

AMENDED IN ASSEMBLY SEPTEMBER 4, 2015

AMENDED IN ASSEMBLY AUGUST 28, 2015

AMENDED IN ASSEMBLY JULY 1, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 7, 2015

AMENDED IN SENATE MARCH 24, 2015

SENATE BILL

No. 238

Introduced by Senators Mitchell and Beall

(Coauthors: Assembly Members Chiu, Gatto, Gordon, and Rodriguez)

February 17, 2015

An act to amend Sections 1522.41 and 1529.2 of the Health and Safety Code, and to amend Sections 304.7, 317, 369.5, 739.5, 16003, 16206, and 16501.3 of, and to add Section 16501.4 to, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 238, as amended, Mitchell. Foster care: psychotropic medication.

Existing law authorizes only a juvenile court judicial officer to make orders regarding the administration of psychotropic medications for a dependent child or a ward of the court who has been removed from the physical custody of his or her parent, as specified. Existing law requires court authorization for the administration of psychotropic medication to be based on a request from a physician, indicating the reasons for the request, a description of the child's or ward's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication. Existing law requires the officer to approve

or deny the request for authorization to administer psychotropic medication, or set the matter for hearing, as specified, within 7 court days. Existing law requires the Judicial Council to adopt rules of court and develop appropriate forms for the implementation of these provisions.

This bill would require the Judicial Council, on or before July 1, 2016, to amend and adopt rules of court and develop appropriate forms for the implementation of these provisions, in consultation with the State Department of Social Services, the State Department of Health Care Services, and specified stakeholders. The bill would require the rules of court and forms to address, among other things, that the child or ward and his or her caregiver and court-appointed special advocate, if any, have an opportunity to provide input on the medications being prescribed, and would require the updates to include a process for periodic oversight by the court of orders regarding the administration of psychotropic medications. The bill would also require a county child welfare department, probation agency, or other person who requests authorization for the administration of psychotropic medication to provide the child's caregiver with a copy of the resulting court order, thereby imposing a state-mandated local program.

This bill would also require the State Department of Social Services, in consultation with specified parties, to develop and distribute a monthly report to each county placing agency that is a signatory to a specified data sharing agreement, and would require this report to include specified information regarding each child for whom one or more psychotropic medications have been paid for under Medi-Cal, including, among others things, the psychotropic medications that have been authorized for the child. The bill would also require a county placing agency to share information pertaining to the child with the juvenile court, the child's attorney, and the county department of behavioral health, the child's court-appointed special advocate, if one has been appointed. By imposing additional duties on county employees, the bill would impose a state-mandated local program.

Existing law requires certain individuals involved in the care and oversight of children in foster care, including group home administrators, foster parents, relative caregivers, nonrelative extended family member caregivers, social workers, judges, and attorneys, to receive training on various topics.

This bill would require the training to include training developed by the State Department of Social Services, in consultation with specified

parties, regarding the authorization, uses, risks, benefits, assistance with self-administration, oversight, and monitoring of psychotropic medications, trauma, and substance use disorder and mental health treatments, for those children. The bill would also require foster care public health nurses to receive this training. By imposing additional training requirements on social workers and public health nurses, the bill would impose a state-mandated local program.

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

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

This bill would incorporate additional changes proposed by AB 224, AB 403, SB 319, and SB 794, which would become operative only if this bill is chaptered last.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

8 (2) In those cases when the individual is both the licensee and
9 the administrator of a facility, the individual shall comply with all
10 of the licensee and administrator requirements of this section.

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

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

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

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

22 (B) Business operations.

23 (C) Management and supervision of staff.

24 (D) Psychosocial and educational needs of the facility residents,
25 including, but not limited to, the information described in
26 subdivision (d) of Section 16501.4 of the Welfare and Institutions
27 Code.

28 (E) Community and support services.

29 (F) Physical needs for facility residents.

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

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

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

4 (J) Nonviolent emergency intervention and reporting
5 requirements.

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

12 (2) The department shall adopt separate program requirements
13 for initial certification for persons who are employed as group
14 home administrators on the effective date of this section. A person
15 employed as an administrator of a group home facility on the
16 effective date of this section shall obtain a certificate by completing
17 the training and testing requirements imposed by the department
18 within 12 months of the effective date of the regulations
19 implementing this section. After the effective date of this section,
20 these administrators shall meet the requirements imposed by the
21 department on all other group home administrators for certificate
22 renewal.

23 (3) Individuals applying for certification under this section shall
24 successfully complete an approved certification program, pass a
25 written test administered by the department within 60 days of
26 completing the program, and submit to the department the
27 documentation required by subdivision (d) within 30 days after
28 being notified of having passed the test. The department may
29 extend these time deadlines for good cause. The department shall
30 notify the applicant of his or her test results within 30 days of
31 administering the test.

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

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

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

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

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

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

5 (e) It shall be unlawful for any person not certified under this
6 section to hold himself or herself out as a certified administrator
7 of a group home facility. Any person willfully making any false
8 representation as being a certified administrator or facility manager
9 is guilty of a misdemeanor.

10 (f) (1) Certificates issued under this section shall be renewed
11 every two years and renewal shall be conditional upon the
12 certificate holder submitting documentation of completion of 40
13 hours of continuing education related to the core of knowledge
14 specified in subdivision (c). No more than one-half of the required
15 40 hours of continuing education necessary to renew the certificate
16 may be satisfied through online courses. All other continuing
17 education hours shall be completed in a classroom setting. For
18 purposes of this section, an individual who is a group home facility
19 administrator and who is required to complete the continuing
20 education hours required by the regulations of the State Department
21 of Developmental Services, and approved by the regional center,
22 may have up to 24 of the required continuing education course
23 hours credited toward the 40-hour continuing education
24 requirement of this section. Community college course hours
25 approved by the regional centers shall be accepted by the
26 department for certification.

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

29 (3) Certificates issued under this section shall expire every two
30 years on the anniversary date of the initial issuance of the
31 certificate, except that any administrator receiving his or her initial
32 certification on or after July 1, 1999, shall make an irrevocable
33 election to have his or her recertification date for any subsequent
34 recertification either on the date two years from the date of issuance
35 of the certificate or on the individual's birthday during the second
36 calendar year following certification. The department shall send
37 a renewal notice to the certificate holder 90 days prior to the
38 expiration date of the certificate. If the certificate is not renewed
39 prior to its expiration date, reinstatement shall only be permitted
40 after the certificate holder has paid a delinquency fee equal to three

1 times the renewal fee and has provided evidence of completion of
2 the continuing education required.

3 (4) To renew a certificate, the certificate holder shall, on or
4 before the certificate expiration date, request renewal by submitting
5 to the department documentation of completion of the required
6 continuing education courses and pay the renewal fee of one
7 hundred dollars (\$100), irrespective of receipt of the department's
8 notification of the renewal. A renewal request postmarked on or
9 before the expiration of the certificate shall be proof of compliance
10 with this paragraph.

