

AMENDED IN SENATE JUNE 30, 2016

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**

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**Introduced by Assembly Member Mark Stone**

February 16, 2016

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An act to amend Sections 48204, 48853, 56155.5, and 79420 of the Education Code, to amend 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, and to add Sections 1517.1, 1517.2, ~~1517.3,~~ and ~~1551.3~~ and *1517.3* 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, 11466, 11466.2, 11466.21, 11466.22, 11466.24, 11466.25, 11466.31, 11466.32, 11469, 16504.5, 16514, 16519.5, 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, 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 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; authorizing counties to grant, deny, or rescind criminal records exemptions; and making it a misdemeanor to 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.

(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.

(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 or  
9 a licensed foster home as defined in Section 56155.5, or a family  
10 home pursuant to a commitment or placement under Chapter 2  
11 (commencing with Section 200) of Part 1 of Division 2 of the  
12 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.

18 (3) A pupil for whom interdistrict attendance has been approved  
19 pursuant to Chapter 5 (commencing with Section 46600) of Part  
20 26.

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

24 (5) A pupil who lives in the home of a caregiving adult that is  
25 located within the boundaries of that school district. Execution of  
26 an affidavit under penalty of perjury pursuant to Part 1.5  
27 (commencing with Section 6550) of Division 11 of the Family

1 Code by the caregiving adult is a sufficient basis for a  
2 determination that the pupil lives in the home of the caregiver,  
3 unless the school district determines from actual facts that the pupil  
4 is not living in the home of the caregiver.

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

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

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

17 (1) This subdivision does not require the school district within  
18 which at least one parent or the legal guardian of a pupil is  
19 employed to admit the pupil to its schools. A school district shall  
20 not, however, refuse to admit a pupil under this subdivision on the  
21 basis, except as expressly provided in this subdivision, of race,  
22 ethnicity, sex, parental income, scholastic achievement, or any  
23 other arbitrary consideration.

24 (2) The school district in which the residency of either the  
25 parents or the legal guardian of the pupil is established, or the  
26 school district to which the pupil is to be transferred under this  
27 subdivision, may prohibit the transfer of the pupil under this  
28 subdivision if the governing board of the school district determines  
29 that the transfer would negatively impact the court-ordered or  
30 voluntary desegregation plan of the school district.

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

36 (4) The governing board of a school district that prohibits the  
37 transfer of a pupil pursuant to paragraph (1), (2), or (3) is  
38 encouraged to identify, and communicate in writing to the parents  
39 or the legal guardian of the pupil, the specific reasons for that  
40 determination and is encouraged to ensure that the determination,

1 and the specific reasons for the determination, are accurately  
2 recorded in the minutes of the board meeting in which the  
3 determination was made.

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

6 (6) Unless approved by the sending school district, this  
7 subdivision does not authorize a net transfer of pupils out of a  
8 school district, calculated as the difference between the number  
9 of pupils exiting the school district and the number of pupils  
10 entering the school district, in a fiscal year in excess of the  
11 following amounts:

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

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

19 (C) For a school district with an average daily attendance of  
20 2,501 or more, 1 percent of the average daily attendance of the  
21 school district or 75 pupils, whichever amount is greater.

22 (7) Once a pupil is deemed to have complied with the residency  
23 requirements for school attendance pursuant to this subdivision  
24 and is enrolled in a school in a school district the boundaries of  
25 which include the location where at least one parent or the legal  
26 guardian of a pupil is physically employed, the pupil does not have  
27 to reapply in the next school year to attend a school within that  
28 school district and the governing board of the school district shall  
29 allow the pupil to attend school through grade 12 in that school  
30 district if the parent or legal guardian so chooses and if at least  
31 one parent or the legal guardian of the pupil continues to be  
32 physically employed by an employer situated within the attendance  
33 boundaries of the school district, subject to paragraphs (1) to (6),  
34 inclusive.

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

1 SEC. 2. Section 48204 of the Education Code, as amended by  
2 Section 2.5 of Chapter 554 of the Statutes of 2015, is amended to  
3 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:

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

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

18 (3) A pupil for whom interdistrict attendance has been approved  
19 pursuant to Chapter 5 (commencing with Section 46600) of Part  
20 26.

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

24 (5) A pupil who lives in the home of a caregiving adult that is  
25 located within the boundaries of that school district. Execution of  
26 an affidavit under penalty of perjury pursuant to Part 1.5  
27 (commencing with Section 6550) of Division 11 of the Family  
28 Code by the caregiving adult is a sufficient basis for a  
29 determination that the pupil lives in the home of the caregiver,  
30 unless the school district determines from actual facts that the pupil  
31 is not living in the home of the caregiver.

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

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

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

1 SEC. 3. Section 48853 of the Education Code is amended to  
2 read:

3 48853. (a) A pupil described in subdivision (a) of Section  
4 48853.5 who is placed in a licensed children’s institution or foster  
5 family home as defined in Section 56155.5, shall attend programs  
6 operated by the local educational agency, unless one of the  
7 following applies:

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

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

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

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

26 (B) The alternate education program is a special education  
27 program, if applicable.

28 (C) The decision to unilaterally remove the pupil from the  
29 regular public school and to place the pupil in an alternate  
30 education program may not be financed by the local educational  
31 agency.

32 (D) Any attempt to seek reimbursement for the alternate  
33 education program may be at the expense of the parent, guardian,  
34 or other person holding the right to make educational decisions  
35 for the pupil.

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

1 (c) Before any decision is made to place a pupil in a juvenile  
2 court school as defined by Section 48645.1, a community school  
3 as described in Sections 1981 and 48660, or other alternative  
4 educational setting, the parent or guardian, or person holding the  
5 right to make educational decisions for the pupil pursuant to  
6 Section 361 or 726 of the Welfare and Institutions Code or Section  
7 56055, shall first consider placement in the regular public school.

8 (d) If any dispute arises as to the school placement of a pupil  
9 subject to this section, the pupil has the right to remain in his or  
10 her school of origin, as defined in subdivision (f) of Section  
11 48853.5, pending resolution of the dispute. The dispute shall be  
12 resolved in accordance with the existing dispute resolution process  
13 available to any pupil served by the local educational agency.

14 (e) This section does not supersede other laws that govern pupil  
15 expulsion.

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

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

26 (A) For health and safety emergencies.

27 (B) To provide temporary, special, and supplementary services  
28 to meet the child's unique needs if a decision regarding whether  
29 it is in the child's best interests to attend the school of origin cannot  
30 be made promptly, it is not practical to transport the child to the  
31 school of origin, and the child would otherwise not receive  
32 educational services.

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

36 (h) All educational and school placement decisions shall be  
37 made to ensure that the child is placed in the least restrictive  
38 educational programs and has access to academic resources,  
39 services, and extracurricular and enrichment activities that are  
40 available to all pupils. In all instances, educational and school

1 placement decisions shall be based on the best interests of the  
2 child.

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

8 (2) A complainant not satisfied with the decision of a local  
9 educational agency may appeal the decision to the department  
10 pursuant to Chapter 5.1 (commencing with Section 4600) of  
11 Division 1 of Title 5 of the California Code of Regulations and  
12 shall receive a written decision regarding the appeal within 60  
13 days of the department's receipt of the appeal.

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

17 (4) Information regarding the requirements of this section shall  
18 be included in the annual notification distributed to, among others,  
19 pupils, parents or guardians of pupils, employees, and other  
20 interested parties pursuant to Section 4622 of Title 5 of the  
21 California Code of Regulations.

22 SEC. 4. Section 56155.5 of the Education Code is amended to  
23 read:

24 56155.5. (a) As used in this part, "licensed children's  
25 institution" means a residential facility that is licensed by the state,  
26 or other public agency having delegated authority by contract with  
27 the state to license, to provide nonmedical care to children,  
28 including, but not limited to, individuals with exceptional needs.  
29 "Licensed children's institution" includes a group home or  
30 short-term residential treatment center, as defined in Section 1502  
31 of the Health and Safety Code. As used in this article and Article  
32 3 (commencing with Section 56836.165) of Chapter 7.2, a "licensed  
33 children's institution" does not include any of the following:

34 (1) A juvenile court school, juvenile hall, juvenile home, day  
35 center, juvenile ranch, or juvenile camp administered pursuant to  
36 Article 2.5 (commencing with Section 48645) of Chapter 4 of Part  
37 27.

38 (2) A county community school program provided pursuant to  
39 Section 1981.

1 (3) Any special education programs provided pursuant to Section  
2 56150.

3 (4) Any other public agency.

4 (b) As used in this part, “foster family home” means a family  
5 residence that is licensed by the state, or other public agency having  
6 delegated authority by contract with the state to license, to provide  
7 24-hour nonmedical care and supervision for not more than six  
8 foster children, including, but not necessarily limited to, individuals  
9 with exceptional needs. “Foster family home” includes a small  
10 family home as defined in paragraph (6) of subdivision (a) of  
11 Section 1502 of the Health and Safety Code, a certified family  
12 home of a foster family agency as defined in Section 1506 of the  
13 Health and Safety Code, and a resource family as defined in Section  
14 1517 of the Health and Safety Code and Section 16519.5 of the  
15 Welfare and Institutions Code.

16 SEC. 5. Section 79420 of the Education Code is amended to  
17 read:

18 79420. Funds appropriated to the Board of Governors of the  
19 California Community Colleges for the Foster Care Education  
20 Program shall be used for foster parent and relative/kinship care  
21 provider education in accordance with the following provisions:

22 (a) The Chancellor of the California Community Colleges shall  
23 allocate these funds exclusively for foster parent and  
24 relative/kinship care provider education and training, as specified  
25 by the chancellor, in consultation with an advisory committee that  
26 includes foster parents, representatives of statewide foster parent  
27 organizations, parent and relative/kinship care providers, county  
28 child welfare services representatives, and representatives of the  
29 State Department of Social Services.

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

34 (c) Each college receiving funds for this program shall have a  
35 plan, developed in consultation with the county child welfare  
36 agency, for foster parent and relative/kinship care provider  
37 education that includes the provision of training to facilitate the  
38 development of foster family homes, as defined in Section 56155.5,  
39 that care for no more than six children who have special mental,  
40 emotional, developmental, or physical needs.

1 (d) The State Department of Social Services shall facilitate the  
2 participation of county welfare departments in the Foster Care  
3 Education Program.

4 SEC. 6. Section 6552 of the Family Code is amended to read:  
5 6552. The caregiver’s authorization affidavit shall be in  
6 substantially the following form:

7  
8 Caregiver’s Authorization Affidavit  
9

10 Use of this affidavit is authorized by Part 1.5 (commencing with  
11 Section 6550) of Division 11 of the California Family Code.  
12

13 Instructions: Completion of items 1–4 and the signing of the affidavit is  
14 sufficient to authorize enrollment of a minor in school and authorize  
15 school-related medical care. Completion of items 5–8 is additionally  
16 required to authorize any other medical care. Print clearly.  
17

18 The minor named below lives in my home and I am 18 years of age or  
19 older.  
20

21 1. Name of minor: \_\_\_\_\_.  
22

23 2. Minor’s birth date: \_\_\_\_\_.  
24

25 3. My name (adult giving authorization): \_\_\_\_\_.  
26

27 4. My home address: \_\_\_\_\_  
28 \_\_\_\_\_.  
29

30 \_\_\_\_\_  
31

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

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

36  I have advised the parent(s) or other person(s) having legal custody  
37 of the minor of my intent to authorize medical care, and have received no  
38 objection.  
39

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

4  
5        7. My date of birth: \_\_\_\_\_.

6  
7        8. My California driver’s license or identification card  
8 number: \_\_\_\_\_.

9  
10  
11        

Warning: Do not sign this form if any of the statements above are incorrect, 12 or you will be committing a crime punishable by a fine, imprisonment, or 13 both.
---

14  
15  
16        I declare under penalty of perjury under the laws of the State  
17 of California that the foregoing is true and correct.

18        Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

19  
20  
21        Notices:

22  
23        1. This declaration does not affect the rights of the minor’s parents  
24 or legal guardian regarding the care, custody, and control of the  
25 minor, and does not mean that the caregiver has legal custody of  
26 the minor.

27  
28        2. A person who relies on this affidavit has no obligation to make  
29 any further inquiry or investigation.

30  
31        Additional Information:

32  
33        TO CAREGIVERS:

34  
35        1. “Qualified relative,” for purposes of item 5, means a spouse,  
36 parent, stepparent, brother, sister, stepbrother, stepsister, half  
37 brother, half sister, uncle, aunt, niece, nephew, first cousin, or any  
38 person denoted by the prefix “grand” or “great,” or the spouse of

1 any of the persons specified in this definition, even after the  
2 marriage has been terminated by death or dissolution.

3

4 2. The law may require you, if you are not a relative or a currently  
5 licensed, certified, or approved foster parent, to obtain resource  
6 family approval pursuant to Section 16519.5 of the Welfare and  
7 Institutions Code in order to care for a minor. If you have any  
8 questions, please contact your local department of social services.

9

10 3. If the minor stops living with you, you are required to notify  
11 any school, health care provider, or health care service plan to  
12 which you have given this affidavit. The affidavit is invalid after  
13 the school, health care provider, or health care service plan receives  
14 notice that the minor no longer lives with you.

15

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

20

21 TO SCHOOL OFFICIALS:

22

23 1. Section 48204 of the Education Code provides that this affidavit  
24 constitutes a sufficient basis for a determination of residency of  
25 the minor, without the requirement of a guardianship or other  
26 custody order, unless the school district determines from actual  
27 facts that the minor is not living with the caregiver.

28

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

31

32 TO HEALTH CARE PROVIDERS AND HEALTH CARE  
33 SERVICE PLANS:

34

35 1. A person who acts in good faith reliance upon a caregiver’s  
36 authorization affidavit to provide medical or dental care, without  
37 actual knowledge of facts contrary to those stated on the affidavit,  
38 is not subject to criminal liability or to civil liability to any person,  
39 and is not subject to professional disciplinary action, for that  
40 reliance if the applicable portions of the form are completed.

1  
2 2. This affidavit does not confer dependency for health care  
3 coverage purposes.

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

5 7911.1. (a) Notwithstanding any other law, the State  
6 Department of Social Services or its designee shall investigate any  
7 threat to the health and safety of children placed by a California  
8 county social services agency or probation department in an  
9 out-of-state group home pursuant to the provisions of the Interstate  
10 Compact on the Placement of Children. This authority shall include  
11 the authority to interview children or staff in private or review  
12 their file at the out-of-state facility or wherever the child or files  
13 may be at the time of the investigation. Notwithstanding any other  
14 law, the State Department of Social Services or its designee shall  
15 require certified out-of-state group homes to comply with the  
16 reporting requirements applicable to group homes licensed in  
17 California pursuant to Title 22 of the California Code of  
18 Regulations for each child in care regardless of whether he or she  
19 is a California placement, by submitting a copy of the required  
20 reports to the Compact Administrator within regulatory timeframes.  
21 The Compact Administrator within one business day of receiving  
22 a serious events report shall verbally notify the appropriate  
23 placement agencies and, within five working days of receiving a  
24 written report from the out-of-state group home, forward a copy  
25 of the written report to the appropriate placement agencies.

26 (b) Any contract, memorandum of understanding, or agreement  
27 entered into pursuant to paragraph (b) of Article 5 of the Interstate  
28 Compact on the Placement of Children regarding the placement  
29 of a child out of state by a California county social services agency  
30 or probation department shall include the language set forth in  
31 subdivision (a).

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

39 (2) (A) On and after January 1, 2017, the licensing standards  
40 applicable to out-of-state group homes certified by the department,

1 as described in paragraph (1), shall be those required of short-term  
2 residential treatment centers operated in this state, unless the  
3 out-of-state group home is granted an extension pursuant to  
4 subdivision (d) of Section 11462.04 of the Welfare and Institutions  
5 Code or has otherwise been granted a waiver pursuant to this  
6 subdivision.

7 (B) On and after January 1, 2017, ~~an out-of-state group home~~  
8 ~~shall satisfy the licensing standards applicable to out-of-state~~  
9 ~~group homes certified by the department, as described in~~  
10 ~~paragraph (1), shall include~~ the licensing standards for mental  
11 health program approval in Section 1562.01 of the Health and  
12 Safety ~~Code Code~~. *These standards may be satisfied* if the  
13 out-of-state group home has an equivalent mental health program  
14 approval in the state in which it is operating. *If an out-of-state*  
15 *group home cannot satisfy the licensing standards for an equivalent*  
16 *mental health program approval, children shall not be placed in*  
17 *that facility.*

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

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

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

30 (6) Certifications made pursuant to this subdivision shall be  
31 reviewed annually.

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

35 (e) Any failure by an out-of-state group home to obtain or  
36 maintain its certification as required by subdivision (c) shall  
37 preclude the use of any public funds, whether county, state, or  
38 federal, in the payment for the placement of any child in that  
39 out-of-state group home, pursuant to the Interstate Compact on  
40 the Placement of Children.

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

5 (2) Participants shall have knowledge or experience in the  
6 prevention, identification, and treatment of child abuse and neglect  
7 cases, and shall be qualified to recommend a broad range of  
8 services related to child abuse or neglect.

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

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

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

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

29 SEC. 8. Section 30029.7 of the Government Code is amended  
30 to read:

31 30029.7. (a) Notwithstanding any other law and to the extent  
32 consistent with or required by federal law or court order, a county  
33 or counties may contract directly with the State Department of  
34 Health Care Services or the State Department of Social Services,  
35 as applicable, to provide or administer the following programs,  
36 services, or activities:

37 (1) The Drug Medi-Cal Treatment Program pursuant to Article  
38 3.2 (commencing with Section 14124.20) of Chapter 7 of Part 3  
39 of Division 9 of the Welfare and Institutions Code.

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

9 (3) The resource family approval program pursuant to Article  
 10 2 (commencing with Section 16519.5) of Chapter 5 of Part 4 of  
 11 Division 9 of the Welfare and Institutions Code, or any portion  
 12 thereof.

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

17 (c) (1) Contracts awarded pursuant to paragraph (1) of  
 18 subdivision (a) shall be exempt from the requirements of Chapter  
 19 1 (commencing with Section 10100) and Chapter 2 (commencing  
 20 with Section 10290) of Part 2 of Division 2 of the Public Contract  
 21 Code. Contracts with the State Department of Health Care Services  
 22 shall include reimbursement to the state for the cost of providing  
 23 the services or activities in paragraph (1) of subdivision (a), subject  
 24 to the terms of the contract. Those reimbursement amounts shall  
 25 not exceed the funding provided to counties for specified programs.

26 (2) Contracts awarded pursuant to paragraphs (2) and (3) 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 Social Services shall  
 31 include reimbursement to the state for the actual costs of providing  
 32 the services or activities in paragraph (2) or (3) of subdivision (a),  
 33 subject to the terms of the contract.

34 SEC. 9. Section 1501.1 of the Health and Safety Code is  
 35 amended to read:

36 1501.1. (a) It is the policy of the state to facilitate the proper  
 37 placement of every child in residential care facilities where the  
 38 placement is in the best interests of the child. A county may require  
 39 placement or licensing agencies, or both placement and licensing  
 40 agencies, to actively seek out-of-home care facilities capable of

1 meeting the varied needs of the child. Therefore, in placing children  
2 in out-of-home care, particular attention should be given to the  
3 individual child's needs, the ability of the facility to meet those  
4 needs, the needs of other children in the facility, the licensing  
5 requirements of the facility as determined by the licensing agency,  
6 and the impact of the placement on the family reunification plan.

7 (b) Pursuant to this section, children with varying designations  
8 and varying needs, including, on and after January 1, 2012,  
9 nonminor dependents, as defined in subdivision (v) of Section  
10 11400 of the Welfare and Institutions Code, except as provided  
11 by statute, may be placed in the same facility provided the facility  
12 is licensed, complies with all licensing requirements relevant to  
13 the protection of the child, and has a special permit, if necessary,  
14 to meet the needs of each child so placed. A facility may not  
15 require, as a condition of placement, that a child be identified as  
16 an individual with exceptional needs as defined by Section 56026  
17 of the Education Code.

18 (c) Neither the requirement for any license nor any regulation  
19 shall restrict the implementation of the provisions of this section.  
20 Implementation of this section does not obviate the requirement  
21 for a facility to be licensed by the department.

22 (d) Pursuant to this section, children with varying designations  
23 and varying needs, including, on and after January 1, 2012,  
24 nonminor dependents, as defined in subdivision (v) of Section  
25 11400 of the Welfare and Institutions Code, except as provided  
26 by statute, may be placed in the same licensed foster family home  
27 or with a foster family agency for subsequent placement in a  
28 certified family home or with a resource family. Children, including  
29 nonminor dependents, with developmental disabilities, mental  
30 disorders, or physical disabilities may be placed in licensed foster  
31 family homes or certified family homes or with resource families,  
32 provided that an appraisal of the child's or nonminor dependent's  
33 needs and the ability of the receiving home to meet those needs is  
34 made jointly by the placement agency and the licensee in the case  
35 of licensed foster family homes or the placement agency and the  
36 foster family agency in the case of certified family homes or  
37 resource families, and is followed by written confirmation prior  
38 to placement. The appraisal shall confirm that the placement poses  
39 no threat to any child in the home.

1 (e) (1) For purposes of this chapter, the placing of children by  
2 foster family agencies shall be referred to as “subsequent  
3 placement” to distinguish the activity from the placing by public  
4 agencies.

5 (2) For purposes of this chapter, and unless otherwise specified,  
6 references to a “child” shall include a “nonminor dependent” and  
7 “nonminor former dependent or ward” as those terms are defined  
8 in subdivision (v) and paragraph (1) of subdivision (aa) of Section  
9 11400 of the Welfare and Institutions Code.

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

12 1502. As used in this chapter:

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

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

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

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

38 (4) “Foster family agency” means any public agency or private  
39 organization, organized and operated on a nonprofit basis, engaged  
40 in any of the following:

1 (A) Recruiting, certifying, approving, and training of, and  
2 providing professional support to, foster parents and resource  
3 families.

4 (B) Coordinating with county placing agencies to find homes  
5 for foster children in need of care.

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

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

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

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

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

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

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

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

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

14 (C) Places children for adoption.

15 (D) Supervises adoptive placements.

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

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

27 (A) Assesses the prospective adoptive parents.

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

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

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

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

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

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

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

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

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

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

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

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

27 (18) “Short-term residential treatment center” means a  
28 residential facility licensed by the department pursuant to Section  
29 1562.01 and operated by any public agency or private organization  
30 that provides short-term, specialized, and intensive treatment, and  
31 24-hour care and supervision to children. The care and supervision  
32 provided by a short-term residential treatment center shall be  
33 nonmedical, except as otherwise permitted by law. Private  
34 short-term residential treatment centers shall be organized and  
35 operated on a nonprofit basis.

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

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

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

4 1502.4. (a) A licensed short-term residential treatment center,  
5 as defined in paragraph (18) of subdivision (a) of Section 1502,  
6 may only accept for placement a child who does not require  
7 inpatient care in a licensed health facility and who has been  
8 assessed pursuant to Section 11462.01 of the Welfare and  
9 Institutions Code as meeting the applicable criteria for placement  
10 in a short-term residential treatment center.

11 (b) For the purposes of this chapter, the following definitions  
12 shall apply:

13 (1) "Health facility" has the meaning set forth in Section 1250.

14 (2) "Seriously emotionally disturbed" has the same meaning as  
15 that term is used in subdivision (a) of Section 5600.3 of the Welfare  
16 and Institutions Code.

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

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

21 SEC. 12. Section 1506 of the Health and Safety Code is  
22 amended to read:

23 1506. (a) (1) A foster family agency may use only a certified  
24 family home or a resource family that has been certified or  
25 approved by that agency or, pursuant to Section 1506.5, a licensed  
26 foster family home or a county-approved resource family approved  
27 for this use by the county.

28 (2) Any home selected and certified or approved for the  
29 reception and care of children by a foster family agency is not  
30 subject to Section 1508. A certified family home or a resource  
31 family of a foster family agency shall not be licensed as a  
32 residential facility.

33 (3) A child with a developmental disability who is placed in a  
34 certified family home or with a resource family by a foster family  
35 agency that is operating under agreement with the regional center  
36 responsible for that child may remain in the certified family home  
37 or with the resource family after 18 years of age. The determination  
38 regarding whether and how long he or she may remain as a resident  
39 after 18 years of age shall be made through the agreement of all  
40 parties involved, including the resident, the certified parent or

1 resource family, the foster family agency social worker, the  
2 resident's regional center case manager, and the resident's parent,  
3 legal guardian, or conservator, as appropriate. This determination  
4 shall include a needs and service plan that contains an assessment  
5 of the child's needs to ensure continued compatibility with the  
6 other children in placement. The needs and service plan shall be  
7 completed no more than six months prior to the child's 18th  
8 birthday. The assessment shall be documented and maintained in  
9 the child's file with the foster family agency.

10 (b) (1) A foster family agency shall certify to the department  
11 that the certified family home has met the department's licensing  
12 standards. A foster family agency may require a certified family  
13 home to meet additional standards or be compatible with its  
14 treatment approach.

15 (2) The foster family agency shall issue a certificate of approval  
16 to the certified family home upon its determination that it has met  
17 the standards established by the department and before the  
18 placement of any child in the home. The certificate shall be valid  
19 for a period not to exceed one year. The annual recertification shall  
20 require a certified family home to complete at least eight hours of  
21 structured applicable training or continuing education. At least  
22 one hour of training during the first six months following initial  
23 certification shall be dedicated to meeting the requirements of  
24 paragraph (1) of subdivision (b) of Section 11174.1 of the Penal  
25 Code.

26 (3) If the agency determines that the home no longer meets the  
27 standards, it shall notify the department and the local placing  
28 agency.

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

31 (c) As used in this chapter, "certified family home" means an  
32 individual or family certified by a licensed foster family agency  
33 and issued a certificate of approval by that agency as meeting  
34 licensing standards, and used exclusively by that foster family  
35 agency for placements.

36 (d) (1) A foster family agency shall not accept applications to  
37 certify foster homes and shall instead approve resource families  
38 pursuant to Section 1517.

39 (2) (A) A foster family agency that chooses not to approve  
40 resource families shall not recruit any new applicants, but may

1 continue to coordinate with county placing agencies to find homes  
2 for foster children with its existing certified family homes, as  
3 authorized by the department.

4 (B) No later than July 1, 2017, a foster family agency described  
5 in subparagraph (A) shall, in addition to the notification required  
6 in paragraph (4) of subdivision (f) of Section 1517, notify its  
7 certified family homes that, in order to care for foster children  
8 after December 31, 2019, a certified family is required to submit  
9 an application for resource family approval to the county in which  
10 the home is located or to a foster family agency that approves  
11 resource families and shall complete the approval process no later  
12 than December 31, 2019.

13 (e) (1) Requirements for social work personnel for a foster  
14 family agency shall be a master's degree from an accredited or  
15 state-approved graduate school in social work or social welfare,  
16 or equivalent education and experience, as determined by the  
17 department.

18 (2) Persons who possess a master's degree from an accredited  
19 or state-approved graduate school in any of the following areas,  
20 or equivalent education and experience, as determined by the  
21 department, shall be considered to be qualified to perform social  
22 work activities in a foster family agency:

23 (A) Marriage, family, and child counseling.

24 (B) Child psychology.

25 (C) Child development.

26 (D) Counseling psychology.

27 (E) Social psychology.

28 (F) Clinical psychology.

29 (G) Educational psychology, consistent with the scope of  
30 practice as described in Section 4989.14 of the Business and  
31 Professions Code.

32 (H) Education, with emphasis on counseling.

33 (I) A subject area that is functionally equivalent to those listed  
34 in subparagraphs (A) to (H), inclusive, as set forth by the  
35 department.

36 (f) (1) In addition to the degree specifications in subdivision  
37 (e), all of the following coursework and field practice or  
38 experience, as defined in departmental regulations, shall be required  
39 of all new hires for the position of social work personnel effective  
40 January 1, 1995:

1 (A) At least three semester units of field practice at the master's  
2 level or six months' full-time equivalent experience in a public or  
3 private social service agency setting.

4 (B) At least nine semester units of coursework related to human  
5 development or human behavior, or, within the first year of  
6 employment, experience working with children and families as a  
7 major responsibility of the position under the supervision of a  
8 supervising social worker.

9 (C) At least three semester units in working with minority  
10 populations or six months of experience in working with minority  
11 populations or training in cultural competency and working with  
12 minority populations within the first six months of employment  
13 as a condition of employment.

14 (D) At least three semester units in child welfare or at least six  
15 months of experience in a public or private child welfare social  
16 services setting for a nonsupervisory social worker. A supervising  
17 social worker shall have two years' experience in a public or private  
18 child welfare social services setting.

19 (2) (A) Persons who do not meet the requirements specified in  
20 subdivision (e) or this subdivision may apply for an exception as  
21 provided for in subdivisions (h) and (i).

22 (B) Exceptions granted by the department prior to January 1,  
23 1995, shall remain in effect.

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

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

33 (4) Coursework and field practice or experience completed to  
34 fulfill the degree requirements of subdivision (e) may be used to  
35 satisfy the requirements of this subdivision.

36 (g) In addition to the degree specifications in subdivision (e)  
37 and the coursework and field practice or experience described in  
38 subdivision (f), social work personnel shall meet core competencies  
39 to participate in the assessment and evaluation of an applicant or  
40 resource family, as determined by the department in written

1 directives or regulations adopted pursuant to Section 16519.5 of  
2 the Welfare and Institutions Code.

3 (h) Individuals seeking an exception to the requirements of  
4 subdivision (e) or (f) based on completion of equivalent education  
5 and experience shall apply to the department by the process  
6 established by the department.

7 (i) The department shall be required to complete the process for  
8 the exception to minimum education and experience requirements  
9 described in subdivisions (e) and (f) within 30 days of receiving  
10 the exception application of social work personnel or supervising  
11 social worker qualifications from the foster family agency.

12 (j) For purposes of this section, “social work personnel” means  
13 supervising social workers as well as nonsupervisory social  
14 workers.

15 SEC. 13. Section 1506.1 of the Health and Safety Code is  
16 amended to read:

17 1506.1. (a) A foster family agency shall prepare and maintain  
18 a current, written plan of operation as required by the department.

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

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

25 (A) The foster family agency shall have until December 31,  
26 2018, to obtain accreditation.

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

30 (C) The foster family agency shall provide documentation to  
31 the department reporting its accreditation status as of January 1,  
32 2018, and July 1, 2018, in a time and manner as determined by the  
33 department.

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

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

38 (B) The foster family agency applicant shall submit  
39 documentation of accreditation or application for accreditation  
40 with its application for licensure.

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

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

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

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

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

18 (2) The treatment practices that will be used in serving children  
19 and families.

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

31 (4) (i) How the foster family agency will comply with the  
32 resource family approval standards and requirements, as set forth  
33 in Section 1517.

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

38 (5) The population or populations to be served.

39 (6) The ability to support the differing needs of children and  
40 their families.

1 (7) The plan for the supervision, evaluation, and training of  
2 staff. The training plan shall be appropriate to meet the needs of  
3 children, and it shall be consistent with the training provided to  
4 resource families as set forth in Section 16519.5 of the Welfare  
5 and Institutions Code.

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

10 (9) The plan for the training, supervision, and support of  
11 resource families to meet the appropriate needs of children,  
12 consistent with the training requirements set forth in Section  
13 16519.5 of the Welfare and Institutions Code. To the extent  
14 possible, the foster family agency training plan for resource  
15 families shall be consistent with the training requirements set forth  
16 by the county child welfare placing agency.

17 (10) The agency or agencies that the foster family agency has  
18 partnered with, either formally or informally, to provide additional  
19 supports and services to families and children during care and  
20 postpermanency.

21 (11) The plan for participation in child and family teams and  
22 supporting the participation of the agency's resource families in  
23 those teams, as appropriate.

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

26 (d) In addition to the rules and regulations adopted pursuant to  
27 this chapter, a county licensed to operate a foster family agency  
28 shall describe, in the plan of operation, its conflict-of-interest  
29 mitigation plan, on and after January 1, 2017, as set forth in  
30 subdivision (g) of Section 11462.02 of the Welfare and Institutions  
31 Code.

32 (e) (1) (A) (i) A foster family agency applicant shall submit  
33 an application to the department that includes a letter of  
34 recommendation in support of its program from a county placing  
35 agency.

36 (ii) The letter of recommendation shall include a statement that  
37 the county placing agency reviewed the applicant's program  
38 statement.

39 (iii) If the letter of recommendation is not from the county in  
40 which the facility is located, the foster family agency applicant

1 shall include with its application a statement that it provided the  
2 county in which the facility is located an opportunity for that  
3 county to review the program statement and notified that county  
4 that the facility has received a letter of recommendation from  
5 another county.

6 (B) If the application does not contain a letter of  
7 recommendation as described in subparagraph (A), then the  
8 department shall cease review of the application. Nothing in this  
9 paragraph shall constitute a denial of the application for purposes  
10 of Section 1526 or any other law.

11 (C) A new letter of recommendation is not required when a  
12 foster family agency moves locations.

13 (2) A foster family agency shall submit a copy of its program  
14 statement to all county placing agencies with which placements  
15 are coordinated or for which services are provided, including the  
16 county in which the facility is located, for optional review when  
17 the foster family agency updates its program statement.

18 (f) The department shall have the authority to inspect a foster  
19 family agency pursuant to the system of governmental monitoring  
20 and oversight developed by the department on and after January  
21 1, 2017, pursuant to subdivision (c) of Section 11463 of the  
22 Welfare and Institutions Code.

23 SEC. 14. Section 1506.3 of the Health and Safety Code is  
24 amended to read:

25 1506.3. A foster family agency shall employ one full-time  
26 social work supervisor for every eight social workers or fraction  
27 thereof in the agency.

28 SEC. 15. Section 1506.5 of the Health and Safety Code is  
29 amended to read:

30 1506.5. (a) Foster family agencies shall not use foster family  
31 homes licensed by a county or resource families approved by a  
32 county without the approval of the licensing or approving county.  
33 When approval is granted, a written agreement between the foster  
34 family agency and the county shall specify the nature of  
35 administrative control and case management responsibility and  
36 the nature and number of the children to be served in the home.

37 (b) Before a foster family agency may use a licensed foster  
38 family home it shall review and, with the exception of a new  
39 fingerprint clearance, qualify the home in accordance with Section  
40 1506.

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

6 (d) Nothing in this section shall transfer or eliminate the  
7 responsibility of the placing agency for the care, custody, or control  
8 of the child. Nothing in this section shall relieve a foster family  
9 agency of its responsibilities for or on behalf of a child placed with  
10 it.

11 (e) (1) If an application to a foster family agency for a certificate  
12 of approval indicates, or the department determines during the  
13 application review process, that the applicant previously was issued  
14 a license under this chapter or under Chapter 1 (commencing with  
15 Section 1200), Chapter 2 (commencing with Section 1250), Chapter  
16 3.01 (commencing with Section 1568.01), Chapter 3.2  
17 (commencing with Section 1569), Chapter 3.4 (commencing with  
18 Section 1596.70), Chapter 3.5 (commencing with Section 1596.90),  
19 or Chapter 3.6 (commencing with Section 1597.30) and the prior  
20 license was revoked within the preceding two years, the foster  
21 family agency shall cease any further review of the application  
22 until two years have elapsed from the date of the revocation.

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

31 (3) If an application to a foster family agency for a certificate  
32 of approval indicates, or the department determines during the  
33 application review process, that the applicant was excluded from  
34 a facility licensed by the department or from a certified family  
35 home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897,  
36 the foster family agency shall cease any further review of the  
37 application unless the excluded person has been reinstated pursuant  
38 to Section 11522 of the Government Code by the department.

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

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

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

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

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

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

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

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

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

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

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

15 (h) Subdivisions (e), (f), and (g) shall apply only to certified  
16 family home applications received on or before December 31,  
17 2016, in accordance with Section 1517.

18 SEC. 16. Section 1506.6 of the Health and Safety Code is  
19 amended to read:

20 1506.6. (a) It is the intent of the Legislature that public and  
21 private efforts to recruit foster parents not be competitive and that  
22 the total number of foster parents be increased.

23 (b) A foster family agency shall not certify a family home that  
24 is licensed by the department or a county. A licensed foster family  
25 home shall forfeit its license, pursuant to subdivision (b) of Section  
26 1524, concurrent with final certification by the foster family  
27 agency. The department or a county shall not license a family home  
28 that is certified by a foster family agency. A certified family home  
29 shall forfeit its certificate concurrent with final licensing by the  
30 department or a county.

31 (c) (1) A licensed foster family home shall forfeit its license,  
32 pursuant to subdivision (b) of Section 1524, concurrent with  
33 resource family approval by a foster family agency or a county.

34 (2) A certified family home shall forfeit its certificate of  
35 approval concurrent with resource family approval by a foster  
36 family agency, pursuant to subdivision (f) of Section 1517, or a  
37 county.

38 (3) A resource family approved pursuant to Section 1517 shall  
39 forfeit its approval concurrent with resource family approval by  
40 another foster family agency or a county.

1 SEC. 17. Section 1506.7 of the Health and Safety Code is  
2 amended to read:

3 1506.7. (a) A foster family agency shall require the owner or  
4 operator of a family home applying for certification to sign an  
5 application that shall contain, but shall not be limited to, the  
6 following information:

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

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

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

13 (4) Whether the applicant has been a foster home licensed by a  
14 county or by the state and, if so, by which county or state, or  
15 whether the applicant has been approved for relative placement  
16 by a county and, if so, by which county.

17 (b) (1) The application form signed by the owner or operator  
18 of the family home applying for certification shall contain notice  
19 to the applicant for certification that the foster family agency is  
20 required to check references of all foster family agencies that have  
21 previously certified the applicant and of all state or county licensing  
22 offices that have licensed the applicant as a foster parent, and that  
23 the signing of the application constitutes the authorization of the  
24 applicant for the foster family agency to conduct its check of  
25 references.

26 (2) The application form signed by the owner or operator of the  
27 family home applying for certification shall be signed with a  
28 declaration by the applicant that the information submitted is true,  
29 correct, and contains no material omissions of fact to the best  
30 knowledge and belief of the applicant. Any person who declares  
31 as true any material matter pursuant to this section that he or she  
32 knows to be false is guilty of a misdemeanor. The application shall  
33 include a statement that submitting false information is a violation  
34 of law punishable by incarceration, a fine, or both incarceration  
35 and a fine.

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

39 SEC. 18. Section 1506.8 of the Health and Safety Code is  
40 amended to read:

1 1506.8. (a) Before certifying a family home, a foster family  
2 agency shall contact any foster family agencies by whom an  
3 applicant has been previously certified and any state or county  
4 licensing offices that have licensed the applicant as a foster parent,  
5 and shall conduct a reference check as to the applicant.

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

9 SEC. 19. Section 1517 of the Health and Safety Code is  
10 amended to read:

11 1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5  
12 of the Welfare and Institutions Code, the State Department of  
13 Social Services, shall implement a unified, family friendly, and  
14 child-centered resource family approval process to replace the  
15 existing multiple processes for licensing foster family homes,  
16 certifying foster homes by licensed foster family agencies,  
17 approving relatives and nonrelative extended family members as  
18 foster care providers, and approving guardians and adoptive  
19 families.

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

27 (3) For purposes of this chapter, “resource family approval”  
28 means that the applicant or resource family successfully meets the  
29 home environment assessment and permanency assessment  
30 standards adopted pursuant to subdivision (d) of Section 16519.5  
31 of the Welfare and Institutions Code. This approval is in lieu of a  
32 certificate of approval issued by a licensed foster family agency  
33 pursuant to subdivision (b) of Section 1506.

34 (4) Approval of a resource family does not guarantee an initial,  
35 continued, or adoptive placement of a child with a resource family.  
36 Approval of a resource family does not guarantee the establishment  
37 of a legal guardianship of a child with a resource family. There is  
38 no fundamental right to resource family approval.

39 (5) Notwithstanding paragraphs (1) to (4), inclusive, a foster  
40 family agency shall cease any further review of an application if

1 the applicant has had a previous application denial within the  
2 preceding year by the department or county, or if the applicant has  
3 had a previous rescission, revocation, or exemption denial or  
4 exemption rescission by the department or county within the  
5 preceding two years. However, a foster family agency may continue  
6 to review an application if it has determined that the reasons for  
7 the previous denial, rescission, or revocation were due to  
8 circumstances and conditions that either have been corrected or  
9 are no longer in existence. If an individual was excluded from a  
10 resource family home or facility licensed by the department, a  
11 foster family agency shall cease review of the individual's  
12 application unless the excluded individual has been reinstated  
13 pursuant to Section 11522 of the Government Code. The cessation  
14 of review shall not constitute a denial of the application for  
15 purposes of this section, Section 16519.5 of the Welfare and  
16 Institutions Code, or any other law.

17 (6) A resource family shall meet the approval standards set forth  
18 in Section 16519.5 of the Welfare and Institutions Code, comply  
19 with the written directives or regulations adopted pursuant to  
20 Section 16519.5 of the Welfare and Institutions Code, and comply  
21 with other applicable federal and state laws in order to maintain  
22 approval.

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

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

28 (2) Notwithstanding any other law, a foster family agency shall  
29 require its applicants and resource families to meet the resource  
30 family approval standards set forth in Section 16519.5 of the  
31 Welfare and Institutions Code, the written directives or regulations  
32 adopted thereto, and other applicable laws prior to approval and  
33 in order to maintain approval.

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

36 (A) Complying with the applicable provisions of this chapter,  
37 the regulations for foster family agencies, the resource family  
38 approval standards and requirements set forth in Article 2  
39 (commencing with Section 16519.5) of Chapter 5 of Part 4 of

1 Division 9 of the Welfare and Institutions Code, and the applicable  
2 written directives or regulations adopted thereto by the department.

3 (B) Implementing the requirements for the resource family  
4 approval and utilizing standardized documentation established by  
5 the department.

6 (C) Ensuring staff have the education, experience, and core  
7 competencies necessary to participate in the assessment and  
8 evaluation of an applicant or resource family.

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

10 (i) (I) Approving or denying resource family applications,  
11 including preparing a written evaluation of an applicant's capacity  
12 to foster, adopt, or provide legal guardianship of a child based on  
13 all of the information gathered through the resource family  
14 application and assessment processes.

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

19 (ii) Rescinding approvals of resource families.

20 (E) Providing to the department a log of resource families that  
21 were approved or had approval rescinded during the month by the  
22 10th day of the following month.

23 (F) (i) Updating resource family approval annually and as  
24 necessary to address any changes that have occurred in the resource  
25 family's circumstances, including, but not limited to, moving to  
26 a new home location or commencing operation of a family day  
27 care home, as defined in Section 1596.78.

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

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

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

39 (ii) Requiring resource families to meet the approval standards  
40 set forth in Section 16519.5 of the Welfare and Institutions Code

1 and to comply with the written directives or regulations adopted  
2 thereto, other applicable laws, and corrective action plans as  
3 necessary to correct identified deficiencies. If corrective action is  
4 not completed as specified in the plan, the foster family agency or  
5 the department may rescind the approval of the resource family  
6 or take other administrative action in accordance with applicable  
7 law or the written directives or regulations adopted pursuant to  
8 Section 16519.5 of the Welfare and Institutions Code.

9 (iii) Requiring resource families to report to the foster family  
10 agency any incidents as specified in the written directives or  
11 regulations adopted pursuant to Section 16519.5 of the Welfare  
12 and Institutions Code.

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

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

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

20 (J) (i) Ensuring applicants and resource families meet the  
21 training requirements, and, if applicable, the specialized training  
22 requirements set forth in Section 16519.5 of the Welfare and  
23 Institutions Code.

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

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

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

32 (1) Requiring foster family agencies to monitor resource  
33 families, including, but not limited to, inspecting resource family  
34 homes, developing and monitoring resource family corrective  
35 action plans to correct identified deficiencies, and rescinding  
36 resource family approval if compliance with a corrective action  
37 plan is not achieved.

38 (2) Investigating all complaints against a resource family  
39 approved by a foster family agency and taking any action it deems  
40 necessary. This shall include investigating any incidents reported

1 about a resource family indicating that the approval standard is  
2 not being maintained. Complaint investigations shall be conducted  
3 in accordance with the written directives or regulations adopted  
4 pursuant to Section 16519.5 of the Welfare and Institutions Code.  
5 A foster family agency shall not conduct an internal investigation  
6 regarding an incident report or complaint against a resource family  
7 that interferes with an investigation being conducted by the  
8 department.

9 (3) Rescinding approvals of a resource family approved by a  
10 foster family agency.

11 (4) Excluding a resource family parent or other individual from  
12 presence in a resource family home or licensed community care  
13 facility, from being a member of the board of directors, an  
14 executive director, or an officer of a licensed community care  
15 facility, or prohibiting a licensed community care facility from  
16 employing the resource family parent or other individual, if  
17 appropriate.

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

22 (6) Providing a resource family parent, applicant, excluded  
23 individual, or individual who is the subject of a criminal record  
24 exemption decision with due process pursuant to Section 16519.6  
25 of the Welfare and Institutions Code.

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

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

37 (f) (1) The applicable certification and oversight processes shall  
38 continue to be administered for foster homes certified by a foster  
39 family agency prior to January 1, 2017, or as specified in paragraph

1 (2), until the certification is revoked or forfeited by operation of  
2 law pursuant to this subdivision.

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

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

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

11 (A) A detailed description of the resource family approval  
12 program.

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

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

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

19 (A) A certified family home with an approved adoptive home  
20 study, completed prior to January 1, 2018, shall be deemed to be  
21 an approved resource family.

22 (B) A certified family home that had a child in placement at  
23 any time between January 1, 2017, and December 31, 2017,  
24 inclusive, may be approved as a resource family on the date of  
25 successful completion of a psychosocial assessment pursuant to  
26 subparagraph (B) of paragraph (3) of subdivision (d) of Section  
27 16519.5 of the Welfare and Institutions Code.

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

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

34 (A) All certified family homes that did not have a child in  
35 placement at any time between January 1, 2017, and December  
36 31, 2017, inclusive, shall forfeit the certificate of approval by  
37 operation of law on January 1, 2018.

38 (B) For certified family homes with a pending resource family  
39 application on December 31, 2019, the certificate of approval shall  
40 be forfeited by operation of law upon approval as a resource family.

1 If approval is denied, forfeiture by operation of law shall occur on  
2 the date of completion of any proceedings required by law to ensure  
3 due process.

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

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

9 SEC. 20. Section 1517.1 is added to the Health and Safety  
10 Code, to read:

11 1517.1. (a) (1) Pursuant to subdivision (a) of Section 16519.5  
12 of the Welfare and Institutions Code, the State Department of  
13 Social Services shall implement a unified, family friendly, and  
14 child-centered resource family approval process to replace the  
15 existing multiple processes for licensing foster family homes,  
16 certifying foster homes by licensed foster family agencies,  
17 approving relatives and nonrelative extended family members as  
18 foster care providers, and approving guardians and adoptive  
19 families.

