 level of services provided by the foster family agency program. If
13 the level of services actually provided are less than those required
14 by subdivision (b) for the child’s service and rate level, the rate
15 shall be adjusted to reflect the level of service actually provided,
16 and an overpayment may be established and recovered by the
17 department.

18 (d) (1) On and after July 1, 1998, the standard rate schedule of
19 service and rate levels shall be:

21	Service	Fiscal Year
22	and	1998-99
23	Rate Level	Standard Rate
24	A	\$3,957
25	B	\$3,628
26	C	\$3,290
27	D	\$2,970
28	E	\$2,639

29
30 (2) For the interim period beginning July 1, 2012, through
31 December 31, 2016, inclusive, only the following modified service
32 and rate levels to support the modified standard rate schedule shall
33 apply:

35	Service	
36	and	
37	Rate Level	Standard Rate
38	Level I	\$5,581
39	Level II	\$4,798
40	Level III	\$4,034

1 (3) (A) On and after July 1, 1999, the standardized schedule of
2 rates shall be adjusted by an amount equal to the California
3 Necessities Index computed pursuant to Section 11453, rounded
4 to the nearest dollar. The resultant amounts shall constitute the
5 new standardized rate schedule, subject to further adjustment
6 pursuant to subparagraph (B), for foster family agency programs
7 participating under this chapter.

8 (B) In addition to the adjustment in subparagraph (A),
9 commencing January 1, 2000, the standardized schedule of rates
10 shall be increased by 2.36 percent, rounded to the nearest dollar.
11 The resultant amounts shall constitute the new standardized rate
12 schedule for foster family agency programs participating under
13 this chapter.

14 (4) (A) Beginning with the 2000–01 fiscal year, the standardized
15 schedule of rates shall be adjusted annually by an amount equal
16 to the California Necessities Index computed pursuant to Section
17 11453, subject to the availability of funds. The resultant amounts,
18 rounded to the nearest dollar, shall constitute the new standard rate
19 schedule for foster family agency programs participating under
20 this chapter.

21 (B) Effective October 1, 2009, the rates identified in this
22 subdivision shall be reduced by 10 percent. The resulting amounts
23 shall constitute the new standardized schedule of rates.

24 (5) Notwithstanding paragraphs (3) and (4), the rate identified
25 in paragraph (2) of subdivision (b) shall be adjusted on July 1,
26 2013, and each July 1 thereafter through July 1, 2016, inclusive,
27 by an amount equal to the California Necessities Index computed
28 pursuant to Section 11453.

29 (e) (1) Rates for foster family agency programs participating
30 under paragraph (1) of subdivision (d) shall not exceed Service
31 and Rate Level A at any time during an eligible child’s placement.
32 An eligible child may be initially placed in a participating intensive
33 foster care program at any one of the five Service and Rate Levels
34 A to E, inclusive, and thereafter placed at any level, either higher
35 or lower, not to exceed a total of six months at any level other than
36 Service and Rate Level E, unless it is determined to be in the best
37 interests of the child by the child’s county interagency review team
38 or county placing agency and the child’s certified foster parents.
39 The child’s county interagency placement review team or county
40 placement agency may, through a formal review of the child’s

1 placement, extend the placement of an eligible child in a service
2 and rate level higher than Service and Rate Level E for additional
3 periods of up to six months each.

4 (2) Rates for foster family agency programs participating under
5 paragraph (2) of subdivision (d) shall not exceed Service and Rate
6 Level I at any time during an eligible child’s placement. An eligible
7 child may be initially placed in a participating intensive foster care
8 program at any one of the three Service and Rate Levels I to III,
9 inclusive, and thereafter placed at any level, either higher or lower,
10 not to exceed a total of six months at any level other than Service
11 and Rate Level III, unless it is determined to be in the best interests
12 of the child by the child’s county interagency review team or
13 county placing agency, foster family agency, and the child’s
14 certified foster parents. The child’s county interagency placement
15 review team or county placement agency, through a formal review
16 of the child’s placement, may extend the placement of an eligible
17 child in a service and rate level higher than Service and Rate Level
18 III for additional periods of up to six months each.

19 (f) It is the intent of the Legislature that the rate paid to
20 participating foster family agency programs shall decrease as the
21 child’s need for services from the foster family agency decreases.
22 The foster family agency shall notify the placing county and the
23 department of the reduced services and the pilot classification
24 model, and the rate shall be reduced accordingly.

25 (g) It is the intent of the Legislature to prohibit any duplication
26 of public funding. Therefore, social worker services, payments to
27 certified foster parents, administrative activities, and the services
28 of in-home support counselors that are funded by another public
29 source shall not be counted in determining whether the foster
30 family agency program has met its obligations to provide the items
31 listed in paragraphs (1), (2), (3), and (4) of subdivision (b). The
32 department shall work with other potentially affected state
33 departments to ensure that duplication of payment or services does
34 not occur.

35 (h) It is the intent of the Legislature that the State Department
36 of Social Services and the State Department of Health Care
37 Services, in collaboration with county placing agencies and ITFC
38 providers and other stakeholders, develop and implement an
39 integrated system that provides for the appropriate level of

1 placement and care, support services, and mental health treatment
2 services to foster children served in these programs.

3 (i) Beginning in the 2011–12 fiscal year, and for each fiscal
4 year thereafter, funding and expenditures for programs and
5 activities under this section shall be in accordance with the
6 requirements provided in Sections 30025 and 30026.5 of the
7 Government Code.

8 (j) *Notwithstanding subdivisions (d) and (e), the department*
9 *shall implement a new interim rate structure for the period*
10 *beginning July 1, 2017, to December 31, 2019, inclusive. The rate*
11 *shall reflect the appropriate level of placement and address the*
12 *need for specialized health care, support services, and mental*
13 *health treatment services for foster children served in these*
14 *programs.*

15 *SEC. 92. (a) The State Department of Social Services and the*
16 *State Department of Health Care Services shall adopt regulations*
17 *as required to implement this act and Chapter 773 of the Statutes*
18 *of 2015.*

19 (b) *Notwithstanding the rulemaking provisions of the*
20 *Administrative Procedure Act (Chapter 3.5 (commencing with*
21 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
22 *Code), the State Department of Social Services and the State*
23 *Department of Health Care Services may implement and administer*
24 *the changes made by this act through all-county letters or similar*
25 *written instructions until regulations are adopted.*

26 ~~SEC. 73.~~

27 *SEC. 93. To the extent that this act has an overall effect of*
28 *increasing certain costs already borne by a local agency for*
29 *programs or levels of service mandated by the 2011 Realignment*
30 *Legislation within the meaning of Section 36 of Article XIII of*
31 *the California Constitution, it shall apply to local agencies only to*
32 *the extent that the state provides annual funding for those cost*
33 *increases. Any new program or higher level of service provided*
34 *by a local agency pursuant to this act above the level for which*
35 *funding has been provided shall not require a subvention of funds*
36 *by the state nor otherwise be subject to Section 6 of Article XIII*
37 *B of the California Constitution.*

38 With regard to certain other costs that may be incurred by a local
39 agency or school district, no reimbursement is required by this act
40 pursuant to Section 6 of Article XIII B of the California

1 Constitution because, in that regard, this act creates a new crime
2 or infraction, eliminates a crime or infraction, or changes the
3 penalty for a crime or infraction within the meaning of Section
4 17556 of the Government Code, or changes the definition of a
5 crime within the meaning of Section 6 of Article XIII B of the
6 California Constitution.

O