11 (5) A suspended or revoked certificate shall be subject to
12 expiration as provided for in this section. If reinstatement of the
13 certificate is approved by the department, the certificate holder,
14 as a condition precedent to reinstatement, shall submit proof of
15 compliance with paragraphs (1) and (2) of subdivision (f), and
16 shall pay a fee in an amount equal to the renewal fee, plus the
17 delinquency fee, if any, accrued at the time of its revocation or
18 suspension. Delinquency fees, if any, accrued subsequent to the
19 time of its revocation or suspension and prior to an order for
20 reinstatement, shall be waived for a period of 12 months to allow
21 the individual sufficient time to complete the required continuing
22 education units and to submit the required documentation.
23 Individuals whose certificates will expire within 90 days after the
24 order for reinstatement may be granted a three-month extension
25 to renew their certificates during which time the delinquency fees
26 shall not accrue.

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

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

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

38 (g) Unless otherwise ordered by the department, the certificate
39 shall be considered forfeited under either of the following
40 conditions:

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

3 (2) The department has issued an exclusion order against the
4 administrator pursuant to Section 1558, 1568.092, 1569.58, or
5 1596.8897, after the department issued the certificate, and the
6 administrator did not appeal the exclusion order or, after the appeal,
7 the department issued a decision and order that upheld the
8 exclusion order.

9 (h) (1) The department, in consultation and collaboration with
10 county placement officials, provider organizations, the State
11 Department of Health Care Services, and the State Department of
12 Developmental Services, shall establish, by regulation, the program
13 content, the testing instrument, the process for approving
14 certification training programs, and criteria to be used in
15 authorizing individuals, organizations, or educational institutions
16 to conduct certification training programs and continuing education
17 courses. The department may also grant continuing education hours
18 for continuing courses offered by accredited educational institutions
19 that are consistent with the requirements in this section. The
20 department may deny vendor approval to any agency or person in
21 any of the following circumstances:

22 (A) The applicant has not provided the department with evidence
23 satisfactory to the department of the ability of the applicant to
24 satisfy the requirements of vendorization set out in the regulations
25 adopted by the department pursuant to subdivision (j).

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

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

34 (2) The department may authorize vendors to conduct the
35 administrator's certification training program pursuant to this
36 section. The department shall conduct the written test pursuant to
37 regulations adopted by the department.

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

1 (4) The department may inspect certification training programs
2 and continuing education courses, including online courses, at no
3 charge to the department, to determine if content and teaching
4 methods comply with regulations. If the department determines
5 that any vendor is not complying with the requirements of this
6 section, the department shall take appropriate action to bring the
7 program into compliance, which may include removing the vendor
8 from the approved list.

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

12 (6) The department may charge a reasonable fee, not to exceed
13 one hundred fifty dollars (\$150) every two years, to certification
14 program vendors for review and approval of the initial 40-hour
15 training program pursuant to subdivision (c). The department may
16 also charge the vendor a fee, not to exceed one hundred dollars
17 (\$100) every two years, for the review and approval of the
18 continuing education courses needed for recertification pursuant
19 to this subdivision.

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

22 (i) An interactive portion in which the participant receives
23 feedback, through online communication, based on input from the
24 participant.

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

27 (iii) A final screen displaying a printable statement, to be signed
28 by the participant, certifying that the identified participant
29 completed the course. The vendor shall obtain a copy of the final
30 screen statement with the original signature of the participant prior
31 to the issuance of a certificate of completion. The signed statement
32 of completion shall be maintained by the vendor for a period of
33 three years and be available to the department upon demand. Any
34 person who certifies as true any material matter pursuant to this
35 clause that he or she knows to be false is guilty of a misdemeanor.

36 (B) Nothing in this subdivision shall prohibit the department
37 from approving online programs for continuing education that do
38 not meet the requirements of subparagraph (A) if the vendor
39 demonstrates to the department's satisfaction that, through

1 advanced technology, the course and the course delivery meet the
2 requirements of this section.

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

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

8 (k) Notwithstanding any law to the contrary, vendors approved
9 by the department who exclusively provide either initial or
10 continuing education courses for certification of administrators of
11 a group home facility as defined by regulations of the department,
12 an adult residential facility as defined by regulations of the
13 department, or a residential care facility for the elderly as defined
14 in subdivision (k) of Section 1569.2, shall be regulated solely by
15 the department pursuant to this chapter. No other state or local
16 governmental entity shall be responsible for regulating the activity
17 of those vendors.

18 *SEC. 1.5. Section 1522.41 of the Health and Safety Code is*
19 *amended to read:*

20 1522.41. (a) (1) ~~The director, department,~~ in consultation and
21 collaboration with county placement officials, group home provider
22 organizations, the Director of Health Care Services, and the
23 Director of Developmental Services, shall develop and establish
24 ~~a~~ *an administrator certification training* program to ensure that
25 administrators of group home facilities have appropriate training
26 to provide the care and services for which a license or certificate
27 is issued.

28 (2) *The department shall develop and establish an administrator*
29 *certification training program to ensure that administrators of*
30 *short-term residential treatment center facilities have appropriate*
31 *training to provide the care and services for which a license or*
32 *certificate is issued.*

33 (b) (1) In addition to any other requirements or qualifications
34 required by the department, an administrator of a group home
35 ~~facility or short-term residential treatment center~~ shall successfully
36 complete a *specified* department-approved *training* certification
37 program, pursuant to subdivision (c), prior to employment. ~~An~~
38 ~~administrator employed in a group home on the effective date of~~
39 ~~this section shall meet the requirements of paragraph (2) of~~
40 ~~subdivision (e).~~