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

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

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

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

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

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

4 (B) A foster family home that had a child in placement for any  
5 length of time between January 1, 2017, and December 31, 2017,  
6 inclusive, may be approved as a resource family on the date of  
7 successful completion of a psychosocial assessment pursuant to  
8 subparagraph (B) of paragraph (3) of subdivision (d) of Section  
9 16519.5 of the Welfare and Institutions Code.

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

13 (A) All licensed foster family homes that did not have a child  
14 in placement at any time between January 1, 2017, and December  
15 31, 2017, inclusive, shall forfeit the license by operation of law  
16 on January 1, 2018.

17 (B) For foster family home licensees who have pending resource  
18 family applications on December 31, 2019, the foster family home  
19 license shall be forfeited by operation of law upon approval as a  
20 resource family. If approval is denied, forfeiture by operation of  
21 law shall occur on the date of completion of any proceedings  
22 required by law to ensure due process.

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

25 SEC. 21. Section 1517.2 is added to the Health and Safety  
26 Code, to read:

27 1517.2. (a) The application form signed by a resource family  
28 applicant of a foster family agency shall be signed with a  
29 declaration by the applicant that the information submitted is true,  
30 correct, and contains no material omissions of fact to the best  
31 knowledge and belief of the applicant. Any person who willfully  
32 and knowingly, with the intent to deceive, makes a false statement  
33 or fails to disclose a material fact in his or her application is guilty  
34 of a misdemeanor.

35 (b) Before approving a resource family, a foster family agency  
36 shall conduct a reference check of the applicant by contacting all  
37 of the following:

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

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

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

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

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

8 (c) The department, a county, or a foster family agency may  
9 request information from, or divulge information to, the  
10 department, a county, or a foster family agency regarding a  
11 prospective resource family for the purpose of conducting, and as  
12 necessary to conduct, a reference check to determine whether it is  
13 safe and appropriate to approve an applicant to be a resource  
14 family.

15 SEC. 22. Section 1517.3 is added to the Health and Safety  
16 Code, to read:

17 1517.3. (a) A person shall not incur civil liability as a result  
18 of providing the department with either of the following:

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

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

24 (A) Violation of Section 16519.5, the written directives or  
25 regulations adopted pursuant to Section 16519.5, or any other  
26 applicable law.

27 (B) 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 other applicable law.

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

35 (E) Knowingly allowing a child to have illegal drugs, alcohol,  
36 or any tobacco product, as defined in subdivision (d) of Section  
37 22950.5 of the Business and Professions Code.

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

1 (b) The department, a county, or a foster family agency shall  
2 not incur civil liability for providing each other with information  
3 if the communication is for the purpose of aiding in the evaluation  
4 of an application for approval of a resource family by a foster  
5 family agency.

6 SEC. 23. Section 1520.1 of the Health and Safety Code is  
7 amended to read:

8 1520.1. In addition to Section 1520, applicants for a group  
9 home or short-term residential treatment center license shall meet  
10 the following requirements:

11 (a) (1) During the first 12 months of operation, the facility shall  
12 operate with a provisional license. After eight months of operation,  
13 the department shall conduct a comprehensive review of the facility  
14 for compliance with all applicable laws and regulations and help  
15 develop a plan of correction with the provisional licensee, if  
16 appropriate. By the end of the 12th month of operation, the  
17 department shall determine if the permanent license should be  
18 issued.

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

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

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

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

35 (4) The department may deny a group home or short-term  
36 residential treatment center license application at any time during  
37 the term of the provisional license to protect the health and safety  
38 of clients. If the department denies the application, the group home  
39 or short-term residential treatment center shall cease operation  
40 immediately. Continued operation of the facility after the

1 department denies the application or the provisional license expires  
2 shall constitute unlicensed operation.

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

11 (b) (1) After the production of the booklet provided for in  
12 paragraph (2), every member of the group home's board of  
13 directors or governing body and every member of a short-term  
14 residential treatment center's board of directors or governing body  
15 shall, prior to becoming a member of the board of directors or  
16 governing body sign a statement that he or she understands his or  
17 her legal duties and obligations as a member of the board of  
18 directors or governing body and that the group home's or  
19 short-term residential treatment center's operation is governed by  
20 laws and regulations that are enforced by the department, as set  
21 forth in the booklet. The applicant, provisional licensee, and  
22 licensee shall have this statement available for inspection by the  
23 department. For members of the board of directors or governing  
24 body when the booklet is produced, the licensee shall obtain this  
25 statement by the next scheduled meeting of the board of directors  
26 or governing body. Compliance with this paragraph shall be a  
27 condition of licensure.

28 (2) The department shall distribute to every group home provider  
29 and short-term residential treatment center provider, respectively,  
30 detailed information designed to educate members of the group  
31 home provider's or short-term residential treatment center  
32 provider's board of directors or governing body of their roles and  
33 responsibilities as members of a public benefit corporation under  
34 the laws of this state. The information shall be included in a  
35 booklet, may be revised as deemed necessary by the department,  
36 and shall include, but not be limited to, all of the following:

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

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

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

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

8 (c) All financial records submitted by a facility to the  
9 department, or that are submitted as part of an audit of the facility,  
10 including, but not limited to, employee timecards and timesheets,  
11 shall be signed and dated by the employee and by the group home  
12 representative or short-term residential treatment center  
13 representative who is responsible for ensuring the accuracy of the  
14 information contained in the record, or when a time clock is used,  
15 the payroll register shall be signed and dated, and those financial  
16 records shall contain an affirmative statement that the signatories  
17 understand that the information contained in the document is  
18 correct to the best of their knowledge and that submission of false  
19 or misleading information may be prosecuted as a crime.

20 (d) An applicant, provisional licensee, or licensee shall maintain,  
21 submit, and sign financial documents to verify the legitimacy and  
22 accuracy of these documents. These documents include, but are  
23 not limited to, the group home or short-term residential treatment  
24 center application, any financial documents and plans of corrections  
25 submitted to the department, and timesheets.

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

30 (2) The representatives on the board of directors or the  
31 community advisory board members should consist of at least the  
32 following persons:

- 33 (A) A member of the facility's board of directors.
- 34 (B) Members of the community where the facility is located.
- 35 (C) Neighbors of the facility.
- 36 (D) Current or former clients of the facility.
- 37 (E) A representative from a local law enforcement or other city  
38 or county representative.

39 (f) Each group home or short-term residential treatment center  
40 provider shall schedule and conduct quarterly meetings of its board

1 of directors or governing body. During these quarterly meetings,  
2 the board of directors or governing body shall review and discuss  
3 licensing reports, financial and program audit reports of its group  
4 home or short-term residential treatment center operations, special  
5 incident reports, and any administrative action against the licensee  
6 or its employees. The minutes shall reflect the board's or governing  
7 body's discussion of these documents and the group home's or  
8 short-term residential treatment center's operation. The licensee  
9 shall make available the minutes of group home's or short-term  
10 residential treatment center's board of directors or governing body  
11 meetings to the department.

12 SEC. 24. Section 1522.44 of the Health and Safety Code is  
13 amended to read:

14 1522.44. (a) It is the policy of the state that caregivers of  
15 children in foster care possess knowledge and skills relating to the  
16 reasonable and prudent parent standard, as defined in subdivision  
17 (c) of Section 362.05 of the Welfare and Institutions Code.

18 (b) Except for licensed foster family homes, certified family  
19 homes, and resource families approved by a foster family agency,  
20 each licensed community care facility that provides care and  
21 supervision to children and operates with staff shall designate at  
22 least one onsite staff member to apply the reasonable and prudent  
23 parent standard to decisions involving the participation of a child  
24 who is placed in the facility in age or developmentally appropriate  
25 activities in accordance with the requirements of Section 362.05  
26 of the Welfare and Institutions Code, Section 671(a)(10) of Title  
27 42 of the United States Code, and the regulations adopted by the  
28 department pursuant to this chapter.

29 (c) A licensed and certified foster parent, resource family, or  
30 facility staff member, as described in subdivision (b), shall receive  
31 training related to the reasonable and prudent parent standard that  
32 is consistent with Section 671(a)(24) of Title 42 of the United  
33 States Code. This training shall include knowledge and skills  
34 relating to the reasonable and prudent parent standard for the  
35 participation of the child in age or developmentally appropriate  
36 activities, including knowledge and skills relating to the  
37 developmental stages of the cognitive, emotional, physical, and  
38 behavioral capacities of a child, and knowledge and skills relating  
39 to applying the standard to decisions such as whether to allow the  
40 child to engage in extracurricular, enrichment, cultural, and social

1 activities, including sports, field trips, and overnight activities  
 2 lasting one or more days, and to decisions involving the signing  
 3 of permission slips and arranging of transportation for the child to  
 4 and from extracurricular, enrichment, and social activities.

5 (d) This section does not apply to runaway and homeless youth  
 6 shelters as defined in paragraph (14) of subdivision (a) of Section  
 7 1502.

8 SEC. 25. Section 1523.1 of the Health and Safety Code is  
 9 amended to read:

10 1523.1. (a) (1) An application fee adjusted by facility and  
 11 capacity shall be charged by the department for the issuance of a  
 12 license. After initial licensure, a fee shall be charged by the  
 13 department annually on each anniversary of the effective date of  
 14 the license. The fees are for the purpose of financing the activities  
 15 specified in this chapter. Fees shall be assessed as follows, subject  
 16 to paragraph (2):

17				
18 Fee Schedule				
19				
20 Facility Type	Capacity	Initial	Annual	
21				
Foster Family and		\$3,025	\$1,513	
22 Adoption Agencies				
23 Adult Day Programs	1-15	\$182	\$91	
24	16-30	\$303	\$152	
25	31-60	\$605	\$303	
26	61-75	\$758	\$378	
27	76-90	\$908	\$454	
28	91-120	\$1,210	\$605	
29	121+	\$1,513	\$757	
30				
31 Other Community	1-3	\$454	\$454	
32 Care Facilities				
33	4-6	\$908	\$454	
34	7-15	\$1,363	\$681	
35	16-30	\$1,815	\$908	
36	31-49	\$2,270	\$1,135	
37	50-74	\$2,725	\$1,363	
38	75-100	\$3,180	\$1,590	
39	101-150	\$3,634	\$1,817	
40	151-200	\$4,237	\$2,119	
	201-250	\$4,840	\$2,420	

1	251–300	\$5,445	\$2,723
2	301–350	\$6,050	\$3,025
3	351–400	\$6,655	\$3,328
4	401–500	\$7,865	\$3,933
5	501–600	\$9,075	\$4,538
6	601–700	\$10,285	\$5,143
7	701+	\$12,100	\$6,050

8  
9 (2) (A) The Legislature finds that all revenues generated by  
10 fees for licenses computed under this section and used for the  
11 purposes for which they were imposed are not subject to Article  
12 XIII B of the California Constitution.

13 (B) The department, at least every five years, shall analyze  
14 initial application fees and annual fees issued by it to ensure the  
15 appropriate fee amounts are charged. The department shall  
16 recommend to the Legislature that fees established by the  
17 Legislature be adjusted as necessary to ensure that the amounts  
18 are appropriate.

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

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

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

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

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

32 (E) A probation monitoring fee equal to the current annual fee,  
33 in addition to the current annual fee for that category and capacity  
34 for each year a license has been placed on probation as a result of  
35 a stipulation or decision and order pursuant to the administrative  
36 adjudication procedures of the Administrative Procedure Act  
37 (Chapter 4.5 (commencing with Section 11400) and Chapter 5  
38 (commencing with Section 11500) of Part 1 of Division 3 of Title  
39 2 of the Government Code).

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

5 (G) A fee to cover any costs incurred by the department for  
6 processing payments including, but not limited to, bounced check  
7 charges, charges for credit and debit transactions, and postage due  
8 charges.

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

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

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

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

21 (c) (1) The revenues collected from licensing fees pursuant to  
22 this section shall be utilized by the department for the purpose of  
23 ensuring the health and safety of all individuals provided care and  
24 supervision by licensees and to support activities of the licensing  
25 program, including, but not limited to, monitoring facilities for  
26 compliance with licensing laws and regulations pursuant to this  
27 chapter, and other administrative activities in support of the  
28 licensing program, when appropriated for these purposes. The  
29 revenues collected shall be used in addition to any other funds  
30 appropriated in the Budget Act in support of the licensing program.  
31 The department shall adjust the fees collected pursuant to this  
32 section as necessary to ensure that they do not exceed the costs  
33 described in this paragraph.

34 (2) The department shall not utilize any portion of these revenues  
35 sooner than 30 days after notification in writing of the purpose  
36 and use of this revenue, as approved by the Director of Finance,  
37 to the Chairperson of the Joint Legislative Budget Committee, and  
38 the chairpersons of the committee in each house that considers  
39 appropriations for each fiscal year. The department shall submit

1 a budget change proposal to justify any positions or any other  
2 related support costs on an ongoing basis.

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

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

8 SEC. 26. Section 1525.5 of the Health and Safety Code is  
9 amended to read:

10 1525.5. (a) The department may issue provisional licenses to  
11 operate community care facilities for facilities that it determines  
12 are in substantial compliance with this chapter and the rules and  
13 regulations adopted pursuant to this chapter, provided that no life  
14 safety risks are involved, as determined by the department. In  
15 determining whether any life safety risks are involved, the  
16 department shall require completion of all applicable fire clearances  
17 and criminal record clearances as otherwise required by the  
18 department's rules and regulations. The provisional license shall  
19 expire six months from the date of issuance, or at any earlier time  
20 as the department may determine, and may not be renewed.  
21 However, the department may extend the term of a provisional  
22 license for an additional six months at time of application, if it is  
23 determined that more than six months will be required to achieve  
24 full compliance with licensing standards due to circumstances  
25 beyond the control of the applicant, provided all other requirements  
26 for a license have been met.

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

28 SEC. 27. Section 1536 of the Health and Safety Code is  
29 amended to read:

30 1536. (a) (1) At least annually, the department shall publish  
31 and make available to interested persons a list or lists covering all  
32 licensed community care facilities and the services for which each  
33 facility has been licensed or issued a special permit.

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

38 (A) The number of licensing complaints, types of complaint,  
39 and outcomes of complaints, including citations, fines, exclusion  
40 orders, license suspensions, revocations, and surrenders.

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

4 (3) This subdivision does not apply to foster family homes or  
 5 the certified family homes or resource families of foster family  
 6 agencies.

7 (b) Subject to subdivision (c), to protect the personal privacy  
 8 of foster family homes and the certified family homes and resource  
 9 families of foster family agencies, and to preserve the security and  
 10 confidentiality of the placements in the homes, the names,  
 11 addresses, and other identifying information of facilities licensed  
 12 as foster family homes and certified family homes and resource  
 13 families of foster family agencies shall be considered personal  
 14 information for purposes of the Information Practices Act of 1977  
 15 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part  
 16 4 of Division 3 of the Civil Code). This information shall not be  
 17 disclosed by any state or local agency pursuant to the California  
 18 Public Records Act (Chapter 3.5 (commencing with Section 6250)  
 19 of Division 7 of Title 1 of the Government Code), except as  
 20 necessary for administering the licensing program, facilitating the  
 21 placement of children in these facilities, and providing names and  
 22 addresses, upon request, only to bona fide professional foster parent  
 23 organizations and to professional organizations educating foster  
 24 parents, including the Foster and Kinship Care Education Program  
 25 of the California Community Colleges.

26 (c) (1) Notwithstanding subdivision (b), the department, a  
 27 county, or a foster family agency may request information from,  
 28 or divulge information to, the department, a county, or a foster  
 29 family agency, regarding a prospective certified parent, foster  
 30 parent, or relative caregiver for the purpose of, and as necessary  
 31 to, conduct a reference check to determine whether it is safe and  
 32 appropriate to license, certify, or approve an applicant to be a  
 33 certified parent, foster parent, or relative caregiver.

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

38 (d) The department may issue a citation and, after the issuance  
 39 of that citation, may assess a civil penalty of fifty dollars (\$50) per  
 40 day for each instance of a foster family agency's failure to provide

1 the department with a log of certified and decertified homes or a  
2 log of resource families that were approved or had approval  
3 rescinded during the month by the 10th day of the following month.

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

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

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

12 (3) Notification by a foster family agency to the department  
13 informing the department of a foster family agency's determination  
14 to decertify a certified family home or rescind the approval of a  
15 resource family due to any of the following actions by the certified  
16 family parent or resource family:

17 (A) Violating licensing rules and regulations.

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

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

25 (D) Being convicted of a crime while a certified family parent  
26 or resource family.

27 (E) Knowingly allowing any child to have illegal drugs or  
28 alcohol.

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

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

36 SEC. 28. Section 1538.8 of the Health and Safety Code is  
37 amended to read:

38 1538.8. (a) (1) In order to review and evaluate the use of  
39 psychotropic medications in group homes and short-term residential  
40 treatment centers, the department shall compile, to the extent

1 feasible and not otherwise prohibited by law and based on  
2 information received from the State Department of Health Care  
3 Services, at least annually, information concerning each group  
4 home and short-term residential treatment center, including, but  
5 not limited to, the child welfare psychotropic medication measures  
6 developed by the department and the following Healthcare  
7 Effectiveness Data and Information Set (HEDIS) measures related  
8 to psychotropic medications:

9 (A) Follow-Up Care for Children Prescribed Attention Deficit  
10 Hyperactivity Disorder Medication (HEDIS ADD), which measures  
11 the number of children 6 to 12 years of age, inclusive, who have  
12 a visit with a provider with prescribing authority within 30 days  
13 of the new prescription.

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

16 (i) Measures the number of children receiving an antipsychotic  
17 medication for at least 60 out of 90 days and the number of children  
18 who additionally receive a second antipsychotic medication that  
19 overlaps with the first.

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

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

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

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

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

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

36 (b) The data in subdivision (a) concerning psychotropic  
37 medication, mental health services, and placement shall be drawn  
38 from existing data maintained by the State Department of Health  
39 Care Services and the State Department of Social Services and  
40 shared pursuant to a data sharing agreement meeting the

1 requirements of all applicable state and federal laws and  
2 regulations.

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

5 SEC. 29. Section 1538.9 of the Health and Safety Code is  
6 amended to read:

7 1538.9. (a) (1) (A) The department shall consult with the  
8 State Department of Health Care Services and stakeholders to  
9 establish a methodology for identifying those group homes  
10 providing care under the AFDC-FC program pursuant to Sections  
11 11460 and 11462 of the Welfare and Institutions Code that have  
12 levels of psychotropic drug utilization warranting additional review.  
13 The methodology shall be adopted on or before July 1, 2016.

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

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

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

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

25 (B) Child-to-staff ratios.

26 (C) Staff qualifications and training.

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

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

30 (F) Other factors that the department determines contribute to  
31 levels of psychotropic drug utilization that warrant additional  
32 review.

33 (G) Confidential interviews of children residing in the facility  
34 at the time of the inspection.

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

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

39 (B) Confidential discussions with physicians identified as  
40 prescribing the medications.

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

4 (1) Share relevant information and observations with county  
 5 placing agencies, social workers, probation officers, the court,  
 6 dependency counsel, or the Medical Board of California, as  
 7 applicable.

8 (2) Share relevant information and observations with the facility  
 9 and require the facility to submit a plan, within 30 days of receiving  
 10 the information and observations from the department, to address  
 11 any identified risks within the control of the facility related to  
 12 psychotropic medication. The department shall approve the plan  
 13 and verify implementation of the plan to determine whether those  
 14 risks have been remedied.

15 (c) (1) Notwithstanding the rulemaking provisions of the  
 16 Administrative Procedure Act (Chapter 3.5 (commencing with  
 17 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
 18 Code), until emergency regulations are filed with the Secretary of  
 19 State, the department may implement this section through  
 20 all-county letters or similar instructions.

21 (2) On or before January 1, 2017, the department shall adopt  
 22 regulations to implement this section. The initial adoption,  
 23 amendment, or repeal of a regulation authorized by this subdivision  
 24 is deemed to address an emergency, for purposes of Sections  
 25 11346.1 and 11349.6 of the Government Code, and the department  
 26 is hereby exempted for that purpose from the requirements of  
 27 subdivision (b) of Section 11346.1 of the Government Code. After  
 28 the initial adoption, amendment, or repeal of an emergency  
 29 regulation pursuant to this section, the department may twice  
 30 request approval from the Office of Administrative Law to readopt  
 31 the regulation as an emergency regulation pursuant to Section  
 32 11346.1 of the Government Code. The department shall adopt final  
 33 regulations on or before January 1, 2018.

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

35 (1) Replaces or alters other requirements for responding to  
 36 complaints and making inspections or visits to group homes,  
 37 including, but not limited to, those set forth in Sections 1534 and  
 38 1538.

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

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

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

9 ~~SEC. 30. Section 1551.3 is added to the Health and Safety  
10 Code, to read:~~

11 ~~1551.3. A proceeding conducted pursuant to Section 1534,  
12 1551, or 1558 against a foster family home or certified family  
13 home of a foster family agency shall be confidential and not open  
14 to the public in order to preserve the confidential information of  
15 a child in accordance with Section 1536, Section 11167.5 of the  
16 Penal Code, and Sections 827 and 10850 of the Welfare and  
17 Institutions Code. Notwithstanding this requirement, an  
18 administrative law judge may admit those persons deemed to have  
19 a direct and legitimate interest in the particular case or the work  
20 of the court on a case-by-case basis and with any admonishments,  
21 limitations, and protective orders as may be necessary to preserve  
22 the confidential nature of the proceedings.~~

23 ~~SEC. 31.~~

24 ~~SEC. 30.~~ Section 1562.01 of the Health and Safety Code is  
25 amended to read:

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

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

36 (2) A short-term residential treatment center applicant shall  
37 submit documentation of accreditation or application for  
38 accreditation with its application for licensure.

39 (3) A short-term residential treatment center shall have up to  
40 24 months from the date of licensure to obtain accreditation.

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

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

7 (6) The department may revoke a short-term residential  
 8 treatment center’s license pursuant to Article 5 (commencing with  
 9 Section 1550) for failure to obtain accreditation within the  
 10 timeframes specified in this subdivision.

11 (c) (1) A short-term residential treatment center shall have up  
 12 to 12 months from the date of licensure to obtain in good standing  
 13 a mental health program approval that includes a Medi-Cal mental  
 14 health certification, as set forth in Sections 4096.5 and 11462.01  
 15 of the Welfare and Institutions Code.

16 (2) A short-term residential treatment center shall maintain the  
 17 program approval described in paragraph (1) in good standing  
 18 during its licensure.

19 (3) *The department shall track the number of licensed short-term*  
 20 *residential treatment centers that were unable to obtain a mental*  
 21 *health program approval and provide that information to the*  
 22 *Legislature annually as part of the state budget process.*

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

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

28 (A) A statement of purposes and goals.

29 (B) A plan for the supervision, evaluation, and training of staff.  
 30 The training plan shall be appropriate to meet the needs of staff  
 31 and children.

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

33 (i) Description of the short-term residential treatment center’s  
 34 ability to support the differing needs of children and their families  
 35 with short-term, specialized, and intensive treatment.

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

1 (iii) Procedures for the development, implementation, and  
2 periodic updating of the needs and services plan for children served  
3 by the short-term residential treatment center and procedures for  
4 collaborating with the child and family team described in paragraph  
5 (4) of subdivision (a) of Section 16501 of the Welfare and  
6 Institutions Code, that include, but are not limited to, a description  
7 of the services to be provided to meet the treatment needs of the  
8 child as assessed, pursuant to subdivision (d) or (e) of Section  
9 11462.01 of the Welfare and Institutions Code, the anticipated  
10 duration of the treatment, and the timeframe and plan for  
11 transitioning the child to a less restrictive family environment.

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

13 (v) A description of compliance with the mental health program  
14 approval requirement in subdivision (c). A short-term residential  
15 treatment center that has not satisfied the requirement in  
16 subdivision (c) shall demonstrate the ability to meet the mental  
17 health service needs of children.

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

20 (e) In addition to the rules and regulations adopted pursuant to  
21 this chapter, a county licensed to operate a short-term residential  
22 treatment center shall describe, in the plan of operation, its conflict  
23 of interest mitigation plan, as set forth in subdivision (g) of Section  
24 11462.02 of the Welfare and Institutions Code.

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

29 (ii) The letter of recommendation shall include a statement that  
30 the county placing agency reviewed a copy of the applicant's  
31 program statement.

32 (iii) If the letter of recommendation is not from the county in  
33 which the facility is located, the short-term residential treatment  
34 center applicant shall include, with its application, a statement that  
35 it provided the county in which the facility is located an opportunity  
36 for that county to review the program statement and notified that  
37 county that the facility has received a letter of recommendation  
38 from another county.

39 (B) If the application does not contain a letter of  
40 recommendation as described in subparagraph (A), then the

1 department shall cease review of the application. Nothing in this  
2 paragraph shall constitute a denial of the application for purposes  
3 of Section 1526 or any other law.

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

6 (2) A short-term residential treatment center shall submit a copy  
7 of its program statement to all county placing agencies from which  
8 the short-term residential treatment center accepts placements,  
9 including the county in which the facility is located, for optional  
10 review when the short-term residential treatment center updates  
11 its program statement.

12 (g) (1) The department shall adopt regulations to establish  
13 requirements for the education, qualification, and training of facility  
14 managers and staff who provide care and supervision to children  
15 or who have regular, direct contact with children in the course of  
16 their responsibilities in short-term residential treatment centers  
17 consistent with the intended role of these facilities to provide  
18 short-term, specialized, and intensive treatment.

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

21 (A) Staff classifications.

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

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

26 (h) The department shall adopt regulations to specify training  
27 requirements for staff who provide care and supervision to children  
28 or who have regular, direct contact with children in the course of  
29 their responsibilities. These requirements shall include the  
30 following:

31 (1) Timeframes for completion of training, including the  
32 following:

33 (A) Training that shall be completed prior to unsupervised care  
34 of children.

35 (B) Training to be completed within the first 180 days of  
36 employment.

37 (C) Training to be completed annually.

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

- 1 (A) Child and adolescent development, including sexual  
2 orientation, gender identity, and gender expression.
- 3 (B) The effects of trauma, including grief and loss, and child  
4 abuse and neglect on child development and behavior and methods  
5 to behaviorally support children impacted by that trauma or child  
6 abuse and neglect.
- 7 (C) The rights of a child in foster care, including the right to  
8 have fair and equal access to all available services, placement,  
9 care, treatment, and benefits, and to not be subjected to  
10 discrimination or harassment on the basis of actual or perceived  
11 race, ethnic group identification, ancestry, national origin, color,  
12 religion, sex, sexual orientation, gender identity, mental or physical  
13 disability, or HIV status.
- 14 (D) Positive discipline and the importance of self-esteem.
- 15 (E) Core practice model.
- 16 (F) An overview of the child welfare and probation systems.
- 17 (G) Reasonable and prudent parent standard.
- 18 (H) Instruction on cultural competency and sensitivity and  
19 related best practices for providing adequate care for children  
20 across diverse ethnic and racial backgrounds, as well as children  
21 identifying as lesbian, gay, bisexual, or transgender.
- 22 (I) Awareness and identification of commercial sexual  
23 exploitation and best practices for providing care and supervision  
24 to commercially sexually exploited children.
- 25 (J) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901  
26 et seq.), its historical significance, the rights of children covered  
27 by the act, and the best interests of Indian children, including the  
28 role of the caregiver in supporting culturally appropriate child  
29 centered practices that respect Native American history, culture,  
30 retention of tribal membership, and connection to the tribal  
31 community and traditions.
- 32 (K) Permanence, well-being, and educational needs of children.
- 33 (L) Basic instruction on existing laws and procedures regarding  
34 the safety of foster youth at school; and ensuring a harassment and  
35 violence free school environment pursuant to Article 3.6  
36 (commencing with Section 32228) of Chapter 2 of Part 19 of  
37 Division 1 of Title 1 of the Education Code.
- 38 (M) Best practices for providing care and supervision to  
39 nonminor dependents.
- 40 (N) Health issues in foster care.

1 (O) Physical and psychosocial needs of children, including  
2 behavior management, deescalation techniques, and  
3 trauma-informed crisis management planning.

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

9 (2) This subdivision shall not apply to a facility manager or staff  
10 member employed, before October 1, 2014, at a short-term  
11 residential treatment center which was operating under a group  
12 home license prior to January 1, 2016.

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

18 (k) A short-term residential treatment center shall have a  
19 qualified and certified administrator, as set forth in Section  
20 1522.41.

21 (l) The department shall have the authority to inspect a  
22 short-term residential treatment center pursuant to the system of  
23 governmental monitoring and oversight developed by the  
24 department pursuant to subdivision (c) of Section 11462 of the  
25 Welfare and Institutions Code.

26 ~~SEC. 32.~~

27 *SEC. 31.* Section 676.7 of the Insurance Code is amended to  
28 read:

29 676.7. (a) No admitted insurer, licensed to issue and issuing  
30 homeowner’s or tenant’s policies, as described in Section 122,  
31 shall (1) fail or refuse to accept an application for that insurance  
32 or to issue that insurance to an applicant or (2) cancel that  
33 insurance, solely on the basis that the applicant or policyholder is  
34 engaged in foster home activities in a licensed foster family home  
35 or licensed small family home, as defined in Section 1502 of the  
36 Health and Safety Code, or an approved resource family, as defined  
37 in Section 16519.5 of the Welfare and Institutions Code.

38 (b) Coverage under policies described in subdivision (a) with  
39 respect to a foster child shall be the same as that provided for a  
40 natural child. However, unless specifically provided in the policy,

1 there shall be no coverage expressly provided in the policy for any  
2 bodily injury arising out of the operation or use of any motor  
3 vehicle, aircraft, or watercraft owned or operated by, or rented or  
4 loaned to, any foster parent.

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

8 (1) Claims of a foster child, or a parent, guardian, or guardian  
9 ad litem thereof, of a type payable by the Foster Family Home and  
10 Small Family Home Insurance Fund established by Section 1527.1  
11 of the Health and Safety Code, regardless of whether the claim is  
12 within the limits of coverage specified in Section 1527.4 of the  
13 Health and Safety Code.

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

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

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

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

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

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

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

32 ~~SEC. 33.~~

33 *SEC. 32.* Section 11165.7 of the Penal Code is amended to  
34 read:

35 11165.7. (a) As used in this article, "mandated reporter" is  
36 defined as any of the following:

37 (1) A teacher.

38 (2) An instructional aide.

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

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

1 worker, professional clinical counselor, or any other person who  
2 is currently licensed under Division 2 (commencing with Section  
3 500) of the Business and Professions Code.

4 (22) An emergency medical technician I or II, paramedic, or  
5 other person certified pursuant to Division 2.5 (commencing with  
6 Section 1797) of the Health and Safety Code.

7 (23) A psychological assistant registered pursuant to Section  
8 2913 of the Business and Professions Code.

9 (24) A marriage and family therapist trainee, as defined in  
10 subdivision (c) of Section 4980.03 of the Business and Professions  
11 Code.

12 (25) An unlicensed marriage and family therapist intern  
13 registered under Section 4980.44 of the Business and Professions  
14 Code.

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

17 (27) A coroner.

18 (28) A medical examiner or other person who performs  
19 autopsies.

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

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

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

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

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

11 (32) A clergy member, as specified in subdivision (d) of Section  
12 11166. As used in this article, “clergy member” means a priest,  
13 minister, rabbi, religious practitioner, or similar functionary of a  
14 church, temple, or recognized denomination or organization.

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

17 (34) An employee of any police department, county sheriff’s  
18 department, county probation department, or county welfare  
19 department.

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

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

24 (37) A person providing services to a minor child under Section  
25 12300 or 12300.1 of the Welfare and Institutions Code.

26 (38) An alcohol and drug counselor. As used in this article, an  
27 “alcohol and drug counselor” is a person providing counseling,  
28 therapy, or other clinical services for a state licensed or certified  
29 drug, alcohol, or drug and alcohol treatment program. However,  
30 alcohol or drug abuse, or both alcohol and drug abuse, is not, in  
31 and of itself, a sufficient basis for reporting child abuse or neglect.

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

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

36 (41) An employee or administrator of a public or private  
37 postsecondary educational institution, whose duties bring the  
38 administrator or employee into contact with children on a regular  
39 basis, or who supervises those whose duties bring the administrator  
40 or employee into contact with children on a regular basis, as to

1 child abuse or neglect occurring on that institution’s premises or  
2 at an official activity of, or program conducted by, the institution.  
3 Nothing in this paragraph shall be construed as altering the  
4 lawyer-client privilege as set forth in Article 3 (commencing with  
5 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

6 (42) An athletic coach, athletic administrator, or athletic director  
7 employed by any public or private school that provides any  
8 combination of instruction for kindergarten, or grades 1 to 12,  
9 inclusive.

10 (43) (A) A commercial computer technician as specified in  
11 subdivision (e) of Section 11166. As used in this article,  
12 “commercial computer technician” means a person who works for  
13 a company that is in the business of repairing, installing, or  
14 otherwise servicing a computer or computer component, including,  
15 but not limited to, a computer part, device, memory storage or  
16 recording mechanism, auxiliary storage recording or memory  
17 capacity, or any other material relating to the operation and  
18 maintenance of a computer or computer network system, for a fee.  
19 An employer who provides an electronic communications service  
20 or a remote computing service to the public shall be deemed to  
21 comply with this article if that employer complies with Section  
22 2258A of Title 18 of the United States Code.

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

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

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

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

7 (b) Except as provided in paragraph (35) of subdivision (a),  
8 volunteers of public or private organizations whose duties require  
9 direct contact with and supervision of children are not mandated  
10 reporters but are encouraged to obtain training in the identification  
11 and reporting of child abuse and neglect and are further encouraged  
12 to report known or suspected instances of child abuse or neglect  
13 to an agency specified in Section 11165.9.

14 (c) Except as provided in subdivision (d), employers are strongly  
15 encouraged to provide their employees who are mandated reporters  
16 with training in the duties imposed by this article. This training  
17 shall include training in child abuse and neglect identification and  
18 training in child abuse and neglect reporting. Whether or not  
19 employers provide their employees with training in child abuse  
20 and neglect identification and reporting, the employers shall  
21 provide their employees who are mandated reporters with the  
22 statement required pursuant to subdivision (a) of Section 11166.5.

23 (d) Pursuant to Section 44691 of the Education Code, school  
24 districts, county offices of education, state special schools and  
25 diagnostic centers operated by the State Department of Education,  
26 and charter schools shall annually train their employees and persons  
27 working on their behalf specified in subdivision (a) in the duties  
28 of mandated reporters under the child abuse reporting laws. The  
29 training shall include, but not necessarily be limited to, training in  
30 child abuse and neglect identification and child abuse and neglect  
31 reporting.

32 (e) (1) On and after January 1, 2018, pursuant to Section  
33 1596.8662 of the Health and Safety Code, a child care licensee  
34 applicant shall take training in the duties of mandated reporters  
35 under the child abuse reporting laws as a condition of licensure,  
36 and a child care administrator or an employee of a licensed child  
37 day care facility shall take training in the duties of mandated  
38 reporters during the first 90 days when he or she is employed by  
39 the facility.

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

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

11 (g) Public and private organizations are encouraged to provide  
12 their volunteers whose duties require direct contact with and  
13 supervision of children with training in the identification and  
14 reporting of child abuse and neglect.

15 ~~SEC. 34.~~

16 *SEC. 33.* Section 1541 of the Probate Code is amended to read:

17 1541. In addition to the other required contents of the petition  
18 for appointment of a guardian, the petition shall include both of  
19 the following:

20 (a) A statement by the proposed guardian that, upon request by  
21 an agency referred to in Section 1543 for information relating to  
22 the investigation referred to in that section, the proposed guardian  
23 will promptly submit the information required.

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

27 (c) A statement whether or not the home of the proposed  
28 guardian is a licensed foster family home, a certified family home  
29 of a licensed foster family agency, or a resource family home  
30 approved by a county or a licensed foster family agency.

31 ~~SEC. 35.~~

32 *SEC. 34.* Section 1543 of the Probate Code is amended to read:

33 1543. (a) If the petition as filed or as amended states that an  
34 adoption petition has been filed, a report with respect to the  
35 suitability of the proposed guardian for guardianship shall be filed  
36 with the court by the agency investigating the adoption. In other  
37 cases, the local agency designated by the board of supervisors to  
38 provide public social services shall file a report with the court with  
39 respect to the proposed guardian of the same character required to  
40 be made with regard to an applicant for foster family home

1 licensure, or, on and after January 1, 2020, resource family  
2 approval, as described in Section 16519.5 of the Welfare and  
3 Institutions Code.

4 (b) The report filed with the court pursuant to this section is  
5 confidential. The report may be considered by the court and shall  
6 be made available only to the persons who have been served in  
7 the proceeding and the persons who have appeared in the  
8 proceeding or their attorneys. The report may be received in  
9 evidence upon stipulation of counsel for all of those persons who  
10 are present at the hearing or, if a person is present at the hearing  
11 but is not represented by counsel, upon consent of that person.

12 ~~SEC. 36.~~

13 *SEC. 35.* Section 291 of the Welfare and Institutions Code, as  
14 amended by Section 5 of Chapter 219 of the Statutes of 2015, is  
15 amended to read:

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

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

- 19 (1) The mother.
- 20 (2) The father or fathers, presumed and alleged.
- 21 (3) The legal guardian or guardians.
- 22 (4) The child, if the child is 10 years of age or older.

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

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

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

37 (8) If the hearing is a dispositional hearing that is also serving  
38 as a permanency hearing pursuant to subdivision (f) of Section  
39 361.5, notice shall be given to the current caregiver for the child,  
40 including foster parents, relative caregivers, preadoptive parents,

1 nonrelative extended family members, and resource family. Any  
2 person notified may attend all hearings and may submit any  
3 information he or she deems relevant to the court in writing.

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

6 (c) Notice shall be served as follows:

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

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

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

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

16 (2) The nature of the hearing.

17 (3) Each section and subdivision under which the proceeding  
18 has been initiated.

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

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

22 (6) A statement that:

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

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

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

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

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

1 (7) A copy of the petition.

2 (e) Service of the notice of the hearing shall be given in the  
3 following manner:

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

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

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

14 (4) Except as provided in subdivisions (g), (h), and (i), notice  
15 may be served by electronic mail in lieu of notice by first-class  
16 mail if the county, or city and county, and the court choose to  
17 permit service by electronic mail and the person to be served has  
18 consented to service by electronic mail by signing Judicial Council  
19 Form EFS-005.

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

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

26 (h) Except as provided in subdivision (i), if notice is required  
27 to be provided to a child pursuant to paragraph (4) or (5) of  
28 subdivision (a), written notice may be served on the child by  
29 electronic mail only if all of the following requirements are  
30 satisfied:

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

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

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

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

39 (i) If notice is required to be provided to a child pursuant to  
40 paragraph (4) or (5) of subdivision (a), written notice may be served

1 on the child by electronic mail as well as by regular mail if all of  
2 the following requirements are satisfied:

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

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

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

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

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

14 ~~SEC. 37.~~

15 *SEC. 36.* Section 291 of the Welfare and Institutions Code, as  
16 added by Section 6 of Chapter 219 of the Statutes of 2015, is  
17 amended to read:

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

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

21 (1) The mother.

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

23 (3) The legal guardian or guardians.

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

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

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

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

39 (8) If the hearing is a dispositional hearing that is also serving  
40 as a permanency hearing pursuant to subdivision (f) of Section

1 361.5, notice shall be given to the current caregiver for the child,  
2 including foster parents, relative caregivers, preadoptive parents,  
3 nonrelative extended family members, and resource family. Any  
4 person notified may attend all hearings and may submit any  
5 information he or she deems relevant to the court in writing.  
6 (b) No notice is required for a parent whose parental rights have  
7 been terminated.  
8 (c) Notice shall be served as follows:  
9 (1) If the child is detained, the notice shall be given to the  
10 persons required to be noticed as soon as possible, and at least five  
11 days before the hearing, unless the hearing is set less than five  
12 days and then at least 24 hours prior to the hearing.  
13 (2) If the child is not detained, the notice shall be given to those  
14 persons required to be noticed at least 10 days prior to the date of  
15 the hearing.  
16 (d) The notice shall include all of the following:  
17 (1) The name and address of the person notified.  
18 (2) The nature of the hearing.  
19 (3) Each section and subdivision under which the proceeding  
20 has been initiated.  
21 (4) The date, time, and place of the hearing.  
22 (5) The name of the child upon whose behalf the petition has  
23 been brought.  
24 (6) A statement that:  
25 (A) If they fail to appear, the court may proceed without them.  
26 (B) The child, parent, guardian, Indian custodian, or adult  
27 relative to whom notice is required to be given pursuant to  
28 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to  
29 have an attorney present at the hearing.  
30 (C) If the parent, guardian, Indian custodian, or adult relative  
31 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision  
32 (a) is indigent and cannot afford an attorney, and desires to be  
33 represented by an attorney, the parent, guardian, Indian custodian,  
34 or adult relative shall promptly notify the clerk of the juvenile  
35 court.  
36 (D) If an attorney is appointed to represent the parent, guardian,  
37 Indian custodian, or adult relative, the represented person shall be  
38 liable for all or a portion of the costs to the extent of his or her  
39 ability to pay.

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

4 (7) A copy of the petition.

5 (e) Service of the notice of the hearing shall be given in the  
6 following manner:

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

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

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

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

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

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

24 ~~SEC. 38.~~

25 *SEC. 37.* Section 293 of the Welfare and Institutions Code, as  
26 amended by Section 9 of Chapter 219 of the Statutes of 2015, is  
27 amended to read:

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

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

32 (1) The mother.

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

34 (3) The legal guardian or guardians.

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

36 (5) Any known sibling of the child who is the subject of the  
37 hearing if that sibling either is the subject of a dependency  
38 proceeding or has been adjudged to be a dependent child of the  
39 juvenile court. If the sibling is 10 years of age or older, the sibling,  
40 the sibling's caregiver, and the sibling's attorney. If the sibling is

1 under 10 years of age, the sibling's caregiver and the sibling's  
2 attorney. However, notice is not required to be given to any sibling  
3 whose matter is calendared in the same court on the same day.

4 (6) In the case of a child removed from the physical custody of  
5 his or her parent or legal guardian, the current caregiver of the  
6 child, including the foster parents, relative caregivers, preadoptive  
7 parents, nonrelative extended family members, resource family,  
8 community care facility, or foster family agency having custody  
9 of the child. In a case in which a foster family agency is notified  
10 of the hearing pursuant to this section, and the child resides in a  
11 foster home certified by the foster family agency, the foster family  
12 agency shall provide timely notice of the hearing to the child's  
13 caregivers.

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

16 (b) No notice is required for a parent whose parental rights have  
17 been terminated. On and after January 1, 2012, in the case of a  
18 nonminor dependent, as described in subdivision (v) of Section  
19 11400, no notice is required for a parent.

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

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

31 (e) Service of the notice shall be by first-class mail addressed  
32 to the last known address of the person to be noticed or by personal  
33 service on the person. Service of a copy of the notice shall be by  
34 personal service or by certified mail, return receipt requested, or  
35 any other form of notice that is equivalent to service by first-class  
36 mail. Except as provided in subdivisions (g), (h), and (i), notice  
37 may be served by electronic mail in lieu of notice by first-class  
38 mail if the county, or city and county, and the court choose to  
39 permit service by electronic mail and the person to be served has

1 consented to service by electronic mail by signing Judicial Council  
2 Form EFS-005.

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

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

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

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

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

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

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

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

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

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

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

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

4 ~~SEC. 39.~~

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

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

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

12 (1) The mother.

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

14 (3) The legal guardian or guardians.

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

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

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

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

36 (b) No notice is required for a parent whose parental rights have  
37 been terminated. On and after January 1, 2012, in the case of a  
38 nonminor dependent, as described in subdivision (v) of Section  
39 11400, no notice is required for a parent.

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

3 (d) The notice shall contain a statement regarding the nature of  
4 the hearing to be held and any change in the custody or status of  
5 the child being recommended by the supervising agency. If the  
6 notice is to the child, parent or parents, or legal guardian or  
7 guardians, the notice shall also advise them of the right to be  
8 present, the right to be represented by counsel, the right to request  
9 counsel, and the right to present evidence. The notice shall also  
10 state that if the parent or parents or legal guardian or guardians  
11 fail to appear, the court may proceed without them.

12 (e) Service of the notice shall be by first-class mail addressed  
13 to the last known address of the person to be noticed or by personal  
14 service on the person. Service of a copy of the notice shall be by  
15 personal service or by certified mail, return receipt requested, or  
16 any other form of notice that is equivalent to service by first-class  
17 mail.

18 (f) Notice to the current caregiver of the child, including a foster  
19 parent, a relative caregiver, a preadoptive parent, a nonrelative  
20 extended family member, a resource family, a certified foster parent  
21 who has been approved for adoption, or the State Department of  
22 Social Services when it is acting as an adoption agency or by a  
23 county adoption agency, shall indicate that the person notified may  
24 attend all hearings or may submit any information he or she deems  
25 relevant to the court in writing.

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

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

30 ~~SEC. 40.~~

31 *SEC. 39.* Section 294 of the Welfare and Institutions Code, as  
32 amended by Section 11 of Chapter 219 of the Statutes of 2015, is  
33 amended to read:

34 294. The social worker or probation officer shall give notice  
35 of a selection and implementation hearing held pursuant to Section  
36 366.26 in the following manner:

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

38 (1) The mother.

39 (2) The fathers, presumed and alleged.

40 (3) The child, if the child is 10 years of age or older.

1 (4) Any known sibling of the child who is the subject of the  
2 hearing if that sibling either is the subject of a dependency  
3 proceeding or has been adjudged to be a dependent child of the  
4 juvenile court. If the sibling is 10 years of age or older, the sibling,  
5 the sibling's caregiver, and the sibling's attorney. If the sibling is  
6 under 10 years of age, the sibling's caregiver and the sibling's  
7 attorney. However, notice is not required to be given to any sibling  
8 whose matter is calendared in the same court on the same day.

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

11 (6) All counsel of record.

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

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

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

20 (1) A parent who has relinquished the child to the State  
21 Department of Social Services, county adoption agency, or licensed  
22 adoption agency for adoption, and the relinquishment has been  
23 accepted and filed with notice as required under Section 8700 of  
24 the Family Code.

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

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

28 (c) (1) Service of the notice shall be completed at least 45 days  
29 before the hearing date. Service is deemed complete at the time  
30 the notice is personally delivered to the person named in the notice  
31 or 10 days after the notice has been placed in the mail or sent by  
32 electronic mail, or at the expiration of the time prescribed by the  
33 order for publication.