- 1 (2) In those cases ~~where~~ *when* the individual is both the licensee
2 and the administrator of a facility, the individual shall comply with
3 all of the licensee and administrator requirements of this section.
- 4 (3) Failure to comply with this section shall constitute cause for
5 revocation of the license of the facility.
- 6 (4) The licensee shall notify the department within 10 days of
7 any change in administrators.
- 8 (c) (1) The administrator certification programs *for group homes*
9 shall require a minimum of 40 hours of classroom instruction that
10 provides training on a uniform core of knowledge in each of the
11 following areas:
- 12 (A) Laws, regulations, and policies and procedural standards
13 that impact the operations of the type of facility for which the
14 applicant will be an administrator.
- 15 (B) Business operations.
- 16 (C) Management and supervision of staff.
- 17 (D) Psychosocial and educational needs of the facility ~~residents.~~
18 *residents, including, but not limited to, the information described*
19 *in subdivision (d) of Section 16501.4 of the Welfare and Institutions*
20 *Code.*
- 21 (E) Community and support services.
- 22 (F) Physical needs ~~for~~ *of* facility residents.
- 23 (G) ~~Administration,~~ *Assistance with self-administration,* storage,
24 misuse, and interaction of medication used by facility residents.
- 25 (H) Resident admission, retention, and assessment procedures,
26 including the right of a foster child to have fair and equal access
27 to all available services, placement, care, treatment, and benefits,
28 and to not be subjected to discrimination or harassment on the
29 basis of actual or perceived race, ethnic group identification,
30 ancestry, national origin, color, religion, sex, sexual orientation,
31 gender identity, mental or physical disability, or HIV status.
- 32 (I) Instruction on cultural competency and sensitivity ~~relating~~
33 ~~to, and~~ *and related* best practices ~~for,~~ *for* providing adequate care
34 ~~to lesbian, gay, bisexual, and transgender youth in out-of-home~~
35 ~~care.~~ *for children across diverse ethnic and racial backgrounds,*
36 *as well as children identifying as lesbian, gay, bisexual, or*
37 *transgender.*
- 38 (J) Nonviolent emergency intervention and reporting
39 requirements.

1 (K) Basic instruction on the existing laws and procedures
2 regarding the safety of foster youth at school and the ensuring of
3 a harassment- and violence-free school environment contained in
4 ~~the School Safety and Violence Prevention Act (Article Article~~
5 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of
6 Division 1 of Title 1 of the Education ~~Code~~. *Code*.

7 ~~(2) The department shall adopt separate program requirements~~
8 ~~for initial certification for persons who are employed as group~~
9 ~~home administrators on the effective date of this section. A person~~
10 ~~employed as an administrator of a group home facility on the~~
11 ~~effective date of this section shall obtain a certificate by completing~~
12 ~~the training and testing requirements imposed by the department~~
13 ~~within 12 months of the effective date of the regulations~~
14 ~~implementing this section. After the effective date of this section,~~
15 ~~these administrators shall meet the requirements imposed by the~~
16 ~~department on all other group home administrators for certificate~~
17 ~~renewal.~~

18 *(2) The administrator certification programs for short-term*
19 *residential treatment centers shall require a minimum of 40 hours*
20 *of classroom instruction that provides training on a uniform core*
21 *of knowledge in each of the following areas:*

22 *(A) Laws, regulations, and policies and procedural standards*
23 *that impact the operations of the type of facility for which the*
24 *applicant will be an administrator.*

25 *(B) Business operations and management and supervision of*
26 *staff, including staff training.*

27 *(C) Physical and psychosocial needs of the children, including*
28 *behavior management, de-escalation techniques, and trauma*
29 *informed crisis management planning.*

30 *(D) Permanence, well-being, and educational needs of the*
31 *children.*

32 *(E) Community and support services, including accessing local*
33 *behavioral and mental health supports and interventions, substance*
34 *use disorder treatments, and culturally relevant services, as*
35 *appropriate.*

36 *(F) Understanding the requirements and best practices*
37 *regarding psychotropic medications, including, but not limited to,*
38 *court authorization, uses, benefits, side effects, interactions,*
39 *assistance with self-administration, misuse, documentation,*

1 *storage, and metabolic monitoring of children prescribed*
2 *psychotropic medications.*

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

10 *(H) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901*
11 *et seq.), its historical significance, the rights of children covered*
12 *by the act, and the best interests of Indian children as including*
13 *culturally appropriate, child-centered practices that respect Native*
14 *American history, culture, retention of tribal membership, and*
15 *connection to the tribal community and traditions.*

16 *(I) Instruction on cultural competency and sensitivity and related*
17 *best practices for providing adequate care for children across*
18 *diverse ethnic and racial backgrounds, as well as children*
19 *identifying as lesbian, gay, bisexual, or transgender.*

20 *(J) Nonviolent emergency intervention and reporting*
21 *requirements.*

22 *(K) Basic instruction on the existing laws and procedures*
23 *regarding the safety of foster youth at school and the ensuring of*
24 *a harassment- and violence-free school environment contained in*
25 *Article 3.6 (commencing with Section 32228) of Chapter 2 of Part*
26 *19 of Division 1 of Title 1 of the Education Code.*

27 *(d) Administrators who possess a valid group home license,*
28 *issued by the department, are exempt from completing an approved*
29 *initial certification training program and taking a written test,*
30 *provided the individual completes 12 hours of classroom*
31 *instruction in the following uniform core of knowledge areas:*

32 *(1) Laws, regulations, and policies and procedural standards*
33 *that impact the operations of a short-term residential treatment*
34 *center.*

35 *(2) (A) Authorization, uses, benefits, side effects, interactions,*
36 *assistance with self-administration, misuse, documentation, and*
37 *storage of medications.*

38 *(B) Metabolic monitoring of children prescribed psychotropic*
39 *medications.*

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

8 (4) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
 9 et seq.), its historical significance, the rights of children covered
 10 by the act, and the best interests of Indian children as including
 11 culturally appropriate, child-centered practices that respect Native
 12 American history, culture, retention of tribal membership, and
 13 connection to the tribal community and traditions.

14 (5) Instruction on cultural competency and sensitivity and
 15 related best practices for providing adequate care for children
 16 across diverse ethnic and racial backgrounds, as well as children
 17 identifying as lesbian, gay, bisexual, or transgender.

18 (6) Physical and psychosocial needs of children, including
 19 behavior management, deescalation techniques, and trauma
 20 informed crisis management planning.

21 ~~(3)~~

22 (e) Individuals applying for administrator certification under
 23 this section shall successfully complete an approved administrator
 24 certification training program, pass a written test administered by
 25 the department within 60 days of completing the program, and
 26 submit to the department the documentation required by
 27 subdivision-~~(d)~~ (f) within 30 days after being notified of having
 28 passed the test. The department may extend these time deadlines
 29 for good cause. The department shall notify the applicant of his
 30 or her test results within 30 days of administering the test.

31 ~~(d)~~

32 (f) The department shall not begin the process of issuing a
 33 certificate until receipt of all of the following:

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

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

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

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

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

5 (e)

6 (g) It shall be unlawful for any person not certified under this
7 section to hold himself or herself out as a certified administrator
8 of a group home ~~facility~~ *or short-term residential treatment center*.
9 Any person willfully making any false representation as being a
10 certified administrator or facility manager is guilty of a
11 misdemeanor.

12 (f)

13 (h) (1) Certificates issued under this section shall be renewed
14 every two years and renewal shall be conditional upon the
15 certificate holder submitting documentation of completion of 40
16 hours of continuing education related to the core of knowledge
17 specified in subdivision (c). No more than one-half of the required
18 40 hours of continuing education necessary to renew the certificate
19 may be satisfied through online courses. All other continuing
20 education hours shall be completed in a classroom setting. For
21 purposes of this section, an individual who is a group home ~~facility~~
22 *or short-term residential treatment center* administrator and who
23 is required to complete the continuing education hours required
24 by the regulations of the State Department of Developmental
25 Services, and approved by the regional center, may have up to 24
26 of the required continuing education course hours credited toward
27 the 40-hour continuing education requirement of this section.
28 ~~Community~~ *The department shall accept for certification,*
29 *community college course hours approved by the regional centers*
30 ~~shall be accepted by the department for certification.~~ *centers.*

31 (2) Every administrator of a group home ~~facility~~ *or short-term*
32 *residential treatment center* shall complete the continuing
33 education requirements of this subdivision.

34 (3) Certificates issued under this section shall expire every two
35 years on the anniversary date of the initial issuance of the
36 certificate, except that any administrator receiving his or her initial
37 certification on or after July 1, 1999, shall make an irrevocable
38 election to have his or her recertification date for any subsequent
39 recertification either on the date two years from the date of issuance
40 of the certificate or on the individual's birthday during the second

1 calendar year following certification. The department shall send
2 a renewal notice to the certificate holder 90 days prior to the
3 expiration date of the certificate. If the certificate is not renewed
4 prior to its expiration date, reinstatement shall only be permitted
5 after the certificate holder has paid a delinquency fee equal to three
6 times the renewal fee and has provided evidence of completion of
7 the continuing education required.

8 (4) To renew a certificate, the certificate holder shall, on or
9 before the certificate expiration date, request renewal by submitting
10 to the department documentation of completion of the required
11 continuing education courses and pay the renewal fee of one
12 hundred dollars (\$100), irrespective of receipt of the department's
13 notification of the renewal. A renewal request postmarked on or
14 before the expiration of the certificate shall be proof of compliance
15 with this paragraph.

16 (5) A suspended or revoked certificate shall be subject to
17 expiration as provided for in this section. If reinstatement of the
18 certificate is approved by the department, the certificate holder,
19 as a condition precedent to reinstatement, shall submit proof of
20 compliance with paragraphs (1) and (2) of ~~subdivision (f)~~; *this*
21 *subdivision*, and shall pay a fee in an amount equal to the renewal
22 fee, plus the delinquency fee, if any, accrued at the time of its
23 revocation or suspension. Delinquency fees, if any, accrued
24 subsequent to the time of its revocation or suspension and prior to
25 an order for reinstatement, shall be waived for a period of 12
26 months to allow the individual sufficient time to complete the
27 required continuing education units and to submit the required
28 documentation. Individuals whose certificates will expire within
29 90 days after the order for reinstatement may be granted a
30 three-month extension to renew their certificates during which
31 time the delinquency fees shall not accrue.

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

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

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

4 ~~(g)~~

5 (i) Unless otherwise ordered by the department, the certificate
6 shall be considered forfeited under either of the following
7 conditions:

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

10 (2) The department has issued an exclusion order against the
11 administrator pursuant to Section 1558, 1568.092, 1569.58, or
12 1596.8897, after the department issued the certificate, and the
13 administrator did not appeal the exclusion order or, after the appeal,
14 the department issued a decision and order that upheld the
15 exclusion order.

16 ~~(h)~~

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

31 (A) The applicant has not provided the department with evidence
32 satisfactory to the department of the ability of the applicant to
33 satisfy the requirements of vendorization set out in the regulations
34 adopted by the department pursuant to subdivision (j). *department.*

35 (B) The applicant person or agency has a conflict of interest in
36 that the person or agency places its clients in group ~~home facilities.~~
37 *homes or short-term residential treatment centers.*

38 (C) The applicant public or private agency has a conflict of
39 interest in that the agency is mandated to place clients in group
40 homes *or short-term residential treatment centers* and to pay

1 directly for the services. The department may deny vendorization
2 to this type of agency only as long as there are other vendor
3 programs available to conduct the certification training programs
4 and conduct education courses.

5 (2) The department may authorize vendors to conduct the
6 administrator's certification training program pursuant to this
7 section. The department shall conduct the written test pursuant to
8 regulations adopted by the department.

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

11 (4) The department may inspect *administrator* certification
12 training programs and continuing education courses, including
13 online courses, at no charge to the department, to determine if
14 content and teaching methods comply with regulations. If the
15 department determines that any vendor is not complying with the
16 requirements of this section, the department shall take appropriate
17 action to bring the program into compliance, which may include
18 removing the vendor from the approved list.

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

22 (6) The department may charge a reasonable fee, not to exceed
23 one hundred fifty dollars (\$150) every two years, to certification
24 program vendors for review and approval of the initial 40-hour
25 training program pursuant to subdivision (c). The department may
26 also charge the vendor a fee, not to exceed one hundred dollars
27 (\$100) every two years, for the review and approval of the
28 continuing education courses needed for recertification pursuant
29 to this subdivision.

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

32 (i) An interactive portion in which the participant receives
33 feedback, through online communication, based on input from the
34 participant.

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

37 (iii) A final screen displaying a printable statement, to be signed
38 by the participant, certifying that the identified participant
39 completed the course. The vendor shall obtain a copy of the final
40 screen statement with the original signature of the participant prior

1 to the issuance of a certificate of completion. The signed statement
2 of completion shall be maintained by the vendor for a period of
3 three years and be available to the department upon demand. Any
4 person who certifies as true any material matter pursuant to this
5 clause that he or she knows to be false is guilty of a misdemeanor.

6 (B) Nothing in this subdivision shall prohibit the department
7 from approving online programs for continuing education that do
8 not meet the requirements of subparagraph (A) if the vendor
9 demonstrates to the department's satisfaction that, through
10 advanced technology, the course and the course delivery meet the
11 requirements of this section.

12 ~~(i)~~

13 (k) The department shall establish a registry for holders of
14 certificates that shall include, at a minimum, information on
15 employment status and criminal record clearance.

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

18 ~~(k)~~

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

29 SEC. 2. Section 1529.2 of the Health and Safety Code is
30 amended to read:

31 1529.2. (a) In addition to the foster parent training provided
32 by community colleges, foster family agencies shall provide a
33 program of training for their certified foster families.

34 (b) (1) Every licensed foster parent shall complete a minimum
35 of 12 hours of foster parent training, as prescribed in paragraph
36 (3), before the placement of any foster children with the foster
37 parent. In addition, a foster parent shall complete a minimum of
38 eight hours of foster parent training annually, as prescribed in
39 paragraph (4). No child shall be placed in a foster family home

1 unless these requirements are met by the persons in the home who
2 are serving as the foster parents.