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

36 (d) Regardless of the type of notice required, or the manner in  
37 which it is served, once the court has made the initial finding that  
38 notice has properly been given to the parent, or to any person  
39 entitled to receive notice pursuant to this section, subsequent notice  
40 for any continuation of a Section 366.26 hearing may be by

1 first-class mail to any last known address, by an order made  
2 pursuant to Section 296, except as provided in paragraphs (2) and  
3 (3) of subdivision (h) and subdivision (i), by electronic mail if the  
4 county, or city and county, and the court choose to permit service  
5 by electronic mail and the person to be served has consented to  
6 service by electronic mail by signing Judicial Council Form  
7 EFS-005, or by any other means that the court determines is  
8 reasonably calculated, under any circumstance, to provide notice  
9 of the continued hearing. However, if the recommendation changes  
10 from the recommendation contained in the notice previously found  
11 to be proper, notice shall be provided to the parent, and to any  
12 person entitled to receive notice pursuant to this section, regarding  
13 that subsequent hearing.

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

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

16 (2) The right to appear.

17 (3) The parents' right to counsel.

18 (4) The nature of the proceedings.

19 (5) The recommendation of the supervising agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (h) (1) Notice to all counsel of record shall be by first-class  
8 mail, or by electronic mail if the county, or city and county, and  
9 the court choose to permit service by electronic mail and the person  
10 to be served has consented to service by electronic mail by signing  
11 Judicial Council Form EFS-005.

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

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

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

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

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

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

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

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

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

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

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

37 (j) Notwithstanding subdivision (a), if the attorney of record is  
38 present at the time the court schedules a hearing pursuant to Section  
39 366.26, no further notice is required, except as required by  
40 subparagraph (A) of paragraph (7) of subdivision (f).

1 (k) This section shall also apply to children adjudged wards  
2 pursuant to Section 727.31.

3 (l) The court shall state the reasons on the record explaining  
4 why good cause exists for granting any continuance of a hearing  
5 held pursuant to Section 366.26 to fulfill the requirements of this  
6 section.

7 (m) Notwithstanding any choice by a county, or city and county,  
8 and the court to permit service of written notice of court  
9 proceedings by electronic mail, or consent by any person to service  
10 of written notice by electronic mail by signing Judicial Council  
11 Form EFS-005, notice of any hearing at which the county welfare  
12 department is recommending the termination of parental rights  
13 may only be served by electronic mail if supplemental and in  
14 addition to the other forms of notice provided for in this section.

15 (n) This section shall remain in effect only until January 1, 2019,  
16 and as of that date is repealed, unless a later enacted statute, that  
17 is enacted before January 1, 2019, deletes or extends that date.

18 ~~SEC. 41.~~

19 *SEC. 40.* Section 294 of the Welfare and Institutions Code, as  
20 added by Section 12 of Chapter 219 of the Statutes of 2015, is  
21 amended to read:

22 294. The social worker or probation officer shall give notice  
23 of a selection and implementation hearing held pursuant to Section  
24 366.26 in the following manner:

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

26 (1) The mother.

27 (2) The fathers, presumed and alleged.

28 (3) The child, if the child is 10 years of age or older.

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

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

39 (6) All counsel of record.

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

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

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

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

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

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

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

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

24 (d) Regardless of the type of notice required, or the manner in  
25 which it is served, once the court has made the initial finding that  
26 notice has properly been given to the parent, or to any person  
27 entitled to receive notice pursuant to this section, subsequent notice  
28 for any continuation of a Section 366.26 hearing may be by  
29 first-class mail to any last known address, by an order made  
30 pursuant to Section 296, or by any other means that the court  
31 determines is reasonably calculated, under any circumstance, to  
32 provide notice of the continued hearing. However, if the  
33 recommendation changes from the recommendation contained in  
34 the notice previously found to be proper, notice shall be provided  
35 to the parent, and to any person entitled to receive notice pursuant  
36 to this section, regarding that subsequent hearing.

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

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

39 (2) The right to appear.

40 (3) The parents' right to counsel.

1 (4) The nature of the proceedings.

2 (5) The recommendation of the supervising agency.

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

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

9 (1) If the parent is present at the hearing at which the court  
10 schedules a hearing pursuant to Section 366.26, the court shall  
11 advise the parent of the date, time, and place of the proceedings,  
12 their right to counsel, the nature of the proceedings, and the  
13 requirement that at the proceedings the court shall select and  
14 implement a plan of adoption, legal guardianship, placement with  
15 a fit and willing relative, or another planned permanent living  
16 arrangement, as appropriate, for the child. The court shall direct  
17 the parent to appear for the proceedings and then direct that the  
18 parent be notified thereafter by first-class mail to the parent's usual  
19 place of residence or business only.

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

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

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

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

31 (6) If the recommendation of the probation officer or social  
32 worker is legal guardianship, placement with a fit and willing  
33 relative, or another planned permanent living arrangement, as  
34 appropriate, or, in the case of an Indian child, tribal customary  
35 adoption, service may be made by first-class mail to the parent's  
36 usual place of residence or business.

37 (7) If a parent's identity is known but his or her whereabouts  
38 are unknown and the parent cannot, with reasonable diligence, be  
39 served in any manner specified in paragraphs (1) to (6), inclusive,  
40 the petitioner shall file an affidavit with the court at least 75 days

1 before the hearing date, stating the name of the parent and  
2 describing the efforts made to locate and serve the parent.

3 (A) If the court determines that there has been due diligence in  
4 attempting to locate and serve the parent and the probation officer  
5 or social worker recommends adoption, service shall be to that  
6 parent's attorney of record, if any, by certified mail, return receipt  
7 requested. If the parent does not have an attorney of record, the  
8 court shall order that service be made by publication of citation  
9 requiring the parent to appear at the date, time, and place stated in  
10 the citation, and that the citation be published in a newspaper  
11 designated as most likely to give notice to the parent. Publication  
12 shall be made once a week for four consecutive weeks. Whether  
13 notice is to the attorney of record or by publication, the court shall  
14 also order that notice be given to the grandparents of the child, if  
15 their identities and addresses are known, by first-class mail.

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

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

27 (g) (1) If the identity of one or both of the parents, or alleged  
28 parents, of the child is unknown, or if the name of one or both  
29 parents is uncertain, then that fact shall be set forth in the affidavit  
30 filed with the court at least 75 days before the hearing date and  
31 the court, consistent with the provisions of Sections 7665 and 7666  
32 of the Family Code, shall issue an order dispensing with notice to  
33 a natural parent or possible natural parent under this section if,  
34 after inquiry and a determination that there has been due diligence  
35 in attempting to identify the unknown parent, the court is unable  
36 to identify the natural parent or possible natural parent and no  
37 person has appeared claiming to be the natural parent.

38 (2) After a determination that there has been due diligence in  
39 attempting to identify an unknown parent pursuant to paragraph  
40 (1) and the probation officer or social worker recommends

1 adoption, the court shall consider whether publication notice would  
2 be likely to lead to actual notice to the unknown parent. The court  
3 may order publication notice if, on the basis of all information  
4 before the court, the court determines that notice by publication  
5 is likely to lead to actual notice to the parent. If publication notice  
6 to an unknown parent is ordered, the court shall order the published  
7 citation to be directed to either the father or mother, or both, of  
8 the child, and to all persons claiming to be the father or mother of  
9 the child, naming and otherwise describing the child. An order of  
10 publication pursuant to this paragraph shall be based on an affidavit  
11 describing efforts made to identify the unknown parent or parents.  
12 Service made by publication pursuant to this paragraph shall  
13 require the unknown parent or parents to appear at the date, time,  
14 and place stated in the citation. Publication shall be made once a  
15 week for four consecutive weeks.

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

22 (h) Notice to the child and all counsel of record shall be by  
23 first-class mail.

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

26 (j) Notwithstanding subdivision (a), if the attorney of record is  
27 present at the time the court schedules a hearing pursuant to Section  
28 366.26, no further notice is required, except as required by  
29 subparagraph (A) of paragraph (7) of subdivision (f).

30 (k) This section shall also apply to children adjudged wards  
31 pursuant to Section 727.31.

32 (l) The court shall state the reasons on the record explaining  
33 why good cause exists for granting any continuance of a hearing  
34 held pursuant to Section 366.26 to fulfill the requirements of this  
35 section.

36 (m) This section shall become operative on January 1, 2019.

37 ~~SEC. 42.~~

38 *SEC. 41.* Section 295 of the Welfare and Institutions Code, as  
39 amended by Section 13 of Chapter 219 of the Statutes of 2015, is  
40 amended to read:

1 295. The social worker or probation officer shall give notice  
2 of review hearings held pursuant to Sections 366.3 and 366.31 and  
3 for termination of jurisdiction hearings held pursuant to Section  
4 391 in the following manner:

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

6 (1) The mother.

7 (2) The presumed father.

8 (3) The legal guardian or guardians.

9 (4) The child, if the child is 10 years of age or older, or a  
10 nonminor dependent.

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

20 (6) The current caregiver of the child, including the foster  
21 parents, relative caregivers, preadoptive parents, nonrelative  
22 extended family members, resource family, community care  
23 facility, or foster family agency having physical custody of the  
24 child if a child is removed from the physical custody of the parents  
25 or legal guardian. The person notified may attend all hearings and  
26 may submit any information he or she deems relevant to the court  
27 in writing.

28 (7) The current caregiver of a nonminor dependent, as described  
29 in subdivision (v) of Section 11400. The person notified may attend  
30 all hearings and may submit for filing an original and eight copies  
31 of written information he or she deems relevant to the court. The  
32 court clerk shall provide the current parties and attorneys of record  
33 with a copy of the written information immediately upon receipt  
34 and complete, file, and distribute a proof of service.

35 (8) The attorney of record if that attorney of record was not  
36 present at the time that the hearing was set by the court.

37 (9) The alleged father or fathers, but only if the recommendation  
38 is to set a new hearing pursuant to Section 366.26.

39 (b) No notice shall be required for a parent whose parental rights  
40 have been terminated or for the parent of a nonminor dependent,

1 as described in subdivision (v) of Section 11400, unless the parent  
2 is receiving court-ordered family reunification services pursuant  
3 to Section 361.6.

4 (c) The notice of the review hearing shall be served no earlier  
5 than 30 days, nor later than 15 days, before the hearing.

6 (d) The notice of the review hearing shall contain a statement  
7 regarding the nature of the hearing to be held, any recommended  
8 change in the custody or status of the child, and any  
9 recommendation that the court set a new hearing pursuant to  
10 Section 366.26 in order to select a more permanent plan.

11 (e) Service of notice shall be by first-class mail addressed to  
12 the last known address of the person to be provided notice. Except  
13 as provided in subdivisions (g), (h), and (i), notice may be served  
14 by electronic mail in lieu of notice by first-class mail if the county,  
15 or city and county, and the court choose to permit service by  
16 electronic mail and the person to be served has consented to service  
17 by electronic mail by signing Judicial Council Form EFS-005. In  
18 the case of an Indian child, notice shall be by registered mail, return  
19 receipt requested.

20 (f) If the child is ordered into a permanent plan of legal  
21 guardianship, and subsequently a petition to terminate or modify  
22 the guardianship is filed, the probation officer or social worker  
23 shall serve notice of the petition not less than 15 court days prior  
24 to the hearing on all persons listed in subdivision (a) and on the  
25 court that established legal guardianship if it is in another county.

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

29 (h) Except as provided in subdivision (i), if notice is required  
30 to be provided to a child pursuant to paragraph (4) or (5) of  
31 subdivision (a), written notice may be served on the child by  
32 electronic mail only if all of the following requirements are  
33 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 16 years of age or older.

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

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

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

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

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

19 ~~SEC. 43.~~

20 *SEC. 42.* Section 295 of the Welfare and Institutions Code, as  
21 added by Section 14 of Chapter 219 of the Statutes of 2015, is  
22 amended to read:

23 295. The social worker or probation officer shall give notice  
24 of review hearings held pursuant to Sections 366.3 and 366.31 and  
25 for termination of jurisdiction hearings held pursuant to Section  
26 391 in the following manner:

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

28 (1) The mother.

29 (2) The presumed father.

30 (3) The legal guardian or guardians.

31 (4) The child, if the child is 10 years of age or older, or a  
32 nonminor dependent.

33 (5) Any known sibling of the child or nonminor dependent who  
34 is the subject of the hearing if that sibling either is the subject of  
35 a dependency proceeding or has been adjudged to be a dependent  
36 child of the juvenile court. If the sibling is 10 years of age or older,  
37 the sibling, the sibling's caregiver, and the sibling's attorney. If  
38 the sibling is under 10 years of age, the sibling's caregiver and the  
39 sibling's attorney. However, notice is not required to be given to

1 any sibling whose matter is calendared in the same court on the  
2 same day.

3 (6) The current caregiver of the child, including the foster  
4 parents, relative caregivers, preadoptive parents, nonrelative  
5 extended family members, resource family, community care  
6 facility, or foster family agency having physical custody of the  
7 child if a child is removed from the physical custody of the parents  
8 or legal guardian. The person notified may attend all hearings and  
9 may submit any information he or she deems relevant to the court  
10 in writing.

11 (7) The current caregiver of a nonminor dependent, as described  
12 in subdivision (v) of Section 11400. The person notified may attend  
13 all hearings and may submit for filing an original and eight copies  
14 of written information he or she deems relevant to the court. The  
15 court clerk shall provide the current parties and attorneys of record  
16 with a copy of the written information immediately upon receipt  
17 and complete, file, and distribute a proof of service.

18 (8) The attorney of record if that attorney of record was not  
19 present at the time that the hearing was set by the court.

20 (9) The alleged father or fathers, but only if the recommendation  
21 is to set a new hearing pursuant to Section 366.26.

22 (b) No notice shall be required for a parent whose parental rights  
23 have been terminated or for the parent of a nonminor dependent,  
24 as described in subdivision (v) of Section 11400, unless the parent  
25 is receiving court-ordered family reunification services pursuant  
26 to Section 361.6.

27 (c) The notice of the review hearing shall be served no earlier  
28 than 30 days, nor later than 15 days, before the hearing.

29 (d) The notice of the review hearing shall contain a statement  
30 regarding the nature of the hearing to be held, any recommended  
31 change in the custody or status of the child, and any  
32 recommendation that the court set a new hearing pursuant to  
33 Section 366.26 in order to select a more permanent plan.

34 (e) Service of notice shall be by first-class mail addressed to  
35 the last known address of the person to be provided notice. In the  
36 case of an Indian child, notice shall be by registered mail, return  
37 receipt requested.

38 (f) If the child is ordered into a permanent plan of legal  
39 guardianship, and subsequently a petition to terminate or modify  
40 the guardianship is filed, the probation officer or social worker

1 shall serve notice of the petition not less than 15 court days prior  
2 to the hearing on all persons listed in subdivision (a) and on the  
3 court that established legal guardianship if it is in another county.

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

8 ~~SEC. 44.~~

9 *SEC. 43.* Section 309 of the Welfare and Institutions Code is  
10 amended to read:

11 309. (a) Upon delivery to the social worker of a child who has  
12 been taken into temporary custody under this article, the social  
13 worker shall immediately investigate the circumstances of the child  
14 and the facts surrounding the child’s being taken into custody and  
15 attempt to maintain the child with the child’s family through the  
16 provision of services. The social worker shall immediately release  
17 the child to the custody of the child’s parent, guardian, or  
18 responsible relative, regardless of the parent’s, guardian’s, or  
19 relative’s immigration status, unless one or more of the following  
20 conditions exist:

21 (1) The child has no parent, guardian, or responsible relative;  
22 or the child’s parent, guardian, or responsible relative is not willing  
23 to provide care for the child.

24 (2) Continued detention of the child is a matter of immediate  
25 and urgent necessity for the protection of the child and there are  
26 no reasonable means by which the child can be protected in his or  
27 her home or the home of a responsible relative.

28 (3) There is substantial evidence that a parent, guardian, or  
29 custodian of the child is likely to flee the jurisdiction of the court.

30 (4) The child has left a placement in which he or she was placed  
31 by the juvenile court.

32 (5) The parent or other person having lawful custody of the  
33 child voluntarily surrendered physical custody of the child pursuant  
34 to Section 1255.7 of the Health and Safety Code and did not  
35 reclaim the child within the 14-day period specified in subdivision  
36 (e) of that section.

37 (b) In any case in which there is reasonable cause for believing  
38 that a child who is under the care of a physician and surgeon or a  
39 hospital, clinic, or other medical facility and cannot be immediately  
40 moved and is a person described in Section 300, the child shall be

1 deemed to have been taken into temporary custody and delivered  
2 to the social worker for the purposes of this chapter while the child  
3 is at the office of the physician and surgeon or the medical facility.

4 (c) If the child is not released to his or her parent or guardian,  
5 the child shall be deemed detained for purposes of this chapter.

6 (d) (1) If an able and willing relative, as defined in Section 319,  
7 or an able and willing nonrelative extended family member, as  
8 defined in Section 362.7, is available and requests temporary  
9 placement of the child pending the detention hearing, or after the  
10 detention hearing and pending the dispositional hearing conducted  
11 pursuant to Section 358, the county welfare department shall  
12 initiate an assessment of the relative's or nonrelative extended  
13 family member's suitability, which shall include an in-home  
14 inspection to assess the safety of the home and the ability of the  
15 relative or nonrelative extended family member to care for the  
16 child's needs, and a consideration of the results of a criminal  
17 records check conducted pursuant to subdivision (a) of Section  
18 16504.5 and a check of allegations of prior child abuse or neglect  
19 concerning the relative or nonrelative extended family member  
20 and other adults in the home. A relative's identification card from  
21 a foreign consulate or foreign passport shall be considered a valid  
22 form of identification for conducting a criminal records check and  
23 fingerprint clearance check under this subdivision. Upon  
24 completion of this assessment, the child may be placed on an  
25 emergency basis in the assessed home.

26 (2) Following the emergency placement of a child in the home  
27 of a relative or a nonrelative extended family member, the county  
28 welfare department shall evaluate and approve or deny the home  
29 pursuant to Section 16519.5.

30 (3) If the criminal records check indicates that the person has  
31 been convicted of a crime for which the Director of Social Services  
32 cannot grant an exemption under Section 1522 of the Health and  
33 Safety Code, the child shall not be placed in the home. If the  
34 criminal records check indicates that the person has been convicted  
35 of a crime for which the Director of Social Services may grant an  
36 exemption under Section 1522 of the Health and Safety Code, the  
37 child shall not be placed in the home unless a criminal records  
38 exemption has been granted by the county based on substantial  
39 and convincing evidence to support a reasonable belief that the

1 person with the criminal conviction is of such good character as  
2 to justify the placement and not present a risk of harm to the child.

3 (e) (1) If the child is removed, the social worker shall conduct,  
4 within 30 days, an investigation in order to identify and locate all  
5 grandparents, parents of a sibling of the child, if the parent has  
6 legal custody of the sibling, adult siblings, and other adult relatives  
7 of the child, as defined in paragraph (2) of subdivision (f) of  
8 Section 319, including any other adult relatives suggested by the  
9 parents. As used in this section, “sibling” means a person related  
10 to the identified child by blood, adoption, or affinity through a  
11 common legal or biological parent. The social worker shall provide  
12 to all adult relatives who are located, except when that relative’s  
13 history of family or domestic violence makes notification  
14 inappropriate, within 30 days of removal of the child, written  
15 notification and shall also, whenever appropriate, provide oral  
16 notification, in person or by telephone, of all the following  
17 information:

18 (A) The child has been removed from the custody of his or her  
19 parent or parents, or his or her guardians.

20 (B) An explanation of the various options to participate in the  
21 care and placement of the child and support for the child’s family,  
22 including any options that may be lost by failing to respond. The  
23 notice shall provide information about providing care for the child  
24 while the family receives reunification services with the goal of  
25 returning the child to the parent or guardian, how to become a  
26 resource family, and additional services and support that are  
27 available in out-of-home placements. The notice shall also include  
28 information regarding the Kin-GAP Program (Article 4.5  
29 (commencing with Section 11360) of Chapter 2 of Part 3 of  
30 Division 9), the CalWORKs program for approved relative  
31 caregivers (Chapter 2 (commencing with Section 11200) of Part  
32 3 of Division 9), adoption, and adoption assistance (Chapter 2.1  
33 (commencing with Section 16115) of Part 4 of Division 9), as well  
34 as other options for contact with the child, including, but not  
35 limited to, visitation. The State Department of Social Services, in  
36 consultation with the County Welfare Directors Association of  
37 California and other interested stakeholders, shall develop the  
38 written notice.

39 (2) The social worker shall also provide the adult relatives  
40 notified pursuant to paragraph (1) with a relative information form

1 to provide information to the social worker and the court regarding  
2 the needs of the child. The form shall include a provision whereby  
3 the relative may request the permission of the court to address the  
4 court, if the relative so chooses. The Judicial Council, in  
5 consultation with the State Department of Social Services and the  
6 County Welfare Directors Association of California, shall develop  
7 the form.

8 (3) The social worker shall use due diligence in investigating  
9 the names and locations of the relatives pursuant to paragraph (1),  
10 including, but not limited to, asking the child in an age-appropriate  
11 manner about relatives important to the child, consistent with the  
12 child's best interest, and obtaining information regarding the  
13 location of the child's adult relatives. Each county welfare  
14 department shall create and make public a procedure by which  
15 relatives of a child who has been removed from his or her parents  
16 or guardians may identify themselves to the county welfare  
17 department and be provided with the notices required by paragraphs  
18 (1) and (2).

19 ~~SEC. 45.~~

20 *SEC. 44.* Section 361.2 of the Welfare and Institutions Code,  
21 as added by Section 48 of Chapter 773 of the Statutes of 2015, is  
22 amended to read:

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

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

38 (1) Order that the parent become legal and physical custodian  
39 of the child. The court may also provide reasonable visitation by  
40 the noncustodial parent. The court shall then terminate its

1 jurisdiction over the child. The custody order shall continue unless  
2 modified by a subsequent order of the superior court. The order  
3 of the juvenile court shall be filed in any domestic relation  
4 proceeding between the parents.

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

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

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

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

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

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

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

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

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

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

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

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

14 (8) With a foster family agency, as defined in subdivision (g)  
15 of Section 11400 and paragraph (4) of subdivision (a) of Section  
16 1502 of the Health and Safety Code, to be placed in a suitable  
17 family home certified or approved by the agency, with prior  
18 approval of the county placing agency.

19 (9) A child of any age who is placed in a community care facility  
20 licensed as a group home for children or a short-term residential  
21 treatment center, as defined in subdivision (ad) of Section 11400  
22 and paragraph (18) of subdivision (a) of Section 1502 of the Health  
23 and Safety Code, shall have a case plan that indicates that  
24 placement is for purposes of providing short term, specialized, and  
25 intensive treatment for the child, the case plan specifies the need  
26 for, nature of, and anticipated duration of this treatment, pursuant  
27 to paragraph (2) of subdivision (c) of Section 16501.1, and the  
28 case plan includes transitioning the child to a less restrictive  
29 environment and the projected timeline by which the child will be  
30 transitioned to a less restrictive environment. If the placement is  
31 longer than six months, the placement shall be documented  
32 consistent with paragraph (3) of subdivision (a) of Section 16501.1  
33 and shall be approved by the deputy director or director of the  
34 county child welfare department.

35 (A) A child under six years of age shall not be placed in a  
36 community care facility licensed as a group home for children, or  
37 a short-term residential treatment center, except under the following  
38 circumstances:

39 (i) When the facility meets the applicable regulations adopted  
40 under Section 1530.8 of the Health and Safety Code and standards

1 developed pursuant to Section 11467.1 of this code, and the deputy  
2 director or director of the county child welfare department has  
3 approved the case plan.

4 (ii) The short term, specialized, and intensive treatment period  
5 shall not exceed 120 days, unless the county has made progress  
6 toward or is actively working toward implementing the case plan  
7 that identifies the services or supports necessary to transition the  
8 child to a family setting, circumstances beyond the county’s control  
9 have prevented the county from obtaining those services or  
10 supports within the timeline documented in the case plan, and the  
11 need for additional time pursuant to the case plan is documented  
12 by the caseworker and approved by a deputy director or director  
13 of the county child welfare department.

14 (iii) To the extent that placements pursuant to this paragraph  
15 are extended beyond an initial 120 days, the requirements of  
16 clauses (i) and (ii) shall apply to each extension. In addition, the  
17 deputy director or director of the county child welfare department  
18 shall approve the continued placement no less frequently than  
19 every 60 days.

20 (iv) In addition, when a case plan indicates that placement is  
21 for purposes of providing family reunification services, the facility  
22 shall offer family reunification services that meet the needs of the  
23 individual child and his or her family, permit parents to have  
24 reasonable access to their children 24 hours a day, encourage  
25 extensive parental involvement in meeting the daily needs of their  
26 children, and employ staff trained to provide family reunification  
27 services. In addition, one of the following conditions exists:

28 (I) The child’s parent is also under the jurisdiction of the court  
29 and resides in the facility.

30 (II) The child’s parent is participating in a treatment program  
31 affiliated with the facility and the child’s placement in the facility  
32 facilitates the coordination and provision of reunification services.

33 (III) Placement in the facility is the only alternative that permits  
34 the parent to have daily 24-hour access to the child in accordance  
35 with the case plan, to participate fully in meeting all of the daily  
36 needs of the child, including feeding and personal hygiene, and to  
37 have access to necessary reunification services.

38 (B) A child who is 6 to 12 years of age, inclusive, may be placed  
39 in a community care facility licensed as a group home for children

1 or a short-term residential treatment center under the following  
2 conditions.

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

13 (ii) To the extent that placements pursuant to this paragraph are  
14 extended beyond an initial six months, the requirements of this  
15 subparagraph shall apply to each extension. In addition, the deputy  
16 director or director of the county child welfare department shall  
17 approve the continued placement no less frequently than every 60  
18 days.

19 (10) Any child placed in a short-term residential treatment center  
20 shall be either of the following:

21 (A) A child who has been assessed as meeting one of the  
22 placement requirements set forth in subdivisions (d) and (e) of  
23 Section 11462.01.

24 (B) A child under 6 years of age who is placed with his or her  
25 minor parent or for the purpose of reunification pursuant to clause  
26 (iv) of subparagraph (A) of paragraph (9).

27 (11) Nothing in this subdivision shall be construed to allow a  
28 social worker to place any dependent child outside the United  
29 States, except as specified in subdivision (f).

30 (f) (1) A child under the supervision of a social worker pursuant  
31 to subdivision (e) shall not be placed outside the United States  
32 prior to a judicial finding that the placement is in the best interest  
33 of the child, except as required by federal law or treaty.

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

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

40 (A) Placement with a relative.

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

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

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

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

6 (F) Social, cultural, and educational needs of the dependent  
7 child.

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

10 (4) If the court finds that a placement outside the United States  
11 is, by clear and convincing evidence, in the best interest of the  
12 child, the court may issue an order authorizing the social worker  
13 to make a placement outside the United States. A child subject to  
14 this subdivision shall not leave the United States prior to the  
15 issuance of the order described in this paragraph.

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

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

21 (g) (1) If the child is taken from the physical custody of the  
22 child’s parent or guardian and unless the child is placed with  
23 relatives, the child shall be placed in foster care in the county of  
24 residence of the child’s parent or guardian in order to facilitate  
25 reunification of the family.

26 (2) In the event that there are no appropriate placements  
27 available in the parent’s or guardian’s county of residence, a  
28 placement may be made in an appropriate place in another county,  
29 preferably a county located adjacent to the parent’s or guardian’s  
30 community of residence.

31 (3) Nothing in this section shall be interpreted as requiring  
32 multiple disruptions of the child’s placement corresponding to  
33 frequent changes of residence by the parent or guardian. In  
34 determining whether the child should be moved, the social worker  
35 shall take into consideration the potential harmful effects of  
36 disrupting the placement of the child and the parent’s or guardian’s  
37 reason for the move.

38 (4) When it has been determined that it is necessary for a child  
39 to be placed in a county other than the child’s parent’s or guardian’s  
40 county of residence, the specific reason the out-of-county

1 placement is necessary shall be documented in the child's case  
2 plan. If the reason the out-of-county placement is necessary is the  
3 lack of resources in the sending county to meet the specific needs  
4 of the child, those specific resource needs shall be documented in  
5 the case plan.

6 (5) When it has been determined that a child is to be placed out  
7 of county either in a group home or with a foster family agency  
8 for subsequent placement in a certified foster family home, and  
9 the sending county is to maintain responsibility for supervision  
10 and visitation of the child, the sending county shall develop a plan  
11 of supervision and visitation that specifies the supervision and  
12 visitation activities to be performed and specifies that the sending  
13 county is responsible for performing those activities. In addition  
14 to the plan of supervision and visitation, the sending county shall  
15 document information regarding any known or suspected dangerous  
16 behavior of the child that indicates the child may pose a safety  
17 concern in the receiving county. Upon implementation of the Child  
18 Welfare Services Case Management System, the plan of  
19 supervision and visitation, as well as information regarding any  
20 known or suspected dangerous behavior of the child, shall be made  
21 available to the receiving county upon placement of the child in  
22 the receiving county. If placement occurs on a weekend or holiday,  
23 the information shall be made available to the receiving county on  
24 or before the end of the next business day.

25 (6) When it has been determined that a child is to be placed out  
26 of county and the sending county plans that the receiving county  
27 shall be responsible for the supervision and visitation of the child,  
28 the sending county shall develop a formal agreement between the  
29 sending and receiving counties. The formal agreement shall specify  
30 the supervision and visitation to be provided the child, and shall  
31 specify that the receiving county is responsible for providing the  
32 supervision and visitation. The formal agreement shall be approved  
33 and signed by the sending and receiving counties prior to placement  
34 of the child in the receiving county. In addition, upon completion  
35 of the case plan, the sending county shall provide a copy of the  
36 completed case plan to the receiving county. The case plan shall  
37 include information regarding any known or suspected dangerous  
38 behavior of the child that indicates the child may pose a safety  
39 concern to the receiving county.

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

15 (i) If the court has ordered removal of the child from the physical  
16 custody of his or her parents pursuant to Section 361, the court  
17 shall consider whether the family ties and best interest of the child  
18 will be served by granting visitation rights to the child's  
19 grandparents. The court shall clearly specify those rights to the  
20 social worker.

21 (j) If the court has ordered removal of the child from the physical  
22 custody of his or her parents pursuant to Section 361, the court  
23 shall consider whether there are any siblings under the court's  
24 jurisdiction, or any nondependent siblings in the physical custody  
25 of a parent subject to the court's jurisdiction, the nature of the  
26 relationship between the child and his or her siblings, the  
27 appropriateness of developing or maintaining the sibling  
28 relationships pursuant to Section 16002, and the impact of the  
29 sibling relationships on the child's placement and planning for  
30 legal permanence.

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

35 (A) The child's caregiver is able to meet the day-to-day health,  
36 safety, and well-being needs of the child.

37 (B) The child's caregiver is permitted to maintain the least  
38 restrictive family setting that promotes normal childhood  
39 experiences and that serves the day-to-day needs of the child.

1 (C) The child is permitted to engage in reasonable,  
2 age-appropriate day-to-day activities that promote normal  
3 childhood experiences for the foster child.

4 (2) The foster child’s caregiver shall use a reasonable and  
5 prudent parent standard, as defined in paragraph (2) of subdivision  
6 (a) of Section 362.04, to determine day-to-day activities that are  
7 age appropriate to meet the needs of the child. Nothing in this  
8 section shall be construed to permit a child’s caregiver to permit  
9 the child to engage in day-to-day activities that carry an  
10 unreasonable risk of harm, or subject the child to abuse or neglect.

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

12 ~~SEC. 46.~~

13 *SEC. 45.* Section 361.3 of the Welfare and Institutions Code  
14 is amended to read:

15 361.3. (a) In any case in which a child is removed from the  
16 physical custody of his or her parents pursuant to Section 361,  
17 preferential consideration shall be given to a request by a relative  
18 of the child for placement of the child with the relative, regardless  
19 of the relative’s immigration status. In determining whether  
20 placement with a relative is appropriate, the county social worker  
21 and court shall consider, but shall not be limited to, consideration  
22 of all the following factors:

23 (1) The best interest of the child, including special physical,  
24 psychological, educational, medical, or emotional needs.

25 (2) The wishes of the parent, the relative, and child, if  
26 appropriate.

27 (3) The provisions of Part 6 (commencing with Section 7950)  
28 of Division 12 of the Family Code regarding relative placement.

29 (4) Placement of siblings and half siblings in the same home,  
30 unless that placement is found to be contrary to the safety and  
31 well-being of any of the siblings, as provided in Section 16002.

32 (5) The good moral character of the relative and any other adult  
33 living in the home, including whether any individual residing in  
34 the home has a prior history of violent criminal acts or has been  
35 responsible for acts of child abuse or neglect.

36 (6) The nature and duration of the relationship between the child  
37 and the relative, and the relative’s desire to care for, and to provide  
38 legal permanency for, the child if reunification is unsuccessful.

39 (7) The ability of the relative to do the following:

40 (A) Provide a safe, secure, and stable environment for the child.

- 1 (B) Exercise proper and effective care and control of the child.  
2 (C) Provide a home and the necessities of life for the child.  
3 (D) Protect the child from his or her parents.  
4 (E) Facilitate court-ordered reunification efforts with the parents.  
5 (F) Facilitate visitation with the child's other relatives.  
6 (G) Facilitate implementation of all elements of the case plan.  
7 (H) (i) Provide legal permanence for the child if reunification  
8 fails.  
9 (ii) However, any finding made with respect to the factor  
10 considered pursuant to this subparagraph and pursuant to  
11 subparagraph (G) shall not be the sole basis for precluding  
12 preferential placement with a relative.  
13 (I) Arrange for appropriate and safe child care, as necessary.  
14 (8) (A) The safety of the relative's home. For a relative to be  
15 considered appropriate to receive placement of a child under this  
16 section on an emergency basis, the relative's home shall first be  
17 assessed pursuant to the process and standards described in  
18 subdivision (d) of Section 309.  
19 (B) In this regard, the Legislature declares that a physical  
20 disability, such as blindness or deafness, is no bar to the raising  
21 of children, and a county social worker's determination as to the  
22 ability of a disabled relative to exercise care and control should  
23 center upon whether the relative's disability prevents him or her  
24 from exercising care and control. The court shall order the parent  
25 to disclose to the county social worker the names, residences, and  
26 any other known identifying information of any maternal or  
27 paternal relatives of the child. This inquiry shall not be construed,  
28 however, to guarantee that the child will be placed with any person  
29 so identified. The county social worker shall initially contact the  
30 relatives given preferential consideration for placement to  
31 determine if they desire the child to be placed with them. Those  
32 desiring placement shall be assessed according to the factors  
33 enumerated in this subdivision. The county social worker shall  
34 document these efforts in the social study prepared pursuant to  
35 Section 358.1. The court shall authorize the county social worker,  
36 while assessing these relatives for the possibility of placement, to  
37 disclose to the relative, as appropriate, the fact that the child is in  
38 custody, the alleged reasons for the custody, and the projected  
39 likely date for the child's return home or placement for adoption  
40 or legal guardianship. However, this investigation shall not be

1 construed as good cause for continuance of the dispositional  
2 hearing conducted pursuant to Section 358.

3 (b) In any case in which more than one appropriate relative  
4 requests preferential consideration pursuant to this section, each  
5 relative shall be considered under the factors enumerated in  
6 subdivision (a). Consistent with the legislative intent for children  
7 to be placed immediately with a responsible relative, this section  
8 does not limit the county social worker's ability to place a child  
9 in the home of an appropriate relative or a nonrelative extended  
10 family member pending the consideration of other relatives who  
11 have requested preferential consideration.

12 (c) For purposes of this section:

13 (1) "Preferential consideration" means that the relative seeking  
14 placement shall be the first placement to be considered and  
15 investigated.

16 (2) "Relative" means an adult who is related to the child by  
17 blood, adoption, or affinity within the fifth degree of kinship,  
18 including stepparents, stepsiblings, and all relatives whose status  
19 is preceded by the words "great," "great-great," or "grand," or the  
20 spouse of any of these persons even if the marriage was terminated  
21 by death or dissolution. However, only the following relatives  
22 shall be given preferential consideration for the placement of the  
23 child: an adult who is a grandparent, aunt, uncle, or sibling.

24 (d) Subsequent to the hearing conducted pursuant to Section  
25 358, whenever a new placement of the child must be made,  
26 consideration for placement shall again be given as described in  
27 this section to relatives who have not been found to be unsuitable  
28 and who will fulfill the child's reunification or permanent plan  
29 requirements. In addition to the factors described in subdivision  
30 (a), the county social worker shall consider whether the relative  
31 has established and maintained a relationship with the child.

32 (e) If the court does not place the child with a relative who has  
33 been considered for placement pursuant to this section, the court  
34 shall state for the record the reasons placement with that relative  
35 was denied.

36 (f) (1) With respect to a child who satisfies the criteria set forth  
37 in paragraph (2), the department and any licensed adoption agency  
38 may search for a relative and furnish identifying information  
39 relating to the child to that relative if it is believed the child's  
40 welfare will be promoted thereby.

1 (2) Paragraph (1) shall apply if both of the following conditions  
2 are satisfied:

3 (A) The child was previously a dependent of the court.

4 (B) The child was previously adopted and the adoption has been  
5 disrupted, set aside pursuant to Section 9100 or 9102 of the Family  
6 Code, or the child has been released into the custody of the  
7 department or a licensed adoption agency by the adoptive parent  
8 or parents.

9 (3) As used in this subdivision, “relative” includes a member  
10 of the child’s birth family and nonrelated extended family  
11 members, regardless of whether the parental rights were terminated,  
12 provided that both of the following are true:

13 (A) No appropriate potential caretaker is known to exist from  
14 the child’s adoptive family, including nonrelated extended family  
15 members of the adoptive family.

16 (B) The child was not the subject of a voluntary relinquishment  
17 by the birth parents pursuant to Section 8700 of the Family Code  
18 or Section 1255.7 of the Health and Safety Code.

19 ~~SEC. 47.~~

20 *SEC. 46.* Section 361.4 of the Welfare and Institutions Code  
21 is amended to read:

22 361.4. (a) Prior to placing a child in the home of a relative, or  
23 the home of any prospective guardian or another person who is  
24 not a licensed or certified foster parent or an approved resource  
25 family, the county social worker shall visit the home to ascertain  
26 the appropriateness of the placement.

27 (b) (1) Whenever a child may be placed in the home of a  
28 relative, a prospective guardian, or another person who is not a  
29 licensed or certified foster parent or an approved resource family,  
30 the court or county social worker placing the child shall cause a  
31 state-level criminal records check to be conducted by an appropriate  
32 government agency through the California Law Enforcement  
33 Telecommunications System (CLETS) pursuant to Section 16504.5.  
34 The criminal records check shall be conducted with regard to all  
35 persons over 18 years of age living in the home, and on any other  
36 person over 18 years of age, other than professionals providing  
37 professional services to the child, known to the placing entity who  
38 may have significant contact with the child, including any person  
39 who has a familial or intimate relationship with any person living  
40 in the home. A criminal records check may be conducted pursuant

1 to this section on any person over 14 years of age living in the  
2 home who the county social worker believes may have a criminal  
3 record. Within 10 calendar days following the criminal records  
4 check conducted through the California Law Enforcement  
5 Telecommunications System, the social worker shall ensure that  
6 a fingerprint clearance check of the relative and any other person  
7 whose criminal record was obtained pursuant to this subdivision  
8 is initiated through the Department of Justice to ensure the accuracy  
9 of the criminal records check conducted through the California  
10 Law Enforcement Telecommunications System and shall review  
11 the results of any criminal records check to assess the safety of the  
12 home. The Department of Justice shall forward fingerprint requests  
13 for federal-level criminal history information to the Federal Bureau  
14 of Investigation pursuant to this section.

15 (2) An identification card from a foreign consulate or foreign  
16 passport shall be considered a valid form of identification for  
17 conducting a criminal records check and fingerprint clearance  
18 check under this subdivision and under subdivision (c).

19 (c) Whenever a child may be placed in the home of a relative,  
20 a prospective guardian, or another person who is not a licensed or  
21 certified foster parent or an approved resource family, the county  
22 social worker shall cause a check of the Child Abuse Central Index  
23 pursuant to subdivision (a) of Section 11170 of the Penal Code to  
24 be requested from the Department of Justice. The Child Abuse  
25 Central Index check shall be conducted on all persons over 18  
26 years of age living in the home. For any application received on  
27 or after January 1, 2008, if any person in the household is 18 years  
28 of age or older and has lived in another state in the preceding five  
29 years, the county social worker shall check the other state's child  
30 abuse and neglect registry to the extent required by federal law.

31 (d) (1) If the results of the California and federal criminal  
32 records check indicates that the person has no criminal record, the  
33 county social worker and court may consider the home of the  
34 relative, prospective guardian, or other person who is not a licensed  
35 or certified foster parent or approved resource family for placement  
36 of a child.

37 (2) If the criminal records check indicates that the person has  
38 been convicted of a crime that the Director of Social Services  
39 cannot grant an exemption for under Section 1522 of the Health  
40 and Safety Code, the child shall not be placed in the home. If the

1 criminal records check indicates that the person has been convicted  
2 of a crime that the Director of Social Services may grant an  
3 exemption for under Section 1522 of the Health and Safety Code,  
4 the child shall not be placed in the home unless a criminal records  
5 exemption has been granted by the county, based on substantial  
6 and convincing evidence to support a reasonable belief that the  
7 person with the criminal conviction is of such good character as  
8 to justify the placement and not present a risk of harm to the child  
9 pursuant to paragraph (3).

10 (3) (A) A county may issue a criminal records exemption only  
11 if that county has been granted permission by the Director of Social  
12 Services to issue criminal records exemptions. The county may  
13 file a request with the Director of Social Services seeking  
14 permission for the county to establish a procedure to evaluate and  
15 grant appropriate individual criminal records exemptions for  
16 persons described in subdivision (b). The director shall grant or  
17 deny the county's request within 14 days of receipt. The county  
18 shall evaluate individual criminal records in accordance with the  
19 standards and limitations set forth in paragraph (1) of subdivision  
20 (g) of Section 1522 of the Health and Safety Code, and in no event  
21 shall the county place a child in the home of a person who is  
22 ineligible for an exemption under that provision.

23 (B) The department shall monitor county implementation of the  
24 authority to grant an exemption under this paragraph to ensure that  
25 the county evaluates individual criminal records and allows or  
26 disallows placements according to the standards set forth in  
27 paragraph (1) of subdivision (g) of Section 1522 of the Health and  
28 Safety Code.

29 (4) The department shall conduct an evaluation of the  
30 implementation of paragraph (3) through random sampling of  
31 county exemption decisions.

32 (5) The State Department of Social Services shall not evaluate  
33 or grant criminal records exemption requests for persons described  
34 in subdivision (b), unless the exemption request is made by an  
35 Indian tribe pursuant to subdivision (e).

36 (6) If a county has not requested, or has not been granted,  
37 permission by the State Department of Social Services to establish  
38 a procedure to evaluate and grant criminal records exemptions,  
39 the county shall not place a child into the home of a person  
40 described in subdivision (b) if any person residing in the home has

1 been convicted of a crime other than a minor traffic violation,  
2 except as provided in subdivision (e).

3 (e) The State Department of Social Services shall evaluate a  
4 request from an Indian tribe to exempt a crime that is exemptible  
5 under Section 1522 of the Health and Safety Code, if needed, to  
6 allow placement into an Indian home that the tribe has designated  
7 for placement under the federal Indian Child Welfare Act (25  
8 U.S.C. Sec. 1901 et seq.). However, if the county with jurisdiction  
9 over the child that is the subject of the tribe's request has  
10 established an approved procedure pursuant to paragraph (3) of  
11 subdivision (d), the tribe may request that the county evaluate the  
12 exemption request. Once a tribe has elected to have the exemption  
13 request reviewed by either the State Department of Social Services  
14 or the county, the exemption decision may only be made by that  
15 entity. Nothing in this subdivision limits the duty of a county social  
16 worker to evaluate the home for placement or to gather information  
17 needed to evaluate an exemption request.

18 ~~SEC. 48.~~

19 *SEC. 47.* Section 361.45 of the Welfare and Institutions Code  
20 is amended to read:

21 361.45. (a) Notwithstanding any other law, when the sudden  
22 unavailability of a foster caregiver requires a change in placement  
23 on an emergency basis for a child who is under the jurisdiction of  
24 the juvenile court pursuant to Section 300, if an able and willing  
25 relative, as defined in Section 319, or an able and willing  
26 nonrelative extended family member, as defined in Section 362.7,  
27 is available and requests temporary placement of the child pending  
28 resolution of the emergency situation, the county welfare  
29 department shall initiate an assessment of the relative's or  
30 nonrelative extended family member's suitability, which shall  
31 include an in-home inspection to assess the safety of the home and  
32 the ability of the relative or nonrelative extended family member  
33 to care for the child's needs, and a consideration of the results of  
34 a criminal records check conducted pursuant to subdivision (a) of  
35 Section 16504.5 and a check of allegations of prior child abuse or  
36 neglect concerning the relative or nonrelative extended family  
37 member and other adults in the home. Upon completion of this  
38 assessment, the child may be placed on an emergency basis in the  
39 assessed home.

1 (b) Following the emergency placement of a child in the home  
2 of a relative or a nonrelative extended family member, the county  
3 welfare department shall evaluate and approve or deny the home  
4 pursuant to Section 16519.5.

5 (c) (1) On and after January 1, 2012, if a nonminor dependent,  
6 as defined in subdivision (v) of Section 11400, is placed in the  
7 home of a relative or nonrelative extended family member, the  
8 home shall be approved using the same standards set forth in  
9 regulations as described in Section 1502.7 of the Health and Safety  
10 Code.

11 (2) On or before July 1, 2012, the department, in consultation  
12 with representatives of the Legislature, the County Welfare  
13 Directors Association, the Chief Probation Officers of California,  
14 the California Youth Connection, the Judicial Council, former  
15 foster youth, child advocacy organizations, dependency counsel  
16 for children, juvenile justice advocacy organizations, foster  
17 caregiver organizations, labor organizations, and representatives  
18 of Indian tribes, shall revise regulations regarding health and safety  
19 standards for approving relative homes in which nonminor  
20 dependents, as defined in subdivision (v) of Section 11400, of the  
21 juvenile court are placed under the responsibility of the county  
22 welfare or probation department, or an Indian tribe that entered  
23 into an agreement pursuant to Section 10553.1.

24 (3) Notwithstanding the Administrative Procedure Act (Chapter  
25 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
26 Title 2 of the Government Code), the department, in consultation  
27 with the stakeholders listed in paragraph (2), shall prepare for  
28 implementation of the applicable provisions of this section by  
29 publishing all-county letters or similar instructions from the director  
30 by October 1, 2011, to be effective January 1, 2012. Emergency  
31 regulations to implement this section may be adopted by the  
32 director in accordance with the Administrative Procedure Act. The  
33 initial adoption of the emergency regulations and one readoption  
34 of the initial regulations shall be deemed to be an emergency and  
35 necessary for the immediate preservation of the public peace,  
36 health, safety, or general welfare. Initial emergency regulations  
37 and the first readoption of those emergency regulations shall be  
38 exempt from review by the Office of Administrative Law. The  
39 emergency regulations authorized by this section shall be submitted

1 to the Office of Administrative Law for filing with the Secretary  
2 of State and shall remain in effect for no more than 180 days.

3 ~~SEC. 49.~~

4 *SEC. 48.* Section 361.5 of the Welfare and Institutions Code  
5 is amended to read:

6 361.5. (a) Except as provided in subdivision (b), or when the  
7 parent has voluntarily relinquished the child and the relinquishment  
8 has been filed with the State Department of Social Services, or  
9 upon the establishment of an order of guardianship pursuant to  
10 Section 360, or when a court adjudicates a petition under Section  
11 329 to modify the court's jurisdiction from delinquency jurisdiction  
12 to dependency jurisdiction pursuant to subparagraph (A) of  
13 paragraph (2) of subdivision (b) of Section 607.2 and the parents  
14 or guardian of the ward have had reunification services terminated  
15 under the delinquency jurisdiction, whenever a child is removed  
16 from a parent's or guardian's custody, the juvenile court shall order  
17 the social worker to provide child welfare services to the child and  
18 the child's mother and statutorily presumed father or guardians.  
19 Upon a finding and declaration of paternity by the juvenile court  
20 or proof of a prior declaration of paternity by any court of  
21 competent jurisdiction, the juvenile court may order services for  
22 the child and the biological father, if the court determines that the  
23 services will benefit the child.

24 (1) Family reunification services, when provided, shall be  
25 provided as follows:

26 (A) Except as otherwise provided in subparagraph (C), for a  
27 child who, on the date of initial removal from the physical custody  
28 of his or her parent or guardian, was three years of age or older,  
29 court-ordered services shall be provided beginning with the  
30 dispositional hearing and ending 12 months after the date the child  
31 entered foster care as provided in Section 361.49, unless the child  
32 is returned to the home of the parent or guardian.

33 (B) For a child who, on the date of initial removal from the  
34 physical custody of his or her parent or guardian, was under three  
35 years of age, court-ordered services shall be provided for a period  
36 of six months from the dispositional hearing as provided in  
37 subdivision (e) of Section 366.21, but no longer than 12 months  
38 from the date the child entered foster care as provided in Section  
39 361.49 unless the child is returned to the home of the parent or  
40 guardian.

1 (C) For the purpose of placing and maintaining a sibling group  
2 together in a permanent home should reunification efforts fail, for  
3 a child in a sibling group whose members were removed from  
4 parental custody at the same time, and in which one member of  
5 the sibling group was under three years of age on the date of initial  
6 removal from the physical custody of his or her parent or guardian,  
7 court-ordered services for some or all of the sibling group may be  
8 limited as set forth in subparagraph (B). For the purposes of this  
9 paragraph, “a sibling group” shall mean two or more children who  
10 are related to each other as full or half siblings.

11 (2) Any motion to terminate court-ordered reunification services  
12 prior to the hearing set pursuant to subdivision (f) of Section 366.21  
13 for a child described by subparagraph (A) of paragraph (1), or  
14 prior to the hearing set pursuant to subdivision (e) of Section  
15 366.21 for a child described by subparagraph (B) or (C) of  
16 paragraph (1), shall be made pursuant to the requirements set forth  
17 in subdivision (c) of Section 388. A motion to terminate  
18 court-ordered reunification services shall not be required at the  
19 hearing set pursuant to subdivision (e) of Section 366.21 if the  
20 court finds by clear and convincing evidence one of the following:

21 (A) That the child was removed initially under subdivision (g)  
22 of Section 300 and the whereabouts of the parent are still unknown.

23 (B) That the parent has failed to contact and visit the child.

24 (C) That the parent has been convicted of a felony indicating  
25 parental unfitness.

26 (3) Notwithstanding subparagraphs (A), (B), and (C) of  
27 paragraph (1), court-ordered services may be extended up to a  
28 maximum time period not to exceed 18 months after the date the  
29 child was originally removed from physical custody of his or her  
30 parent or guardian if it can be shown, at the hearing held pursuant  
31 to subdivision (f) of Section 366.21, that the permanent plan for  
32 the child is that he or she will be returned and safely maintained  
33 in the home within the extended time period. The court shall extend  
34 the time period only if it finds that there is a substantial probability  
35 that the child will be returned to the physical custody of his or her  
36 parent or guardian within the extended time period or that  
37 reasonable services have not been provided to the parent or  
38 guardian. In determining whether court-ordered services may be  
39 extended, the court shall consider the special circumstances of an  
40 incarcerated or institutionalized parent or parents, parent or parents

1 court-ordered to a residential substance abuse treatment program,  
2 or a parent who has been arrested and issued an immigration hold,  
3 detained by the United States Department of Homeland Security,  
4 or deported to his or her country of origin, including, but not  
5 limited to, barriers to the parent's or guardian's access to services  
6 and ability to maintain contact with his or her child. The court  
7 shall also consider, among other factors, good faith efforts that the  
8 parent or guardian has made to maintain contact with the child. If  
9 the court extends the time period, the court shall specify the factual  
10 basis for its conclusion that there is a substantial probability that  
11 the child will be returned to the physical custody of his or her  
12 parent or guardian within the extended time period. The court also  
13 shall make findings pursuant to subdivision (a) of Section 366 and  
14 subdivision (e) of Section 358.1.

15 When counseling or other treatment services are ordered, the  
16 parent or guardian shall be ordered to participate in those services,  
17 unless the parent's or guardian's participation is deemed by the  
18 court to be inappropriate or potentially detrimental to the child, or  
19 unless a parent or guardian is incarcerated-~~of~~ *or* detained by the  
20 United States Department of Homeland Security and the corrections  
21 facility in which he or she is incarcerated does not provide access  
22 to the treatment services ordered by the court, or has been deported  
23 to his or her country of origin and services ordered by the court  
24 are not accessible in that country. Physical custody of the child by  
25 the parents or guardians during the applicable time period under  
26 subparagraph (A), (B), or (C) of paragraph (1) shall not serve to  
27 interrupt the running of the time period. If at the end of the  
28 applicable time period, a child cannot be safely returned to the  
29 care and custody of a parent or guardian without court supervision,  
30 but the child clearly desires contact with the parent or guardian,  
31 the court shall take the child's desire into account in devising a  
32 permanency plan.

33 In cases where the child was under three years of age on the date  
34 of the initial removal from the physical custody of his or her parent  
35 or guardian or is a member of a sibling group as described in  
36 subparagraph (C) of paragraph (1), the court shall inform the parent  
37 or guardian that the failure of the parent or guardian to participate  
38 regularly in any court-ordered treatment programs or to cooperate  
39 or avail himself or herself of services provided as part of the child  
40 welfare services case plan may result in a termination of efforts

1 to reunify the family after six months. The court shall inform the  
2 parent or guardian of the factors used in subdivision (e) of Section  
3 366.21 to determine whether to limit services to six months for  
4 some or all members of a sibling group as described in  
5 subparagraph (C) of paragraph (1).

6 (4) Notwithstanding paragraph (3), court-ordered services may  
7 be extended up to a maximum time period not to exceed 24 months  
8 after the date the child was originally removed from physical  
9 custody of his or her parent or guardian if it is shown, at the hearing  
10 held pursuant to subdivision (b) of Section 366.22, that the  
11 permanent plan for the child is that he or she will be returned and  
12 safely maintained in the home within the extended time period.  
13 The court shall extend the time period only if it finds that it is in  
14 the child's best interest to have the time period extended and that  
15 there is a substantial probability that the child will be returned to  
16 the physical custody of his or her parent or guardian who is  
17 described in subdivision (b) of Section 366.22 within the extended  
18 time period, or that reasonable services have not been provided to  
19 the parent or guardian. If the court extends the time period, the  
20 court shall specify the factual basis for its conclusion that there is  
21 a substantial probability that the child will be returned to the  
22 physical custody of his or her parent or guardian within the  
23 extended time period. The court also shall make findings pursuant  
24 to subdivision (a) of Section 366 and subdivision (e) of Section  
25 358.1.

26 When counseling or other treatment services are ordered, the  
27 parent or guardian shall be ordered to participate in those services,  
28 in order for substantial probability to be found. Physical custody  
29 of the child by the parents or guardians during the applicable time  
30 period under subparagraph (A), (B), or (C) of paragraph (1) shall  
31 not serve to interrupt the running of the time period. If at the end  
32 of the applicable time period, the child cannot be safely returned  
33 to the care and custody of a parent or guardian without court  
34 supervision, but the child clearly desires contact with the parent  
35 or guardian, the court shall take the child's desire into account in  
36 devising a permanency plan.

37 Except in cases where, pursuant to subdivision (b), the court  
38 does not order reunification services, the court shall inform the  
39 parent or parents of Section 366.26 and shall specify that the  
40 parent's or parents' parental rights may be terminated.

1 (b) Reunification services need not be provided to a parent or  
2 guardian described in this subdivision when the court finds, by  
3 clear and convincing evidence, any of the following:

4 (1) That the whereabouts of the parent or guardian is unknown.  
5 A finding pursuant to this paragraph shall be supported by an  
6 affidavit or by proof that a reasonably diligent search has failed  
7 to locate the parent or guardian. The posting or publication of  
8 notices is not required in that search.

9 (2) That the parent or guardian is suffering from a mental  
10 disability that is described in Chapter 2 (commencing with Section  
11 7820) of Part 4 of Division 12 of the Family Code and that renders  
12 him or her incapable of utilizing those services.

13 (3) That the child or a sibling of the child has been previously  
14 adjudicated a dependent pursuant to any subdivision of Section  
15 300 as a result of physical or sexual abuse, that following that  
16 adjudication the child had been removed from the custody of his  
17 or her parent or guardian pursuant to Section 361, that the child  
18 has been returned to the custody of the parent or guardian from  
19 whom the child had been taken originally, and that the child is  
20 being removed pursuant to Section 361, due to additional physical  
21 or sexual abuse.

22 (4) That the parent or guardian of the child has caused the death  
23 of another child through abuse or neglect.

24 (5) That the child was brought within the jurisdiction of the  
25 court under subdivision (e) of Section 300 because of the conduct  
26 of that parent or guardian.

27 (6) That the child has been adjudicated a dependent pursuant  
28 to any subdivision of Section 300 as a result of severe sexual abuse  
29 or the infliction of severe physical harm to the child, a sibling, or  
30 a half sibling by a parent or guardian, as defined in this subdivision,  
31 and the court makes a factual finding that it would not benefit the  
32 child to pursue reunification services with the offending parent or  
33 guardian.

34 A finding of severe sexual abuse, for the purposes of this  
35 subdivision, may be based on, but is not limited to, sexual  
36 intercourse, or stimulation involving genital-genital, oral-genital,  
37 anal-genital, or oral-anal contact, whether between the parent or  
38 guardian and the child or a sibling or half sibling of the child, or  
39 between the child or a sibling or half sibling of the child and  
40 another person or animal with the actual or implied consent of the

1 parent or guardian; or the penetration or manipulation of the  
2 child’s, sibling’s, or half sibling’s genital organs or rectum by any  
3 animate or inanimate object for the sexual gratification of the  
4 parent or guardian, or for the sexual gratification of another person  
5 with the actual or implied consent of the parent or guardian.

6 A finding of the infliction of severe physical harm, for the  
7 purposes of this subdivision, may be based on, but is not limited  
8 to, deliberate and serious injury inflicted to or on a child’s body  
9 or the body of a sibling or half sibling of the child by an act or  
10 omission of the parent or guardian, or of another individual or  
11 animal with the consent of the parent or guardian; deliberate and  
12 torturous confinement of the child, sibling, or half sibling in a  
13 closed space; or any other torturous act or omission that would be  
14 reasonably understood to cause serious emotional damage.

15 (7) That the parent is not receiving reunification services for a  
16 sibling or a half sibling of the child pursuant to paragraph (3), (5),  
17 or (6).

18 (8) That the child was conceived by means of the commission  
19 of an offense listed in Section 288 or 288.5 of the Penal Code, or  
20 by an act committed outside of this state that, if committed in this  
21 state, would constitute one of those offenses. This paragraph only  
22 applies to the parent who committed the offense or act.

23 (9) That the child has been found to be a child described in  
24 subdivision (g) of Section 300; that the parent or guardian of the  
25 child willfully abandoned the child, and the court finds that the  
26 abandonment itself constituted a serious danger to the child; or  
27 that the parent or other person having custody of the child  
28 voluntarily surrendered physical custody of the child pursuant to  
29 Section 1255.7 of the Health and Safety Code. For the purposes  
30 of this paragraph, “serious danger” means that without the  
31 intervention of another person or agency, the child would have  
32 sustained severe or permanent disability, injury, illness, or death.  
33 For purposes of this paragraph, “willful abandonment” shall not  
34 be construed as actions taken in good faith by the parent without  
35 the intent of placing the child in serious danger.

36 (10) That the court ordered termination of reunification services  
37 for any siblings or half siblings of the child because the parent or  
38 guardian failed to reunify with the sibling or half sibling after the  
39 sibling or half sibling had been removed from that parent or  
40 guardian pursuant to Section 361 and that parent or guardian is

1 the same parent or guardian described in subdivision (a) and that,  
2 according to the findings of the court, this parent or guardian has  
3 not subsequently made a reasonable effort to treat the problems  
4 that led to removal of the sibling or half sibling of that child from  
5 that parent or guardian.

6 (11) That the parental rights of a parent over any sibling or half  
7 sibling of the child had been permanently severed, and this parent  
8 is the same parent described in subdivision (a), and that, according  
9 to the findings of the court, this parent has not subsequently made  
10 a reasonable effort to treat the problems that led to removal of the  
11 sibling or half sibling of that child from the parent.

12 (12) That the parent or guardian of the child has been convicted  
13 of a violent felony, as defined in subdivision (c) of Section 667.5  
14 of the Penal Code.

15 (13) That the parent or guardian of the child has a history of  
16 extensive, abusive, and chronic use of drugs or alcohol and has  
17 resisted prior court-ordered treatment for this problem during a  
18 three-year period immediately prior to the filing of the petition  
19 that brought that child to the court's attention, or has failed or  
20 refused to comply with a program of drug or alcohol treatment  
21 described in the case plan required by Section 358.1 on at least  
22 two prior occasions, even though the programs identified were  
23 available and accessible.

24 (14) That the parent or guardian of the child has advised the  
25 court that he or she is not interested in receiving family  
26 maintenance or family reunification services or having the child  
27 returned to or placed in his or her custody and does not wish to  
28 receive family maintenance or reunification services.

29 The parent or guardian shall be represented by counsel and shall  
30 execute a waiver of services form to be adopted by the Judicial  
31 Council. The court shall advise the parent or guardian of any right  
32 to services and of the possible consequences of a waiver of  
33 services, including the termination of parental rights and placement  
34 of the child for adoption. The court shall not accept the waiver of  
35 services unless it states on the record its finding that the parent or  
36 guardian has knowingly and intelligently waived the right to  
37 services.

38 (15) That the parent or guardian has on one or more occasions  
39 willfully abducted the child or child's sibling or half sibling from  
40 his or her placement and refused to disclose the child's or child's

1 sibling's or half sibling's whereabouts, refused to return physical  
2 custody of the child or child's sibling or half sibling to his or her  
3 placement, or refused to return physical custody of the child or  
4 child's sibling or half sibling to the social worker.

5 (16) That the parent or guardian has been required by the court  
6 to be registered on a sex offender registry under the federal Adam  
7 Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.  
8 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the  
9 Child Abuse Prevention and Treatment Act of 2006 (42 U.S.C.  
10 Sec. 5106a(2)(B)(xvi)(VI)).

11 (c) In deciding whether to order reunification in any case in  
12 which this section applies, the court shall hold a dispositional  
13 hearing. The social worker shall prepare a report that discusses  
14 whether reunification services shall be provided. When it is alleged,  
15 pursuant to paragraph (2) of subdivision (b), that the parent is  
16 incapable of utilizing services due to mental disability, the court  
17 shall order reunification services unless competent evidence from  
18 mental health professionals establishes that, even with the provision  
19 of services, the parent is unlikely to be capable of adequately caring  
20 for the child within the time limits specified in subdivision (a).

21 The court shall not order reunification for a parent or guardian  
22 described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12),  
23 (13), (14), (15), or (16) of subdivision (b) unless the court finds,  
24 by clear and convincing evidence, that reunification is in the best  
25 interest of the child.

26 In addition, the court shall not order reunification in any situation  
27 described in paragraph (5) of subdivision (b) unless it finds that,  
28 based on competent testimony, those services are likely to prevent  
29 reabuse or continued neglect of the child or that failure to try  
30 reunification will be detrimental to the child because the child is  
31 closely and positively attached to that parent. The social worker  
32 shall investigate the circumstances leading to the removal of the  
33 child and advise the court whether there are circumstances that  
34 indicate that reunification is likely to be successful or unsuccessful  
35 and whether failure to order reunification is likely to be detrimental  
36 to the child.

37 The failure of the parent to respond to previous services, the fact  
38 that the child was abused while the parent was under the influence  
39 of drugs or alcohol, a past history of violent behavior, or testimony  
40 by a competent professional that the parent's behavior is unlikely

1 to be changed by services are among the factors indicating that  
2 reunification services are unlikely to be successful. The fact that  
3 a parent or guardian is no longer living with an individual who  
4 severely abused the child may be considered in deciding that  
5 reunification services are likely to be successful, provided that the  
6 court shall consider any pattern of behavior on the part of the parent  
7 that has exposed the child to repeated abuse.

8 (d) If reunification services are not ordered pursuant to  
9 paragraph (1) of subdivision (b) and the whereabouts of a parent  
10 become known within six months of the out-of-home placement  
11 of the child, the court shall order the social worker to provide  
12 family reunification services in accordance with this subdivision.

13 (e) (1) If the parent or guardian is incarcerated, institutionalized,  
14 or detained by the United States Department of Homeland Security,  
15 or has been deported to his or her country of origin, the court shall  
16 order reasonable services unless the court determines, by clear and  
17 convincing evidence, those services would be detrimental to the  
18 child. In determining detriment, the court shall consider the age  
19 of the child, the degree of parent-child bonding, the length of the  
20 sentence, the length and nature of the treatment, the nature of the  
21 crime or illness, the degree of detriment to the child if services are  
22 not offered and, for children 10 years of age or older, the child's  
23 attitude toward the implementation of family reunification services,  
24 the likelihood of the parent's discharge from incarceration,  
25 institutionalization, or detention within the reunification time  
26 limitations described in subdivision (a), and any other appropriate  
27 factors. In determining the content of reasonable services, the court  
28 shall consider the particular barriers to an incarcerated,  
29 institutionalized, detained, or deported parent's access to those  
30 court-mandated services and ability to maintain contact with his  
31 or her child, and shall document this information in the child's  
32 case plan. Reunification services are subject to the applicable time  
33 limitations imposed in subdivision (a). Services may include, but  
34 shall not be limited to, all of the following:

35 (A) Maintaining contact between the parent and child through  
36 collect telephone calls.

37 (B) Transportation services, when appropriate.

38 (C) Visitation services, when appropriate.

1 (D) Reasonable services to extended family members or foster  
2 parents providing care for the child if the services are not  
3 detrimental to the child.

4 An incarcerated or detained parent may be required to attend  
5 counseling, parenting classes, or vocational training programs as  
6 part of the reunification service plan if actual access to these  
7 services is provided. The social worker shall document in the  
8 child's case plan the particular barriers to an incarcerated,  
9 institutionalized, or detained parent's access to those  
10 court-mandated services and ability to maintain contact with his  
11 or her child.

12 (E) Reasonable efforts to assist parents who have been deported  
13 to contact child welfare authorities in their country of origin, to  
14 identify any available services that would substantially comply  
15 with case plan requirements, to document the parents' participation  
16 in those services, and to accept reports from local child welfare  
17 authorities as to the parents' living situation, progress, and  
18 participation in services.

19 (2) The presiding judge of the juvenile court of each county  
20 may convene representatives of the county welfare department,  
21 the sheriff's department, and other appropriate entities for the  
22 purpose of developing and entering into protocols for ensuring the  
23 notification, transportation, and presence of an incarcerated or  
24 institutionalized parent at all court hearings involving proceedings  
25 affecting the child pursuant to Section 2625 of the Penal Code.  
26 The county welfare department shall utilize the prisoner locator  
27 system developed by the Department of Corrections and  
28 Rehabilitation to facilitate timely and effective notice of hearings  
29 for incarcerated parents.

30 (3) Notwithstanding any other law, if the incarcerated parent is  
31 a woman seeking to participate in the community treatment  
32 program operated by the Department of Corrections and  
33 Rehabilitation pursuant to Chapter 4.8 (commencing with Section  
34 1174) of Title 7 of Part 2 of, Chapter 4 (commencing with Section  
35 3410) of Title 2 of Part 3 of, the Penal Code, the court shall  
36 determine whether the parent's participation in a program is in the  
37 child's best interest and whether it is suitable to meet the needs of  
38 the parent and child.

39 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),  
40 (8), (9), (10), (11), (12), (13), (14), (15), or (16) of subdivision (b)

1 or paragraph (1) of subdivision (e), does not order reunification  
2 services, it shall, at the dispositional hearing, that shall include a  
3 permanency hearing, determine if a hearing under Section 366.26  
4 shall be set in order to determine whether adoption, guardianship,  
5 placement with a fit and willing relative, or another planned  
6 permanent living arrangement, or in the case of an Indian child,  
7 in consultation with the child’s tribe, tribal customary adoption,  
8 is the most appropriate plan for the child, and shall consider in-state  
9 and out-of-state placement options. If the court so determines, it  
10 shall conduct the hearing pursuant to Section 366.26 within 120  
11 days after the dispositional hearing. However, the court shall not  
12 schedule a hearing so long as the other parent is being provided  
13 reunification services pursuant to subdivision (a). The court may  
14 continue to permit the parent to visit the child unless it finds that  
15 visitation would be detrimental to the child.

16 (g) (1) Whenever a court orders that a hearing shall be held  
17 pursuant to Section 366.26, including, when, in consultation with  
18 the child’s tribe, tribal customary adoption is recommended, it  
19 shall direct the agency supervising the child and the county  
20 adoption agency, or the State Department of Social Services when  
21 it is acting as an adoption agency, to prepare an assessment that  
22 shall include:

23 (A) Current search efforts for an absent parent or parents and  
24 notification of a noncustodial parent in the manner provided for  
25 in Section 291.

26 (B) A review of the amount of and nature of any contact between  
27 the child and his or her parents and other members of his or her  
28 extended family since the time of placement. Although the  
29 extended family of each child shall be reviewed on a case-by-case  
30 basis, “extended family” for the purpose of this subparagraph shall  
31 include, but not be limited to, the child’s siblings, grandparents,  
32 aunts, and uncles.

33 (C) An evaluation of the child’s medical, developmental,  
34 scholastic, mental, and emotional status.

35 (D) A preliminary assessment of the eligibility and commitment  
36 of any identified prospective adoptive parent or guardian, including  
37 a prospective tribal customary adoptive parent, particularly the  
38 caretaker, to include a social history, including screening for  
39 criminal records and prior referrals for child abuse or neglect, the  
40 capability to meet the child’s needs, and the understanding of the

1 legal and financial rights and responsibilities of adoption and  
2 guardianship. If a proposed guardian is a relative of the minor, the  
3 assessment shall also consider, but need not be limited to, all of  
4 the factors specified in subdivision (a) of Section 361.3 and in  
5 Section 361.4. As used in this subparagraph, “relative” means an  
6 adult who is related to the minor by blood, adoption, or affinity  
7 within the fifth degree of kinship, including stepparents,  
8 stepsiblings, and all relatives whose status is preceded by the words  
9 “great,” “great-great,” or “grand,” or the spouse of any of those  
10 persons even if the marriage was terminated by death or  
11 dissolution. If the proposed permanent plan is guardianship with  
12 an approved relative caregiver for a minor eligible for aid under  
13 the Kin-GAP Program, as provided for in Article 4.7 (commencing  
14 with Section 11385) of Chapter 2 of Part 3 of Division 9, “relative”  
15 as used in this section has the same meaning as “relative” as  
16 defined in subdivision (c) of Section 11391.

17 (E) The relationship of the child to any identified prospective  
18 adoptive parent or guardian, including a prospective tribal  
19 customary parent, the duration and character of the relationship,  
20 the degree of attachment of the child to the prospective relative  
21 guardian or adoptive parent, the relative’s or adoptive parent’s  
22 strong commitment to caring permanently for the child, the  
23 motivation for seeking adoption or guardianship, a statement from  
24 the child concerning placement and the adoption or guardianship,  
25 and whether the child over 12 years of age has been consulted  
26 about the proposed relative guardianship arrangements, unless the  
27 child’s age or physical, emotional, or other condition precludes  
28 his or her meaningful response, and if so, a description of the  
29 condition.

30 (F) An analysis of the likelihood that the child will be adopted  
31 if parental rights are terminated.

32 (G) In the case of an Indian child, in addition to subparagraphs  
33 (A) to (F), inclusive, an assessment of the likelihood that the child  
34 will be adopted, when, in consultation with the child’s tribe, a  
35 *tribal* customary adoption, as defined in Section 366.24, is  
36 recommended. If tribal customary adoption is recommended, the  
37 assessment shall include an analysis of both of the following:

38 (i) Whether tribal customary adoption would or would not be  
39 detrimental to the Indian child and the reasons for reaching that  
40 conclusion.

1 (ii) Whether the Indian child cannot or should not be returned  
2 to the home of the Indian parent or Indian custodian and the reasons  
3 for reaching that conclusion.

4 (2) (A) A relative caregiver's preference for legal guardianship  
5 over adoption, if it is due to circumstances that do not include an  
6 unwillingness to accept legal or financial responsibility for the  
7 child, shall not constitute the sole basis for recommending removal  
8 of the child from the relative caregiver for purposes of adoptive  
9 placement.

10 (B) Regardless of his or her immigration status, a relative  
11 caregiver shall be given information regarding the permanency  
12 options of guardianship and adoption, including the long-term  
13 benefits and consequences of each option, prior to establishing  
14 legal guardianship or pursuing adoption. If the proposed permanent  
15 plan is guardianship with an approved relative caregiver for a  
16 minor eligible for aid under the Kin-GAP Program, as provided  
17 for in Article 4.7 (commencing with Section 11385) of Chapter 2  
18 of Part 3 of Division 9, the relative caregiver shall be informed  
19 about the terms and conditions of the negotiated agreement  
20 pursuant to Section 11387 and shall agree to its execution prior to  
21 the hearing held pursuant to Section 366.26. A copy of the executed  
22 negotiated agreement shall be attached to the assessment.

23 (h) If, at any hearing held pursuant to Section 366.26, a  
24 guardianship is established for the minor with an approved relative  
25 caregiver and juvenile court dependency is subsequently dismissed,  
26 the minor shall be eligible for aid under the Kin-GAP Program as  
27 provided for in Article 4.5 (commencing with Section 11360) or  
28 Article 4.7 (commencing with Section 11385) of Chapter 2 of Part  
29 3 of Division 9, as applicable.

30 (i) In determining whether reunification services will benefit  
31 the child pursuant to paragraph (6) or (7) of subdivision (b), the  
32 court shall consider any information it deems relevant, including  
33 the following factors:

34 (1) The specific act or omission comprising the severe sexual  
35 abuse or the severe physical harm inflicted on the child or the  
36 child's sibling or half sibling.

37 (2) The circumstances under which the abuse or harm was  
38 inflicted on the child or the child's sibling or half sibling.

39 (3) The severity of the emotional trauma suffered by the child  
40 or the child's sibling or half sibling.

1 (4) Any history of abuse of other children by the offending  
2 parent or guardian.

3 (5) The likelihood that the child may be safely returned to the  
4 care of the offending parent or guardian within 12 months with no  
5 continuing supervision.

6 (6) Whether or not the child desires to be reunified with the  
7 offending parent or guardian.

8 (j) When the court determines that reunification services will  
9 not be ordered, it shall order that the child's caregiver receive the  
10 child's birth certificate in accordance with Sections 16010.4 and  
11 16010.5. Additionally, when the court determines that reunification  
12 services will not be ordered, it shall order, when appropriate, that  
13 a child who is 16 years of age or older receive his or her birth  
14 certificate.

15 (k) The court shall read into the record the basis for a finding  
16 of severe sexual abuse or the infliction of severe physical harm  
17 under paragraph (6) of subdivision (b), and shall also specify the  
18 factual findings used to determine that the provision of  
19 reunification services to the offending parent or guardian would  
20 not benefit the child.

21 ~~SEC. 50.~~

22 *SEC. 49.* Section 366.26 of the Welfare and Institutions Code  
23 is amended to read:

24 366.26. (a) This section applies to children who are adjudged  
25 dependent children of the juvenile court pursuant to subdivision  
26 (d) of Section 360. The procedures specified herein are the  
27 exclusive procedures for conducting these hearings; Part 2  
28 (commencing with Section 3020) of Division 8 of the Family Code  
29 is not applicable to these proceedings. Section 8616.5 of the Family  
30 Code is applicable and available to all dependent children meeting  
31 the requirements of that section, if the postadoption contact  
32 agreement has been entered into voluntarily. For children who are  
33 adjudged dependent children of the juvenile court pursuant to  
34 subdivision (d) of Section 360, this section and Sections 8604,  
35 8605, 8606, and 8700 of the Family Code and Chapter 5  
36 (commencing with Section 7660) of Part 3 of Division 12 of the  
37 Family Code specify the exclusive procedures for permanently  
38 terminating parental rights with regard to, or establishing legal  
39 guardianship of, the child while the child is a dependent child of  
40 the juvenile court.

1 (b) At the hearing, which shall be held in juvenile court for all  
2 children who are dependents of the juvenile court, the court, in  
3 order to provide stable, permanent homes for these children, shall  
4 review the report as specified in Section 361.5, 366.21, 366.22, or  
5 366.25, shall indicate that the court has read and considered it,  
6 shall receive other evidence that the parties may present, and then  
7 shall make findings and orders in the following order of preference:

8 (1) Terminate the rights of the parent or parents and order that  
9 the child be placed for adoption and, upon the filing of a petition  
10 for adoption in the juvenile court, order that a hearing be set. The  
11 court shall proceed with the adoption after the appellate rights of  
12 the natural parents have been exhausted.

13 (2) Order, without termination of parental rights, the plan of  
14 tribal customary adoption, as described in Section 366.24, through  
15 tribal custom, traditions, or law of the Indian child's tribe, and  
16 upon the court affording the tribal customary adoption order full  
17 faith and credit at the continued selection and implementation  
18 hearing, order that a hearing be set pursuant to paragraph (2) of  
19 subdivision (e).

20 (3) Appoint a relative or relatives with whom the child is  
21 currently residing as legal guardian or guardians for the child, and  
22 order that letters of guardianship issue.

23 (4) On making a finding under paragraph (3) of subdivision (c),  
24 identify adoption or tribal customary adoption as the permanent  
25 placement goal and order that efforts be made to locate an  
26 appropriate adoptive family for the child within a period not to  
27 exceed 180 days.

28 (5) Appoint a nonrelative legal guardian for the child and order  
29 that letters of guardianship issue.

30 (6) Order that the child be permanently placed with a fit and  
31 willing relative, subject to the periodic review of the juvenile court  
32 under Section 366.3.

33 (7) Order that the child remain in foster care, subject to the  
34 conditions described in paragraph (4) of subdivision (c) and the  
35 periodic review of the juvenile court under Section 366.3.

36 In choosing among the above alternatives the court shall proceed  
37 pursuant to subdivision (c).

38 (c) (1) If the court determines, based on the assessment provided  
39 as ordered under subdivision (i) of Section 366.21, subdivision (b)  
40 of Section 366.22, or subdivision (b) of Section 366.25, and any

1 other relevant evidence, by a clear and convincing standard, that  
2 it is likely the child will be adopted, the court shall terminate  
3 parental rights and order the child placed for adoption. The fact  
4 that the child is not yet placed in a preadoptive home nor with a  
5 relative or foster family who is prepared to adopt the child, shall  
6 not constitute a basis for the court to conclude that it is not likely  
7 the child will be adopted. A finding under subdivision (b) or  
8 paragraph (1) of subdivision (e) of Section 361.5 that reunification  
9 services shall not be offered, under subdivision (e) of Section  
10 366.21 that the whereabouts of a parent have been unknown for  
11 six months or that the parent has failed to visit or contact the child  
12 for six months, or that the parent has been convicted of a felony  
13 indicating parental unfitness, or, under Section 366.21 or 366.22,  
14 that the court has continued to remove the child from the custody  
15 of the parent or guardian and has terminated reunification services,  
16 shall constitute a sufficient basis for termination of parental rights.  
17 Under these circumstances, the court shall terminate parental rights  
18 unless either of the following applies:

19 (A) The child is living with a relative who is unable or unwilling  
20 to adopt the child because of circumstances that do not include an  
21 unwillingness to accept legal or financial responsibility for the  
22 child, but who is willing and capable of providing the child with  
23 a stable and permanent environment through legal guardianship,  
24 and the removal of the child from the custody of his or her relative  
25 would be detrimental to the emotional well-being of the child. For  
26 purposes of an Indian child, “relative” shall include an “extended  
27 family member,” as defined in the federal Indian Child Welfare  
28 Act of 1978 (25 U.S.C. Sec. 1903(2)).

29 (B) The court finds a compelling reason for determining that  
30 termination would be detrimental to the child due to one or more  
31 of the following circumstances:

32 (i) The parents have maintained regular visitation and contact  
33 with the child and the child would benefit from continuing the  
34 relationship.

35 (ii) A child 12 years of age or older objects to termination of  
36 parental rights.

37 (iii) The child is placed in a residential treatment facility,  
38 adoption is unlikely or undesirable, and continuation of parental  
39 rights will not prevent finding the child a permanent family

1 placement if the parents cannot resume custody when residential  
2 care is no longer needed.

3 (iv) The child is living with a foster parent or Indian custodian  
4 who is unable or unwilling to adopt the child because of  
5 exceptional circumstances, that do not include an unwillingness  
6 to accept legal or financial responsibility for the child, but who is  
7 willing and capable of providing the child with a stable and  
8 permanent environment and the removal of the child from the  
9 physical custody of his or her foster parent or Indian custodian  
10 would be detrimental to the emotional well-being of the child. This  
11 clause does not apply to any child who is either (I) under six years  
12 of age or (II) a member of a sibling group where at least one child  
13 is under six years of age and the siblings are, or should be,  
14 permanently placed together.

15 (v) There would be substantial interference with a child's sibling  
16 relationship, taking into consideration the nature and extent of the  
17 relationship, including, but not limited to, whether the child was  
18 raised with a sibling in the same home, whether the child shared  
19 significant common experiences or has existing close and strong  
20 bonds with a sibling, and whether ongoing contact is in the child's  
21 best interest, including the child's long-term emotional interest,  
22 as compared to the benefit of legal permanence through adoption.

23 (vi) The child is an Indian child and there is a compelling reason  
24 for determining that termination of parental rights would not be  
25 in the best interest of the child, including, but not limited to:

26 (I) Termination of parental rights would substantially interfere  
27 with the child's connection to his or her tribal community or the  
28 child's tribal membership rights.

29 (II) The child's tribe has identified guardianship, foster care  
30 with a fit and willing relative, tribal customary adoption, or another  
31 planned permanent living arrangement for the child.

32 (III) The child is a nonminor dependent, and the nonminor and  
33 the nonminor's tribe have identified tribal customary adoption for  
34 the nonminor.

35 (C) For purposes of subparagraph (B), in the case of tribal  
36 customary adoptions, Section 366.24 shall apply.

37 (D) If the court finds that termination of parental rights would  
38 be detrimental to the child pursuant to clause (i), (ii), (iii), (iv),  
39 (v), or (vi), it shall state its reasons in writing or on the record.

40 (2) The court shall not terminate parental rights if:

1 (A) At each hearing at which the court was required to consider  
2 reasonable efforts or services, the court has found that reasonable  
3 efforts were not made or that reasonable services were not offered  
4 or provided.

5 (B) In the case of an Indian child:

6 (i) At the hearing terminating parental rights, the court has found  
7 that active efforts were not made as required in Section 361.7.

8 (ii) The court does not make a determination at the hearing  
9 terminating parental rights, supported by evidence beyond a  
10 reasonable doubt, including testimony of one or more “qualified  
11 expert witnesses” as defined in Section 224.6, that the continued  
12 custody of the child by the parent is likely to result in serious  
13 emotional or physical damage to the child.

14 (iii) The court has ordered tribal customary adoption pursuant  
15 to Section 366.24.

16 (3) If the court finds that termination of parental rights would  
17 not be detrimental to the child pursuant to paragraph (1) and that  
18 the child has a probability for adoption but is difficult to place for  
19 adoption and there is no identified or available prospective adoptive  
20 parent, the court may identify adoption as the permanent placement  
21 goal and, without terminating parental rights, order that efforts be  
22 made to locate an appropriate adoptive family for the child, within  
23 the state or out of the state, within a period not to exceed 180 days.  
24 During this 180-day period, the public agency responsible for  
25 seeking adoptive parents for each child shall, to the extent possible,  
26 ask each child who is 10 years of age or older to identify any  
27 individuals, other than the child’s siblings, who are important to  
28 the child, in order to identify potential adoptive parents. The public  
29 agency may ask any other child to provide that information, as  
30 appropriate. During the 180-day period, the public agency shall,  
31 to the extent possible, contact other private and public adoption  
32 agencies regarding the availability of the child for adoption. During  
33 the 180-day period, the public agency shall conduct the search for  
34 adoptive parents in the same manner as prescribed for children in  
35 Sections 8708 and 8709 of the Family Code. At the expiration of  
36 this period, another hearing shall be held and the court shall  
37 proceed pursuant to paragraph (1), (2), (3), (5), or (6) of subdivision  
38 (b). For purposes of this section, a child may only be found to be  
39 difficult to place for adoption if there is no identified or available  
40 prospective adoptive parent for the child because of the child’s

1 membership in a sibling group, or the presence of a diagnosed  
2 medical, physical, or mental handicap, or the child is seven years  
3 of age or older.

4 (4) (A) If the court finds that adoption of the child or  
5 termination of parental rights is not in the best interest of the child,  
6 because one of the conditions in clause (i), (ii), (iii), (iv), (v), or  
7 (vi) of subparagraph (B) of paragraph (1) or in paragraph (2)  
8 applies, the court shall order that the present caretakers or other  
9 appropriate persons shall become legal guardians of the child, or,  
10 in the case of an Indian child, consider a tribal customary adoption  
11 pursuant to Section 366.24. Legal guardianship shall be considered  
12 before continuing the child in foster care under any other permanent  
13 plan, if it is in the best interests of the child and if a suitable  
14 guardian can be found. If the child continues in foster care, the  
15 court shall make factual findings identifying any barriers to  
16 achieving adoption, tribal customary adoption in the case of an  
17 Indian child, legal guardianship, or placement with a fit and willing  
18 relative as of the date of the hearing. A child who is 10 years of  
19 age or older, shall be asked to identify any individuals, other than  
20 the child's siblings, who are important to the child, in order to  
21 identify potential guardians or, in the case of an Indian child,  
22 prospective tribal customary adoptive parents. The agency may  
23 ask any other child to provide that information, as appropriate.

24 (B) (i) If the child is living with an approved relative who is  
25 willing and capable of providing a stable and permanent  
26 environment, but not willing to become a legal guardian as of the  
27 hearing date, the court shall order a permanent plan of placement  
28 with a fit and willing relative, and the child shall not be removed  
29 from the home if the court finds the removal would be seriously  
30 detrimental to the emotional well-being of the child because the  
31 child has substantial psychological ties to the relative caretaker.

32 (ii) If the child is living with a nonrelative caregiver who is  
33 willing and capable of providing a stable and permanent  
34 environment, but not willing to become a legal guardian as of the  
35 hearing date, the court shall order that the child remain in foster  
36 care with a permanent plan of return home, adoption, legal  
37 guardianship, or placement with a fit and willing relative, as  
38 appropriate. If the child is 16 years of age or older, or a nonminor  
39 dependent, and no other permanent plan is appropriate at the time  
40 of the hearing, the court may order another planned permanent

1 living arrangement, as described in paragraph (2) of subdivision  
2 (i) of Section 16501. Regardless of the age of the child, the child  
3 shall not be removed from the home if the court finds the removal  
4 would be seriously detrimental to the emotional well-being of the  
5 child because the child has substantial psychological ties to the  
6 caregiver.

7 (iii) If the child is living in a group home or, on or after January  
8 1, 2017, a short-term residential treatment center, the court shall  
9 order that the child remain in foster care with a permanent plan of  
10 return home, adoption, tribal customary adoption in the case of an  
11 Indian child, legal guardianship, or placement with a fit and willing  
12 relative, as appropriate. If the child is 16 years of age or older, or  
13 a nonminor dependent, and no other permanent plan is appropriate  
14 at the time of the hearing, the court may order another planned  
15 permanent living arrangement, as described in paragraph (2) of  
16 subdivision (i) of Section 16501.

17 (C) The court shall also make an order for visitation with the  
18 parents or guardians unless the court finds by a preponderance of  
19 the evidence that the visitation would be detrimental to the physical  
20 or emotional well-being of the child.

21 (5) If the court finds that the child should not be placed for  
22 adoption, that legal guardianship shall not be established, that  
23 placement with a fit and willing relative is not appropriate as of  
24 the hearing date, and that there are no suitable foster parents except  
25 certified family homes or resource families of a foster family  
26 agency available to provide the child with a stable and permanent  
27 environment, the court may order the care, custody, and control  
28 of the child transferred from the county welfare department to a  
29 licensed foster family agency. The court shall consider the written  
30 recommendation of the county welfare director regarding the  
31 suitability of the transfer. The transfer shall be subject to further  
32 court orders.

33 The licensed foster family agency shall place the child in a  
34 suitable licensed or certified family home that has been certified  
35 by the agency as meeting licensing standards or with a resource  
36 family approved by the agency. The licensed foster family agency  
37 shall be responsible for supporting the child and providing  
38 appropriate services to the child, including those services ordered  
39 by the court. Responsibility for the support of the child shall not,  
40 in and of itself, create liability on the part of the foster family

1 agency to third persons injured by the child. Those children whose  
2 care, custody, and control are transferred to a foster family agency  
3 shall not be eligible for foster care maintenance payments or child  
4 welfare services, except for emergency response services pursuant  
5 to Section 16504.

6 (d) The proceeding for the appointment of a guardian for a child  
7 who is a dependent of the juvenile court shall be in the juvenile  
8 court. If the court finds pursuant to this section that legal  
9 guardianship is the appropriate permanent plan, it shall appoint  
10 the legal guardian and issue letters of guardianship. The assessment  
11 prepared pursuant to subdivision (g) of Section 361.5, subdivision  
12 (i) of Section 366.21, subdivision (b) of Section 366.22, and  
13 subdivision (b) of Section 366.25 shall be read and considered by  
14 the court prior to the appointment, and this shall be reflected in  
15 the minutes of the court. The person preparing the assessment may  
16 be called and examined by any party to the proceeding.

17 (e) (1) The proceeding for the adoption of a child who is a  
18 dependent of the juvenile court shall be in the juvenile court if the  
19 court finds pursuant to this section that adoption is the appropriate  
20 permanent plan and the petition for adoption is filed in the juvenile  
21 court. Upon the filing of a petition for adoption, the juvenile court  
22 shall order that an adoption hearing be set. The court shall proceed  
23 with the adoption after the appellate rights of the natural parents  
24 have been exhausted. The full report required by Section 8715 of  
25 the Family Code shall be read and considered by the court prior  
26 to the adoption and this shall be reflected in the minutes of the  
27 court. The person preparing the report may be called and examined  
28 by any party to the proceeding. It is the intent of the Legislature,  
29 pursuant to this subdivision, to give potential adoptive parents the  
30 option of filing in the juvenile court the petition for the adoption  
31 of a child who is a dependent of the juvenile court. Nothing in this  
32 section is intended to prevent the filing of a petition for adoption  
33 in any other court as permitted by law, instead of in the juvenile  
34 court.

35 (2) In the case of an Indian child, if the Indian child's tribe has  
36 elected a permanent plan of tribal customary adoption, the court,  
37 upon receiving the tribal customary adoption order will afford the  
38 tribal customary adoption order full faith and credit to the same  
39 extent that the court would afford full faith and credit to the public  
40 acts, records, judicial proceedings, and judgments of any other

1 entity. Upon a determination that the tribal customary adoption  
2 order may be afforded full faith and credit, consistent with Section  
3 224.5, the court shall thereafter order a hearing to finalize the  
4 adoption be set upon the filing of the adoption petition. The  
5 prospective tribal customary adoptive parents and the child who  
6 is the subject of the tribal customary adoption petition shall appear  
7 before the court for the finalization hearing. The court shall  
8 thereafter issue an order of adoption pursuant to Section 366.24.

9 (3) If a child who is the subject of a finalized tribal customary  
10 adoption shows evidence of a developmental disability or mental  
11 illness as a result of conditions existing before the tribal customary  
12 adoption to the extent that the child cannot be relinquished to a  
13 licensed adoption agency on the grounds that the child is considered  
14 unadoptable, and of which condition the tribal customary adoptive  
15 parent or parents had no knowledge or notice before the entry of  
16 the tribal customary adoption order, a petition setting forth those  
17 facts may be filed by the tribal customary adoptive parent or  
18 parents with the juvenile court that granted the tribal customary  
19 adoption petition. If these facts are proved to the satisfaction of  
20 the juvenile court, it may make an order setting aside the tribal  
21 customary adoption order. The set-aside petition shall be filed  
22 within five years of the issuance of the tribal customary adoption  
23 order. The court clerk shall immediately notify the child's tribe  
24 and the department in Sacramento of the petition within 60 days  
25 after the notice of filing of the petition. The department shall file  
26 a full report with the court and shall appear before the court for  
27 the purpose of representing the child. Whenever a final decree of  
28 tribal customary adoption has been vacated or set aside, the child  
29 shall be returned to the custody of the county in which the  
30 proceeding for tribal customary adoption was finalized. The  
31 biological parent or parents of the child may petition for return of  
32 custody. The disposition of the child after the court has entered an  
33 order to set aside a tribal customary adoption shall include  
34 consultation with the child's tribe.

35 (f) At the beginning of any proceeding pursuant to this section,  
36 if the child or the parents are not being represented by previously  
37 retained or appointed counsel, the court shall proceed as follows:

38 (1) In accordance with subdivision (c) of Section 317, if a child  
39 before the court is without counsel, the court shall appoint counsel  
40 unless the court finds that the child would not benefit from the

1 appointment of counsel. The court shall state on the record its  
2 reasons for that finding.

3 (2) If a parent appears without counsel and is unable to afford  
4 counsel, the court shall appoint counsel for the parent, unless this  
5 representation is knowingly and intelligently waived. The same  
6 counsel shall not be appointed to represent both the child and his  
7 or her parent. The public defender or private counsel may be  
8 appointed as counsel for the parent.