3 (2) (A) Upon the request of the foster parent for a hardship
4 waiver from the postplacement training requirement or a request
5 for an extension of the deadline, the county may, at its option, on
6 a case-by-case basis, waive the postplacement training requirement
7 or extend any established deadline for a period not to exceed one
8 year, if the postplacement training requirement presents a severe
9 and unavoidable obstacle to continuing as a foster parent. Obstacles
10 for which a county may grant a hardship waiver or extension are:

11 (i) Lack of access to training due to the cost or travel required.
12 (ii) Family emergency.

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

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

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

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

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

21 (D) Health issues in foster care, including, but not limited to,
22 the information described in subdivision (d) of Section 16501.4
23 of the Welfare and Institutions Code.

24 (E) Accessing education and health services available to foster
25 children.

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

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

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

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

3 (A) Age-appropriate child development.

4 (B) Health issues in foster care, including, but not limited to,
5 the information described in subdivision (d) of Section 16501.4
6 of the Welfare and Institutions Code.

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

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

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

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

19 (5) Foster parent training may be attained through a variety of
20 sources, including community colleges, counties, hospitals, foster
21 parent associations, the California State Foster Parent Association's
22 conference, adult schools, and certified foster parent instructors.

23 (6) A candidate for placement of foster children shall submit a
24 certificate of training to document completion of the training
25 requirements. The certificate shall be submitted with the initial
26 consideration for placements and provided at the time of the annual
27 visit by the licensing agency thereafter.

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

31 *SEC. 2.1. Section 1529.2 of the Health and Safety Code is*
32 *amended to read:*

33 1529.2. (a) In addition to the foster parent training provided
34 by community colleges, foster family agencies shall provide a
35 program of training for their certified foster families.

36 (b) (1) Every licensed foster parent shall complete a minimum
37 of 12 hours of foster parent training, as prescribed in paragraph
38 (3), before the placement of any foster children with the foster
39 parent. In addition, a foster parent shall complete a minimum of
40 eight hours of foster parent training annually, as prescribed in

1 paragraph (4). No child shall be placed in a foster family home
2 unless these requirements are met by the persons in the home who
3 are serving as the foster parents.

4 (2) (A) Upon the request of the foster parent for a hardship
5 waiver from the postplacement training requirement or a request
6 for an extension of the deadline, the county may, at its option, on
7 a case-by-case basis, waive the postplacement training requirement
8 or extend any established deadline for a period not to exceed one
9 year, if the postplacement training requirement presents a severe
10 and unavoidable obstacle to continuing as a foster parent. Obstacles
11 for which a county may grant a hardship waiver or extension are:

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

13 (ii) Family emergency.

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

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

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

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

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

22 (D) Health issues in foster ~~care~~ *care, including, but not limited*
23 *to, the information described in subdivision (d) of Section 16501.4*
24 *of the Welfare and Institutions Code.*

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

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

33 (G) Instruction on cultural competency and sensitivity relating
34 ~~to, and to best practices for,~~ *for providing adequate care to lesbian,*
35 *gay, bisexual, and transgender youth in out-of-home care.*

36 (H) Basic instruction on the existing laws and procedures
37 regarding the safety of foster youth at school and the ensuring of
38 ~~a harassment and violence-free~~ *harassment- and violence-free*
39 ~~school environment contained in the California Student Safety and~~
40 ~~Violence Prevention Act of 2000 (Article Article 3.6 (commencing~~

1 with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title
2 1 of the Education Code). Code.

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

5 (A) Age-appropriate child development.

6 (B) Health issues in foster care, including, but not limited
7 to, the information described in subdivision (d) of Section 16501.4
8 of the Welfare and Institutions Code.

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

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

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

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

21 (5) Foster parent training may be attained through a variety of
22 sources, including community colleges, counties, hospitals, foster
23 parent associations, the California State Foster Parent Association's
24 Conference, conference, adult schools, and certified foster parent
25 instructors.

26 (6) A candidate for placement of foster children shall submit a
27 certificate of training to document completion of the training
28 requirements. The certificate shall be submitted with the initial
29 consideration for placements and provided at the time of the annual
30 visit by the licensing agency thereafter.

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

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

37 SEC. 2.2. *Section 1529.2 is added to the Health and Safety*
38 *Code, to read:*

39 1529.2. (a) *It is the intent of the Legislature that all foster*
40 *parents have the necessary knowledge, skills, and abilities to*

1 *support the safety, permanency, and well-being of children in foster*
2 *care. Initial and ongoing preparation and training of foster parents*
3 *should support the foster parent's role in parenting vulnerable*
4 *children, youth, and young adults, including supporting the*
5 *children's connection with their families. Their training should*
6 *be ongoing in order to provide foster parents with information on*
7 *new practices and requirements and other helpful topics within*
8 *the child welfare and probation systems and may be offered in a*
9 *classroom setting, online, or individually.*

10 *(b) A licensed or certified foster parent shall complete a*
11 *minimum of eight training hours annually, a portion of which shall*
12 *be from one or more of the following topics, as prescribed by the*
13 *department, pursuant to subdivision (a):*

14 *(1) Age-appropriate child and adolescent development.*

15 *(2) Health issues in foster care, including, but not limited to,*
16 *the information described in subdivision (d) of Section 16501.4 of*
17 *the Welfare and Institutions Code.*

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

19 *(4) Preparation of children and youth for a successful transition*
20 *to adulthood.*

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

27 *(6) Instruction on cultural competency and sensitivity and*
28 *related best practices for providing adequate care for children*
29 *across diverse ethnic and racial backgrounds, as well as children*
30 *identifying as lesbian, gay, bisexual, or transgender.*

31 *(c) In addition to any training required by this section, a foster*
32 *parent may be required to receive specialized training, as relevant,*
33 *for the purpose of preparing the foster parent to meet the needs*
34 *of a particular child in care. This training may include, but is not*
35 *limited to, the following:*

36 *(1) Understanding how to use best practices for providing care*
37 *and supervision to commercially sexually exploited children.*

38 *(2) Understanding cultural needs of children, including, but not*
39 *limited to, cultural competency and sensitivity and related best*
40 *practices for providing adequate care to children across diverse*

1 *ethnic and racial backgrounds, as well as children identifying as*
2 *lesbian, gay, bisexual, or transgender.*

3 *(3) Understanding the requirements and best practices*
4 *regarding psychotropic medications, including, but not limited to,*
5 *court authorization, benefits, uses, side effects, interactions,*
6 *assistance with self-administration, misuse, documentation,*
7 *storage, and metabolic monitoring of children prescribed*
8 *psychotropic medications.*

9 *(4) Understanding the federal Indian Child Welfare Act (25*
10 *U.S.C. Sec. 1901 et seq.), its historical significance, the rights of*
11 *children covered by the act, and the best interests of Indian*
12 *children, including the role of the caregiver in supporting culturally*
13 *appropriate, child-centered practices that respect Native American*
14 *history, culture, retention of tribal membership and connection to*
15 *the tribal community and traditions.*