9 (3) Private counsel appointed under this section shall receive a  
10 reasonable sum for compensation and expenses, the amount of  
11 which shall be determined by the court. The amount shall be paid  
12 by the real parties in interest, other than the child, in any  
13 proportions the court deems just. However, if the court finds that  
14 any of the real parties in interest are unable to afford counsel, the  
15 amount shall be paid out of the general fund of the county.

16 (g) The court may continue the proceeding for a period of time  
17 not to exceed 30 days as necessary to appoint counsel, and to  
18 enable counsel to become acquainted with the case.

19 (h) (1) At all proceedings under this section, the court shall  
20 consider the wishes of the child and shall act in the best interests  
21 of the child.

22 (2) In accordance with Section 349, the child shall be present  
23 in court if the child or the child's counsel so requests or the court  
24 so orders. If the child is 10 years of age or older and is not present  
25 at a hearing held pursuant to this section, the court shall determine  
26 whether the minor was properly notified of his or her right to attend  
27 the hearing and inquire as to the reason why the child is not present.

28 (3) (A) The testimony of the child may be taken in chambers  
29 and outside the presence of the child's parent or parents, if the  
30 child's parent or parents are represented by counsel, the counsel  
31 is present, and any of the following circumstances exist:

32 (i) The court determines that testimony in chambers is necessary  
33 to ensure truthful testimony.

34 (ii) The child is likely to be intimidated by a formal courtroom  
35 setting.

36 (iii) The child is afraid to testify in front of his or her parent or  
37 parents.

38 (B) After testimony in chambers, the parent or parents of the  
39 child may elect to have the court reporter read back the testimony

1 or have the testimony summarized by counsel for the parent or  
2 parents.

3 (C) The testimony of a child also may be taken in chambers and  
4 outside the presence of the guardian or guardians of a child under  
5 the circumstances specified in this subdivision.

6 (i) (1) Any order of the court permanently terminating parental  
7 rights under this section shall be conclusive and binding upon the  
8 child, upon the parent or parents and, upon all other persons who  
9 have been served with citation by publication or otherwise as  
10 provided in this chapter. After making the order, the juvenile court  
11 shall have no power to set aside, change, or modify it, except as  
12 provided in paragraph (2), but nothing in this section shall be  
13 construed to limit the right to appeal the order.

14 (2) A tribal customary adoption order evidencing that the Indian  
15 child has been the subject of a tribal customary adoption shall be  
16 afforded full faith and credit and shall have the same force and  
17 effect as an order of adoption authorized by this section. The rights  
18 and obligations of the parties as to the matters determined by the  
19 Indian child's tribe shall be binding on all parties. A court shall  
20 not order compliance with the order absent a finding that the party  
21 seeking the enforcement participated, or attempted to participate,  
22 in good faith, in family mediation services of the court or dispute  
23 resolution through the tribe regarding the conflict, prior to the  
24 filing of the enforcement action.

25 (3) A child who has not been adopted after the passage of at  
26 least three years from the date the court terminated parental rights  
27 and for whom the court has determined that adoption is no longer  
28 the permanent plan may petition the juvenile court to reinstate  
29 parental rights pursuant to the procedure prescribed by Section  
30 388. The child may file the petition prior to the expiration of this  
31 three-year period if the State Department of Social Services, county  
32 adoption agency, or licensed adoption agency that is responsible  
33 for custody and supervision of the child as described in subdivision  
34 (j) and the child stipulate that the child is no longer likely to be  
35 adopted. A child over 12 years of age shall sign the petition in the  
36 absence of a showing of good cause as to why the child could not  
37 do so. If it appears that the best interests of the child may be  
38 promoted by reinstatement of parental rights, the court shall order  
39 that a hearing be held and shall give prior notice, or cause prior  
40 notice to be given, to the social worker or probation officer and to

1 the child's attorney of record, or, if there is no attorney of record  
2 for the child, to the child, and the child's tribe, if applicable, by  
3 means prescribed by subdivision (c) of Section 297. The court  
4 shall order the child or the social worker or probation officer to  
5 give prior notice of the hearing to the child's former parent or  
6 parents whose parental rights were terminated in the manner  
7 prescribed by subdivision (f) of Section 294 where the  
8 recommendation is adoption. The juvenile court shall grant the  
9 petition if it finds by clear and convincing evidence that the child  
10 is no longer likely to be adopted and that reinstatement of parental  
11 rights is in the child's best interest. If the court reinstates parental  
12 rights over a child who is under 12 years of age and for whom the  
13 new permanent plan will not be reunification with a parent or legal  
14 guardian, the court shall specify the factual basis for its findings  
15 that it is in the best interest of the child to reinstate parental rights.  
16 This subdivision is intended to be retroactive and applies to any  
17 child who is under the jurisdiction of the juvenile court at the time  
18 of the hearing regardless of the date parental rights were terminated.

19 (j) If the court, by order or judgment, declares the child free  
20 from the custody and control of both parents, or one parent if the  
21 other does not have custody and control, or declares the child  
22 eligible for tribal customary adoption, the court shall at the same  
23 time order the child referred to the State Department of Social  
24 Services, county adoption agency, or licensed adoption agency for  
25 adoptive placement by the agency. However, except in the case  
26 of a tribal customary adoption where there is no termination of  
27 parental rights, a petition for adoption may not be granted until  
28 the appellate rights of the natural parents have been exhausted.  
29 The State Department of Social Services, county adoption agency,  
30 or licensed adoption agency shall be responsible for the custody  
31 and supervision of the child and shall be entitled to the exclusive  
32 care and control of the child at all times until a petition for adoption  
33 or tribal customary adoption is granted, except as specified in  
34 subdivision (n). With the consent of the agency, the court may  
35 appoint a guardian of the child, who shall serve until the child is  
36 adopted.

37 (k) Notwithstanding any other law, the application of any person  
38 who, as a relative caretaker or foster parent, has cared for a  
39 dependent child for whom the court has approved a permanent  
40 plan for adoption, or who has been freed for adoption, shall be

1 given preference with respect to that child over all other  
2 applications for adoptive placement if the agency making the  
3 placement determines that the child has substantial emotional ties  
4 to the relative caretaker or foster parent and removal from the  
5 relative caretaker or foster parent would be seriously detrimental  
6 to the child's emotional well-being.

7 As used in this subdivision, "preference" means that the  
8 application shall be processed and, if satisfactory, the family study  
9 shall be completed before the processing of the application of any  
10 other person for the adoptive placement of the child.

11 (D) (1) An order by the court that a hearing pursuant to this  
12 section be held is not appealable at any time unless all of the  
13 following apply:

14 (A) A petition for extraordinary writ review was filed in a timely  
15 manner.

16 (B) The petition substantively addressed the specific issues to  
17 be challenged and supported that challenge by an adequate record.

18 (C) The petition for extraordinary writ review was summarily  
19 denied or otherwise not decided on the merits.

20 (2) Failure to file a petition for extraordinary writ review within  
21 the period specified by rule, to substantively address the specific  
22 issues challenged, or to support that challenge by an adequate  
23 record shall preclude subsequent review by appeal of the findings  
24 and orders made pursuant to this section.

25 (3) The Judicial Council shall adopt rules of court, effective  
26 January 1, 1995, to ensure all of the following:

27 (A) A trial court, after issuance of an order directing a hearing  
28 pursuant to this section be held, shall advise all parties of the  
29 requirement of filing a petition for extraordinary writ review as  
30 set forth in this subdivision in order to preserve any right to appeal  
31 in these issues. This notice shall be made orally to a party if the  
32 party is present at the time of the making of the order or by  
33 first-class mail by the clerk of the court to the last known address  
34 of a party not present at the time of the making of the order.

35 (B) The prompt transmittal of the records from the trial court  
36 to the appellate court.

37 (C) That adequate time requirements for counsel and court  
38 personnel exist to implement the objective of this subdivision.

1 (D) That the parent or guardian, or their trial counsel or other  
2 counsel, is charged with the responsibility of filing a petition for  
3 extraordinary writ relief pursuant to this subdivision.

4 (4) The intent of this subdivision is to do both of the following:

5 (A) Make every reasonable attempt to achieve a substantive and  
6 meritorious review by the appellate court within the time specified  
7 in Sections 366.21, 366.22, and 366.25 for holding a hearing  
8 pursuant to this section.

9 (B) Encourage the appellate court to determine all writ petitions  
10 filed pursuant to this subdivision on their merits.

11 (5) This subdivision shall only apply to cases in which an order  
12 to set a hearing pursuant to this section is issued on or after January  
13 1, 1995.

14 (m) Except for subdivision (j), this section shall also apply to  
15 minors adjudged wards pursuant to Section 727.31.

16 (n) (1) Notwithstanding Section 8704 of the Family Code or  
17 any other law, the court, at a hearing held pursuant to this section  
18 or anytime thereafter, may designate a current caretaker as a  
19 prospective adoptive parent if the child has lived with the caretaker  
20 for at least six months, the caretaker currently expresses a  
21 commitment to adopt the child, and the caretaker has taken at least  
22 one step to facilitate the adoption process. In determining whether  
23 to make that designation, the court may take into consideration  
24 whether the caretaker is listed in the preliminary assessment  
25 prepared by the county department in accordance with subdivision  
26 (i) of Section 366.21 as an appropriate person to be considered as  
27 an adoptive parent for the child and the recommendation of the  
28 State Department of Social Services, county adoption agency, or  
29 licensed adoption agency.

30 (2) For purposes of this subdivision, steps to facilitate the  
31 adoption process include, but are not limited to, the following:

32 (A) Applying for an adoption homestudy.

33 (B) Cooperating with an adoption homestudy.

34 (C) Being designated by the court or the adoption agency as the  
35 adoptive family.

36 (D) Requesting de facto parent status.

37 (E) Signing an adoptive placement agreement.

38 (F) Engaging in discussions regarding a postadoption contact  
39 agreement.

1 (G) Working to overcome any impediments that have been  
2 identified by the State Department of Social Services, county  
3 adoption agency, or licensed adoption agency.

4 (H) Attending classes required of prospective adoptive parents.

5 (3) Prior to a change in placement and as soon as possible after  
6 a decision is made to remove a child from the home of a designated  
7 prospective adoptive parent, the agency shall notify the court, the  
8 designated prospective adoptive parent or the current caretaker, if  
9 that caretaker would have met the threshold criteria to be  
10 designated as a prospective adoptive parent pursuant to paragraph  
11 (1) on the date of service of this notice, the child's attorney, and  
12 the child, if the child is 10 years of age or older, of the proposal  
13 in the manner described in Section 16010.6.

14 (A) Within five court days or seven calendar days, whichever  
15 is longer, of the date of notification, the child, the child's attorney,  
16 or the designated prospective adoptive parent may file a petition  
17 with the court objecting to the proposal to remove the child, or the  
18 court, upon its own motion, may set a hearing regarding the  
19 proposal. The court may, for good cause, extend the filing period.  
20 A caretaker who would have met the threshold criteria to be  
21 designated as a prospective adoptive parent pursuant to paragraph  
22 (1) on the date of service of the notice of proposed removal of the  
23 child may file, together with the petition under this subparagraph,  
24 a petition for an order designating the caretaker as a prospective  
25 adoptive parent for purposes of this subdivision.

26 (B) A hearing ordered pursuant to this paragraph shall be held  
27 as soon as possible and not later than five court days after the  
28 petition is filed with the court or the court sets a hearing upon its  
29 own motion, unless the court for good cause is unable to set the  
30 matter for hearing five court days after the petition is filed, in  
31 which case the court shall set the matter for hearing as soon as  
32 possible. At the hearing, the court shall determine whether the  
33 caretaker has met the threshold criteria to be designated as a  
34 prospective adoptive parent pursuant to paragraph (1), and whether  
35 the proposed removal of the child from the home of the designated  
36 prospective adoptive parent is in the child's best interest, and the  
37 child may not be removed from the home of the designated  
38 prospective adoptive parent unless the court finds that removal is  
39 in the child's best interest. If the court determines that the caretaker  
40 did not meet the threshold criteria to be designated as a prospective

1 adoptive parent on the date of service of the notice of proposed  
2 removal of the child, the petition objecting to the proposed removal  
3 filed by the caretaker shall be dismissed. If the caretaker was  
4 designated as a prospective adoptive parent prior to this hearing,  
5 the court shall inquire into any progress made by the caretaker  
6 towards the adoption of the child since the caretaker was designated  
7 as a prospective adoptive parent.

8 (C) A determination by the court that the caretaker is a  
9 designated prospective adoptive parent pursuant to paragraph (1)  
10 or subparagraph (B) does not make the caretaker a party to the  
11 dependency proceeding nor does it confer on the caretaker any  
12 standing to object to any other action of the department, county  
13 adoption agency, or licensed adoption agency, unless the caretaker  
14 has been declared a de facto parent by the court prior to the notice  
15 of removal served pursuant to paragraph (3).

16 (D) If a petition objecting to the proposal to remove the child  
17 is not filed, and the court, upon its own motion, does not set a  
18 hearing, the child may be removed from the home of the designated  
19 prospective adoptive parent without a hearing.

20 (4) Notwithstanding paragraph (3), if the State Department of  
21 Social Services, county adoption agency, or licensed adoption  
22 agency determines that the child must be removed from the home  
23 of the caretaker who is or may be a designated prospective adoptive  
24 parent immediately, due to a risk of physical or emotional harm,  
25 the agency may remove the child from that home and is not  
26 required to provide notice prior to the removal. However, as soon  
27 as possible and not longer than two court days after the removal,  
28 the agency shall notify the court, the caretaker who is or may be  
29 a designated prospective adoptive parent, the child's attorney, and  
30 the child, if the child is 10 years of age or older, of the removal.  
31 Within five court days or seven calendar days, whichever is longer,  
32 of the date of notification of the removal, the child, the child's  
33 attorney, or the caretaker who is or may be a designated prospective  
34 adoptive parent may petition for, or the court on its own motion  
35 may set, a noticed hearing pursuant to paragraph (3). The court  
36 may, for good cause, extend the filing period.

37 (5) Except as provided in subdivision (b) of Section 366.28, an  
38 order by the court issued after a hearing pursuant to this subdivision  
39 shall not be appealable.

1 (6) Nothing in this section shall preclude a county child  
2 protective services agency from fully investigating and responding  
3 to alleged abuse or neglect of a child pursuant to Section 11165.5  
4 of the Penal Code.

5 (7) The Judicial Council shall prepare forms to facilitate the  
6 filing of the petitions described in this subdivision, which shall  
7 become effective on January 1, 2006.

8 ~~SEC. 51.~~

9 *SEC. 50.* Section 727 of the Welfare and Institutions Code is  
10 amended to read:

11 727. (a) (1) If a minor or nonminor is adjudged a ward of the  
12 court on the ground that he or she is a person described by Section  
13 601 or 602, the court may make any reasonable orders for the care,  
14 supervision, custody, conduct, maintenance, and support of the  
15 minor or nonminor, including medical treatment, subject to further  
16 order of the court.

17 (2) In the discretion of the court, a ward may be ordered to be  
18 on probation without supervision of the probation officer. The  
19 court, in so ordering, may impose on the ward any and all  
20 reasonable conditions of behavior as may be appropriate under  
21 this disposition. A minor or nonminor who has been adjudged a  
22 ward of the court on the basis of the commission of any of the  
23 offenses described in subdivision (b) or paragraph (2) of  
24 subdivision (d) of Section 707, Section 459 of the Penal Code, or  
25 subdivision (a) of Section 11350 of the Health and Safety Code,  
26 shall not be eligible for probation without supervision of the  
27 probation officer. A minor or nonminor who has been adjudged a  
28 ward of the court on the basis of the commission of any offense  
29 involving the sale or possession for sale of a controlled substance,  
30 except misdemeanor offenses involving marijuana, as specified in  
31 Chapter 2 (commencing with Section 11053) of Division 10 of the  
32 Health and Safety Code, or of an offense in violation of Section  
33 32625 of the Penal Code, shall be eligible for probation without  
34 supervision of the probation officer only when the court determines  
35 that the interests of justice would best be served and states reasons  
36 on the record for that determination.

37 (3) In all other cases, the court shall order the care, custody, and  
38 control of the minor or nonminor to be under the supervision of  
39 the probation officer.

1 (4) It is the responsibility pursuant to 42 U.S.C. Section  
2 672(a)(2)(B) of the probation agency to determine the appropriate  
3 placement for the ward once the court issues a placement order.  
4 In determination of the appropriate placement for the ward, the  
5 probation officer shall consider any recommendations of the child  
6 and family. The probation agency may place the minor or nonminor  
7 in any of the following:

8 (A) The approved home of a relative or the approved home of  
9 a nonrelative, extended family member, as defined in Section  
10 362.7. If a decision has been made to place the minor in the home  
11 of a relative, the court may authorize the relative to give legal  
12 consent for the minor's medical, surgical, and dental care and  
13 education as if the relative caregiver were the custodial parent of  
14 the minor.

15 (B) A foster home, the approved home of a resource family as  
16 defined in Section 16519.5, or a home or facility in accordance  
17 with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901  
18 et seq.).

19 (C) A suitable licensed community care facility, as identified  
20 by the probation officer, except a runaway and homeless youth  
21 shelter licensed by the State Department of Social Services  
22 pursuant to Section 1502.35 of the Health and Safety Code.

23 (D) A foster family agency, as defined in subdivision (g) of  
24 Section 11400 and paragraph (4) of subdivision (a) of Section 1502  
25 of the Health and Safety Code, in a suitable certified family home  
26 or with a resource family.

27 (E) Commencing January 1, 2017, a minor or nonminor  
28 dependent may be placed in a short-term residential treatment  
29 center as defined in subdivision (ad) of Section 11400 and  
30 paragraph (18) of subdivision (a) of Section 1502 of the Health  
31 and Safety Code. The placing agency shall also comply with  
32 requirements set forth in paragraph (9) of subdivision (e) of Section  
33 361.2, which includes, but is not limited to, authorization, limitation  
34 on length of stay, extensions, and additional requirements related  
35 to minors. For youth 13 years of age and older, the chief probation  
36 officer of the county probation department, or his or her designee,  
37 shall approve the placement if it is longer than 12 months, and no  
38 less frequently than every 12 months thereafter.

39 (F) (i) Every minor adjudged a ward of the juvenile court shall  
40 be entitled to participate in age-appropriate extracurricular,

1 enrichment, and social activities. A state or local regulation or  
2 policy shall not prevent, or create barriers to, participation in those  
3 activities. Each state and local entity shall ensure that private  
4 agencies that provide foster care services to wards have policies  
5 consistent with this section and that those agencies promote and  
6 protect the ability of wards to participate in age-appropriate  
7 extracurricular, enrichment, and social activities. A group home  
8 administrator, a facility manager, or his or her responsible designee,  
9 and a caregiver, as defined in paragraph (1) of subdivision (a) of  
10 Section 362.04, shall use a reasonable and prudent parent standard,  
11 as defined in paragraph (2) of subdivision (a) of Section 362.04,  
12 in determining whether to give permission for a minor residing in  
13 foster care to participate in extracurricular, enrichment, and social  
14 activities. A group home administrator, a facility manager, or his  
15 or her responsible designee, and a caregiver shall take reasonable  
16 steps to determine the appropriateness of the activity taking into  
17 consideration the minor's age, maturity, and developmental level.

18 (ii) A group home administrator or a facility manager, or his or  
19 her responsible designee, is encouraged to consult with social work  
20 or treatment staff members who are most familiar with the minor  
21 at the group home in applying and using the reasonable and prudent  
22 parent standard.

23 (G) For nonminors, an approved supervised independent living  
24 setting as defined in Section 11400, including a residential housing  
25 unit certified by a licensed transitional housing placement provider.

26 (5) The minor or nonminor shall be released from juvenile  
27 detention upon an order being entered under paragraph (3), unless  
28 the court determines that a delay in the release from detention is  
29 reasonable pursuant to Section 737.

30 (b) (1) To facilitate coordination and cooperation among  
31 agencies, the court may, at any time after a petition has been filed,  
32 after giving notice and an opportunity to be heard, join in the  
33 juvenile court proceedings any agency that the court determines  
34 has failed to meet a legal obligation to provide services to a minor,  
35 for whom a petition has been filed under Section 601 or 602, to a  
36 nonminor, as described in Section 303, or to a nonminor dependent,  
37 as defined in subdivision (v) of Section 11400. In any proceeding  
38 in which an agency is joined, the court shall not impose duties  
39 upon the agency beyond those mandated by law. The purpose of  
40 joinder under this section is to ensure the delivery and coordination

1 of legally mandated services to the minor. The joinder shall not  
2 be maintained for any other purpose. Nothing in this section shall  
3 prohibit agencies that have received notice of the hearing on joinder  
4 from meeting prior to the hearing to coordinate services.

5 (2) The court has no authority to order services unless it has  
6 been determined through the administrative process of an agency  
7 that has been joined as a party, that the minor, nonminor, or  
8 nonminor dependent is eligible for those services. With respect to  
9 mental health assessment, treatment, and case management services  
10 pursuant to an individualized education program developed  
11 pursuant to Article 2 (commencing with Section 56320) of Chapter  
12 4 of Part 30 of Division 4 of Title 2 of the Education Code, the  
13 court's determination shall be limited to whether the agency has  
14 complied with that chapter.

15 (3) For the purposes of this subdivision, "agency" means any  
16 governmental agency or any private service provider or individual  
17 that receives federal, state, or local governmental funding or  
18 reimbursement for providing services directly to a child, nonminor,  
19 or nonminor dependent.

20 (c) If a minor has been adjudged a ward of the court on the  
21 ground that he or she is a person described in Section 601 or 602,  
22 and the court finds that notice has been given in accordance with  
23 Section 661, and if the court orders that a parent or guardian shall  
24 retain custody of that minor either subject to or without the  
25 supervision of the probation officer, the parent or guardian may  
26 be required to participate with that minor in a counseling or  
27 education program, including, but not limited to, parent education  
28 and parenting programs operated by community colleges, school  
29 districts, or other appropriate agencies designated by the court.

30 (d) The juvenile court may direct any reasonable orders to the  
31 parents and guardians of the minor who is the subject of any  
32 proceedings under this chapter as the court deems necessary and  
33 proper to carry out subdivisions (a), (b), and (c), including orders  
34 to appear before a county financial evaluation officer, to ensure  
35 the minor's regular school attendance, and to make reasonable  
36 efforts to obtain appropriate educational services necessary to meet  
37 the needs of the minor.

38 If counseling or other treatment services are ordered for the  
39 minor, the parent, guardian, or foster parent shall be ordered to  
40 participate in those services, unless participation by the parent,

1 guardian, or foster parent is deemed by the court to be inappropriate  
2 or potentially detrimental to the minor.

3 (e) The court may, after receipt of relevant testimony and other  
4 evidence from the parties, affirm or reject the placement  
5 determination. If the court rejects the placement determination,  
6 the probation department shall determine an alternative placement  
7 for the ward.

8 ~~SEC. 52.~~

9 *SEC. 51.* Section 727.4 of the Welfare and Institutions Code  
10 is amended to read:

11 727.4. (a) (1) Notice of any hearing pursuant to Section 727,  
12 727.2, or 727.3 shall be mailed by the probation officer to the  
13 minor, the minor's parent or guardian, any adult provider of care  
14 to the minor including, but not limited to, foster parents, relative  
15 caregivers, preadoptive parents, resource family, community care  
16 facility, or foster family agency, and to the counsel of record if the  
17 counsel of record was not present at the time that the hearing was  
18 set by the court, by first-class mail addressed to the last known  
19 address of the person to be notified, or shall be personally served  
20 on those persons, not earlier than 30 days nor later than 15 days  
21 preceding the date of the hearing. The notice shall contain a  
22 statement regarding the nature of the status review or permanency  
23 planning hearing and any change in the custody or status of the  
24 minor being recommended by the probation department. The notice  
25 shall also include a statement informing the foster parents, relative  
26 caregivers, or preadoptive parents that he or she may attend all  
27 hearings or may submit any information he or she deems relevant  
28 to the court in writing. The foster parents, relative caregiver, and  
29 preadoptive parents are entitled to notice and opportunity to be  
30 heard but need not be made parties to the proceedings. Proof of  
31 notice shall be filed with the court.

32 (2) If the court or probation officer knows or has reason to know  
33 that the minor is or may be an Indian child, any notice sent under  
34 this section shall comply with the requirements of Section 224.2.

35 (b) At least 10 calendar days prior to each status review and  
36 permanency planning hearing, after the hearing during which the  
37 court orders that the care, ~~custody~~ custody, and control of the minor  
38 to be under the supervision of the probation officer for placement  
39 pursuant to subdivision (a) of Section 727, the probation officer

1 shall file a social study report with the court, pursuant to the  
2 requirements listed in Section 706.5.

3 (c) The probation department shall inform the minor, the minor's  
4 parent or guardian, and all counsel of record that a copy of the  
5 social study prepared for the hearing will be available 10 days  
6 prior to the hearing and may be obtained from the probation officer.

7 (d) As used in Article 15 (commencing with Section 625) to  
8 Article 18 (commencing with Section 725), inclusive:

9 (1) "Foster care" means residential care provided in any of the  
10 settings described in Section 11402 or 11402.01.

11 (2) "At risk of entering foster care" means that conditions within  
12 a minor's family may necessitate his or her entry into foster care  
13 unless those conditions are resolved.

14 (3) "Preadoptive parent" means a licensed foster parent who  
15 has been approved for adoption by the State Department of Social  
16 Services when it is acting as an adoption agency or by a licensed  
17 adoption agency.

18 (4) "Date of entry into foster care" means the date that is 60  
19 days after the date on which the minor was removed from his or  
20 her home, unless one of the exceptions below applies:

21 (A) If the minor is detained pending foster care placement, and  
22 remains detained for more than 60 days, then the date of entry into  
23 foster care means the date the court adjudges the minor a ward and  
24 orders the minor placed in foster care under the supervision of the  
25 probation officer.

26 (B) If, before the minor is placed in foster care, the minor is  
27 committed to a ranch, camp, school, or other institution pending  
28 placement, and remains in that facility for more than 60 days, then  
29 the "date of entry into foster care" is the date the minor is  
30 physically placed in foster care.

31 (C) If at the time the wardship petition was filed, the minor was  
32 a dependent of the juvenile court and in out-of-home placement,  
33 then the "date of entry into foster care" is the earlier of the date  
34 the juvenile court made a finding of abuse or neglect, or 60 days  
35 after the date on which the child was removed from his or her  
36 home.

37 (5) "Reasonable efforts" means:

38 (A) Efforts made to prevent or eliminate the need for removing  
39 the minor from the minor's home.

1 (B) Efforts to make it possible for the minor to return home,  
2 including, but not limited to, case management, counseling,  
3 parenting training, mentoring programs, vocational training,  
4 educational services, substance abuse treatment, transportation,  
5 and therapeutic day services.

6 (C) Efforts to complete whatever steps are necessary to finalize  
7 a permanent plan for the minor.

8 (D) In child custody proceedings involving an Indian child,  
9 “reasonable efforts” shall also include “active efforts” as defined  
10 in Section 361.7.

11 (6) “Relative” means an adult who is related to the minor by  
12 blood, adoption, or affinity within the fifth degree of kinship  
13 including stepparents, stepsiblings, and all relatives whose status  
14 is preceded by the words “great,” “great-great,” “grand,” or the  
15 spouse of any of these persons even if the marriage was terminated  
16 by death or dissolution. “Relative” shall also include an “extended  
17 family member” as defined in the Indian Child Welfare Act (25  
18 U.S.C. Sec. 1903(2)).

19 (7) “Hearing” means a noticed proceeding with findings and  
20 orders that are made on a case-by-case basis, heard by either of  
21 the following:

22 (A) A judicial officer, in a courtroom, recorded by a court  
23 reporter.

24 (B) An administrative panel, provided that the hearing is a status  
25 review hearing and that the administrative panel meets the  
26 following conditions:

27 (i) The administrative review shall be open to participation by  
28 the minor and parents or legal guardians and all those persons  
29 entitled to notice under subdivision (a).

30 (ii) The minor and his or her parents or legal guardians receive  
31 proper notice as required in subdivision (a).

32 (iii) The administrative review panel is composed of persons  
33 appointed by the presiding judge of the juvenile court, the  
34 membership of which shall include at least one person who is not  
35 responsible for the case management of, or delivery of services  
36 to, the minor or the parents who are the subjects of the review.

37 (iv) The findings of the administrative review panel shall be  
38 submitted to the juvenile court for the court’s approval and shall  
39 become part of the official court record.

1     ~~SEC. 53.~~

2     *SEC. 52.* Section 4094.2 of the Welfare and Institutions Code  
3 is amended to read:

4     4094.2. (a) For the purpose of establishing payment rates for  
5 community treatment facility programs, the private nonprofit  
6 agencies selected to operate these programs shall prepare a budget  
7 that covers the total costs of providing residential care and  
8 supervision and mental health services for their proposed programs.  
9 These costs shall include categories that are allowable under  
10 California's Foster Care program and existing programs for mental  
11 health services. They shall not include educational, nonmental  
12 health medical, and dental costs.

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

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

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

34     (2) Except as otherwise provided in paragraph (3), commencing  
35 January 1, 2017, the program shall have accreditation from a  
36 nationally recognized accrediting entity identified by the State  
37 Department of Social Services pursuant to the process described  
38 in paragraph (4) of subdivision (b) of Section 11462.

39     (3) With respect to a program that has been granted an extension  
40 pursuant to the exception process described in subdivision (d) of

1 Section 11462.04, the requirement described in paragraph (2) shall  
2 apply to that program commencing January 1, 2019.

3 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the  
4 2003–04 fiscal year, and the 2004–05 fiscal year, community  
5 treatment facility programs shall also be paid a community  
6 treatment facility supplemental rate of up to two thousand five  
7 hundred dollars (\$2,500) per child per month on behalf of children  
8 eligible under the foster care program and children placed out of  
9 home pursuant to an individualized education program developed  
10 under Section 7572.5 of the Government Code. Subject to the  
11 availability of funds, the supplemental rate shall be shared by the  
12 state and the counties. Counties shall be responsible for paying a  
13 county share of cost equal to 60 percent of the community  
14 treatment rate for children placed by counties in community  
15 treatment facilities and the state shall be responsible for 40 percent  
16 of the community treatment facility supplemental rate. The  
17 community treatment facility supplemental rate is intended to  
18 supplement, and not to supplant, the payments for which children  
19 placed in community treatment facilities are eligible to receive  
20 under the foster care program and the existing programs for mental  
21 health services.

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

30 (f) The State Department of Health Care Services shall provide  
31 the community treatment facility supplemental rates to the counties  
32 for advanced payment to the community treatment facility  
33 providers in the same manner as the regular foster care payment  
34 and within the same required payment time limits.

35 (g) In order to facilitate the study of the costs of community  
36 treatment facilities, licensed community treatment facilities shall  
37 provide all documents regarding facility operations, treatment, and  
38 placements requested by the department.

39 (h) It is the intent of the Legislature that the State Department  
40 of Health Care Services and the State Department of Social

1 Services work to maximize federal financial participation in  
2 funding for children placed in community treatment facilities  
3 through funds available pursuant to Titles IV-E and XIX of the  
4 federal Social Security Act (Title 42 U.S.C. Sec. 670 et seq. and  
5 Sec. 1396 et seq.) and other appropriate federal programs.

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

26 ~~SEC. 54.~~

27 *SEC. 53.* Section 4096 of the Welfare and Institutions Code,  
28 as added by Section 56 of Chapter 773 of the Statutes of 2015, is  
29 amended to read:

30 4096. (a) (1) Interagency collaboration and children's program  
31 services shall be structured in a manner that will facilitate  
32 implementation of the goals of Part 4 (commencing with Section  
33 5850) of Division 5 to develop protocols outlining the roles and  
34 responsibilities of placing agencies and short-term residential  
35 treatment centers regarding nonemergency placements of foster  
36 children in certified short-term residential treatment centers or  
37 foster family agencies.

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

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

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

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

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

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

27 (e) (1) Each interagency placement committee shall establish  
28 procedures whereby a ward of the court or dependent child of the  
29 court, or a voluntarily placed child whose placement is funded by  
30 the Aid to Families with Dependent Children-Foster Care Program,  
31 who is to be placed or is currently placed in a short-term residential  
32 treatment center program, as specified in Section 11462.01, or a  
33 group home granted an extension pursuant to Section 11462.04,  
34 shall be assessed to determine whether the child meets one of the  
35 following:

36 (A) He or she meets the medical necessity criteria for Medi-Cal  
37 specialty mental health services, as the criteria are described in  
38 Section 1830.205 or 1830.210 of Title 9 of the California Code of  
39 Regulations.

1 (B) He or she is assessed as seriously emotionally disturbed, as  
2 described in subdivision (a) of Section 5600.3.

3 (C) His or her individual behavioral or treatment needs can only  
4 be met by the level of care provided in a short-term residential  
5 treatment center. If the short-term residential treatment center  
6 serves children placed by county child welfare agencies and  
7 children placed by probation departments, the interagency  
8 placement committee shall also ensure the requirements of  
9 subdivision (c) of Section 16514 have been met with respect to  
10 commonality of need.

11 (2) The assessment required by paragraph (1) shall also indicate  
12 that the child is in need of the care and services provided by a  
13 short-term residential treatment center.

14 (3) Nothing in this subdivision shall prohibit an interagency  
15 placement committee from considering an assessment that was  
16 provided by a licensed mental health professional, as described in  
17 subdivision (g), and that was developed consistent with procedures  
18 established by the county pursuant to paragraph (1).

19 (4) The State Department of Health Care Services and the State  
20 Department of Social Services shall identify a dispute resolution  
21 process currently operated by each department to jointly review a  
22 disputed interagency placement committee assessment or  
23 determination made pursuant to this subdivision. *The departments*  
24 *shall report the identified dispute resolution process to the*  
25 *appropriate policy and fiscal committees of the Legislature no*  
26 *later than January 1, 2017, and shall track the number of disputes*  
27 *reported and resolved, and provide that information to the*  
28 *Legislature annually as part of the state budget process.*

29 (f) The interagency placement committee shall document the  
30 results of the assessment required by subdivision (e) and shall  
31 notify the appropriate provider in writing, of those results within  
32 10 days of the completion of the assessment.

33 (g) If the child's or youth's placement is not funded by the Aid  
34 to Families with Dependent Children-Foster Care Program, a  
35 licensed mental health professional, or an otherwise recognized  
36 provider of mental health services, shall certify that the child has  
37 been assessed as meeting the medical necessity criteria for  
38 Medi-Cal specialty mental health Early and Periodic Screening,  
39 Diagnosis, and Treatment services, as the criteria are described in  
40 Section 1830.210 of Title 9 of the California Code of Regulations,

1 or assessed as seriously emotionally disturbed, as described in  
2 subdivision (a) of Section 5600.3. A “licensed mental health  
3 professional” includes a physician licensed under Section 2050 of  
4 the Business and Professions Code, a licensed psychologist within  
5 the meaning of subdivision (a) of Section 2902 of the Business  
6 and Professions Code, a licensed clinical social worker within the  
7 meaning of subdivision (a) of Section 4996 of the Business and  
8 Professions Code, a licensed marriage and family therapist within  
9 the meaning of subdivision (b) of Section 4980 of the Business  
10 and Professions Code, or a licensed professional clinical counselor  
11 within the meaning of subdivision (e) of Section 4999.12.

12 ~~SEC. 55.~~

13 *SEC. 54.* Section 4096.5 of the Welfare and Institutions Code,  
14 as added by Section 59 of Chapter 773 of the Statutes of 2015, is  
15 amended to read:

16 4096.5. (a) This section governs standards for the mental health  
17 program approval for short-term residential treatment centers,  
18 which is required under subdivision (c) of Section 1562.01 of the  
19 Health and Safety Code.

20 (b) All short-term residential treatment centers that serve  
21 children who have either been assessed as meeting the medical  
22 necessity criteria for Medi-Cal specialty mental health services,  
23 as provided for in Section 1830.205 or 1830.210 of Title 9 of the  
24 California Code of Regulations, or who have been assessed as  
25 seriously emotionally disturbed, as defined in subdivision (a) of  
26 Section 5600.3, shall obtain and have in good standing a mental  
27 health program approval that includes a Medi-Cal mental health  
28 certification, as described in Section 11462.01, issued by the State  
29 Department of Health Care Services or a county mental health  
30 plan to which the department has delegated approval authority.  
31 This approval is a condition for receiving an Aid to Families with  
32 Dependent Children-Foster Care rate pursuant to Section 11462.01.

33 (c) A short-term residential treatment center shall not directly  
34 provide specialty mental health services without a current mental  
35 health program approval. A licensed short-term residential  
36 treatment center that has not obtained a program approval shall  
37 provide children in its care access to appropriate mental health  
38 services.

39 (d) (1) The State Department of Health Care Services or a  
40 county mental health plan to which the department has delegated

1 mental health program approval authority shall approve or deny  
2 mental health program approval requests within 45 days of  
3 receiving a request. The State Department of Health Care Services  
4 or a county mental health plan to which the department has  
5 delegated mental health program approval authority shall issue  
6 each mental health program approval for a period of one year,  
7 except for approvals granted pursuant to paragraph (2) and  
8 provisional approvals granted pursuant to regulations promulgated  
9 under subdivision (e), and shall specify the effective date of the  
10 approval. Approved entities shall meet all program standards to  
11 be reapproved.

12 (2) (A) Between January 1, 2017, and December 31, 2017, the  
13 State Department of Health Care Services, or a county mental  
14 health plan to which the department has delegated mental health  
15 program approval authority, shall approve or deny a mental health  
16 program approval request within 90 days of receipt.

17 (B) Between January 1, 2017, and December 31, 2017, the State  
18 Department of Health Care Services, or a county mental health  
19 plan to which the department has delegated mental health program  
20 approval authority, may issue a mental health program approval  
21 for a period of less than one year.

22 (e) (1) The State Department of Health Care Services and the  
23 county mental health plans to which the department has delegated  
24 mental health program approval authority may enforce the mental  
25 health program approval standards by taking any of the following  
26 actions against a non-compliant short-term residential treatment  
27 center:

28 (A) Suspend or revoke a mental health program approval.

29 (B) Impose monetary penalties.

30 (C) Place a mental health program on probation.

31 (D) Require a mental health program to prepare and comply  
32 with a corrective action plan.

33 (2) The State Department of Health Care Services and the county  
34 mental health plans to which the department has delegated mental  
35 health program approval authority shall provide short-term  
36 residential treatment centers with due process protections when  
37 taking any of the actions described in paragraph (1).

38 (f) The State Department of Health Care Services, in  
39 consultation with the State Department of Social Services, shall  
40 promulgate regulations regarding program standards, oversight,

1 enforcement, issuance of mental health program approvals,  
2 including provisional approvals that are effective for a period of  
3 less than one year, and due process protections related to the mental  
4 health program approval process for short-term residential  
5 treatment centers.

6 (g) (1) Except for mental health program approval of short-term  
7 residential treatment centers operated by a county, the State  
8 Department of Health Care Services may, upon the request of a  
9 county, delegate to that county mental health plan the mental health  
10 program approval of short-term residential treatment center  
11 programs within its borders.

12 (2) Any county to which mental health program approval is  
13 delegated pursuant to paragraph (1) shall be responsible for the  
14 oversight and enforcement of program standards and the provision  
15 of due process for approved and denied entities.

16 (h) The State Department of Health Care Services or a county  
17 mental health plan to which the department has delegated mental  
18 health program approval authority shall notify the State Department  
19 of Social Services immediately upon the termination of any mental  
20 health program approval issued in accordance with subdivisions  
21 (b) and (d).

22 (i) The State Department of Social Services shall notify the  
23 State Department of Health Care Services and, if applicable, a  
24 county to which the department has delegated mental health  
25 program approval authority, immediately upon the revocation of  
26 any license issued pursuant to Chapter 3 (commencing with Section  
27 1500) of Division 2 of the Health and Safety Code.

28 (j) Revocation of a license or a mental health program approval  
29 shall be a basis for rate termination.

30 ~~SEC. 56.~~

31 *SEC. 55.* Section 11400 of the Welfare and Institutions Code  
32 is amended to read:

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

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

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

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

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

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

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

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

24 (g) "Foster family agency" means a licensed community care  
25 facility, as defined in paragraph (4) of subdivision (a) of Section  
26 1502 of the Health and Safety Code. Private foster family agencies  
27 shall be organized and operated on a nonprofit basis.

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

35 (i) "Periodic review" means review of a child's status by the  
36 juvenile court or by an administrative review panel, that shall  
37 include a consideration of the safety of the child, a determination  
38 of the continuing need for placement in foster care, evaluation of  
39 the goals for the placement and the progress toward meeting these

1 goals, and development of a target date for the child's return home  
2 or establishment of alternative permanent placement.

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

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

17 (l) "Preplacement preventive services" means services that are  
18 designed to help children remain with their families by preventing  
19 or eliminating the need for removal.

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

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

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

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

8 (1) The legal status of the child.

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

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

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

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

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

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

1 The child of the minor or nonminor dependent parent need not be  
2 the subject of a petition filed pursuant to Section 300 to qualify  
3 for placement in a whole family foster home.

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

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

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

32 (3) An agreement, as described in paragraph (1), between a  
33 nonminor former dependent or ward in receipt of AFDC-FC  
34 payments under subdivision (e) or (f) of Section 11405 and the  
35 agency responsible for the AFDC-FC benefits, provided that the  
36 nonminor former dependent or ward described in subdivision (e)  
37 of Section 11405 satisfies one or more of the conditions described  
38 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
39 11403, and the nonminor described in subdivision (f) of Section

1 11405 satisfies the secondary school or equivalent training or  
2 certificate program conditions described in that subdivision.

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

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

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

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

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

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

39 (y) “Transitional independent living case plan” means, on or  
40 after January 1, 2012, a child’s case plan submitted for the last

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

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

1 juvenile court-appointed guardian and meet the eligibility criteria  
2 for AFDC-FC pursuant to subdivision (e) of Section 11405.

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

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

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

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

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

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

33 (ae) “Resource family” means an approved caregiver, as defined  
34 in subdivision (c) of Section 16519.5.

35 (af) “Core Services” mean services, made available to children,  
36 youth, and nonminor dependents either directly or secured through  
37 formal agreement with other agencies, which are trauma informed  
38 and culturally relevant as specified in Sections 11462 and 11463.

1     ~~SEC. 57.~~

2     ~~SEC. 56.~~ Section 11402 of the Welfare and Institutions Code,  
3 as added by Section 66 of Chapter 773 of the Statutes of 2015, is  
4 amended to read:

5     11402. In order to be eligible for AFDC-FC, a child or  
6 nonminor dependent shall be placed in one of the following:

7     (a) Prior to January 1, 2020:

8         (1) The approved home of a relative, provided the child or youth  
9 is otherwise eligible for federal financial participation in the  
10 AFDC-FC payment.

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

13         (3) The licensed family home of a nonrelative.

14     (b) The approved home of a resource family, as defined in  
15 Section 16519.5.

16     (c) A small family home, as defined in paragraph (6) of  
17 subdivision (a) of Section 1502 of the Health and Safety Code.

18     (d) A housing model certified by a licensed transitional housing  
19 placement provider, as described in Section 1559.110 of the Health  
20 and Safety Code, and as defined in subdivision (r) of Section  
21 11400.

22     (e) An approved supervised independent living setting for  
23 nonminor dependents, as defined in subdivision (w) of Section  
24 11400.

25     (f) A licensed foster family agency, as defined in subdivision  
26 (g) of Section 11400 and paragraph (4) of subdivision (a) of Section  
27 1502 of the Health and Safety Code, for placement into a certified  
28 or approved home used exclusively by the foster family agency.

29     (g) A short-term residential treatment center licensed as a  
30 community care facility, as defined in subdivision (ad) of Section  
31 11400 and paragraph (18) of subdivision (a) of Section 1502 of  
32 the Health and Safety Code.

33     (h) An out-of-state group home that meets the requirements of  
34 paragraph (2) of subdivision (c) of Section 11460, provided that  
35 the placement worker, in addition to complying with all other  
36 statutory requirements for placing a child or youth in an out-of-state  
37 group home, documents that the requirements of Section 7911.1  
38 of the Family Code have been met.

1 (i) A community treatment facility set forth in Article 5  
2 (commencing with Section 4094) of Chapter 3 of Part 1 of Division  
3 4.

4 (j) A community care facility licensed pursuant to Chapter 3  
5 (commencing with Section 1500) of Division 2 of the Health and  
6 Safety Code and vendored by a regional center pursuant to Section  
7 56004 of Title 17 of the California Code of Regulations.

8 (k) The home of a nonrelated legal guardian or the home of a  
9 former nonrelated legal guardian when the guardianship of a child  
10 or youth who is otherwise eligible for AFDC-FC has been  
11 dismissed due to the child or youth attaining 18 years of age.

12 ~~SEC. 58.~~

13 *SEC. 57.* Section 11402.01 of the Welfare and Institutions  
14 Code is repealed.

15 ~~SEC. 59.~~

16 *SEC. 58.* Section 11402.01 is added to the Welfare and  
17 Institutions Code, to read:

18 11402.01. (a) In addition to the placements described in  
19 Section 11402, a child or nonminor dependent may be eligible for  
20 AFDC-FC while placed in a group home with an extension  
21 pursuant to the exception process described in subdivision (d) of  
22 Section 11462.04.

23 (b) 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. 60.~~

27 *SEC. 59.* Section 11460 of the Welfare and Institutions Code  
28 is amended to read:

29 11460. (a) (1) Foster care providers shall be paid a per child  
30 per month rate in return for the care and supervision of the  
31 AFDC-FC child placed with them. The department is designated  
32 the single organizational unit whose duty it shall be to administer  
33 a state system for establishing rates in the AFDC-FC program.  
34 State functions shall be performed by the department or by  
35 delegation of the department to county welfare departments or  
36 Indian tribes, consortia of tribes, or tribal organizations that have  
37 entered into an agreement pursuant to Section 10553.1.

38 (2) (A) Foster care providers that care for a child in a  
39 home-based setting described in paragraph (1) of subdivision (g)  
40 of Section 11461, or in a certified home or an approved resource

1 family of a foster family agency, shall be paid the per child per  
2 month rate as set forth in ~~paragraph (4)~~ of subdivision (g) of  
3 Section 11461.

4 (B) The basic rate paid to either a certified family home or an  
5 approved resource family of a foster family agency shall be paid  
6 by the agency to the certified family home or approved resource  
7 family from the rate that is paid to the agency pursuant to Section  
8 11463.

9 (b) “Care and supervision” includes food, clothing, shelter, daily  
10 supervision, school supplies, a child’s personal incidentals, liability  
11 insurance with respect to a child, reasonable travel to the child’s  
12 home for visitation, and reasonable travel for the child to remain  
13 in the school in which he or she is enrolled at the time of  
14 placement. Reimbursement for the costs of educational travel, as  
15 provided for in this subdivision, shall be made pursuant to  
16 procedures determined by the department, in consultation with  
17 representatives of county welfare and probation directors, and  
18 additional stakeholders, as appropriate.

19 (1) For a child or youth placed in a short-term residential  
20 treatment center or a group home, care and supervision shall also  
21 include reasonable administration and operational activities  
22 necessary to provide the items listed in this subdivision.

23 (2) For a child or youth placed in a short-term residential  
24 treatment center or a group home, care and supervision may also  
25 include reasonable activities performed by social workers employed  
26 by the program provider that are not otherwise considered daily  
27 supervision or administration activities, but are eligible for federal  
28 financial participation under Title IV-E of the federal Social  
29 Security Act.

30 (3) The department, in consultation with the California State  
31 Foster Parent Association, and other interested stakeholders, shall  
32 provide information to the Legislature, no later than January 1,  
33 2017, regarding the availability and cost for liability and property  
34 insurance covering acts committed by children in care, and shall  
35 make recommendations for any needed program development in  
36 this area.

37 (c) It is the intent of the Legislature to establish the maximum  
38 level of financial participation in out-of-state foster care group  
39 home program rates for placements in facilities described in  
40 subdivision (g) of Section 11402.

1 (1) The department shall develop regulations that establish the  
2 method for determining the level of financial participation in the  
3 rate paid for out-of-state placements in facilities described in  
4 subdivision (g) of Section 11402. The department shall consider  
5 all of the following methods:

6 (A) Until December 31, 2016, a standardized system based on  
7 the rate classification level of care and services per child per month.

8 (B) The rate developed for a short-term residential treatment  
9 center pursuant to Section 11462.

10 (C) A system that considers the actual allowable and reasonable  
11 costs of care and supervision incurred by the out-of-state program.

12 (D) A system that considers the rate established by the host  
13 state.

14 (E) Any other appropriate methods as determined by the  
15 department.

16 (2) Reimbursement for the Aid to Families with Dependent  
17 Children-Foster Care rate to be paid to an out-of-state program  
18 described in subdivision (g) of Section 11402 shall only be paid  
19 to programs that have done all of the following:

20 (A) Submitted a rate application to the department, which shall  
21 include, but not be limited to, both of the following:

22 (i) Commencing January 1, 2017, unless granted an extension  
23 from the department pursuant to subdivision (d) of Section  
24 11462.04, the equivalent of the mental health program approval  
25 required in Section 4096.5.

26 (ii) Commencing January 1, 2017, unless granted an extension  
27 from the department pursuant to subdivision (d) of Section  
28 11462.04, the national accreditation required in paragraph (5) of  
29 subdivision (b) of Section 11462.

30 (B) Maintained a level of financial participation that shall not  
31 exceed any of the following:

32 (i) The current fiscal year's standard rate for rate classification  
33 level 14 for a group home.

34 (ii) Commencing January 1, 2017, the current fiscal year's rate  
35 for a short-term residential treatment center.

36 (iii) The rate determined by the ratesetting authority of the state  
37 in which the facility is located.

38 (C) Agreed to comply with information requests, and program  
39 and fiscal audits as determined necessary by the department.

1 (3) Except as specifically provided for in statute, reimbursement  
2 for an AFDC-FC rate shall only be paid to a group home or  
3 short-term residential treatment center organized and operated on  
4 a nonprofit basis.

5 (d) A foster care provider that accepts payments, following the  
6 effective date of this section, based on a rate established under this  
7 section, shall not receive rate increases or retroactive payments as  
8 the result of litigation challenging rates established prior to the  
9 effective date of this section. This shall apply regardless of whether  
10 a provider is a party to the litigation or a member of a class covered  
11 by the litigation.

12 (e) Nothing shall preclude a county from using a portion of its  
13 county funds to increase rates paid to family homes, foster family  
14 agencies, group homes, and short-term residential treatment centers  
15 within that county, and to make payments for specialized care  
16 increments, clothing allowances, or infant supplements to homes  
17 within that county, solely at that county’s expense.

18 (f) Nothing shall preclude a county from providing a  
19 supplemental rate to serve commercially sexually exploited foster  
20 children to provide for the additional care and supervision needs  
21 of these children. To the extent that federal financial participation  
22 is available, it is the intent of the Legislature that the federal  
23 funding shall be utilized.

24 ~~SEC. 61.~~

25 *SEC. 60.* Section 11461 of the Welfare and Institutions Code  
26 is amended to read:

27 11461. (a) For children or, on and after January 1, 2012,  
28 nonminor dependents placed in a licensed or approved family  
29 home with a capacity of six or less, or in an approved home of a  
30 relative or nonrelated legal guardian, or the approved home of a  
31 nonrelative extended family member as described in Section 362.7,  
32 or, on and after January 1, 2012, a supervised independent living  
33 placement, as defined in subdivision (w) of Section 11400, the per  
34 child per month basic rates in the following schedule shall be in  
35 effect for the period July 1, 1989, through December 31, 1989:

Age	Basic rate
0-4.....	\$ 294
5-8.....	319 \$ 319
9-11.....	340 \$ 340

1	Age	Basic rate
2	12-14.....	378 \$ 378
3	15-20.....	412 \$ 412

4

5 (b) (1) Any county that, as of October 1, 1989, has in effect a  
6 basic rate that is at the levels set forth in the schedule in subdivision  
7 (a), shall continue to receive state participation, as specified in  
8 subdivision (c) of Section 15200, at these levels.

9 (2) Any county that, as of October 1, 1989, has in effect a basic  
10 rate that exceeds a level set forth in the schedule in subdivision  
11 (a), shall continue to receive the same level of state participation  
12 as it received on October 1, 1989.

13 (c) The amounts in the schedule of basic rates in subdivision  
14 (a) shall be adjusted as follows:

15 (1) Effective January 1, 1990, the amounts in the schedule of  
16 basic rates in subdivision (a) shall be increased by 12 percent.

17 (2) Effective May 1, 1990, any county that did not increase the  
18 basic rate by 12 percent on January 1, 1990, shall do both of the  
19 following:

20 (A) Increase the basic rate in effect December 31, 1989, for  
21 which state participation is received by 12 percent.

22 (B) Increase the basic rate, as adjusted pursuant to subparagraph  
23 (A), by an additional 5 percent.

24 (3) (A) Except as provided in subparagraph (B), effective July  
25 1, 1990, for the 1990-91 fiscal year, the amounts in the schedule  
26 of basic rates in subdivision (a) shall be increased by an additional  
27 5 percent.

28 (B) The rate increase required by subparagraph (A) shall not be  
29 applied to rates increased May 1, 1990, pursuant to paragraph (2).

30 (4) Effective July 1, 1998, the amounts in the schedule of basic  
31 rates in subdivision (a) shall be increased by 6 percent.  
32 Notwithstanding any other law, the 6-percent increase provided  
33 for in this paragraph shall, retroactive to July 1, 1998, apply to  
34 every county, including any county to which paragraph (2) of  
35 subdivision (b) applies, and shall apply to foster care for every age  
36 group.

37 (5) Notwithstanding any other law, any increase that takes effect  
38 after July 1, 1998, shall apply to every county, including any county  
39 to which paragraph (2) of subdivision (b) applies, and shall apply  
40 to foster care for every age group.

1 (6) The increase in the basic foster family home rate shall apply  
2 only to children placed in a licensed foster family home receiving  
3 the basic rate or in an approved home of a relative or nonrelative  
4 extended family member, as described in Section 362.7, a  
5 supervised independent living placement, as defined in subdivision  
6 (w) of Section 11400, or a nonrelated legal guardian receiving the  
7 basic rate. The increased rate shall not be used to compute the  
8 monthly amount that may be paid to licensed foster family agencies  
9 for the placement of children in certified foster homes.

10 (d) (1) (A) Beginning with the 1991–92 fiscal year, the  
11 schedule of basic rates in subdivision (a) shall be adjusted by the  
12 percentage changes in the California Necessities Index, computed  
13 pursuant to the methodology described in Section 11453, subject  
14 to the availability of funds.

15 (B) In addition to the adjustment in subparagraph (A) effective  
16 January 1, 2000, the schedule of basic rates in subdivision (a) shall  
17 be increased by 2.36 percent rounded to the nearest dollar.

18 (C) Effective January 1, 2008, the schedule of basic rates in  
19 subdivision (a), as adjusted pursuant to subparagraph (B), shall be  
20 increased by 5 percent, rounded to the nearest dollar. The increased  
21 rate shall not be used to compute the monthly amount that may be  
22 paid to licensed foster family agencies for the placement of children  
23 in certified foster family homes, and shall not be used to recompute  
24 the foster care maintenance payment that would have been paid  
25 based on the age-related, state-approved foster family home care  
26 rate and any applicable specialized care increment, for any adoption  
27 assistance agreement entered into prior to October 1, 1992, or in  
28 any subsequent reassessment for adoption assistance agreements  
29 executed before January 1, 2008.

30 (2) (A) Any county that, as of the 1991–92 fiscal year, receives  
31 state participation for a basic rate that exceeds the amount set forth  
32 in the schedule of basic rates in subdivision (a) shall receive an  
33 increase each year in state participation for that basic rate of  
34 one-half of the percentage adjustments specified in paragraph (1)  
35 until the difference between the county's adjusted state  
36 participation level for its basic rate and the adjusted schedule of  
37 basic rates is eliminated.

38 (B) Notwithstanding subparagraph (A), all counties for the  
39 1999–2000 fiscal year and the 2007–08 fiscal year shall receive

1 an increase in state participation for the basic rate of the entire  
2 percentage adjustment described in paragraph (1).

3 (3) If a county has, after receiving the adjustments specified in  
4 paragraph (2), a state participation level for a basic rate that is  
5 below the amount set forth in the adjusted schedule of basic rates  
6 for that fiscal year, the state participation level for that rate shall  
7 be further increased to the amount specified in the adjusted  
8 schedule of basic rates.

9 (e) (1) As used in this section, “specialized care increment”  
10 means an amount paid on behalf of a child requiring specialized  
11 care to a home listed in subdivision (g) in addition to the basic  
12 rate. Notwithstanding subdivision (g), the specialized care  
13 increment shall not be paid to a nonminor dependent placed in a  
14 supervised independent living setting as defined in subdivision  
15 (w) of Section 11403. A county may have a ratesetting system for  
16 specialized care to pay for the additional care and supervision  
17 needed to address the behavioral, emotional, and physical  
18 requirements of foster children. A county may modify its  
19 specialized care rate system as needed, to accommodate changing  
20 specialized placement needs of children.

21 (2) (A) The department shall have the authority to review the  
22 county’s specialized care information, including the criteria and  
23 methodology used for compliance with state and federal law, and  
24 to require counties to make changes if necessary to conform to  
25 state and federal law.

26 (B) The department shall make available to the public each  
27 county’s specialized care information, including the criteria and  
28 methodology used to determine the specialized care increments.

29 (3) Upon a request by a county for technical assistance,  
30 specialized care information shall be provided by the department  
31 within 90 days of the request to the department.

32 (4) (A) Except for subparagraph (B), beginning January 1,  
33 1990, specialized care increments shall be adjusted in accordance  
34 with the methodology for the schedule of basic rates described in  
35 subdivisions (c) and (d).

36 (B) Notwithstanding subdivision (e) of Section 11460, for the  
37 1993–94 fiscal year, an amount equal to 5 percent of the State  
38 Treasury appropriation for family homes shall be added to the total  
39 augmentation for the AFDC-FC program in order to provide  
40 incentives and assistance to counties in the area of specialized

1 care. This appropriation shall be used, but not limited to,  
2 encouraging counties to implement or expand specialized care  
3 payment systems, to recruit and train foster parents for the  
4 placement of children with specialized care needs, and to develop  
5 county systems to encourage the placement of children in family  
6 homes. It is the intent of the Legislature that in the use of these  
7 funds, federal financial participation shall be claimed whenever  
8 possible.

9 (C) (i) Notwithstanding subparagraph (A), the specialized care  
10 increment shall not receive a cost-of-living adjustment in the  
11 2011–12 or 2012–13 fiscal years.

12 (ii) Notwithstanding clause (i), a county may choose to apply  
13 a cost-of-living adjustment to its specialized care increment during  
14 the 2011–12 or 2012–13 fiscal years. To the extent that a county  
15 chooses to apply a cost-of-living adjustment during that time, the  
16 state shall not participate in the costs of that adjustment.

17 (iii) To the extent that federal financial participation is available  
18 for a cost-of-living adjustment made by a county pursuant to clause  
19 (ii), it is the intent of the Legislature that the federal funding shall  
20 be utilized.

21 (5) Beginning in the 2011–12 fiscal year, and for each fiscal  
22 year thereafter, funding and expenditures for programs and  
23 activities under this subdivision shall be in accordance with the  
24 requirements provided in Sections 30025 and 30026.5 of the  
25 Government Code.

26 (f) (1) As used in this section, “clothing allowance” means the  
27 amount paid by a county, at the county’s option, in addition to the  
28 basic rate for the provision of additional clothing for a child,  
29 including, but not limited to, an initial supply of clothing and  
30 school or other uniforms. The frequency and level of funding shall  
31 be based on the needs of the child, as determined by the county.

32 (2) The state shall no longer participate in any clothing  
33 allowance in addition to the basic rate, commencing with the  
34 2011–12 fiscal year.

35 (g) (1) Notwithstanding subdivisions (a) to (d), inclusive, for  
36 a child, or on and after January 1, 2012, a nonminor dependent,  
37 placed in a licensed foster family home or with a resource family,  
38 or placed in an approved home of a relative or the approved home  
39 of a nonrelative extended family member as described in Section  
40 362.7, or placed on and after January 1, 2012, in a supervised

1 independent living placement, as defined in subdivision (w) of  
 2 Section 11400, the per child per month basic rate in the following  
 3 schedule shall be in effect for the period commencing July 1, 2011,  
 4 or the date specified in the final order, for which the time to appeal  
 5 has passed, issued by a court of competent jurisdiction in California  
 6 State Foster Parent Association v. William Lightbourne, et al. (U.S.  
 7 Dist. Ct. C 07-08056 WHA), whichever is earlier, through June  
 8 30, 2012:

10 Age	Basic rate
11 0-4.....	\$ 609
12 5-8.....	\$ 660
13 9-11.....	\$ 695
14 12-14.....	\$ 727
15 15-20.....	\$ 761

16  
 17 (2) Commencing July 1, 2011, the basic rate set forth in this  
 18 subdivision shall be annually adjusted on July 1 by the annual  
 19 percentage change in the California Necessities Index applicable  
 20 to the calendar year within which each July 1 occurs.

21 (3) Subdivisions (e) and (f) shall apply to payments made  
 22 pursuant to this subdivision.

23 (4) (A) (i) ~~The~~ *For the 2016-17 fiscal year, the* department  
 24 shall develop a basic rate in coordination with the development of  
 25 the foster family agency rate authorized in Section 11463 that  
 26 ensures a child placed in a home-based setting described in  
 27 paragraph (1), and a child placed in a certified family home or  
 28 with a resource family approved by a foster family agency, is  
 29 eligible for the same basic rate set forth in this paragraph.

30 (ii) *The rates developed pursuant to this paragraph shall not*  
 31 *be lower than the rates proposed as part of the Governor's 2016*  
 32 *May Revision.*

33 (ii)  
 34 (iii) A certified family home of a foster family agency shall be  
 35 paid the basic rate set forth in this paragraph only through  
 36 December 31, ~~2019~~ 2017.

37 (B) The basic rate paid to either a certified family home or a  
 38 resource family approved by a foster family agency shall be paid  
 39 by the agency to the certified family home or approved resource

1 family from the rate that is paid to the agency pursuant to Section  
2 11463.

3 ~~(C) The basic rate shall be adjusted annually on July 1 by the~~  
4 ~~annual percentage change in the California Necessities Index~~  
5 ~~applicable 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~~  
9 ~~annually adjusted basic rates shall be published annually by~~  
10 ~~all-county letter.~~

11 ~~(D)~~

12 (C) 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), the basic rates and the manner in which they are determined  
16 shall be set forth in written directives until regulations are adopted.

17 ~~(E)~~

18 (D) The basic rates set forth in written directives or regulations  
19 pursuant to subparagraph ~~(D)~~ (C) shall become inoperative on  
20 January 1, 2018, unless a later enacted statute, that becomes  
21 operative on or before January 1, 2018, deletes or extends the dates  
22 on which they become inoperative.

23 (h) Beginning in the 2011–12 fiscal year, and each fiscal year  
24 thereafter, funding and expenditures for programs and activities  
25 under this section shall be in accordance with the requirements  
26 provided in Sections 30025 and 30026.5 of the Government Code.

27 ~~SEC. 62.~~

28 *SEC. 61.* Section 11462 of the Welfare and Institutions Code,  
29 as added by Section 72 of Chapter 773 of the Statutes of 2015, is  
30 amended to read:

31 11462. (a) The department shall commence development of  
32 a new payment structure for short-term residential treatment center  
33 program placements claiming Title IV-E funding, in consultation  
34 with county placing agencies and providers.

35 (b) The department shall develop a rate system that includes  
36 consideration of all of the following factors:

37 (1) Core services, made available to children and nonminor  
38 dependents either directly or secured through formal agreements  
39 with other agencies, which are trauma informed and culturally  
40 relevant and include:

1 (A) Specialty mental health services for children who meet  
2 medical necessity criteria for specialty mental health services under  
3 the Medi-Cal Early and Periodic Screening, Diagnosis, and  
4 Treatment program.

5 (B) Transition support services for children, youth, and families  
6 upon initial entry and placement changes and for families who  
7 assume permanency through reunification, adoption, or  
8 guardianship.

9 (C) Educational and physical, behavioral, and mental health  
10 supports, including extracurricular activities and social supports.

11 (D) Activities designed to support transition-age youth and  
12 nonminor dependents in achieving a successful adulthood.

13 (E) Services to achieve permanency, including supporting efforts  
14 to reunify or achieve adoption or guardianship and efforts to  
15 maintain or establish relationships with parents, siblings, extended  
16 family members, tribes, or others important to the child or youth,  
17 as appropriate.

18 (F) When serving Indian children, as defined in subdivisions  
19 (a) and (b) of Section 224.1, the core services described in  
20 subparagraphs (A) to (E), inclusive, which shall be provided to  
21 eligible children consistent with active efforts pursuant to Section  
22 361.7.

23 (G) (i) Facilitating the identification and, as needed, the  
24 approval of resource families pursuant to Section 16519.5, for the  
25 purpose of transitioning children and youth to family-based care.

26 (ii) If a short-term residential treatment center elects to approve  
27 and monitor resource families directly, the center shall comply  
28 with all laws applicable to foster family agencies, including, but  
29 not limited to, those set forth in the Community Care Facilities  
30 Act (Chapter 3 (commencing with Section 1500) of Division 2 of  
31 the Health and Safety Code).

32 (iii) For short-term residential treatment centers that elect to  
33 approve and monitor resource families directly, the department  
34 shall have all the same duties and responsibilities as those centers  
35 have for licensed foster family agencies, as set forth in applicable  
36 law, including, but not limited to, those set forth in the Community  
37 Care Facilities Act (Chapter 3 (commencing with Section 1500)  
38 of Division 2 of the Health and Safety Code).

39 (2) The core services specified in subparagraphs (A) to (G),  
40 inclusive, of paragraph (1) are not intended to duplicate services

1 already available to foster children in the community, but to support  
2 access to those services and supports to the extent they are already  
3 available. Those services and supports may include, but are not  
4 limited to, foster youth services available through county offices  
5 of education, Indian Health Services, or school-based  
6 extracurricular activities.

7 (3) Specialized and intensive treatment supports that encompass  
8 the elements of nonmedical care and supervision necessary to meet  
9 a child’s or youth’s safety and other needs that cannot be met in  
10 a family-based setting.

11 (4) Staff training.

12 (5) Health and Safety Code requirements.

13 (6) Accreditation that includes:

14 (A) Provision for all licensed short-term residential treatment  
15 centers to obtain and maintain in good standing accreditation from  
16 a nationally recognized accreditation agency, as identified by the  
17 department, with expertise in programs for children or youth group  
18 care facilities, as determined by the department.

19 (B) Promulgation by the department of information identifying  
20 that agency or agencies from which accreditation shall be required.

21 (C) Provision for timely reporting to the department of any  
22 change in accreditation status.

23 (7) Mental health certification, including a requirement to timely  
24 report to the department any change in mental health certificate  
25 status.

26 (8) Maximization of federal financial participation under Title  
27 IV-E and Title XIX of the Social Security Act.

28 (c) The department shall establish rates pursuant to subdivisions  
29 (a) and (b) commencing January 1, 2017. The rate structure shall  
30 include an interim rate, a provisional rate for new short-term  
31 residential treatment centers, and a probationary rate. The  
32 department may supplement the rate with a one-time  
33 reimbursement for accreditation fees in an amount and manner  
34 determined by the department in written directives.

35 (1) ~~Interim~~(A) *Initial interim* rates developed pursuant to this  
36 section shall be effective January 1, 2017. ~~The interim rates shall~~  
37 ~~be evaluated and an ongoing payment structure shall be set no later~~  
38 ~~than January 1, 2020.~~ *2017, through December 31, 2017.*

1 (B) *The initial interim rates developed pursuant to this*  
2 *paragraph shall not be lower than the rates proposed as part of*  
3 *the Governor's 2016 May Revision.*

4 (C) *The initial interim rates set forth in written directives or*  
5 *regulations pursuant to paragraph (3) shall become inoperative*  
6 *on January 1, 2018, unless a later enacted statute, that becomes*  
7 *operative on or before January 1, 2018, deletes or extends the*  
8 *dates on which they become inoperative.*

9 (D) *It is the intent of the Legislature to establish an ongoing*  
10 *payment structure no later than January 1, 2020.*

11 (2) Consistent with Section 11466.01, for provisional and  
12 probationary rates, the following shall be established:

13 (A) Terms and conditions, including the duration of the rate.

14 (B) An administrative review process for rate determinations,  
15 including denials, reductions, and terminations.

16 (C) An administrative review process that includes a  
17 departmental review, corrective action, and a protest with the  
18 department. Notwithstanding the rulemaking provisions of the  
19 Administrative Procedure Act (Chapter 3.5 (commencing with  
20 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
21 Code), this process shall be disseminated by written directive  
22 pending the promulgation of regulations.

23 (3) *Notwithstanding the rulemaking provisions of the*  
24 *Administrative Procedure Act (Chapter 3.5 (commencing with*  
25 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*  
26 *Code), the initial interim rates, provisional rates, and probationary*  
27 *rates and the manner in which they are determined shall be set*  
28 *forth in written directives until regulations are adopted.*

29 (d) The department shall develop a system of governmental  
30 monitoring and oversight that shall be carried out in coordination  
31 with the State Department of Health Care Services. Oversight  
32 responsibilities shall include, but not be limited to, ensuring  
33 conformity with federal and state law, including program, fiscal,  
34 and health and safety audits and reviews. The state agencies shall  
35 attempt to minimize duplicative audits and reviews to reduce the  
36 administrative burden on providers.

37 ~~SEC. 63.~~

38 SEC. 62. Section 11462.01 of the Welfare and Institutions  
39 Code, as added by Section 75 of Chapter 773 of the Statutes of  
40 2015, is amended to read:

1 11462.01. (a) (1) No later than 12 months following the date  
2 of initial licensure, a short-term residential treatment center, as  
3 defined in subdivision (ad) of Section 11400 of this code and  
4 paragraph (18) of subdivision (a) of Section 1502 of the Health  
5 and Safety Code, shall obtain a ~~contract~~ *contract, subject to an*  
6 *agreement on rates and terms and conditions*, with a county mental  
7 health plan to provide specialty mental health services and  
8 demonstrate the ability to meet the therapeutic needs of each child,  
9 as identified in any of the following:

- 10 (A) A mental health assessment.  
11 (B) The child's case plan.  
12 (C) The child's needs and services plan.  
13 (D) Other documentation demonstrating the child has a mental  
14 health need.

15 (2) A short-term residential treatment center shall comply with  
16 any other mental health program approvals required by the State  
17 Department of Health Care Services or by a county mental health  
18 plan to which mental health program approval authority has been  
19 delegated.

20 (b) A short-term residential treatment center may accept for  
21 placement a child who meets the following criteria:

22 (1) The child does not require inpatient care in a licensed health  
23 facility.

24 (2) The child has been assessed as requiring the level of services  
25 provided in a short-term residential treatment center in order to  
26 maintain the safety and well-being of the child or others due to  
27 behaviors, including those resulting from traumas, that render the  
28 child or those around the child unsafe or at risk of harm, or that  
29 prevent the effective delivery of needed services and supports  
30 provided in the child's own home or in other family settings, such  
31 as with a relative, guardian, foster family, resource family, or  
32 adoptive family. The assessment shall ensure the child has needs  
33 in common with other children or youth in the care of the facility,  
34 consistent with subdivision (c) of Section 16514.

35 (3) The child meets at least one of the following conditions:

36 (A) The child has been assessed, pursuant to Section 4096, as  
37 meeting the medical necessity criteria for Medi-Cal specialty  
38 mental health services, as provided for in Section 1830.205 or  
39 1830.210 of Title 9 of the California Code of Regulations.

1 (B) The child has been assessed, pursuant to Section 4096, as  
2 seriously emotionally disturbed, as defined in subdivision (a) of  
3 Section 5600.3.

4 (C) The child requires emergency placement pursuant to  
5 paragraph (3) of subdivision (h).

6 (D) The child has been assessed, pursuant to Section 4096, as  
7 requiring the level of services provided by the short-term residential  
8 treatment center in order to meet his or her behavioral or  
9 therapeutic needs.

10 (4) Subject to the requirements of this subdivision, a short-term  
11 residential treatment center may have a specialized program to  
12 serve a child, including, but not limited to, the following:

13 (A) A commercially sexually exploited child.

14 (B) A private voluntary placement, if the youth exhibits status  
15 offender behavior, the parents or other relatives feel they cannot  
16 control the child's behavior, and short-term intervention is needed  
17 to transition the child back into the home.

18 (C) A juvenile sex offender.

19 (D) A child who is affiliated with, or impacted by, a gang.

20 (c) A foster family agency that is certified as a Medi-Cal  
21 specialty mental health provider pursuant to Section 1810.435 of  
22 Title 9 of the California Code of Regulations by the State  
23 Department of Health Care Services, or by a county mental health  
24 plan to which the department has delegated certification authority,  
25 and which has entered into a contract with a county mental health  
26 plan pursuant to Section 1810.436 of Title 9 of the California Code  
27 of Regulations, shall provide, or provide access to, specialty mental  
28 health services to children under its care who do not require  
29 inpatient care in a licensed health facility and who meet the medical  
30 necessity criteria for Medi-Cal specialty mental health services  
31 provided for in Sections 1830.205 and 1830.210 of Title 9 of the  
32 California Code of Regulations.

33 (d) A foster family agency that is not certified as a Medi-Cal  
34 specialty mental health provider shall provide access to specialty  
35 and non-specialty mental health services in that program for  
36 children who do not require inpatient care in a licensed health  
37 facility and who meet ~~either~~ *any* of the conditions in paragraph (3)  
38 of subdivision (b). In this situation the foster family agency shall  
39 do the following:

1 (1) In the case of a child who is a Medi-Cal beneficiary, arrange  
2 for specialty mental health services from the county mental health  
3 plan.

4 (2) In all other cases, arrange for the child to receive mental  
5 health services.

6 (e) All short-term residential treatment centers shall maintain  
7 the level of care and services necessary to meet the needs of the  
8 children and youth in their care and shall maintain and have in  
9 good standing the appropriate mental health program approval that  
10 includes a certification to provide Medi-Cal specialty mental health  
11 services issued by the State Department of Health Care Services  
12 or a county mental health plan to which the department has  
13 delegated mental health program approval authority, pursuant to  
14 Section 4096.5 of this code or Section 1810.435 or 1810.436 of  
15 Title 9 of the California Code of Regulations. All foster family  
16 agencies that are certified as a Medi-Cal specialty mental health  
17 provider pursuant to Section 1810.435 of Title 9 of the California  
18 Code of Regulations shall maintain the level of care and services  
19 necessary to meet the needs of children and youth in their care and  
20 shall maintain and have in good standing the Medi-Cal specialty  
21 mental health provider certification issued by the State Department  
22 of Health Care Services or a county mental health plan to which  
23 the department has delegated certification authority.

24 (f) The assessments described in subparagraphs (A), (B), (C),  
25 and (D) of paragraph (3) of subdivision (b) shall ensure the child's  
26 individual behavioral or treatment needs are consistent with, and  
27 can be met by, the facility and shall be made by one of the  
28 following, as applicable:

29 (1) An interagency placement committee, as described in Section  
30 4096, considering the recommendations from the child and family  
31 team, if any are available. If the short-term residential treatment  
32 center serves children who are placed by county child welfare  
33 agencies and children who are placed by probation departments,  
34 the interagency placement committee shall also ensure the  
35 requirements of subdivision (c) of Section 16514 have been met  
36 with respect to commonality of need.

37 (2) A licensed mental health professional as defined in  
38 subdivision (g) of Section 4096.

39 (3) For the purposes of this section, an AFDC-FC funded child  
40 with an individualized education program developed pursuant to

1 Article 2 (commencing with Section 56320) of Chapter 4 of Part  
2 30 of Division 4 of Title 2 of the Education Code that assesses the  
3 child as seriously emotionally disturbed, as defined in, and subject  
4 to, this section and recommends out-of-home placement at the  
5 level of care provided by the provider, shall be deemed to have  
6 met the assessment requirement.

7 (g) The evaluation described in subparagraph (A) of paragraph  
8 (3) of subdivision (h) shall be made pursuant to subdivision (b) of  
9 Section 706.6 or paragraph (2) of subdivision (c) of Section  
10 16501.1.

11 (h) (1) The provider shall ensure that AFDC-FC funded  
12 children, assessed pursuant to subparagraphs (A) and (B) of  
13 paragraph (3) of subdivision (b), who are accepted for placement  
14 have been approved for placement by an interagency placement  
15 committee, as described in Section 4096, except as provided for  
16 in paragraphs (3) and (4) of subdivision (f).

17 (2) The approval shall be in writing and shall indicate that the  
18 interagency placement committee has determined one of the  
19 following:

20 (A) The child meets the medical necessity criteria for Medi-Cal  
21 specialty mental health services, as provided for in Section  
22 1830.205 or 1830.210 of Title 9 of the California Code of  
23 Regulations.

24 (B) The child is seriously emotionally disturbed, as described  
25 in subdivision (a) of Section 5600.3.

26 (3) (A) Nothing in subdivisions (a) to (h), inclusive, or this  
27 subdivision shall prevent an emergency placement of a child or  
28 youth into a certified short-term residential treatment center  
29 program prior to the determination by the interagency placement  
30 committee, but only if a licensed mental health professional, as  
31 defined in subdivision (g) of Section 4096, has made a written  
32 determination within 72 hours of the child's or youth's placement,  
33 that the child or youth requires the level of services and supervision  
34 provided by the short-term residential treatment center in order to  
35 meet his or her behavioral or therapeutic needs. If the short-term  
36 residential treatment center serves children placed by county child  
37 welfare agencies and children placed by probation departments,  
38 the interagency placement committee shall also ensure the  
39 requirements of subdivision (c) of Section 16514 have been met  
40 with respect to commonality of need.

- 1 (i) The interagency placement committee, as appropriate, shall,  
2 within 30 days of placement, make the determinations, with  
3 recommendations from the child and family team, required by this  
4 subdivision.
- 5 (ii) If it determines the placement is appropriate, the interagency  
6 placement committee, with recommendations from the child and  
7 family team, shall transmit the approval, in writing, to the county  
8 placing agency and the short-term residential treatment center.
- 9 (iii) If it determines the placement is not appropriate, the  
10 interagency placement committee shall respond pursuant to  
11 subparagraph (B).
- 12 (B) (i) If the interagency placement committee determines at  
13 any time that the placement is not appropriate, it shall, with  
14 recommendations from the child and family team, transmit the  
15 disapproval, in writing, to the county placing agency and the  
16 short-term residential treatment center and shall include a  
17 recommendation as to the child’s appropriate level of care and  
18 placement to meet his or her service needs. The necessary  
19 interagency placement committee representative or representatives  
20 shall participate in any child and family team meetings to refer the  
21 child or youth to an appropriate placement, as specified in this  
22 section.
- 23 (ii) The child may remain in the placement for the amount of  
24 time necessary to identify and transition the child to an alternative,  
25 suitable placement.
- 26 (iii) Notwithstanding clause (ii), if the interagency placement  
27 committee determined the placement was not appropriate due to  
28 a health and safety concern, immediate arrangements for the child  
29 to transition to an appropriate placement shall occur.
- 30 (i) Commencing January 1, 2017, for AFDC-FC funded children  
31 or youth, only those children or youth who are approved for  
32 placement, as set forth in this section, may be accepted by a  
33 short-term residential treatment center.
- 34 (j) The department shall, through regulation, establish  
35 consequences for the failure of a short-term residential treatment  
36 center to obtain written approval for placement of an AFDC-FC  
37 funded child or youth pursuant to this section.
- 38 (k) The department shall not establish a rate for a short-term  
39 residential treatment center unless the provider submits a  
40 recommendation from the host county or the primary placing

1 county that the program is needed and that the provider is willing  
2 and capable of operating the program at the level sought. For  
3 purposes of this subdivision, “host county,” and “primary placing  
4 county,” mean the same as defined in the department’s AFDC-FC  
5 ratesetting regulations.

6 (l) Any certified short-term residential treatment center shall be  
7 reclassified and paid at the appropriate program rate for which it  
8 is qualified if either of the following occurs:

9 (1) (A) It fails to maintain the level of care and services  
10 necessary to meet the needs of the children and youth in care, as  
11 required by subdivision (a). The determination shall be made  
12 consistent with the department’s AFDC-FC ratesetting regulations  
13 developed pursuant to Section 11462 and shall take into  
14 consideration the highest level of care and associated rates for  
15 which the program may be eligible if granted an extension pursuant  
16 to Section 11462.04 or any reduction in rate associated with a  
17 provisional or probationary rate granted or imposed under  
18 11466.01.

19 (B) In the event of a determination under this paragraph, the  
20 short-term residential treatment center may appeal the finding or  
21 submit a corrective action plan. The appeal process specified in  
22 Section 11466.6 shall be available to a short-term residential  
23 treatment center that provides intensive and therapeutic treatment.  
24 During any appeal, the short-term residential treatment center that  
25 provides intensive and therapeutic treatment shall maintain the  
26 appropriate level of care.

27 (2) It fails to maintain a certified mental health treatment  
28 program as required by subdivision (e).

29 (m) In addition to any other review required by law, the child  
30 and family team as defined in paragraph (4) of subdivision (a) of  
31 Section 16501 may periodically review the placement of the child  
32 or youth. If the child and family team make a recommendation  
33 that the child or youth no longer needs, or is not benefiting from,  
34 placement in a short-term residential treatment center or one of its  
35 programs, the team shall transmit the disapproval, in writing, to  
36 the county placing agency to consider a more appropriate  
37 placement.

38 (n) The department shall develop a process to address  
39 placements when, subsequent to the child’s or youth’s placement,  
40 a determination is made by the interagency placement team and

1 shall consider the recommendations of the child and family team,  
2 either that the child or youth is not in need of the care and services  
3 provided by the certified program. The process shall include, but  
4 not be limited to:

5 (1) Notice of the determination in writing to both the county  
6 placing agency and the short-term residential treatment center or  
7 foster family agency that provides intensive and therapeutic  
8 treatment.

9 (2) Notice of the county's plan, and a time frame, for removal  
10 of the child or youth in writing to the short-term residential  
11 treatment center that provides intensive and therapeutic treatment.

12 (3) Referral to an appropriate placement.

13 (4) Actions to be taken if a child or youth is not timely removed  
14 from the short-term residential treatment center that provides  
15 intensive and therapeutic treatment or placed in an appropriate  
16 placement.

17 (o) (1) Nothing in this section shall prohibit a short-term  
18 residential treatment center from accepting private placements of  
19 children or youth.

20 (2) When a referral is not from a public agency and no public  
21 funding is involved, there is no requirement for public agency  
22 review or determination of need.

23 (3) Children and youth subject to paragraphs (1) and (2) shall  
24 have been determined to be seriously emotionally disturbed, as  
25 described in subdivision (a) of Section 5600.3, and subject to  
26 Section 1502.4 of the Health and Safety Code, by a licensed mental  
27 health professional, as defined in subdivision (g) of Section 4096.

28 ~~SEC. 64.~~

29 *SEC. 63.* Section 11462.04 of the Welfare and Institutions  
30 Code, as added by Section 82 of Chapter 773 of the Statutes of  
31 2015, is amended to read:

32 11462.04. (a) Notwithstanding any other law, commencing  
33 January 1, 2017, no new group home rate or change to an existing  
34 rate shall be established pursuant to the Rate Classification Level  
35 (RCL) system.

36 (b) Notwithstanding subdivision (a), the department may grant  
37 an exception as appropriate, on a case-by-case basis, when a written  
38 request and supporting documentation are provided by a county  
39 placing agency, including a county welfare or probation director,  
40 that absent the granting of that exception, there is a material risk

1 to the welfare of children due to an inadequate supply of  
2 appropriate alternative placement options to meet the needs of  
3 children.

4 (c) For group homes being paid under the RCL system, and  
5 those granted an exception pursuant to paragraph (b), group home  
6 rates shall terminate on December 31, 2016, unless granted an  
7 extension under the exception process in subdivision (d).

8 (d) A group home may request an exception to extend its rate  
9 as follows:

10 (1) The department may grant an extension for up to two years,  
11 through December 31, 2018, except as provided in paragraph (2),  
12 on a case-by-case basis, when a written request and supporting  
13 documentation are provided by a county placing agency, including  
14 a county welfare or probation director, that absent the granting of  
15 that exception, there is a material risk to the welfare of children  
16 due to an inadequate supply of appropriate alternative placement  
17 options to meet the needs of children. The exception may include  
18 time to meet the program accreditation requirement or the mental  
19 health certification requirement.

20 (2) Pursuant to Section 11462.041, after the expiration of the  
21 extension afforded in paragraph (1), the department may grant an  
22 additional extension to a group home beyond December 31, 2018,  
23 upon a provider submitting a written request and the county  
24 probation department providing documentation stating that absent  
25 the grant of that extension, there is a significant risk to the safety  
26 of the youth or the public, due to an inadequate supply of  
27 short-term residential treatment centers or resource families  
28 necessary to meet the needs of probation youth. The extension  
29 granted to any provider through this section may be reviewed  
30 annually by the department if concerns arise regarding that  
31 provider's facility. Pursuant to subdivision (e) of Section  
32 11462.041, the final report submitted to the Legislature shall  
33 address whether or not the extensions are still necessary.

34 (3) The exception shall allow the provider to continue to receive  
35 the rate under the prior ratesetting system.

36 (4) A provider granted an extension pursuant to this section  
37 shall continue to operate and be governed by the applicable laws  
38 and regulations that were operative on December 31, 2018.

1 (5) If the exception request granted pursuant to this subdivision  
2 is not made by the host county, the placing county shall notify and  
3 provide a copy to the host county.

4 (e) (1) The extended rate granted pursuant to either paragraph  
5 (1) or (2) of subdivision (d) shall be provisional and subject to  
6 terms and conditions set by the department during the provisional  
7 period.

8 (2) Consistent with Section 11466.01, for provisional rates, the  
9 following shall be established:

10 (A) Terms and conditions, including the duration of the  
11 provisional rate.

12 (B) An administrative review process for provisional rate  
13 determinations, including denials, reductions, and terminations.

14 (C) An administrative review process that includes a  
15 departmental review, corrective action, and a protest with the  
16 department. Notwithstanding the rulemaking provisions of the  
17 Administrative Procedure Act (Chapter 3.5 (commencing with  
18 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
19 Code), this process shall be disseminated by written directive  
20 pending the promulgation of regulations.

21 (f) Upon termination of an existing group home rate under the  
22 RCL system, a new rate shall not be paid until an application is  
23 approved and a rate is granted by the department pursuant to  
24 Section 11462 as a short-term residential treatment center or,  
25 effective January 1, 2017, the rate set pursuant to Section 11463  
26 as a foster family agency.

27 (g) The department shall, in the development of the new rate  
28 structures, consider and provide for placement of all children who  
29 are displaced as a result of reclassification of treatment facilities.

30 ~~SEC. 65.~~

31 *SEC. 64.* Section 11462.06 of the Welfare and Institutions  
32 Code is amended to read:

33 11462.06. (a) For purposes of the administration of this article,  
34 including the setting of group home rates, the department shall  
35 deem the reasonable costs of leases for shelter care for foster  
36 children to be allowable costs. Reimbursement of shelter costs  
37 shall not exceed 12 percent of the fair market value of owned,  
38 leased, or rented buildings, including any structures, improvements,  
39 edifices, land, grounds, and other similar property that is owned,  
40 leased, or rented by the group home and that is used for group

1 home programs and activities, exclusive of idle capacity and  
2 capacity used for nongroup home programs and activities. Shelter  
3 costs shall be considered reasonable in relation to the fair market  
4 value limit as described in subdivision (b).

5 (b) For purposes of this section, fair market value of leased  
6 property shall be determined by either of the following methods,  
7 as chosen by the provider:

8 (1) The market value shown on the last tax bill for the cost  
9 reporting period.

10 (2) The market value determined by an independent appraisal.  
11 The appraisal shall be performed by a qualified, professional  
12 appraiser who, at a minimum, meets standards for appraisers as  
13 specified in Chapter 6.5 (commencing with Section 3500) of Title  
14 10 of the California Code of Regulations. The appraisal shall not  
15 be deemed independent if performed under a less-than-arms-length  
16 agreement, or if performed by a person or persons employed by,  
17 or under contract with, the group home for purposes other than  
18 performing appraisals, or by a person having a material interest in  
19 any group home which receives foster care payments. If the  
20 department believes an appraisal does not meet these standards,  
21 the department shall give its reasons in writing to the provider and  
22 provide an opportunity for appeal.

23 (c) (1) The department may adopt emergency regulations in  
24 order to implement this section, in accordance with Chapter 3.5  
25 (commencing with Section 11340) of Part 1 of Division 3 of Title  
26 2 of the Government Code.

27 (2) The adoption of emergency regulations pursuant to this  
28 section shall be deemed to be an emergency and considered by the  
29 Office of Administrative Law as necessary for the immediate  
30 preservation of the public peace, health and safety, or general  
31 welfare.

32 (3) Emergency regulations adopted pursuant to this section shall  
33 be exempt from the review and approval of the Office of  
34 Administrative Law.

35 (4) The emergency regulations authorized by this section shall  
36 be submitted to the Office of Administrative Law for filing with  
37 the Secretary of State and publication in the California Code of  
38 Regulations.

39 (d) (1) Commencing July 1, 2003, any group home provider  
40 with a self-dealing lease transaction for shelter costs, as defined

1 in Section 5233 of the Corporations Code, shall not be eligible for  
2 an AFDC-FC rate.

3 (2) Notwithstanding paragraph (1), providers that received an  
4 approval letter for a self-dealing lease transaction for shelter costs  
5 during the 2002–03 fiscal year from the Charitable Trust Section  
6 of the Department of Justice shall be eligible to continue to receive  
7 an AFDC-FC rate until the date that the lease expires, or is  
8 modified, extended, or terminated, whichever occurs first. These  
9 providers shall be ineligible to receive an AFDC-FC rate after that  
10 date if they have entered into any self-dealing lease transactions  
11 for group home shelter costs.

12 (e) This section shall remain in effect only until January 1, 2019,  
13 and as of that date is repealed, unless a later enacted statute, that  
14 is enacted before January 1, 2019, deletes or extends that date.

15 ~~SEC. 66.~~

16 *SEC. 65.* Section 11462.06 is added to the Welfare and  
17 Institutions Code, to read:

18 11462.06. (a) For purposes of the administration of this article,  
19 including setting AFDC-FC provider rates, the department shall  
20 deem the reasonable costs of leases for shelter care for foster  
21 children to be allowable costs.

22 (b) Rental costs of real property, allowable as either shelter care  
23 or as necessary administration of the foster care maintenance  
24 payment, are allowable to the extent that the rates are reasonable  
25 in light of such factors as rental costs of comparable property, if  
26 any; market conditions in the area; alternatives available; and the  
27 type, life expectancy, condition, and value of the leased property,  
28 including any structures, improvements, edifices, land, grounds,  
29 and other similar property that is used for the facility's residential  
30 foster care programs and activities, exclusive of idle capacity and  
31 capacity used for nonresidential foster care programs and activities.

32 (1) Rental costs shall be considered reasonable in relation to  
33 the fair market rental value limit, subject to the requirements in  
34 Section 200.465 of Title 2 of the Code of Federal Regulations, as  
35 implemented by the United States Department of Health and  
36 Human Services at Section 75.465 of Title 45 of the Code of  
37 Federal Regulations.

38 (2) Rental arrangements should be reviewed periodically to  
39 determine if circumstances have changed and other options are  
40 available.

1 (c) The appraisal shall be performed by an independent,  
2 qualified, professional appraiser who, at a minimum, meets  
3 standards for appraisers as specified in Chapter 6.5 (commencing  
4 with Section 3500) of Title 10 of the California Code of  
5 Regulations. The appraisal shall not be deemed independent if  
6 performed under a less-than-arms-length agreement, if performed  
7 by a person or persons employed by, or under contract with, the  
8 program subject to the appraisal for purposes other than performing  
9 appraisals, or if performed by a person having a material interest  
10 in any program that receives foster care payments. If the department  
11 believes an appraisal does not meet these standards, the department  
12 shall give its reasons in writing to the program and provide an  
13 opportunity for appeal.

14 (d) (1) Any provider with a self-dealing transaction, as defined  
15 in Section 5233 of the Corporations Code, for a lease for shelter  
16 costs shall be ineligible for an AFDC-FC rate.

17 (2) Lease transactions are subject to restrictions set forth in  
18 Section 200.465(c) of Title 2 of the Code of Federal Regulations,  
19 as implemented by the United States Department of Health and  
20 Human Services at Section 75.465 of Title 45 of the Code of  
21 Federal Regulations.

22 (e) This section shall become operative on January 1, 2019.

23 ~~SEC. 67.~~

24 *SEC. 66.* Section 11463 of the Welfare and Institutions Code,  
25 as added by Section 85 of Chapter 773 of the Statutes of 2015, is  
26 amended to read:

27 11463. (a) The department shall commence development of  
28 a new payment structure for the Title IV-E funded foster family  
29 agency placement option that maximizes federal funding, in  
30 consultation with county placing agencies.

31 (b) The department shall develop a payment system for foster  
32 family agencies that provide treatment, intensive treatment, and  
33 therapeutic foster care programs, and shall consider all of the  
34 following factors:

35 (1) Administrative activities that are eligible for federal financial  
36 participation provided, at county request, for and to county-licensed  
37 or approved family homes and resource families, intensive case  
38 management and supervision, and services to achieve legal  
39 permanency or successful transition to adulthood.