16 *(5) Understanding how to use best practices for providing care*
17 *and supervision to nonminor dependents.*

18 *(6) Understanding how to use best practices for providing care*
19 *and supervision to children with special health care needs.*

20 *(d) No child shall be placed with a foster parent unless each*
21 *foster parent in the home meets the requirements of this section.*

22 *(e) (1) Upon the request of the licensed or certified foster parent*
23 *for a hardship waiver from the annual training requirement or a*
24 *request for an extension of the deadline, the county may, at its*
25 *option, on a case-by-case basis, waive the training requirement*
26 *or extend any established deadline for a period not to exceed one*
27 *year, if the training requirement presents a severe and unavoidable*
28 *obstacle to continuing as a foster parent.*

29 *(2) Obstacles for which a county may grant a hardship waiver*
30 *or extension are:*

31 *(A) Lack of access to training due to the cost or travel required*
32 *or lack of child care to participate in the training, when online*
33 *resources are not available.*

34 *(B) Family emergency.*

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

38 *(f) (1) Foster parent training may be obtained through sources*
39 *that include, but are not necessarily limited to, community colleges,*
40 *counties, hospitals, foster parent associations, the California State*

1 *Foster Parent Association’s Conference, online resources, adult*
 2 *schools, and certified foster parent instructors.*

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

6 (g) (1) *Training certificates shall be submitted to the appropriate*
 7 *licensing or foster family agency.*

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

10 (h) *Nothing in this section shall preclude a county or a foster*
 11 *family agency from requiring foster parent training in excess of*
 12 *the requirements in this section.*

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

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

17 SEC. 3. Section 304.7 of the Welfare and Institutions Code is
 18 amended to read:

19 304.7. (a) The Judicial Council shall develop and implement
 20 standards for the education and training of all judges who conduct
 21 hearings pursuant to Section 300. The training shall include, but
 22 not be limited to, all of the following:

23 (1) A component relating to Section 300 proceedings for newly
 24 appointed or elected judges and an annual training session in
 25 Section 300 proceedings.

26 (2) Cultural competency and sensitivity relating to, and best
 27 practices for, providing adequate care to lesbian, gay, bisexual,
 28 and transgender youth.

29 (3) The information described in subdivision (d) of Section
 30 16501.4.

31 (b) A commissioner or referee who is assigned to conduct
 32 hearings held pursuant to Section 300 shall meet the minimum
 33 standards for education and training established pursuant to
 34 subdivision (a), by July 31, 1998.

35 (c) The Judicial Council shall submit an annual report to the
 36 Legislature on compliance by judges, commissioners, and referees
 37 with the education and training standards described in subdivisions
 38 (a) and (b).

39 SEC. 4. Section 317 of the Welfare and Institutions Code is
 40 amended to read:

1 317. (a) (1) When it appears to the court that a parent or
2 guardian of the child desires counsel but is presently financially
3 unable to afford and cannot for that reason employ counsel, the
4 court may appoint counsel as provided in this section.

5 (2) When it appears to the court that a parent or Indian custodian
6 in an Indian child custody proceeding desires counsel but is
7 presently unable to afford and cannot for that reason employ
8 counsel, the provisions of Section 1912(b) of Title 25 of the United
9 States Code and Section 23.13 of Title 25 of the Code of Federal
10 Regulations shall apply.

11 (b) When it appears to the court that a parent or guardian of the
12 child is presently financially unable to afford and cannot for that
13 reason employ counsel, and the child has been placed in
14 out-of-home care, or the petitioning agency is recommending that
15 the child be placed in out-of-home care, the court shall appoint
16 counsel for the parent or guardian, unless the court finds that the
17 parent or guardian has made a knowing and intelligent waiver of
18 counsel as provided in this section.

19 (c) (1) If a child or nonminor dependent is not represented by
20 counsel, the court shall appoint counsel for the child or nonminor
21 dependent, unless the court finds that the child or nonminor
22 dependent would not benefit from the appointment of counsel. The
23 court shall state on the record its reasons for that finding.

24 (2) A primary responsibility of counsel appointed to represent
25 a child or nonminor dependent pursuant to this section shall be to
26 advocate for the protection, safety, and physical and emotional
27 well-being of the child or nonminor dependent.

28 (3) Counsel may be a district attorney, public defender, or other
29 member of the bar, provided that he or she does not represent
30 another party or county agency whose interests conflict with the
31 child's or nonminor dependent's interests. The fact that the district
32 attorney represents the child or nonminor dependent in a
33 proceeding pursuant to Section 300 as well as conducts a criminal
34 investigation or files a criminal complaint or information arising
35 from the same or reasonably related set of facts as the proceeding
36 pursuant to Section 300 is not in and of itself a conflict of interest.

37 (4) The court may fix the compensation for the services of
38 appointed counsel.

39 (5) (A) The appointed counsel shall have a caseload and training
40 that ensures adequate representation of the child or nonminor

1 dependent. The Judicial Council shall promulgate rules of court
2 that establish caseload standards, training requirements, and
3 guidelines for appointed counsel for children and shall adopt rules
4 as required by Section 326.5 no later than July 1, 2001.

5 (B) The training requirements imposed pursuant to subparagraph
6 (A) shall include instruction on both of the following:

7 (i) Cultural competency and sensitivity relating to, and best
8 practices for, providing adequate care to lesbian, gay, bisexual,
9 and transgender youth in out-of-home care.

10 (ii) The information described in subdivision (d) of Section
11 16501.4.

12 (d) Counsel shall represent the parent, guardian, child, or
13 nonminor dependent at the detention hearing and at all subsequent
14 proceedings before the juvenile court. Counsel shall continue to
15 represent the parent, guardian, child, or nonminor dependent unless
16 relieved by the court upon the substitution of other counsel or for
17 cause. The representation shall include representing the parent,
18 guardian, or the child in termination proceedings and in those
19 proceedings relating to the institution or setting aside of a legal
20 guardianship. On and after January 1, 2012, in the case of a
21 nonminor dependent, as described in subdivision (v) of Section
22 11400, no representation by counsel shall be provided for a parent,
23 unless the parent is receiving court-ordered family reunification
24 services.

25 (e) (1) Counsel shall be charged in general with the
26 representation of the child's interests. To that end, counsel shall
27 make or cause to have made any further investigations that he or
28 she deems in good faith to be reasonably necessary to ascertain
29 the facts, including the interviewing of witnesses, and shall
30 examine and cross-examine witnesses in both the adjudicatory and
31 dispositional hearings. Counsel may also introduce and examine
32 his or her own witnesses, make recommendations to the court
33 concerning the child's welfare, and participate further in the
34 proceedings to the degree necessary to adequately represent the
35 child. When counsel is appointed to represent a nonminor
36 dependent, counsel is charged with representing the wishes of the
37 nonminor dependent except when advocating for those wishes
38 conflicts with the protection or safety of the nonminor dependent.
39 If the court finds that a nonminor dependent is not competent to

1 direct counsel, the court shall appoint a guardian ad litem for the
2 nonminor dependent.