- 1 (2) Social work activities that are eligible for federal financial  
2 participation under Title IV-E of the Social Security Act.
- 3 (3) Social work and mental health services eligible for federal  
4 financial participation under Title XIX of the Social Security Act.
- 5 (4) Intensive treatment or therapeutic services in the foster  
6 family agency.
- 7 (5) Core services, made available to children and nonminor  
8 dependents either directly or secured through agreements with  
9 other agencies, which are trauma informed and culturally relevant  
10 and include:
- 11 (A) Specialty mental health services for children who meet  
12 medical necessity criteria for specialty mental health services, as  
13 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, as provided for in Section  
23 1830.205 or 1830.210 of Title 9 of the California Code of  
24 Regulations.

25 (B) AFDC-FC children and youth receiving intensive and  
26 therapeutic treatment services in a foster family agency.

27 (C) AFDC-FC children and youth receiving mental health  
28 treatment services from a foster family agency.

29 (11) Maximization of federal financial participation for Title  
30 IV-E and Title XIX of the Social Security Act.

31 (c) The department shall establish rates pursuant to subdivisions  
32 (a) and (b) commencing January 1, 2017. The rate structure shall  
33 include an interim rate, a provisional rate for new foster family  
34 agency programs, and a probationary rate. The department may  
35 supplement the rate with a one-time reimbursement for  
36 accreditation fees in an amount and manner determined by the  
37 department in written directives.

38 (1) ~~Interim~~(A) *Initial interim* rates developed pursuant to this  
39 section shall be effective January 1, ~~2017~~. ~~The interim rates shall~~

1 be evaluated and an ongoing payment structure shall be set no later  
2 than January 1, 2020: 2017, through December 31, 2017.

3 (B) The initial interim rates developed pursuant to this  
4 paragraph shall not be lower than the rates proposed as part of  
5 the Governor's 2016 May Revision.

6 (C) The initial interim rates set forth in written directives or  
7 regulations pursuant to paragraph (4) shall become inoperative  
8 on January 1, 2018, unless a later enacted statute, that becomes  
9 operative on or before January 1, 2018, deletes or extends the  
10 dates on which they become inoperative.

11 (D) It is the intent of the Legislature to establish an ongoing  
12 payment structure no later than January 1, 2020.

13 (2) Consistent with Section 11466.01, for provisional and  
14 probationary rates, the following shall be established:

15 (A) Terms and conditions, including the duration of the rate.

16 (B) An administrative review process for the rate determinations,  
17 including denials, reductions, and terminations.

18 (C) An administrative review process that includes a  
19 departmental review, corrective action, and an appeal with the  
20 department. Notwithstanding the rulemaking provisions of the  
21 Administrative Procedure Act (Chapter 3.5 (commencing with  
22 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
23 Code), this process shall be disseminated by written directive  
24 pending the promulgation of regulations.

25 (3) (A) (i) The foster family agency rate shall include a basic  
26 rate pursuant to paragraph (4) of subdivision (g) of Section 11461.  
27 A child or youth placed in a certified family home or an approved  
28 resource family of a foster family agency is eligible for the basic  
29 rate, which shall be passed on to the certified parent or resource  
30 family along with annual increases set forth in subparagraph (D).

31 (ii) A certified family home of a foster family agency shall be  
32 paid the basic rate as set forth in this paragraph only through  
33 December 31, 2019: 2017.

34 (B) The basic rate paid to either a certified family home or an  
35 approved resource family of a foster family agency shall be paid  
36 by the agency to the home from the rate that is paid to the agency  
37 pursuant to this section.

38 (C) In addition to the basic rate described in this paragraph, the  
39 department shall develop foster family agency rates that consider

1 specialized programs to serve children with specific needs,  
2 including, but not limited to, the following:

3 (i) Intensive treatment and behavioral needs, including those  
4 currently being served under intensive treatment foster care.

5 (ii) Specialized health care needs.

6 ~~(D) The basic rate paid to a certified family home or approved  
7 resource family shall be adjusted annually on July 1 by the annual  
8 percentage change in the California Necessities Index applicable  
9 to the calendar year within which each July 1 occurs.  
10 Notwithstanding the rulemaking provisions of the Administrative  
11 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
12 Part 1 of Division 3 of Title 2 of the Government Code), the foster  
13 family agency and basic rates shall be published annually by  
14 all-county letter.~~

15 (4) Notwithstanding the rulemaking provisions of the  
16 Administrative Procedure Act (Chapter 3.5 (commencing with  
17 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
18 Code), the foster family agency rates, and the manner in which  
19 they are determined, shall be set forth in written directives until  
20 regulations are adopted.

21 (d) The department shall develop a system of governmental  
22 monitoring and oversight that shall be carried out in coordination  
23 with the State Department of Health Care Services. Oversight  
24 responsibilities shall include, but not be limited to, ensuring  
25 conformity with federal and state law, including program, fiscal,  
26 and health and safety reviews. The state agencies shall attempt to  
27 minimize duplicative audits and reviews to reduce the  
28 administrative burden on providers.

29 (e) The department shall consider the impact on children and  
30 youth being transitioned to alternate programs as a result of the  
31 new ratesetting system.

32 ~~SEC. 68:~~

33 ~~SEC. 67.~~ Section 11463.01 of the Welfare and Institutions  
34 Code is repealed.

35 ~~SEC. 69:~~

36 ~~SEC. 68.~~ Section 11463.1 of the Welfare and Institutions Code  
37 is repealed.

38 ~~SEC. 70:~~

39 ~~SEC. 69.~~ Section 11466 of the Welfare and Institutions Code  
40 is amended to read:

1 11466. For the purposes of this section to Section 11469.1,  
2 inclusive, “provider” shall mean a group home, short-term  
3 residential treatment center, a foster family agency, and similar  
4 foster care business entities.

5 ~~SEC. 71.~~

6 *SEC. 70.* Section 11466.01 is added to the Welfare and  
7 Institutions Code, to read:

8 11466.01. (a) Commencing January 1, 2017, a provisional  
9 rate shall be set for all of the following:

10 (1) A provider that is granted an extension pursuant to paragraph  
11 (1) of subdivision (d) of Section 11462.04.

12 (2) A provider that is granted an extension pursuant to paragraph  
13 (2) of subdivision (d) of Section 11462.04.

14 (3) A foster family agency licensed on or before January 1,  
15 2017, upon submission of a program statement pursuant to Section  
16 1506.1 of the Health and Safety Code.

17 (4) A new short-term residential treatment center provider.

18 (5) A new foster family agency provider.

19 (b) The provisional rate shall be subject to terms and conditions,  
20 including the duration of the provisional period, set by the  
21 department.

22 (1) For a provider described in paragraph (1) or (3) of  
23 subdivision (a), a provisional rate may be granted for a period that  
24 is not extended beyond December 31, 2018.

25 (2) For a provider described in paragraph (2) of subdivision (a),  
26 a provisional rate may be granted and may be reviewed on an  
27 annual basis, pursuant to paragraph (2) of subdivision (d) of Section  
28 11462.04.

29 (3) For a provider described in paragraph (4) or (5) of  
30 subdivision (a), a provisional rate may be granted for a period of  
31 up to 24 months from the date the provider’s license was issued.

32 (c) In determining whether to grant, and upon what conditions  
33 to grant, a provisional rate, the department shall consider factors  
34 including the following:

35 (1) Any prior extension granted pursuant to Section 11462.04  
36 or 11462.041.

37 (2) Any licensing history for any license with which the  
38 program, or its directors or officers, have been associated.

39 (3) Any financial, fiscal, or compliance audit history with which  
40 the program, or its directors or officers, have been associated.

1 (4) Outstanding civil penalties or overpayments with which the  
2 program, or its directors or officers, have been associated.

3 (5) Any violations of state or federal law.

4 (d) In determining whether to continue, and upon what  
5 conditions to continue, a provisional rate, the department shall  
6 consider those factors specified in subdivision (c), as well as  
7 compliance with the terms, conditions, and requirements during  
8 the provisional period.

9 (e) In determining whether, at the end of the provisional rate  
10 period or thereafter, to grant a rate and whether to impose or  
11 continue, and upon what conditions to impose or continue, a  
12 probationary rate the department shall consider the factors specified  
13 in subdivision (c).

14 (f) The department shall establish an administrative review  
15 process for determinations, including denial, rate reduction,  
16 probation, and termination of the provisional and probationary  
17 rates. This process shall include a departmental review, corrective  
18 action, and a protest with the department. Notwithstanding the  
19 rulemaking provisions of the Administrative Procedure Act  
20 (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
21 Division 3 of Title 2 of the Government Code), this process shall  
22 be disseminated by written directive pending the promulgation of  
23 regulations.

24 (g) (1) (A) For the purposes of this section, a “provisional rate”  
25 is a prospective rate given to a provider described in subdivision  
26 (a) based on an assurance to perform in accordance with terms and  
27 conditions attached to the granting of the provisional rate.

28 (B) For the purposes of this section, a “probationary rate” is a  
29 rate upon which limitations and conditions are imposed as a result  
30 of violations of terms, conditions, or state or federal law, including  
31 those set forth in subdivisions (c) and (d).

32 (2) (A) At the conclusion of a provisional rate, a probationary  
33 rate may be imposed, at the discretion of the department, if  
34 additional oversight is deemed necessary based on the provider’s  
35 performance during the provisional rate period.

36 (B) At any time, a rate may become a probationary rate if  
37 additional oversight is deemed necessary based on the provider’s  
38 performance in accordance with terms and ~~condition~~ *conditions*  
39 attached to the granting or maintenance of its rate.

40 (C) A probationary rate may be accompanied by a rate reduction.

1     ~~SEC. 72.~~

2     *SEC. 71.* 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  
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 ~~SEC. 73.~~

14 *SEC. 72.* Section 11466.21 of the Welfare and Institutions  
15 Code is amended to read:

16 11466.21. (a) In accordance with subdivision (b), as a  
17 condition to receive an AFDC-FC rate for a program including,  
18 but not limited to, a group home, a foster family agency, a  
19 short-term residential treatment center, and other similar business  
20 entities providing foster care, the following shall apply:

21 (1) Any provider who expends in combined federal funds an  
22 amount at or above the federal funding threshold in accordance  
23 with the federal Single Audit Act, as amended, and Section 200.501  
24 of Title 2 of the Code of Federal Regulations, as implemented by  
25 the United States Department of Health and Human Services at  
26 Section 75.501 of Title 45 of the Code of Federal Regulations,  
27 shall arrange to have a financial audit conducted on an annual  
28 basis, and shall submit the financial audit to the department in  
29 accordance with regulations adopted by the department, all-county  
30 letter, or similar written instructions.

31 (2) Any provider who expends in combined federal funds an  
32 amount below the federal funding threshold shall annually submit  
33 a financial audit to the department pursuant to Generally Accepted  
34 Government Auditing Standards (GAGAS), and shall submit the  
35 financial audit to the department in accordance with regulations  
36 adopted by the department, all-county letter, or similar written  
37 instructions.

38 (3) The scope of the financial audit shall include all of the  
39 programs and activities operated by the provider and shall not be  
40 limited to those funded in whole or in part by the AFDC-FC

1 program. The financial audits shall include, but not be limited to,  
2 an evaluation of the expenditures and accounting and control  
3 systems of the provider.

4 (4) The provider shall have its financial audit conducted by  
5 certified public accountants or by state-licensed public accountants,  
6 with audit designation, who have no direct or indirect relationship  
7 with the functions or activities being audited, or with the provider,  
8 its board of directors, or other governing body, officers, or staff.

9 (5) The provider shall have its financial audits conducted in  
10 accordance with Government Auditing Standards issued by the  
11 Comptroller General of the United States and in compliance with  
12 generally accepted accounting principles applicable to private  
13 entities organized and operated on a nonprofit basis.

14 (6) (A) Each provider shall have the flexibility to define the  
15 calendar months included in its fiscal year.

16 (B) A provider may change the definition of its fiscal year.  
17 However, the financial audit conducted following the change shall  
18 cover all of the months since the last audit, even though this may  
19 cover a period that exceeds 12 months.

20 (b) (1) In accordance with subdivision (a), as a condition to  
21 receive an AFDC-FC rate, a provider shall submit a copy of its  
22 most recent financial audit report, except as provided in paragraph  
23 (3).

24 (2) The department shall terminate the rate of a provider who  
25 fails to submit a copy of its most recent financial audit pursuant  
26 to subdivision (a). A terminated rate shall only be reinstated upon  
27 the provider's submission to the department of an acceptable  
28 financial audit.

29 (3) A new provider that has been incorporated for fewer than  
30 12 calendar months shall not be required to submit a copy of a  
31 financial audit to receive an AFDC-FC rate for a new program.  
32 The financial audit shall be conducted on the provider's next full  
33 fiscal year of operation. The provider shall submit the financial  
34 audit to the department in accordance with subdivision (a).

35 (c) The department shall issue a management decision letter on  
36 audit findings, made by the independent auditor or as a result of  
37 department review, within six months of receipt of the financial  
38 audit report. The management decision letter shall clearly state  
39 whether or not the audit finding is sustained, the reasons for the  
40 decision, and the action or actions expected of the nonprofit

1 organization provider to repay disallowed costs, make financial  
2 adjustments, or take other action.

3 (d) Repeated late submission of financial audits, repeat findings  
4 in financial audits, or failure to comply with corrective action in  
5 a management decision letter may result in monetary penalties or  
6 a reduction, suspension, or termination of the provider's rate in  
7 accordance with regulations adopted by the department, all-county  
8 letter, or similar written instructions. This subdivision shall not be  
9 construed to affect the department's authority under other  
10 provisions of law, including, but not limited to, Part 200 of Title  
11 2 of the Code of Federal Regulations, as implemented by the United  
12 States Department of Health and Human Services at Part 75  
13 (commencing with Section 75.1) of Title 45 of the Code of Federal  
14 Regulations.

15 ~~SEC. 74.~~

16 *SEC. 73.* Section 11466.22 of the Welfare and Institutions  
17 Code is amended to read:

18 11466.22. (a) It is the intent of the Legislature to ensure overall  
19 program integrity in the AFDC-FC program through the  
20 establishment of an effective and efficient process for the collection  
21 of provider sustained overpayments. Furthermore, the intent of the  
22 Legislature is to ensure that children placed in AFDC-FC programs,  
23 including, but not limited to, group homes, short-term residential  
24 treatment centers, and foster family agencies, receive the level of  
25 care and supervision commensurate with the program's paid rate.

26 (b) For the purposes of this section, a provider is a licensee of  
27 an AFDC-FC program listed in Section 11402, including, but not  
28 limited to, a group home, short-term residential treatment center,  
29 foster family agency that provides treatment services, or a similar  
30 business entity, receiving foster care maintenance payments under  
31 the AFDC-FC program. The department may collect a sustained  
32 overpayment from the party responsible for the sustained  
33 overpayment, regardless of whether the party remains in the  
34 business of providing any AFDC-FC programs, and regardless of  
35 whether the provider remains licensed by the department.

36 (c) For the purposes of this section, a provider overpayment is  
37 an overpayment that results in an audit period when a provider  
38 receives a rate reimbursement to which it is not entitled. If a  
39 provider receives a rate reimbursement to which it is not entitled,  
40 including, but not limited to, the provider failing to maintain a

1 license, or failing to maintain its status as a nonprofit organization,  
2 or due to an overpayment determined as described in paragraph  
3 (1) of subdivision (d), it shall be liable to repay the overpayment.

4 (d) (1) Overpayments shall be determined by either a provider  
5 audit pursuant to Section 11466.21, a department audit conducted  
6 pursuant to Section 11466.2, a management decision letter, or a  
7 provider self-reporting an overpayment. A self-reported  
8 overpayment may include a finding in the financial audit report  
9 submitted by the provider whether that finding is formally made  
10 in the financial audit report or discovered through department  
11 review of the report or other provider submission.

12 (2) If a hearing is not requested, or on the 60th day after an  
13 informal decision if a provider or the department does not file a  
14 notice of intent to file a formal appeal, or on the 30th day following  
15 a formal appeal hearing decision, whichever is latest, a provider  
16 overpayment shall be sustained for collection purposes and the  
17 department shall issue a demand letter for repayment of the  
18 sustained overpayment.

19 (3) The department shall establish a voluntary repayment  
20 agreement procedure with a maximum repayment period of nine  
21 years. The procedure shall take into account the amount of the  
22 overpayment, projected annual income of the program that caused  
23 the overpayment, a minimum repayment amount, including  
24 principal and interest, of 3 percent of annual income prorated on  
25 a monthly basis, simple interest for the first seven years of the  
26 voluntary repayment agreement on the overpayment amount based  
27 on the Surplus Money Investment Fund, and simple interest for  
28 the eighth and ninth years of the voluntary repayment agreement  
29 based on the prime rate at that time plus 3 percent. The department  
30 may consider renegotiation of a voluntary repayment agreement  
31 if the department determines that the agreement would cause severe  
32 harm to children in placement.

33 (4) The department shall establish an involuntary overpayment  
34 collection procedure, that shall take into account the amount of  
35 the overpayment, projected annual income, a minimum required  
36 repayment amount, including principal and interest, of 5 percent  
37 of the annual income prorated on a monthly basis, simple interest  
38 on the overpayment amount based on the Surplus Money  
39 Investment Fund, and a maximum repayment period of seven  
40 years. The department may consider renegotiation of an involuntary

1 payment agreement if the department determines that the agreement  
2 would cause severe harm to children in placement.

3 (e) The department shall maintain, by regulation, all-county  
4 letter, or similar written directive, a procedure for recovery of any  
5 provider sustained overpayments. The department shall prioritize  
6 collection methods, which shall include voluntary repayment  
7 agreement procedures, involuntary overpayment collection  
8 procedures, including the use of a statutory lien, rate request  
9 denials, rate decreases, and rate terminations. The department may  
10 also deny rate requests, including requests for rate increases, or  
11 program changes or expansions, while an overpayment is due.

12 (f) Whenever the department determines that a provider  
13 sustained overpayment has occurred, the department shall recover  
14 from the provider the full amount of the sustained overpayment,  
15 and simple interest on the sustained overpayment amount, pursuant  
16 to methods described in subdivision (e), against the provider's  
17 income or assets.

18 (g) If a provider is successful in its appeal of a collected  
19 overpayment, it shall be repaid the collected overpayment plus  
20 simple interest based on the Surplus Money Investment Fund.

21 ~~SEC. 75.~~

22 *SEC. 74.* Section 11466.24 of the Welfare and Institutions  
23 Code is amended to read:

24 11466.24. (a) In accordance with this section, a county shall  
25 collect an overpayment, discovered on or after January 1, 1999,  
26 made to a foster family home, an approved home of a relative,  
27 including, on and after the date that the director executes a  
28 declaration pursuant to Section 11217, the home of a Kin-GAP  
29 guardian, an approved home of a nonrelative extended family  
30 member, an approved home of a nonrelative legal guardian, a  
31 resource family, as defined in subdivision (c) of Section 16519.5,  
32 or the supervised independent living setting where a nonminor  
33 dependent resides, for any period of time in which the foster child  
34 was not cared for in that home, unless any of the following  
35 conditions exist, in which case a county shall not collect the  
36 overpayment:

37 (1) The cost of the collection exceeds that amount of the  
38 overpayment that is likely to be recovered by the county. The cost  
39 of collecting the overpayment and the likelihood of collection shall  
40 be documented by the county. Costs that the county shall consider

1 when determining the cost-effectiveness to collect are total  
2 administrative, personnel, legal filing fee, and investigative costs,  
3 and any other applicable costs.

4 (2) The child was temporarily removed from the home and  
5 payment was owed to the provider to maintain the child's  
6 placement, or the child was temporarily absent from the provider's  
7 home, or on runaway status and subsequently returned, and  
8 payment was made to the provider to meet the child's needs.

9 (3) The overpayment was exclusively the result of a county  
10 administrative error or both the county welfare department and  
11 the provider or nonminor dependent were unaware of the  
12 information that would establish that the foster child or nonminor  
13 dependent was not eligible for foster care benefits.

14 (4) The provider or nonminor dependent did not have knowledge  
15 of, and did not contribute to, the cause of the overpayment.

16 (b) (1) After notification by a county of an overpayment to a  
17 foster family home, an approved home of a relative, including the  
18 home of a Kin-GAP guardian, or a nonrelative extended family  
19 member, approved home of a nonrelative legal guardian, a resource  
20 family, or the supervised independent living setting where the  
21 nonminor dependent resides, and a demand letter for repayment,  
22 the foster parent, approved relative, approved nonrelative legal  
23 guardian, resource family, or nonminor dependent may request  
24 the county welfare department to review the overpayment  
25 determination in an informal hearing, or may file with the  
26 department a request for a hearing to appeal the overpayment  
27 determination. Requesting an informal hearing shall not preclude  
28 a payee from seeking a formal hearing at a later date. The county  
29 welfare department shall dismiss the overpayment repayment  
30 request if it determines the action to be incorrect through an initial  
31 review prior to a state hearing, or through a review in an informal  
32 hearing held at the request of the foster parent, relative, nonrelative  
33 legal guardian, or nonminor dependent.

34 (2) If an informal hearing does not result in the dismissal of the  
35 overpayment, or a formal appeal hearing is not requested, or on  
36 the 30th day following a formal appeal hearing decision, whichever  
37 is later, the foster family provider overpayment shall be sustained  
38 for collection purposes.

39 (3) The department shall adopt regulations that ensure that the  
40 best interests of the child or nonminor dependent shall be the

1 primary concern of the county welfare director in any repayment  
2 agreement.

3 (c) (1) The department shall develop regulations for recovery  
4 of overpayments made to any foster family home, approved home  
5 of a relative, including the home of a Kin-GAP guardian, approved  
6 home of a nonrelative legal guardian, resource family, or supervised  
7 independent living setting where a nonminor dependent resides.  
8 The regulations shall prioritize collection methods, that shall  
9 include voluntary repayment agreement procedures and involuntary  
10 overpayment collection procedures. These procedures shall take  
11 into account the amount of the overpayment and a minimum  
12 required payment amount.

13 (2) A county shall not collect an overpayment through the use  
14 of an involuntary payment agreement unless a foster family home,  
15 an approved home of a relative, including the home of a Kin-GAP  
16 guardian, approved home of a nonrelative legal guardian, resource  
17 family, or supervised independent living setting where a nonminor  
18 dependent resides has rejected the offer of a voluntary overpayment  
19 agreement, or has failed to comply with the terms of the voluntary  
20 overpayment agreement.

21 (3) A county shall not be permitted to collect an overpayment  
22 through the offset of payments due to a foster family home, an  
23 approved home of a relative, including the home of a Kin-GAP  
24 guardian, approved home of a nonrelative legal guardian, resource  
25 family, or supervised independent living setting where a nonminor  
26 dependent resides, unless this method of repayment is requested  
27 by the provider or nonminor dependent in a voluntary repayment  
28 agreement, or other circumstances defined by the department by  
29 regulation.

30 (d) If a provider or nonminor dependent is successful in its  
31 appeal of a collected overpayment, it shall be repaid the collected  
32 overpayment plus simple interest based on the Surplus Money  
33 Investment Fund.

34 (e) A county may not collect interest on the repayment of an  
35 overpayment.

36 (f) There shall be a one-year statute of limitations from the date  
37 upon which the county determined that there was an overpayment.

38 ~~SEC. 76.~~

39 *SEC. 75.* Section 11466.25 of the Welfare and Institutions  
40 Code is amended to read:

1 11466.25. Interest begins to accrue on a provider overpayment  
2 or penalty on the date of the issuance of the penalty, the date of  
3 issuance of the final audit report, or the date of the issuance of a  
4 management decision letter in accordance with Section 11466.21,  
5 or the date that a provider self-reports an overpayment.

6 ~~SEC. 77.~~

7 *SEC. 76.* Section 11466.31 of the Welfare and Institutions  
8 Code is amended to read:

9 11466.31. (a) When it has been determined that a provider  
10 participating in the AFDC-FC program owes an overpayment that  
11 is due and payable, the department may implement involuntary  
12 offset collection procedures to collect sustained overpayments  
13 from a provider if the provider does not enter into a voluntary  
14 repayment agreement with the department or the provider has three  
15 outstanding payments on a voluntary repayment agreement before  
16 the overpayment is repaid.

17 (b) The minimum monthly overpayment offset amount from  
18 monthly rate reimbursements shall be determined using the  
19 involuntary collection procedures developed pursuant to paragraph  
20 (4) of subdivision (d) of Section 11466.22. Overpayments shall  
21 be offset against current monthly rate reimbursement payments  
22 due and payable to a provider under this chapter.

23 (c) Failure to repay an overpayment shall be grounds for  
24 termination of the provider's rate and shall result in a referral to  
25 the department's Community Care Licensing Division for license  
26 revocation.

27 ~~SEC. 78.~~

28 *SEC. 77.* Section 11466.32 of the Welfare and Institutions  
29 Code is amended to read:

30 11466.32. (a) If a provider that owes a sustained overpayment  
31 pursuant to paragraph (2) of subdivision (d) of Section 11466.22  
32 does not enter into a voluntary repayment agreement with the  
33 department, or the provider has three outstanding payments on a  
34 voluntary repayment agreement before the overpayment is repaid,  
35 in addition to the monthly overpayment offset amount, 50 percent  
36 of any increases resulting from California Necessities Index (CNI)  
37 adjustments and provider's rate adjustments to the standard rate  
38 that are due to a provider shall be withheld until the sustained  
39 overpayment amount is collected. Once the overpayment amount  
40 is collected, the provider shall begin to prospectively receive the

1 full amount of any California Necessities Index and rate adjustment  
2 to which it is entitled.

3 (b) Any provider subject to involuntary repayment of a sustained  
4 overpayment pursuant to Section 11466.31 shall be ineligible to  
5 receive any rate increase or program change or expansion, until  
6 the repayment is completed or until the host county or the primary  
7 placement county provide the department with a request for waiver  
8 of this paragraph.

9 ~~SEC. 79.~~

10 *SEC. 78.* Section 11469 of the Welfare and Institutions Code  
11 is amended to read:

12 11469. (a) The department shall develop, following  
13 consultation with group home providers, the County Welfare  
14 Directors Association of California, the Chief Probation Officers  
15 of California, the County Behavioral Health Directors Association  
16 of California, the State Department of Health Care Services, and  
17 stakeholders, performance standards and outcome measures for  
18 determining the effectiveness of the care and supervision, as  
19 defined in subdivision (b) of Section 11460, provided by group  
20 homes under the AFDC-FC program pursuant to Sections 11460  
21 and 11462. These standards shall be designed to measure group  
22 home program performance for the client group that the group  
23 home program is designed to serve.

24 (1) The performance standards and outcome measures shall be  
25 designed to measure the performance of group home programs in  
26 areas over which the programs have some degree of influence, and  
27 in other areas of measurable program performance that the  
28 department can demonstrate are areas over which group home  
29 programs have meaningful managerial or administrative influence.

30 (2) These standards and outcome measures shall include, but  
31 are not limited to, the effectiveness of services provided by each  
32 group home program, and the extent to which the services provided  
33 by the group home assist in obtaining the child welfare case plan  
34 objectives for the child.

35 (3) In addition, when the group home provider has identified  
36 as part of its program for licensing, ratesetting, or county placement  
37 purposes, or has included as a part of a child's case plan by mutual  
38 agreement between the group home and the placing agency,  
39 specific mental health, education, medical, and other child-related

1 services, the performance standards and outcome measures may  
2 also measure the effectiveness of those services.

3 (b) Regulations regarding the implementation of the group home  
4 performance standards system required by this section shall be  
5 adopted no later than one year prior to implementation. The  
6 regulations shall specify both the performance standards system  
7 and the manner by which the AFDC-FC rate of a group home  
8 program shall be adjusted if performance standards are not met.

9 (c) Except as provided in subdivision (d), effective July 1, 1995,  
10 group home performance standards shall be implemented. Any  
11 group home program not meeting the performance standards shall  
12 have its AFDC-FC rate, set pursuant to Section 11462, adjusted  
13 according to the regulations required by this section.

14 (d) A group home program shall be classified at rate  
15 classification level 13 or 14 only if it has been granted an extension  
16 pursuant to subdivision (d) of Section 11462.04 and all of the  
17 following are met:

18 (1) The program generates the requisite number of points for  
19 rate classification level 13 or 14.

20 (2) The program only accepts children with special treatment  
21 needs as determined through the assessment process pursuant to  
22 paragraph (2) of subdivision (a) of Section 11462.01.

23 (3) The program meets the performance standards designed  
24 pursuant to this section.

25 (e) Notwithstanding subdivision (c), the group home program  
26 performance standards system shall not be implemented prior to  
27 the implementation of the AFDC-FC performance standards  
28 system.

29 (f) On or before January 1, 2016, the department shall develop,  
30 following consultation with the County Welfare Directors  
31 Association of California, the Chief Probation Officers of  
32 California, the County Behavioral Health Directors Association  
33 of California, research entities, foster children, advocates for foster  
34 children, foster care provider business entities organized and  
35 operated on a nonprofit basis, Indian tribes, and other stakeholders,  
36 additional performance standards and outcome measures that  
37 require group homes to implement programs and services to  
38 minimize law enforcement contacts and delinquency petition filings  
39 arising from incidents of allegedly unlawful behavior by minors  
40 occurring in group homes or under the supervision of group home

1 staff, including individualized behavior management programs,  
2 emergency intervention plans, and conflict resolution processes.

3 (g) On or before January 1, 2017, the department shall develop,  
4 following consultation with the County Welfare Directors  
5 Association of California, the Chief Probation Officers of  
6 California, the County Behavioral Health Directors Association  
7 of California, the Medical Board of California, research entities,  
8 foster children advocates for foster children, foster care provider  
9 business entities organized and operated on a nonprofit basis,  
10 Indian tribes, and other stakeholders, additional performance  
11 standards and outcome measures that require group homes and  
12 short-term residential treatment centers to implement alternative  
13 programs and services, including individualized behavior  
14 management programs, emergency intervention plans, and conflict  
15 resolution processes.

16 (h) Performance standards and outcome measures developed  
17 pursuant to this section shall apply to short-term residential  
18 treatment centers.

19 ~~SEC. 80.~~

20 *SEC. 79.* Section 16504.5 of the Welfare and Institutions Code  
21 is amended to read:

22 16504.5. (a) (1) Notwithstanding any other law, pursuant to  
23 subdivision (b) of Section 11105 of the Penal Code, a child welfare  
24 agency may secure from an appropriate governmental criminal  
25 justice agency the state summary criminal history information, as  
26 defined in subdivision (a) of Section 11105 of the Penal Code,  
27 through the California Law Enforcement Telecommunications  
28 System pursuant to subdivision (d) of Section 309, and subdivision  
29 (a) of Section 1522 of the Health and Safety Code for the following  
30 purposes:

31 (A) To conduct an investigation pursuant to Section 11166.3 of  
32 the Penal Code or an investigation involving a child in which the  
33 child is alleged to come within the jurisdiction of the juvenile court  
34 under Section 300.

35 (B) (i) To assess the appropriateness and safety of placing a  
36 child who has been detained or is a dependent of the court, in the  
37 home of a relative assessed pursuant to Section 309, 361.4, or  
38 16519.5, or in the home of a nonrelative extended family member  
39 assessed as described in Section 362.7 or 16519.5 during an  
40 emergency situation.

1 (ii) When a relative or nonrelative family member who has been  
2 assessed pursuant to clause (i) and approved as a caregiver moves  
3 to a different county and continued placement of the child with  
4 that person is intended, the move shall be considered an emergency  
5 situation for purposes of this subparagraph.

6 (C) To attempt to locate a parent or guardian pursuant to Section  
7 311 of a child who is the subject of dependency court proceedings.

8 (D) To obtain information about the background of a nonminor  
9 who has petitioned to reenter foster care under subdivision (e) of  
10 Section 388, in order to assess the appropriateness and safety of  
11 placing the nonminor in a foster care or other placement setting  
12 with minor dependent children.

13 (2) Any time that a child welfare agency initiates a criminal  
14 background check through the California Law Enforcement  
15 Telecommunications System for the purpose described in  
16 subparagraph (B) of paragraph (1), the agency shall ensure that a  
17 state-level fingerprint check is initiated within 10 calendar days  
18 of the check, unless the whereabouts of the subject of the check  
19 are unknown or the subject of the check refuses to submit to the  
20 fingerprint check. The Department of Justice shall provide the  
21 requesting agency a copy of all criminal history information  
22 regarding an individual that it maintains pursuant to subdivision  
23 (b) of Section 11105 of the Penal Code.

24 (b) Criminal justice personnel shall cooperate with requests for  
25 criminal history information authorized pursuant to this section  
26 and shall provide the information to the requesting entity in a  
27 timely manner.

28 (c) Any law enforcement officer or person authorized by this  
29 section to receive the information who obtains the information in  
30 the record and knowingly provides the information to a person not  
31 authorized by law to receive the information is guilty of a  
32 misdemeanor as specified in Section 11142 of the Penal Code.

33 (d) Information obtained pursuant to this section shall not be  
34 used for any purposes other than those described in subdivision  
35 (a).

36 (e) Nothing in this section shall preclude a nonminor petitioning  
37 to reenter foster care or a relative or other person living in a  
38 relative's home from refuting any of the information obtained by  
39 law enforcement if the individual believes the state- or federal-level  
40 criminal records check revealed erroneous information.

1 (f) (1) A state or county welfare agency may submit to the  
2 Department of Justice fingerprint images and related information  
3 required by the Department of Justice of parents or legal guardians  
4 when determining their suitability for reunification with a  
5 dependent child subject to the jurisdiction of the juvenile court,  
6 for the purposes of obtaining information as to the existence and  
7 content of a record of state or federal convictions and state or  
8 federal arrests, as well as information as to the existence and  
9 content of a record of state or federal arrests for which the  
10 Department of Justice establishes that the person is free on bail or  
11 on his or her own recognizance pending trial or appeal. Of the  
12 information received by the Department of Justice pursuant to this  
13 subdivision, only the parent's or legal guardian's criminal history  
14 for the time period following the removal of the child from the  
15 parent or legal guardian shall be considered.

16 (2) A county welfare agency or county probation office may  
17 submit to the Department of Justice fingerprint images and related  
18 information required by the Department of Justice of nonminors  
19 petitioning to reenter foster care under Section 388, in order to  
20 assess the appropriateness and safety of placing the nonminor in  
21 a foster care or other placement setting with minor dependent  
22 children.

23 (3) When received, the Department of Justice shall forward to  
24 the Federal Bureau of Investigation requests for federal summary  
25 criminal history information received pursuant to this subdivision.  
26 The Department of Justice shall review the information returned  
27 from the Federal Bureau of Investigation and respond to the state  
28 or county welfare agency.

29 (4) The Department of Justice shall provide a response to the  
30 state or county welfare agency pursuant to subdivision (p) of  
31 Section 11105 of the Penal Code.

32 (5) The state or county welfare agency shall not request from  
33 the Department of Justice subsequent arrest notification service,  
34 as provided pursuant to Section 11105.2 of the Penal Code, for  
35 individuals described in this subdivision.

36 (6) The Department of Justice shall charge a fee sufficient to  
37 cover the costs of processing the request described in this  
38 subdivision.

39 (7) This subdivision shall become operative on July 1, 2007.

1 (g) A fee, determined by the Federal Bureau of Investigation  
2 and collected by the Department of Justice, shall be charged for  
3 each federal-level criminal offender record information request  
4 submitted pursuant to this section and Section 361.4.

5 ~~SEC. 81.~~

6 *SEC. 80.* Section 16514 of the Welfare and Institutions Code  
7 is amended to read:

8 16514. (a) A minor or nonminor who has been voluntarily  
9 placed, adjudged a dependent child of the juvenile court pursuant  
10 to Section 300, or as to whom a petition has been filed under  
11 Section 325, may be housed in an emergency shelter or, pursuant  
12 to the procedures for placement set forth in this code, placed in a  
13 foster family home, a resource family home, or with a foster family  
14 agency for subsequent placement in a certified family home or  
15 with a resource family, with minors adjudged wards of the juvenile  
16 court pursuant to Section 601.

17 (b) A minor who has been voluntarily placed, adjudged a  
18 dependent child of the juvenile court pursuant to Section 300, or  
19 adjudged a ward of the juvenile court pursuant to Section 601,  
20 shall not be housed in an emergency shelter with any minor  
21 adjudged a ward of the juvenile court pursuant to Section 602.

22 (c) A minor or nonminor who has been voluntarily placed,  
23 adjudged a dependent child of the juvenile court pursuant to Section  
24 300, or as to whom a petition has been filed under Section 325, or  
25 a nonminor dependent, as described in subdivision (v) of Section  
26 11400, shall not be placed or detained in a short-term residential  
27 treatment center, group home, licensed foster family home, resource  
28 family home, or certified family home or approved resource family  
29 home of a foster family agency, with any minor adjudged a ward  
30 of the juvenile court pursuant to Section 601 or 602, unless the  
31 social worker or probation officer with placement authority has  
32 determined that the placement setting has a program that meets  
33 the specific needs of the minor or nonminor dependent being placed  
34 or detained, and there is a commonality of needs with the other  
35 minors and nonminor dependents in the placement setting.

36 (d) Nothing in this section shall transfer or eliminate the  
37 responsibility of the placing agency for the care, custody, or control  
38 of the child. Nothing in this section shall relieve a foster family  
39 agency of its responsibilities for or on behalf of a child placed with  
40 it.

1 (e) For purposes of this section, the placing of children or  
2 nonminor dependents by foster family agencies shall be referred  
3 to as “subsequent placement” to distinguish the activity from the  
4 placing by public agencies.

5 ~~SEC. 82.~~

6 *SEC. 81.* The heading of Article 2 (commencing with Section  
7 16519.5) is added to Chapter 5 of Part 4 of Division 9 of the  
8 Welfare and Institutions Code, to read:

9  
10 Article 2. Resource Family Approval Program

11  
12 ~~SEC. 83.~~

13 *SEC. 82.* Section 16519.5 of the Welfare and Institutions Code  
14 is amended to read:

15 16519.5. (a) The State Department of Social Services, in  
16 consultation with county child welfare agencies, foster parent  
17 associations, and other interested community parties, shall  
18 implement a unified, family friendly, and child-centered resource  
19 family approval process to replace the existing multiple processes  
20 for licensing foster family homes, certifying foster homes by  
21 licensed foster family agencies, approving relatives and nonrelative  
22 extended family members as foster care providers, and approving  
23 guardians and adoptive families.

24 (b) (1) Counties shall be selected to participate on a voluntary  
25 basis as early implementation counties for the purpose of  
26 participating in the initial development of the approval process.  
27 Early implementation counties shall be selected according to  
28 criteria developed by the department in consultation with the  
29 County Welfare Directors Association. In selecting the five early  
30 implementation counties, the department shall promote diversity  
31 among the participating counties in terms of size and geographic  
32 location.

33 (2) Additional counties may participate in the early  
34 implementation of the program upon authorization by the  
35 department.

36 (3) The State Department of Social Services shall be responsible  
37 for all of the following:

38 (A) Selecting early implementation counties, based on criteria  
39 established by the department in consultation with the County  
40 Welfare Directors Association.

1 (B) Establishing timeframes for participating counties to submit  
2 an implementation plan, enter into terms and conditions for early  
3 implementation participation in the program, train appropriate  
4 staff, and accept applications from resource families.

5 (C) Entering into terms and conditions for early implementation  
6 participation in the program by counties.

7 (4) Counties participating in the early implementation of the  
8 program shall be responsible for all of the following:

9 (A) Submitting an implementation plan.

10 (B) Entering into terms and conditions for early implementation  
11 participation in the program.

12 (C) Consulting with the county probation department in the  
13 development of the implementation plan.

14 (D) Training appropriate staff.

15 (E) Accepting applications from resource families within the  
16 timeframes established by the department.

17 (5) (A) Approved relatives and nonrelative extended family  
18 members, licensed foster family homes, or approved adoptive  
19 homes that have completed the license or approval process prior  
20 to statewide implementation of the program shall not be considered  
21 part of the program. The otherwise applicable assessment and  
22 oversight processes shall continue to be administered for families  
23 and facilities not included in the program.

24 (B) Upon implementation of the program in a county, that  
25 county shall not accept new applications for the licensure of foster  
26 family homes, the approval of relative and nonrelative extended  
27 family members, or the approval of prospective guardians and  
28 adoptive homes.

29 (6) The department may waive regulations that pose a barrier  
30 to the early implementation and operation of this program. The  
31 waiver of any regulations by the department pursuant to this section  
32 shall apply to only those counties or foster family agencies  
33 participating in the early implementation of the program and only  
34 for the duration of the program.

35 (7) This subdivision shall become inoperative on January 1,  
36 2017.

37 (c) (1) For the purposes of this article, “resource family” means  
38 an individual or family that has successfully met both the home  
39 environment assessment standards and the permanency assessment  
40 criteria adopted pursuant to subdivision (d) necessary for providing

1 care for a related or unrelated child who is under the jurisdiction  
2 of the juvenile court, or otherwise in the care of a county child  
3 welfare agency or probation department. A resource family shall  
4 demonstrate all of the following:

5 (A) An understanding of the safety, permanence, and well-being  
6 needs of children who have been victims of child abuse and neglect,  
7 and the capacity and willingness to meet those needs, including  
8 the need for protection, and the willingness to make use of support  
9 resources offered by the agency, or a support structure in place,  
10 or both.

11 (B) An understanding of children’s needs and development,  
12 effective parenting skills or knowledge about parenting, and the  
13 capacity to act as a reasonable, prudent parent in day-to-day  
14 decisionmaking.

15 (C) An understanding of his or her role as a resource family and  
16 the capacity to work cooperatively with the agency and other  
17 service providers in implementing the child’s case plan.

18 (D) The financial ability within the household to ensure the  
19 stability and financial security of the family.

20 (E) An ability and willingness to provide a family setting that  
21 promotes normal childhood experiences that serves the needs of  
22 the child.

23 (2) For purposes of this article, and unless otherwise specified,  
24 references to a “child” shall include a “nonminor dependent” and  
25 “nonminor former dependent or ward” as defined in subdivision  
26 (v) and paragraph (1) of subdivision (aa) of Section 11400.

27 (3) There is no fundamental right to approval as a resource  
28 family.

29 (4) Subsequent to meeting the criteria set forth in this  
30 subdivision and designation as a resource family, a resource family  
31 shall be considered eligible to provide foster care for related and  
32 unrelated children in out-of-home placement and shall be  
33 considered approved for adoption or guardianship.

34 (5) For purposes of this article, “resource family approval”  
35 means that the applicant or resource family successfully meets the  
36 home environment assessment and permanency assessment  
37 standards. This approval is in lieu of a foster family home license  
38 issued pursuant to Chapter 3 (commencing with Section 1500) of  
39 Division 2 of the Health and Safety Code, a certificate of approval  
40 issued by a licensed foster family agency, as described in

1 subdivision (b) of Section 1506 of the Health and Safety Code,  
2 relative or nonrelative extended family member approval,  
3 guardianship approval, and the adoption home study approval.

4 (6) Approval of a resource family does not guarantee an initial,  
5 continued, or adoptive placement of a child with a resource family  
6 or with a relative or nonrelative extended family member pursuant  
7 to subdivision (e). Approval of a resource family does not  
8 guarantee the establishment of a legal guardianship of a child with  
9 a resource family.

10 (7) (A) Notwithstanding paragraphs (1) to (6), inclusive, the  
11 department or county shall cease any further review of an  
12 application if the applicant has had a previous application denial  
13 within the preceding year, or if the applicant has had a previous  
14 rescission, revocation, or exemption denial or exemption rescission  
15 by the department or county within the preceding two years.

16 (B) Notwithstanding subparagraph (A), the department or county  
17 may continue to review an application if it has determined that the  
18 reasons for the previous denial, rescission, or revocation were due  
19 to circumstances and conditions that either have been corrected or  
20 are no longer in existence. If an individual was excluded from a  
21 resource family home or facility licensed by the department, the  
22 department or county shall cease review of the individual's  
23 application unless the excluded individual has been reinstated  
24 pursuant to Section 11522 of the Government Code and subdivision  
25 (h) of Section 1558 of the Health and Safety Code. The cessation  
26 of review shall not constitute a denial of the application for  
27 purposes of this section or any other law.

28 (8) A resource family shall meet the approval standards set forth  
29 in this section, comply with the written directives or regulations  
30 adopted pursuant to this section, and comply with other applicable  
31 laws in order to maintain approval.

32 (9) A resource family may be approved by the department or a  
33 county pursuant to this section or by a foster family agency  
34 pursuant to Section 1517 of the Health and Safety Code.

35 (10) A resource family shall not be licensed as a residential  
36 facility, as defined in paragraph (1) of subdivision (a) of Section  
37 1502 of the Health and Safety Code.

38 (d) (1) The department shall adopt standards pertaining to the  
39 home environment and permanency assessments of a resource  
40 family.

1 (2) Resource family home environment assessment standards  
2 shall include, but not be limited to, all of the following:

3 (A) (i) Criminal records clearance of each applicant and all  
4 adults residing in, or regularly present in, the home, and not  
5 exempted from fingerprinting, as set forth in subdivision (b) of  
6 Section 1522 of the Health and Safety Code, pursuant to Section  
7 8712 of the Family Code, utilizing a check of the Child Abuse  
8 Central Index (CACI), and receipt of a fingerprint-based state and  
9 federal criminal offender record information search response. The  
10 criminal history information shall include subsequent notifications  
11 pursuant to Section 11105.2 of the Penal Code.

12 (ii) Consideration of any substantiated allegations of child abuse  
13 or neglect against the applicant and any other adult residing in, or  
14 regularly present in, the home. An approval may not be granted  
15 to applicants whose criminal record indicates a conviction for any  
16 of the offenses specified in subdivision (g) of Section 1522 of the  
17 Health and Safety Code.

18 (iii) If the resource family parent, applicant, or any other person  
19 specified in subdivision (b) of Section 1522 of the Health and  
20 Safety Code has been convicted of a crime other than a minor  
21 traffic violation or arrested for a serious offense specified in  
22 subdivision (e) of Section 1522 of the Health and Safety Code,  
23 except for the civil penalty language, the criminal background  
24 check provisions specified in subdivisions (d) through (f) of Section  
25 1522 of the Health and Safety Code shall apply. Exemptions from  
26 the criminal records clearance requirements set forth in this section  
27 may be granted by the department or the county, if that county had  
28 been granted permission by the department to issue criminal  
29 records exemptions pursuant to Section 361.4 on or before January  
30 1, 2017, using the exemption criteria specified in subdivision (g)  
31 of Section 1522 of the Health and Safety Code and the written  
32 directives or regulations adopted pursuant to this section.

33 (iv) For public foster family agencies approving resource  
34 families, the criminal records clearance process set forth in clause  
35 (i) shall be utilized.

36 (v) For private foster family agencies approving resource  
37 families, the criminal records clearance process set forth in clause  
38 (i) shall be utilized, but the Department of Justice shall disseminate  
39 a fitness determination resulting from the federal criminal offender  
40 record information search.