3 (2) If the child is four years of age or older, counsel shall
4 interview the child to determine the child's wishes and assess the
5 child's well-being, and shall advise the court of the child's wishes.
6 Counsel shall not advocate for the return of the child if, to the best
7 of his or her knowledge, return of the child conflicts with the
8 protection and safety of the child.

9 (3) Counsel shall investigate the interests of the child beyond
10 the scope of the juvenile proceeding, and report to the court other
11 interests of the child that may need to be protected by the institution
12 of other administrative or judicial proceedings. Counsel
13 representing a child in a dependency proceeding is not required to
14 assume the responsibilities of a social worker, and is not expected
15 to provide nonlegal services to the child.

16 (4) (A) At least once every year, if the list of educational
17 liaisons is available on the Internet Web site for the State
18 Department of Education, both of the following shall apply:

19 (i) Counsel shall provide his or her contact information to the
20 educational liaison, as described in subdivision (b) of Section
21 48853.5 of the Education Code, of each local educational agency
22 serving counsel's foster child clients in the county of jurisdiction.

23 (ii) If counsel is part of a firm or organization representing foster
24 children, the firm or organization may provide its contact
25 information in lieu of contact information for the individual
26 counsel. The firm or organization may designate a person or
27 persons within the firm or organization to receive communications
28 from educational liaisons.

29 (B) The child's caregiver or other person holding the right to
30 make educational decisions for the child may provide the contact
31 information of the child's attorney to the child's local educational
32 agency.

33 (C) Counsel for the child and counsel's agent may, but are not
34 required to, disclose to an individual who is being assessed for the
35 possibility of placement pursuant to Section 361.3 the fact that the
36 child is in custody, the alleged reasons that the child is in custody,
37 and the projected likely date for the child's return home, placement
38 for adoption, or legal guardianship. Nothing in this paragraph shall
39 be construed to prohibit counsel from making other disclosures
40 pursuant to this subdivision, as appropriate.

1 (5) Nothing in this subdivision shall be construed to permit
2 counsel to violate a child's attorney-client privilege.

3 (6) The changes made to this subdivision during the 2011–12
4 Regular Session of the Legislature by the act adding subparagraph
5 (C) of paragraph (4) and paragraph (5) are declaratory of existing
6 law.

7 (7) The court shall take whatever appropriate action is necessary
8 to fully protect the interests of the child.

9 (f) Either the child or counsel for the child, with the informed
10 consent of the child if the child is found by the court to be of
11 sufficient age and maturity to consent, which shall be presumed,
12 subject to rebuttal by clear and convincing evidence, if the child
13 is over 12 years of age, may invoke the psychotherapist-client
14 privilege, physician-patient privilege, and clergyman-penitent
15 privilege. If the child invokes the privilege, counsel may not waive
16 it, but if counsel invokes the privilege, the child may waive it.
17 Counsel shall be the holder of these privileges if the child is found
18 by the court not to be of sufficient age and maturity to consent.
19 For the sole purpose of fulfilling his or her obligation to provide
20 legal representation of the child, counsel shall have access to all
21 records with regard to the child maintained by a health care facility,
22 as defined in Section 1545 of the Penal Code, health care providers,
23 as defined in Section 6146 of the Business and Professions Code,
24 a physician and surgeon or other health practitioner, as defined in
25 former Section 11165.8 of the Penal Code, as that section read on
26 January 1, 2000, or a child care custodian, as defined in former
27 Section 11165.7 of the Penal Code, as that section read on January
28 1, 2000. Notwithstanding any other law, counsel shall be given
29 access to all records relevant to the case that are maintained by
30 state or local public agencies. All information requested from a
31 child protective agency regarding a child who is in protective
32 custody, or from a child's guardian ad litem, shall be provided to
33 the child's counsel within 30 days of the request.

34 (g) In a county of the third class, if counsel is to be provided to
35 a child at the county's expense other than by counsel for the
36 agency, the court shall first use the services of the public defender
37 before appointing private counsel. Nothing in this subdivision shall
38 be construed to require the appointment of the public defender in
39 any case in which the public defender has a conflict of interest. In
40 the interest of justice, a court may depart from that portion of the

1 procedure requiring appointment of the public defender after
2 making a finding of good cause and stating the reasons therefor
3 on the record.

4 (h) In a county of the third class, if counsel is to be appointed
5 to provide legal counsel for a parent or guardian at the county's
6 expense, the court shall first use the services of the alternate public
7 defender before appointing private counsel. Nothing in this
8 subdivision shall be construed to require the appointment of the
9 alternate public defender in any case in which the public defender
10 has a conflict of interest. In the interest of justice, a court may
11 depart from that portion of the procedure requiring appointment
12 of the alternate public defender after making a finding of good
13 cause and stating the reasons therefor on the record.

14 *SEC. 4.5. Section 317 of the Welfare and Institutions Code is*
15 *amended to read:*

16 317. (a) (1) When it appears to the court that a parent or
17 guardian of the child desires counsel but is presently financially
18 unable to afford and cannot for that reason employ counsel, the
19 court may appoint counsel as provided in this section.

20 (2) When it appears to the court that a parent or Indian custodian
21 in an Indian child custody proceeding desires counsel but is
22 presently unable to afford and cannot for that reason employ
23 counsel, the provisions of Section 1912(b) of Title 25 of the United
24 States Code and Section 23.13 of Title 25 of the Code of Federal
25 Regulations shall apply.

26 (b) When it appears to the court that a parent or guardian of the
27 child is presently financially unable to afford and cannot for that
28 reason employ counsel, and the child has been placed in
29 out-of-home care, or the petitioning agency is recommending that
30 the child be placed in out-of-home care, the court shall appoint
31 counsel for the parent or guardian, unless the court finds that the
32 parent or guardian has made a knowing and intelligent waiver of
33 counsel as provided in this section.