1 (B) Buildings and grounds and storage requirements that ensure  
2 the health and safety of children.

3 (C) In addition to the foregoing requirements, the resource  
4 family home environment assessment standards shall also require  
5 the following:

6 (i) That the applicant demonstrate an understanding about the  
7 rights of children in care and his or her responsibility to safeguard  
8 those rights.

9 (ii) That the total number of children residing in the home of a  
10 resource family shall be no more than the total number of children  
11 the resource family can properly care for, regardless of status, and  
12 shall not exceed six children, unless exceptional circumstances  
13 that are documented in the foster child's case file exist to permit  
14 a resource family to care for more children, including, but not  
15 limited to, the need to place siblings together.

16 (iii) That the applicant understands his or her responsibilities  
17 with respect to acting as a reasonable and prudent parent, and  
18 maintaining the least restrictive environment that serves the needs  
19 of the child.

20 (3) The resource family permanency assessment standards shall  
21 include, but not be limited to, all of the following:

22 (A) Caregiver training, as described in subdivisions (g) and (h).

23 (B) A psychosocial assessment of an applicant, which shall  
24 include the results of a risk assessment.

25 (i) When the applicant is a relative or nonrelative extended  
26 family member to an identified child, the psychosocial assessment  
27 shall consider the nature of the relationship between the relative  
28 or nonrelative extended family member and the child. The relative  
29 or nonrelative extended family member's expressed desire to only  
30 care for a specific child or children shall not be a reason to deny  
31 the approval.

32 (ii) A caregiver risk assessment shall include, but not be limited  
33 to, physical and mental health, alcohol and other substance use  
34 and abuse, family and domestic violence, and the factors listed in  
35 paragraph (1) of subdivision (c).

36 (C) Completion of any other activities that relate to the ability  
37 of an applicant or a resource family to achieve permanency with  
38 a child.

39 (e) (1) A county may place a child with a resource family  
40 applicant who has successfully completed the home environment

1 assessment prior to completion of a permanency assessment only  
2 if a compelling reason for the placement exists based on the needs  
3 of the child.

4 (A) The permanency assessment shall be completed within 90  
5 days of the child's placement in the home, unless good cause exists  
6 based upon the needs of the child.

7 (B) If additional time is needed to complete the permanency  
8 assessment, the county shall document the extenuating  
9 circumstances for the delay and generate a timeframe for the  
10 completion of the permanency assessment.

11 (C) The county shall report to the department on a quarterly  
12 basis the number of families with a child in an approved home  
13 whose permanency assessment goes beyond 90 days and  
14 summarize the reasons for these delays.

15 (2) (A) Upon an assessment completed pursuant to Section 309  
16 or 361.45, a county may place a child with a relative, as defined  
17 in Section 319, or nonrelative extended family member, as defined  
18 in Section 362.7.

19 (B) For any emergency placement made pursuant to this  
20 paragraph, the county shall initiate the home environment  
21 assessment no later than five business days after the placement,  
22 which shall include a face-to-face interview with the resource  
23 family applicant and child.

24 (C) Nothing in this paragraph shall be construed to limit the  
25 obligation under existing law to assess and give placement  
26 consideration to relatives and nonrelative extended family  
27 members.

28 (3) For any placement made pursuant to this subdivision,  
29 AFDC-FC funding shall not be available until approval of the  
30 resource family has been completed.

31 (4) Any child placed under this section shall be afforded all the  
32 rights set forth in Section 16001.9 and in the written directions or  
33 regulations adopted pursuant to this section.

34 (5) Nothing in this section shall limit the county's authority to  
35 inspect the home of a resource family applicant or a relative or  
36 nonrelative extended family member as often as necessary to ensure  
37 the quality of care provided.

38 (f) The State Department of Social Services shall be responsible  
39 for all of the following:

1 (1) (A) Until regulations are adopted, administering the program  
2 through the issuance of written directives that shall have the same  
3 force and effect as regulations. Any directive affecting Article 1  
4 (commencing with Section 700) of Chapter 7 of Title 11 of the  
5 California Code of Regulations shall be approved by the  
6 Department of Justice. The directives shall be exempt from the  
7 rulemaking provisions of the Administrative Procedure Act  
8 (Chapter 3.5 (commencing with Section 11340)) of Part 1 of  
9 Division 3 of Title 2 of the Government Code.

10 (B) Adopting, amending, or repealing, in accordance with  
11 Chapter 4.5 (commencing with Section 11371) of Part 1 of Division  
12 3 of Title 2 of the Government Code, any reasonable rules,  
13 regulations, and standards that may be necessary or proper to carry  
14 out the purposes and intent of this chapter and to enable the  
15 department to exercise the powers and perform the duties conferred  
16 upon it by this section, consistent with the laws of this state.

17 (2) Approving and requiring the use of a single standard for  
18 resource family approval.

19 (3) Adopting and requiring the use of standardized  
20 documentation for the home environment and permanency  
21 assessments of resource families.

22 (4) Adopting core competencies for county staff to participate  
23 in the assessment and evaluation of an applicant or resource family.

24 (5) Requiring counties to monitor county-approved resource  
25 families including, but not limited to, all of the following:

26 (A) Investigating complaints of resource families.

27 (B) Developing and monitoring resource family corrective action  
28 plans to correct identified deficiencies and to rescind resource  
29 family approval if compliance with corrective action plans is not  
30 achieved.

31 (6) Ongoing oversight and monitoring of county systems and  
32 operations including all of the following:

33 (A) Reviewing the county's implementation plan and  
34 implementation of the program.

35 (B) Reviewing an adequate number of county-approved resource  
36 families in each county to ensure that approval standards are being  
37 properly applied. The review shall include case file documentation,  
38 and may include onsite inspection of individual resource families.  
39 The review shall occur on an annual basis, and more frequently if  
40 the department becomes aware that a county is experiencing a

1 disproportionate number of complaints against individual resource  
2 family homes.

3 (C) Reviewing county reports of serious complaints and  
4 incidents involving approved resource families, as determined  
5 necessary by the department. The department may conduct an  
6 independent review of the complaint or incident and change the  
7 findings depending on the results of its investigation.

8 (D) Investigating unresolved complaints against counties.

9 (E) Requiring corrective action of counties that are not in full  
10 compliance with this section.

11 (7) Updating the Legislature on the early implementation phase  
12 of the program, including the status of implementation, successes,  
13 and challenges during the early implementation phase, and relevant  
14 available data, including resource family satisfaction.

15 (8) Implementing due process procedures, including, but not  
16 limited to, all of the following:

17 (A) Providing a statewide fair hearing process for application  
18 denials, rescissions of approval, exclusion actions, or criminal  
19 record exemption denials or rescissions, by a county or the  
20 department.

21 (B) Providing an excluded individual with due process pursuant  
22 to Section 16519.6.

23 (C) Amending the department's applicable state hearing  
24 procedures and regulations or using the Administrative Procedure  
25 Act, when applicable, as necessary for the administration of the  
26 program.

27 (g) Counties shall be responsible for all of the following:

28 (1) Submitting an implementation plan and consulting with the  
29 county probation department in the development of the  
30 implementation plan.

31 (2) Complying with the written directives or regulations adopted  
32 pursuant to this section.

33 (3) Implementing the requirements for resource family approval  
34 and utilizing standardized documentation established by the  
35 department.

36 (4) Training appropriate staff, including ensuring staff have the  
37 education and experience or core competencies necessary to  
38 participate in the assessment and evaluation of an applicant or  
39 resource family.

40 (5) (A) Taking the following actions, as applicable:

- 1 (i) (I) Approving or denying resource family applications,  
2 including preparing a written evaluation of an applicant's capacity  
3 to foster, adopt, or provide legal guardianship of a child based on  
4 all of the information gathered through the resource family  
5 application and assessment processes.
- 6 (II) Considering the applicant's preference to provide a specific  
7 level of permanency, including adoption, guardianship, or, in the  
8 case of a relative, placement with a fit and willing relative, shall  
9 not be a basis to deny an application.
- 10 (ii) Rescinding approvals of resource families.
- 11 (iii) When applicable, referring a case to the department for an  
12 action to exclude a resource family parent or other individual from  
13 presence in any resource family home, consistent with the  
14 established standard.
- 15 (iv) Issuing a temporary suspension order that suspends the  
16 resource family approval prior to a hearing when urgent action is  
17 needed to protect a child from physical or mental abuse,  
18 abandonment, or any other substantial threat to health or safety,  
19 consistent with the established standard.
- 20 (v) Granting, denying, or rescinding criminal record exemptions.
- 21 (B) Providing a resource family parent, applicant, or individual  
22 who is the subject of a criminal record exemption decision with  
23 due process pursuant to Section 16519.6.
- 24 (C) Notifying the department of any decisions denying an  
25 application for resource family approval, rescinding the approval  
26 of a resource family, or denying or rescinding a criminal record  
27 exemption, and, if applicable, notifying the department of the  
28 results of an administrative action.
- 29 (6) (A) Updating resource family approval annually and as  
30 necessary to address any changes that have occurred in the resource  
31 family's circumstances, including, but not limited to, moving to  
32 a new home location or commencing operation of a family day  
33 care home, as defined in Section 1596.78 of the Health and Safety  
34 Code.
- 35 (B) A county shall conduct an announced inspection of a  
36 resource family home during the annual update, and as necessary  
37 to address any changes specified in subparagraph (A), in order to  
38 ensure that the resource family is conforming to all applicable laws  
39 and the written directives or regulations adopted pursuant to this  
40 section.

1 (7) Monitoring resource families through all of the following:

2 (A) Ensuring that social workers who identify a condition in  
3 the home that may not meet the approval standards set forth in  
4 subdivision (d) while in the course of a routine visit to children  
5 placed with a resource family take appropriate action as needed.

6 (B) Requiring resource families to meet the approval standards  
7 set forth in this section, and to comply with the written directives  
8 or regulations adopted pursuant to this section, other applicable  
9 laws, and corrective action plans as necessary to correct identified  
10 deficiencies. If corrective action is not completed as specified in  
11 the plan, the county may rescind the resource family approval.

12 (C) Requiring resource families to report to the county child  
13 welfare agency any incidents consistent with the reporting  
14 requirements for licensed foster family homes.

15 (D) Inspecting resource family homes as often as necessary to  
16 ensure the quality of care provided.

17 (8) (A) Investigating all complaints against a resource family  
18 and taking action as necessary, including, but not limited to,  
19 investigating any incidents reported about a resource family  
20 indicating that the approval standard is not being maintained and  
21 inspecting the resource family home.

22 (B) The child's social worker shall not conduct the formal  
23 investigation into the complaint received concerning a family  
24 providing services under the standards required by subdivision  
25 (d). To the extent that adequate resources are available, complaints  
26 shall be investigated by a worker who did not initially conduct the  
27 home environment or psychosocial assessments.

28 (C) Upon conclusion of the complaint investigation, the final  
29 disposition shall be reviewed and approved by a supervising staff  
30 member.

31 (D) The department shall be notified of any serious incidents  
32 or serious complaints or any incident that falls within the definition  
33 of Section 11165.5 of the Penal Code. If those incidents or  
34 complaints result in an investigation, the department shall also be  
35 notified as to the status and disposition of that investigation.

36 (9) Performing corrective action as required by the department.

37 (10) Assessing county performance in related areas of the  
38 California Child and Family Services Review System, and  
39 remedying problems identified.

1 (11) Submitting information and data that the department  
2 determines is necessary to study, monitor, and prepare the report  
3 specified in paragraph (6) of subdivision (f).

4 (12) Ensuring resource family applicants and resource families  
5 have the necessary knowledge, skills, and abilities to support  
6 children in foster care by completing caregiver training. The  
7 training should include a curriculum that supports the role of a  
8 resource family in parenting vulnerable children and should be  
9 ongoing in order to provide resource families with information on  
10 trauma-informed practices and requirements and other topics within  
11 the foster care system.

12 (13) Ensuring that a resource family applicant completes a  
13 minimum of 12 hours of preapproval caregiver training. The  
14 training shall include, but not be limited to, all of the following  
15 courses:

16 (A) An overview of the child protective and probation systems.

17 (B) The effects of trauma, including grief and loss, and child  
18 abuse and neglect, on child development and behavior, and  
19 methods to behaviorally support children impacted by that trauma  
20 or child abuse and neglect.

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

22 (D) Health issues in foster care.

23 (E) Accessing services and supports to address education needs,  
24 physical, mental, and behavioral health, and substance use  
25 disorders, including culturally relevant services.

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

34 (G) Cultural needs of children, including instruction on cultural  
35 competency and sensitivity, and related best practices for providing  
36 adequate care for children or youth across diverse ethnic and racial  
37 backgrounds, as well as children or youth identifying as lesbian,  
38 gay, bisexual, or transgender.

39 (H) Basic instruction on existing laws and procedures regarding  
40 the safety of foster youth at school; and ensuring a harassment and

1 violence free school environment pursuant to Article 3.6  
2 (commencing with Section 32228) of Chapter 2 of Part 19 of  
3 Division 1 of Title 1 of the Education Code.

4 (I) Permanence, well-being, and education needs of children.

5 (J) Child and adolescent development, including sexual  
6 orientation, gender identity, and expression.

7 (K) The role of resource families, including working  
8 cooperatively with the child welfare or probation agency, the  
9 child's family, and other service providers implementing the case  
10 plan.

11 (L) The role of a resource family on the child and family team  
12 as defined in paragraph (4) of subdivision (a) of Section 16501.

13 (M) A resource family's responsibility to act as a reasonable  
14 and prudent parent, as described in subdivision (c) of Section  
15 1522.44 of the Health and Safety Code, and to provide a family  
16 setting that promotes normal childhood experiences and that serves  
17 the needs of the child.

18 (N) An overview of the specialized training identified in  
19 subdivision (h).

20 (14) Ensuring approved resource families complete a minimum  
21 of eight hours of caregiver training annually, a portion of which  
22 shall be from subparagraph (M) of paragraph (13) and from one  
23 or more of the other topics listed in paragraph (13).

24 (h) In addition to any training required by this section, a county  
25 may require a resource family or applicant to receive relevant  
26 specialized training for the purpose of preparing the resource family  
27 to meet the needs of a particular child in care. This training may  
28 include, but is not limited to, the following:

29 (1) Understanding how to use best practices for providing care  
30 and supervision to commercially sexually exploited children.

31 (2) Understanding how to use best practices for providing care  
32 and supervision to lesbian, gay, bisexual, and transgender children.

33 (3) Understanding the requirements and best practices regarding  
34 psychotropic medications, including, but not limited to, court  
35 authorization, benefits, uses, side effects, interactions, assistance  
36 with self-administration, misuse, documentation, storage, and  
37 metabolic monitoring of children prescribed psychotropic  
38 medications.

39 (4) Understanding the federal Indian Child Welfare Act (25  
40 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of

1 children covered by the act, and the best interests of Indian  
2 children, including the role of the caregiver in supporting culturally  
3 appropriate, child-centered practices that respect Native American  
4 history, culture, retention of tribal membership and connection to  
5 the tribal community and traditions.

6 (5) Understanding how to use best practices for providing care  
7 and supervision to nonminor dependents.

8 (6) Understanding how to use best practices for providing care  
9 and supervision to children with special health care needs.

10 (7) Understanding the different permanency options and the  
11 services and benefits associated with the options.

12 (i) Nothing in this section shall preclude a county from requiring  
13 training in excess of the requirements in this section.

14 (j) (1) Resource families who move home locations shall retain  
15 their resource family status pending the outcome of the update  
16 conducted pursuant to paragraph (6) of subdivision (g).

17 (2) (A) If a resource family moves from one county to another  
18 county, the department, or the county to which a resource family  
19 has moved, shall submit a written request to the Department of  
20 Justice to transfer the individual's subsequent arrest notification,  
21 as specified in subdivision (h) of Section 1522 of the Health and  
22 Safety Code.

23 (B) A request to transfer subsequent arrest notification shall  
24 contain all prescribed data elements and format protocols pursuant  
25 to a written agreement between the department and the Department  
26 of Justice.

27 (3) Subject to the requirements in paragraph (1), the resource  
28 family shall continue to be approved for guardianship and adoption.  
29 Nothing in this subdivision shall limit a county, foster family  
30 agency, or adoption agency from determining that the family is  
31 not approved for guardianship or adoption based on changes in  
32 the family's circumstances or psychosocial assessment.

33 (k) Implementation of the program shall be contingent upon the  
34 continued availability of federal Social Security Act Title IV-E  
35 (42 U.S.C. Sec. 670) funds for costs associated with placement of  
36 children with resource families assessed and approved under the  
37 program.

38 (l) A child placed with a resource family shall be eligible for  
39 AFDC-FC payments. A resource family, or a foster family agency  
40 pursuant to subdivisions (p) and (q), shall be paid an AFDC-FC

1 rate pursuant to Sections 11460, 11461, and 11463. Sharing ratios  
2 for nonfederal expenditures for all costs associated with activities  
3 related to the approval of relatives and nonrelative extended family  
4 members shall be in accordance with Section 10101.

5 (m) The Department of Justice shall charge fees sufficient to  
6 cover the cost of initial or subsequent criminal offender record  
7 information and Child Abuse Central Index searches, processing,  
8 or responses, as specified in this section.

9 (n) Except as provided, approved resource families shall be  
10 exempt from both of the following:

11 (1) Licensure requirements set forth under the Community Care  
12 Facilities Act, commencing with Section 1500 of the Health and  
13 Safety Code, and all regulations promulgated thereto.

14 (2) Relative and nonrelative extended family member approval  
15 requirements set forth under Sections 309, 361.4, and 362.7, and  
16 all regulations promulgated thereto.

17 (o) (1) Early implementation counties shall be authorized to  
18 continue through December 31, 2016. The program shall be  
19 implemented by each county on or before January 1, 2017.

20 (2) (A) (i) On and after January 1, 2017, a county to which the  
21 department has delegated its licensing authority pursuant to Section  
22 1511 of the Health and Safety Code shall approve resource families  
23 in lieu of licensing foster family homes.

24 (ii) Notwithstanding clause (i), the existing licensure and  
25 oversight processes shall continue to be administered for foster  
26 family homes licensed prior to January 1, 2017, or as specified in  
27 subparagraph (C), until the license is revoked or forfeited by  
28 operation of law pursuant to Section 1517.1 of the Health and  
29 Safety Code.

30 (B) (i) On and after January 1, 2017, a county shall approve  
31 resource families in lieu of approving relative and nonrelative  
32 extended family members.

33 (ii) Notwithstanding clause (i), the existing approval and  
34 oversight processes shall continue to be administered for relatives  
35 and nonrelative extended family members approved prior to  
36 January 1, 2017, or as specified in subparagraph (C), until the  
37 approval is revoked or forfeited by operation of law pursuant to  
38 this section.

39 (C) Notwithstanding subparagraph (D), a county shall approve  
40 or deny all applications for foster family home licenses and requests

1 for relative or nonrelative extended family member approvals  
2 received on or before December 31, 2016, in accordance with  
3 Chapter 3 (commencing with Section 1500) of Division 2 of the  
4 Health and Safety Code or provisions providing for the approval  
5 of relatives or nonrelative extended family members, as applicable.

6 (D) On and after January 1, 2017, a county shall not accept  
7 applications for foster family home licenses or requests to approve  
8 relatives or nonrelative extended family members.

9 (3) No later than July 1, 2017, each county shall provide the  
10 following information to all licensed foster family homes and  
11 approved relatives and nonrelative extended family members  
12 licensed or approved by the county:

13 (A) A detailed description of the resource family approval  
14 program.

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

17 (C) Notification that a foster family home license and an  
18 approval of a relative or nonrelative extended family member shall  
19 be forfeited by operation of law as specified in paragraph (5).

20 (4) By no later than January 1, 2018, the following shall apply  
21 to all licensed foster family homes and approved relative and  
22 nonrelative extended family members:

23 (A) A licensed foster family home or an approved relative or  
24 nonrelative extended family member with an approved adoptive  
25 home study completed prior to January 1, 2018, shall be deemed  
26 to be an approved resource family.

27 (B) A licensed foster family home or an approved relative or  
28 nonrelative extended family member who had a child in placement  
29 at any time between January 1, 2017, and December 31, 2017,  
30 inclusive, may be approved as a resource family on the date of  
31 successful completion of a psychosocial assessment pursuant to  
32 subparagraph (B) of paragraph (3) of subdivision (d).

33 (C) A county may provide supportive services to all licensed  
34 foster family homes, relatives, and nonrelative extended family  
35 members with a child in placement to assist with the resource  
36 family transition and to minimize placement disruptions.

37 (5) All foster family licenses and approvals of relatives and  
38 nonrelative extended family members shall be forfeited by  
39 operation of law on December 31, 2019, except as provided in this  
40 paragraph or Section 1524 of the Health and Safety Code:

1 (A) All licensed foster family homes that did not have a child  
2 in placement at any time between January 1, 2017, and December  
3 31, 2017, inclusive, shall forfeit the license by operation of law  
4 on January 1, 2018.

5 (B) For foster family home licensees and approved relatives or  
6 nonrelative extended family members who have a pending resource  
7 family application on December 31, 2019, the foster family home  
8 license or relative and nonrelative extended family member  
9 approval shall be forfeited by operation of law upon approval as  
10 a resource family. If approval is denied, forfeiture by operation of  
11 law shall occur on the date of completion of any proceedings  
12 required by law to ensure due process.

13 (C) A foster family home license shall be forfeited by operation  
14 of law, pursuant to subdivision (b) of Section 1524 of the Health  
15 and Safety Code, upon approval as a resource family.

16 (D) Approval as a relative or nonrelative extended family  
17 member shall be forfeited by operation of law upon approval as a  
18 resource family.

19 (p) On and after January 1, 2017, all licensed foster family  
20 agencies shall approve resource families in lieu of certifying foster  
21 homes, as set forth in Section 1517 of the Health and Safety Code.

22 (q) Commencing January 1, 2016, the department may establish  
23 participation conditions, and select and authorize foster family  
24 agencies that voluntarily submit implementation plans and revised  
25 plans of operation in accordance with requirements established by  
26 the department, to approve resource families in lieu of certifying  
27 foster homes.

28 (1) Notwithstanding any other law, a participating foster family  
29 agency shall require resource families to meet and maintain the  
30 resource family approval standards and requirements set forth in  
31 this chapter and in the written directives adopted hereto prior to  
32 approval and in order to maintain approval.

33 (2) A participating foster family agency shall implement the  
34 resource family approval program pursuant to Section 1517 of the  
35 Health and Safety Code.

36 (3) Nothing in this section shall be construed to limit the  
37 authority of the department to inspect, evaluate, or investigate a  
38 complaint or incident, or initiate a disciplinary action against a  
39 foster family agency pursuant to Article 5 (commencing with  
40 Section 1550) of Chapter 3 of Division 2 of the Health and Safety

1 Code, or to take any action it may deem necessary for the health  
2 and safety of children placed with the foster family agency.

3 (4) The department may adjust the foster family agency  
4 AFDC-FC rate pursuant to Section 11463 for implementation of  
5 this subdivision.

6 (5) This subdivision shall become inoperative on January 1,  
7 2017.

8 (r) A county is authorized to obtain any arrest or conviction  
9 records or reports from any court or law enforcement agency as  
10 necessary to the performance of its duties, as provided in this  
11 section or subdivision (e) of Section 1522 of the Health and Safety  
12 Code.

13 (s) A resource family approved pursuant to this section shall  
14 forfeit its approval concurrent with resource family approval by a  
15 foster family agency.

16 ~~SEC. 84.~~

17 *SEC. 83.* Section 16519.51 of the Welfare and Institutions  
18 Code is repealed.

19 ~~SEC. 85.~~

20 *SEC. 84.* Section 16519.51 is added to the Welfare and  
21 Institutions Code, to read:

22 16519.51. (a) A person shall not incur civil liability as a result  
23 of a county notifying the department of its determination to rescind  
24 the approval of a resource family due to any of the following  
25 actions by a resource family parent:

26 (1) Violation of Section 16519.5, the written directives or  
27 regulations adopted pursuant to Section 16519.5, or any applicable  
28 law.

29 (2) Aiding, abetting, or permitting the violation of Section  
30 16519.5, the written directives or regulations adopted pursuant to  
31 Section 16519.5, or any applicable law.

32 (3) Conduct that poses a risk or threat to the health and safety,  
33 protection, or well-being of a child, or the people of the state of  
34 California.

35 (4) The conviction of the applicant or resource family parent at  
36 any time before or during his or her approval of a crime described  
37 in Section 1522.

38 (5) Knowingly allowing any child to have illegal drugs, alcohol,  
39 or any tobacco product as defined in subdivision (d) of Section  
40 22950.5 of the Business and Professions Code.

1 (6) Committing an act of child abuse or neglect or an act of  
2 violence against another person.

3 (b) The department or a county shall not incur civil liability for  
4 providing each other with information if the communication is for  
5 the purpose of aiding in the evaluation of an application for  
6 approval of a resource family.

7 ~~SEC. 86.~~

8 *SEC. 85.* Section 16519.55 of the Welfare and Institutions  
9 Code is amended to read:

10 16519.55. (a) Subject to subdivision (d), to encourage the  
11 recruitment of resource families, to protect their personal privacy,  
12 and to preserve the security of confidentiality of the placements  
13 with resource families, the names, addresses, and other identifying  
14 information of resource families shall be considered personal  
15 information for purposes of the Information Practices Act of 1977  
16 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part  
17 4 of Division 3 of the Civil Code). This information shall not be  
18 disclosed by any state or local agency pursuant to the California  
19 Public Records Act (Chapter 3.5 (commencing with Section 6250)  
20 of Division 7 of Title 1 of the Government Code), except as  
21 necessary for administering the resource family approval program,  
22 facilitating the placement of children with resource families, and  
23 providing names and addresses, upon request, only to bona fide  
24 professional foster parent organizations and to professional  
25 organizations educating foster parents, including the Foster and  
26 Kinship Care Education Program of the California Community  
27 Colleges.

28 (b) The application form signed by a resource family applicant  
29 of a county shall be signed with a declaration by the applicant that  
30 the information submitted is true, correct, and contains no material  
31 omissions of fact to the best knowledge and belief of the applicant.  
32 Any person who willfully and knowingly, with the intent to  
33 deceive, makes a false statement or fails to disclose a material fact  
34 in his or her application is guilty of a misdemeanor.

35 (c) Before approving a resource family, a county may conduct  
36 a reference check of the applicant by contacting the following:

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

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

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

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

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

8 (d) The department, a county, a foster family agency, or a tribe  
9 may request information from, or divulge information to, the  
10 department, a county, a foster family agency, or a tribe regarding  
11 a prospective resource family for the purpose of and as necessary  
12 to conduct a reference check to determine whether it is safe and  
13 appropriate to approve an applicant to be a resource family.

14 ~~SEC. 87.~~

15 *SEC. 86.* Section 16519.6 of the Welfare and Institutions Code  
16 is amended to read:

17 16519.6. (a) All hearings conducted pursuant to Section  
18 16519.5 shall be conducted in accordance with the requirements  
19 of this section and the written directives or regulations adopted  
20 pursuant to Section 16519.5.

21 (b) For resource family hearings held at the department’s State  
22 Hearings Division, the procedures set forth in Chapter 7  
23 (commencing with Section 10950) of Part 2 shall apply, except as  
24 otherwise provided in this section.

25 (c) For resource family hearings held at the Office of  
26 Administrative Hearings, the procedures set forth in Chapter 3  
27 (commencing with Section 1500) of Division 2 of the Health and  
28 Safety Code and the procedures set forth in the Administrative  
29 Procedure Act shall apply, except as otherwise provided in this  
30 section.

31 (d) Notwithstanding Section 10951, a resource family, applicant,  
32 excluded individual, or individual who is the subject of a criminal  
33 record exemption decision may file a written appeal within 25  
34 days of service of a notice of action. Pursuant to Section 1013 of  
35 the Code of Civil Procedure, if the notice of action is served by  
36 mail, the time to respond shall be extended five days, not to exceed  
37 30 days to file the appeal.

38 (e) Notwithstanding Section 10951, a county’s action shall be  
39 final, or for matters set before the State Hearings Division, an  
40 action shall be subject to dismissal if the resource family, applicant,

1 excluded individual, or individual who is the subject of a criminal  
2 record exemption decision does not file an appeal to the notice of  
3 action within the prescribed time.

4 (f) Except as provided in subdivisions (g) and (h), and  
5 notwithstanding Section 10952, a hearing under this section,  
6 notwithstanding any time waiver, shall be held within 90 days  
7 following the receipt of a timely appeal or notice of defense, unless  
8 a continuance or postponement of the hearing is granted for good  
9 cause.

10 (g) (1) The department may exclude a resource family parent,  
11 applicant, or other individual from presence in any resource family  
12 home, from employment in, presence in, and contact with clients  
13 of any facility licensed by the department or certified by a licensed  
14 foster family agency, and from holding the position of member of  
15 the board of directors, executive director, or officer of the licensee  
16 of any facility licensed by the department. If the department has  
17 issued an immediate exclusion order, the timelines for filings and  
18 hearings and the provisions set forth in Section 1558 of the Health  
19 and Safety Code shall apply, unless a continuance of the hearing  
20 is granted for good cause.

21 (2) For purposes of this subdivision, a “facility licensed by the  
22 department” means a facility licensed pursuant to Chapter 3  
23 (commencing with Section 1500) of, Chapter 3.01 (commencing  
24 with Section 1568.01) of, Chapter 3.2 (commencing with Section  
25 1569) of, Chapter 3.3 (commencing with Section 1570) of, Chapter  
26 3.4 (commencing with Section 1596.70) of, Chapter 3.5  
27 (commencing with Section 1596.90) of, or Chapter 3.6  
28 (commencing with Section 1597.30) of, Division 2 of the Health  
29 and Safety Code.

30 (h) If a county or the department has issued a temporary  
31 suspension order, the hearing shall be held within 30 days  
32 following the receipt of a timely appeal or notice of defense. The  
33 temporary suspension order shall remain in effect until the time  
34 the hearing is completed and the director has made a final  
35 determination on the merits. However, the temporary suspension  
36 order shall be deemed vacated if the director fails to make a final  
37 determination on the merits within 30 days after receipt of the  
38 proposed decision by the county or department.

39 (i) Upon a finding of noncompliance, the department may  
40 require a foster family agency to deny a resource family

1 application, rescind the approval of a resource family, or take other  
2 action deemed necessary for the protection of a child who is or  
3 who may be placed with the resource family. The resource family  
4 or applicant shall be afforded the due process provided pursuant  
5 to this section.

6 (1) If the department requires a foster family agency to deny an  
7 application or rescind the approval of a resource family, the  
8 department shall serve an order of denial or rescission notifying  
9 the resource family, applicant, and foster family agency of the  
10 basis of the department's action and of the right to a hearing.

11 (2) The department's order of the application denial or rescission  
12 of the approval shall remain in effect until the hearing is completed  
13 and the director has made a final determination on the merits.

14 (3) A foster family agency's failure to comply with the  
15 department's order to deny an application or rescind the approval  
16 of a resource family by placing or retaining a child in care shall  
17 be grounds for disciplining the foster family agency pursuant to  
18 Section 1550 of the Health and Safety Code.

19 (j) A resource family, applicant, excluded individual, or  
20 individual who is the subject of a criminal record exemption  
21 decision who files an appeal to a notice of action pursuant to this  
22 section shall, as part of the appeal, provide his or her current  
23 mailing address. The resource family, applicant, excluded  
24 individual, or individual who is the subject of a criminal record  
25 exemption decision shall subsequently notify the county, or  
26 department if applicable, in writing of any change in mailing  
27 address, until the hearing process has been completed or  
28 terminated.

29 (k) Service by mail of a notice or other writing on a resource  
30 family, applicant, excluded individual, or individual who is the  
31 subject of a criminal record exemption decision in a procedure  
32 provided herein is effective if served to the last mailing address  
33 on file with the county or department. Service of a notice of action  
34 may be by personal service or by first class mail. If the last day  
35 for performance of any action required herein falls on a holiday,  
36 then such period shall be extended to the next day which is not a  
37 holiday.

38 (l) In all proceedings conducted in accordance with this section,  
39 the burden of proof on the department or county shall be by a  
40 preponderance of the evidence.

1 (m) (1) A county or the department may institute or continue  
2 an administrative proceeding against a resource family, applicant,  
3 or individual who is the subject of a criminal record exemption  
4 decision upon any ground provided by this section or Section  
5 16519.61, enter an order denying an application or rescinding the  
6 approval of a resource family, exclude an individual, issue a  
7 temporary suspension order, or otherwise take disciplinary action  
8 against a resource family, applicant, or individual who is the subject  
9 of a criminal record exemption decision, notwithstanding any  
10 resignation, withdrawal, surrender of approval, or denial or  
11 rescission of the approval by a foster family agency.

12 (2) The department may institute or continue an administrative  
13 proceeding against an excluded individual upon any ground  
14 provided by this section or Section 16519.61, enter an order to  
15 exclude an individual, or otherwise take disciplinary action against  
16 an excluded individual, notwithstanding any resignation,  
17 withdrawal, surrender of approval, or denial or rescission of the  
18 approval by a foster family agency.

19 ~~(n) (1) A proceeding conducted pursuant to this section shall~~  
20 ~~be confidential and not open to the public in order to preserve the~~  
21 ~~confidential information of a child in accordance with Sections~~  
22 ~~827 and 10850, Section 1536 of the Health and Safety Code, and~~  
23 ~~Section 11167.5 of the Penal Code. Notwithstanding this~~  
24 ~~requirement, an administrative law judge may admit persons~~  
25 ~~deemed to have a direct and legitimate interest in the particular~~  
26 ~~case or the work of the court on a case-by-case basis and with any~~  
27 ~~admonishments, limitations, and protective orders as may be~~  
28 ~~necessary to preserve the confidential nature of the proceedings.~~

29 ~~(2)~~

30 (n) Except as otherwise required by law, in any writ of mandate  
31 proceeding related to an issue arising out of this article, the name,  
32 identifying information, or confidential information of a child as  
33 described in Sections 827, 10850, and 16519.55, and Section  
34 11167.5 of the Penal Code, shall not be disclosed in a public  
35 document and a protective order shall be issued by the court in  
36 order to protect the confidential information of a child.

37 ~~SEC. 88.~~

38 *SEC. 87.* Section 16519.61 is added to the Welfare and  
39 Institutions Code, to read:

1 16519.61. A county or the department may deny a resource  
2 family application or rescind the approval of a resource family,  
3 and the department may exclude an individual from a resource  
4 family home, for any of the following reasons:

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

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

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

14 (d) The conviction of the resource family applicant, parent, or  
15 associated individual at any time before or during his or her  
16 approval of a crime described in Section 1522 of the Health and  
17 Safety Code.

18 (e) Engaging in acts of financial malfeasance, including, but  
19 not limited to, improper use or embezzlement of the money or  
20 property of a child, fraudulent appropriation for personal gain of  
21 money or property, or willful or negligent failure to provide  
22 services.

23 (f) Any other reason specified in the written directives or  
24 regulations adopted pursuant to Section 16519.5.

25 ~~SEC. 89.~~

26 *SEC. 88.* Section 16519.62 is added to the Welfare and  
27 Institutions Code, to read:

28 16519.62. (a) The out-of-court statements of a child under 12  
29 years of age who is the subject or victim of an allegation at issue  
30 constitutes admissible evidence at an administrative hearing  
31 conducted pursuant to this article. The out-of-court statement may  
32 provide the sole basis for a finding of fact if the proponent of the  
33 statement provided the statement to all parties prior to the hearing  
34 and the adjudicator finds that the time, content, and circumstances  
35 of the statement provide sufficient indicia of reliability. However,  
36 the out-of-court statement shall not be admissible if an objecting  
37 party establishes that the statement is unreliable because it was the  
38 product of fraud, deceit, or undue influence.

39 (b) This section shall not be construed to limit the right of any  
40 party to the administrative hearing to subpoena a witness whose

1 statement is admitted as evidence or to introduce admissible  
2 evidence relevant to the weight of the hearsay evidence or the  
3 credibility of the hearsay declarant.

4 ~~SEC. 90.~~

5 *SEC. 89.* The heading of Article 3 (commencing with Section  
6 16520) is added to Chapter 5 of Part 4 of Division 9 of the Welfare  
7 and Institutions Code, to read:

8

9

Article 3. Miscellaneous Provisions

10

11 ~~SEC. 91.~~

12 *SEC. 90.* Section 18358.30 of the Welfare and Institutions  
13 Code is amended to read:

14 18358.30. (a) Rates for foster family agency programs  
15 participating under this chapter shall be exempt from the current  
16 AFDC-FC foster family agency ratesetting system.

17 (b) Rates for foster family agency programs participating under  
18 this chapter shall be set according to the appropriate service and  
19 rate level based on the level of services provided to the eligible  
20 child and the certified foster family. For an eligible child placed  
21 from a group home program, the service and rate level shall not  
22 exceed the rate paid for group home placement. For an eligible  
23 child assessed by the county interagency review team or county  
24 placing agency as at imminent risk of group home placement or  
25 psychiatric hospitalization, the appropriate service and rate level  
26 for the child shall be determined by the interagency review team  
27 or county placing agency at time of placement. In all of the service  
28 and rate levels, the foster family agency programs shall:

29 (1) Provide social work services with average caseloads not to  
30 exceed eight children per worker, except that social worker average  
31 caseloads for children in Service and Rate Level E shall not exceed  
32 12 children per worker.

33 (2) Pay an amount not less than two thousand one hundred  
34 dollars (\$2,100) per child per month to the certified foster parent  
35 or parents.

36 (3) Perform activities necessary for the administration of the  
37 programs, including, but not limited to, training, recruitment,  
38 certification, and monitoring of the certified foster parents.

39 (4) (A) (i) Provide a minimum average range of service per  
40 month for children in each service and rate level in a participating

1 foster family agency, represented by paid employee hours incurred  
 2 by the participating foster family agency, by the in-home support  
 3 counselor to the eligible child and the certified foster parents  
 4 depending on the needs of the child and according to the following  
 5 schedule:

7	Service	In-Home Support
8	and	Counselor Hours
9	Rate Level	Per Month
10	A	98-114 hours
11	B	81-97 hours
12	C	64-80 hours
13	D	47-63 hours

14  
 15 (ii) Children placed at Service and Rate Level E shall receive  
 16 behavior deescalation and other support services on a flexible, as  
 17 needed, basis from an in-home support counselor. The foster family  
 18 agency shall provide one full-time in-home support counselor for  
 19 every 20 children placed at this level.

20 (B) (i) For the interim period beginning July 1, 2012, through  
 21 December 31, 2016, inclusive, only the following modified service  
 22 and rate levels to support modified in-home support counselor  
 23 hours per month shall apply:

25	Service	In-Home Support
26	and	Counselor Hours
27	Rate Level	Per Month
28	Level I	81-114 hours
29	Level II	47-80 hours
30	Level III	Less than 47 hours

31  
 32 (ii) Children placed at Service and Rate Level III shall receive  
 33 behavior deescalation and other support services on a flexible, as  
 34 needed, basis from an in-home support counselor. The foster family  
 35 agency shall provide one full-time in-home support counselor for  
 36 every 20 children placed at this level.

37 (C) When the interagency review team or county placing agency  
 38 and the foster family agency agree that alternative services are in  
 39 the best interests of the child, the foster family agency may provide  
 40 or arrange for services and supports allowable under California's

1 foster care program in lieu of in-home support services required  
2 by subparagraphs (A) and (B). These services and supports may  
3 include, but need not be limited to, activities in the  
4 Multidimensional Treatment Foster Care (MTFC) program.

5 (c) The department or placing county, or both, may review the  
6 level of services provided by the foster family agency program. If  
7 the level of services actually provided are less than those required  
8 by subdivision (b) for the child’s service and rate level, the rate  
9 shall be adjusted to reflect the level of service actually provided,  
10 and an overpayment may be established and recovered by the  
11 department.

12 (d) (1) On and after July 1, 1998, the standard rate schedule of  
13 service and rate levels shall be:

15	Service	Fiscal Year
16	and	1998-99
17	Rate Level	Standard Rate
18	A	\$3,957
19	B	\$3,628
20	C	\$3,290
21	D	\$2,970
22	E	\$2,639

23  
24 (2) For the interim period beginning July 1, 2012, through  
25 December 31, 2016, inclusive, only the following modified service  
26 and rate levels to support the modified standard rate schedule shall  
27 apply:

29	Service	
30	and	
31	Rate Level	Standard Rate
32	Level I	\$5,581
33	Level II	\$4,798
34	Level III	\$4,034

35  
36 (3) (A) On and after July 1, 1999, the standardized schedule of  
37 rates shall be adjusted by an amount equal to the California  
38 Necessities Index computed pursuant to Section 11453, rounded  
39 to the nearest dollar. The resultant amounts shall constitute the  
40 new standardized rate schedule, subject to further adjustment

1 pursuant to subparagraph (B), for foster family agency programs  
2 participating under this chapter.

3 (B) In addition to the adjustment in subparagraph (A),  
4 commencing January 1, 2000, the standardized schedule of rates  
5 shall be increased by 2.36 percent, rounded to the nearest dollar.  
6 The resultant amounts shall constitute the new standardized rate  
7 schedule for foster family agency programs participating under  
8 this chapter.

9 (4) (A) Beginning with the 2000–01 fiscal year, the standardized  
10 schedule of rates shall be adjusted annually by an amount equal  
11 to the California Necessities Index computed pursuant to Section  
12 11453, subject to the availability of funds. The resultant amounts,  
13 rounded to the nearest dollar, shall constitute the new standard rate  
14 schedule for foster family agency programs participating under  
15 this chapter.

16 (B) Effective October 1, 2009, the rates identified in this  
17 subdivision shall be reduced by 10 percent. The resulting amounts  
18 shall constitute the new standardized schedule of rates.

19 (5) Notwithstanding paragraphs (3) and (4), the rate identified  
20 in paragraph (2) of subdivision (b) shall be adjusted on July 1,  
21 2013, and each July 1 thereafter through July 1, 2016, inclusive,  
22 by an amount equal to the California Necessities Index computed  
23 pursuant to Section 11453.

24 (e) (1) Rates for foster family agency programs participating  
25 under paragraph (1) of subdivision (d) shall not exceed Service  
26 and Rate Level A at any time during an eligible child's placement.  
27 An eligible child may be initially placed in a participating intensive  
28 foster care program at any one of the five Service and Rate Levels  
29 A to E, inclusive, and thereafter placed at any level, either higher  
30 or lower, not to exceed a total of six months at any level other than  
31 Service and Rate Level E, unless it is determined to be in the best  
32 interests of the child by the child's county interagency review team  
33 or county placing agency and the child's certified foster parents.  
34 The child's county interagency placement review team or county  
35 placement agency may, through a formal review of the child's  
36 placement, extend the placement of an eligible child in a service  
37 and rate level higher than Service and Rate Level E for additional  
38 periods of up to six months each.

39 (2) Rates for foster family agency programs participating under  
40 paragraph (2) of subdivision (d) shall not exceed Service and Rate

1 Level I at any time during an eligible child’s placement. An eligible  
2 child may be initially placed in a participating intensive foster care  
3 program at any one of the three Service and Rate Levels I to III,  
4 inclusive, and thereafter placed at any level, either higher or lower,  
5 not to exceed a total of six months at any level other than Service  
6 and Rate Level III, unless it is determined to be in the best interests  
7 of the child by the child’s county interagency review team or  
8 county placing agency, foster family agency, and the child’s  
9 certified foster parents. The child’s county interagency placement  
10 review team or county placement agency, through a formal review  
11 of the child’s placement, may extend the placement of an eligible  
12 child in a service and rate level higher than Service and Rate Level  
13 III for additional periods of up to six months each.

14 (f) It is the intent of the Legislature that the rate paid to  
15 participating foster family agency programs shall decrease as the  
16 child’s need for services from the foster family agency decreases.  
17 The foster family agency shall notify the placing county and the  
18 department of the reduced services and the pilot classification  
19 model, and the rate shall be reduced accordingly.

20 (g) It is the intent of the Legislature to prohibit any duplication  
21 of public funding. Therefore, social worker services, payments to  
22 certified foster parents, administrative activities, and the services  
23 of in-home support counselors that are funded by another public  
24 source shall not be counted in determining whether the foster  
25 family agency program has met its obligations to provide the items  
26 listed in paragraphs (1), (2), (3), and (4) of subdivision (b). The  
27 department shall work with other potentially affected state  
28 departments to ensure that duplication of payment or services does  
29 not occur.

30 (h) It is the intent of the Legislature that the State Department  
31 of Social Services and the State Department of Health Care  
32 Services, in collaboration with county placing agencies and ITFC  
33 providers and other stakeholders, develop and implement an  
34 integrated system that provides for the appropriate level of  
35 placement and care, support services, and mental health treatment  
36 services to foster children served in these programs.

37 (i) Beginning in the 2011–12 fiscal year, and for each fiscal  
38 year thereafter, funding and expenditures for programs and  
39 activities under this section shall be in accordance with the

1 requirements provided in Sections 30025 and 30026.5 of the  
2 Government Code.

3 (j) Notwithstanding subdivisions (d) and (e), the department  
4 shall implement a new interim rate structure for the period  
5 beginning July 1, 2017, to December 31, 2019, inclusive. The rate  
6 shall reflect the appropriate level of placement and address the  
7 need for specialized health care, support services, and mental health  
8 treatment services for foster children served in these programs.

9 ~~SEC. 92.~~

10 *SEC. 91.* (a) The State Department of Social Services and the  
11 State Department of Health Care Services shall adopt regulations  
12 as required to implement this act and Chapter 773 of the Statutes  
13 of 2015.

14 (b) Notwithstanding the rulemaking provisions of the  
15 Administrative Procedure Act (Chapter 3.5 (commencing with  
16 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
17 Code), the State Department of Social Services and the State  
18 Department of Health Care Services may implement and administer  
19 the changes made by this act through all-county letters or similar  
20 written instructions until regulations are adopted.

21 ~~SEC. 93.~~

22 *SEC. 92.* To the extent that this act has an overall effect of  
23 increasing certain costs already borne by a local agency for  
24 programs or levels of service mandated by the 2011 Realignment  
25 Legislation within the meaning of Section 36 of Article XIII of  
26 the California Constitution, it shall apply to local agencies only to  
27 the extent that the state provides annual funding for those cost  
28 increases. Any new program or higher level of service provided  
29 by a local agency pursuant to this act above the level for which  
30 funding has been provided shall not require a subvention of funds  
31 by the state nor otherwise be subject to Section 6 of Article XIII  
32 B of the California Constitution.

33 With regard to certain other costs that may be incurred by a local  
34 agency or school district, no reimbursement is required by this act  
35 pursuant to Section 6 of Article XIII B of the California  
36 Constitution because, in that regard, this act creates a new crime  
37 or infraction, eliminates a crime or infraction, or changes the  
38 penalty for a crime or infraction within the meaning of Section  
39 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

O