34 (c) (1) *If a child or nonminor dependent is not represented by*
35 *counsel, the court shall appoint counsel for the child or nonminor*
36 *dependent, unless the court finds that the child or nonminor*
37 *dependent would not benefit from the appointment of counsel. The*
38 *court shall state on the record its reasons for that finding.*

39 (2) *A primary responsibility of counsel appointed to represent*
40 *a child or nonminor dependent pursuant to this section shall be*

1 *to advocate for the protection, safety, and physical and emotional*
2 *well-being of the child or nonminor dependent.*

3 ~~(e) If a child or nonminor dependent is not represented by~~
4 ~~counsel, the court shall appoint counsel for the child or nonminor~~
5 ~~dependent, unless the court finds that the child or nonminor~~
6 ~~dependent would not benefit from the appointment of counsel. The~~
7 ~~court shall state on the record its reasons for that finding. A primary~~
8 ~~responsibility of counsel appointed to represent a child or nonminor~~
9 ~~dependent pursuant to this section shall be to advocate for the~~
10 ~~protection, safety, and physical and emotional well-being of the~~
11 ~~child or nonminor dependent. Counsel~~

12 (3) *Counsel* may be a district attorney, public defender, or other
13 member of the bar, provided that he or she does not represent
14 another party or county agency whose interests conflict with the
15 child's or nonminor dependent's interests. The fact that the district
16 attorney represents the child or nonminor dependent in a
17 proceeding pursuant to Section 300 as well as conducts a criminal
18 investigation or files a criminal complaint or information arising
19 from the same or reasonably related set of facts as the proceeding
20 pursuant to Section 300 is not in and of itself a conflict of interest.
21 The court may fix the compensation for the services of appointed
22 counsel. The appointed counsel shall have a caseload and training
23 that ensures adequate representation of the child or nonminor
24 dependent. The Judicial Council shall promulgate rules of court
25 that establish caseload standards, training requirements, and
26 guidelines for appointed counsel for children and shall adopt rules
27 as required by Section 326.5 no later than July 1, 2001. Those
28 training requirements shall include instruction on cultural
29 competency and sensitivity relating to, and best practices for,
30 providing adequate care to lesbian, gay, bisexual, and transgender
31 youth in out-of-home care.

32 (4) *The court may fix the compensation for the services of*
33 *appointed counsel.*

34 (5) (A) *The appointed counsel shall have a caseload and training*
35 *that ensures adequate representation of the child or nonminor*
36 *dependent. The Judicial Council shall promulgate rules of court*
37 *that establish caseload standards, training requirements, and*
38 *guidelines for appointed counsel for children and shall adopt rules*
39 *as required by Section 326.5 no later than July 1, 2001.*

1 (B) *The training requirements imposed pursuant to*
2 *subparagraph (A) shall include instruction on both of the*
3 *following:*

4 (i) *Cultural competency and sensitivity relating to, and best*
5 *practices for, providing adequate care to lesbian, gay, bisexual,*
6 *and transgender youth in out-of-home care.*

7 (ii) *The information described in subdivision (d) of Section*
8 *16501.4.*

9 (d) Counsel shall represent the parent, guardian, child, or
10 nonminor dependent at the detention hearing and at all subsequent
11 proceedings before the juvenile court. Counsel shall continue to
12 represent the parent, guardian, child, or nonminor dependent unless
13 relieved by the court upon the substitution of other counsel or for
14 cause. The representation shall include representing the parent,
15 guardian, or the child in termination proceedings and in those
16 proceedings relating to the institution or setting aside of a legal
17 guardianship. On and after January 1, 2012, in the case of a
18 nonminor dependent, as described in subdivision (v) of Section
19 11400, no representation by counsel shall be provided for a parent,
20 unless the parent is receiving court-ordered family reunification
21 services.

22 (e) (1) Counsel shall be charged in general with the
23 representation of the child's interests. To that end, counsel shall
24 make or cause to have made any further investigations that he or
25 she deems in good faith to be reasonably necessary to ascertain
26 the facts, including the interviewing of witnesses, and shall
27 examine and cross-examine witnesses in both the adjudicatory and
28 dispositional hearings. Counsel may also introduce and examine
29 his or her own witnesses, make recommendations to the court
30 concerning the child's welfare, and participate further in the
31 proceedings to the degree necessary to adequately represent the
32 child. When counsel is appointed to represent a nonminor
33 dependent, counsel is charged with representing the wishes of the
34 nonminor dependent except when advocating for those wishes
35 conflicts with the protection or safety of the nonminor dependent.
36 If the court finds that a nonminor dependent is not competent to
37 direct counsel, the court shall appoint a guardian ad litem for the
38 nonminor dependent.

39 (2) If the child is four years of age or older, counsel shall
40 interview the child to determine the child's wishes and assess the

1 child's well-being, and shall advise the court of the child's wishes.
2 Counsel shall not advocate for the return of the child if, to the best
3 of his or her knowledge, return of the child conflicts with the
4 protection and safety of the child.

5 (3) Counsel shall investigate the interests of the child beyond
6 the scope of the juvenile proceeding, and report to the court other
7 interests of the child that may need to be protected by the institution
8 of other administrative or judicial proceedings. Counsel
9 representing a child in a dependency proceeding is not required to
10 assume the responsibilities of a social worker, and is not expected
11 to provide nonlegal services to the child.

12 (4) (A) At least once every year, if the list of educational
13 liaisons is available on the Internet Web site for the State
14 Department of Education, both of the following shall apply:

15 (i) Counsel shall provide his or her contact information to the
16 educational liaison, as described in subdivision ~~(b)~~ (c) of Section
17 48853.5 of the Education Code, of each local educational agency
18 serving counsel's foster child clients in the county of jurisdiction.

19 (ii) If counsel is part of a firm or organization representing foster
20 children, the firm or organization may provide its contact
21 information in lieu of contact information for the individual
22 counsel. The firm or organization may designate a person or
23 persons within the firm or organization to receive communications
24 from educational liaisons.

25 (B) The child's caregiver or other person holding the right to
26 make educational decisions for the child may provide the contact
27 information of the child's attorney to the child's local educational
28 agency.

29 (C) Counsel for the child and counsel's agent may, but are not
30 required to, disclose to an individual who is being assessed for the
31 possibility of placement pursuant to Section 361.3 the fact that the
32 child is in custody, the alleged reasons that the child is in custody,
33 and the projected likely date for the child's return home, placement
34 for adoption, or legal guardianship. Nothing in this paragraph shall
35 be construed to prohibit counsel from making other disclosures
36 pursuant to this subdivision, as appropriate.

37 (5) Nothing in this subdivision shall be construed to permit
38 counsel to violate a child's attorney-client privilege.

39 (6) The changes made to this subdivision during the 2011-12
40 Regular Session of the Legislature by the act adding subparagraph

1 (C) of paragraph (4) and paragraph (5) are declaratory of existing
2 law.

3 (7) The court shall take whatever appropriate action is necessary
4 to fully protect the interests of the child.

5 (f) Either the child or counsel for the child, with the informed
6 consent of the child if the child is found by the court to be of
7 sufficient age and maturity to consent, which shall be presumed,
8 subject to rebuttal by clear and convincing evidence, if the child
9 is over 12 years of age, may invoke the psychotherapist-client
10 privilege, physician-patient privilege, and clergyman-penitent
11 privilege. If the child invokes the privilege, counsel may not waive
12 it, but if counsel invokes the privilege, the child may waive it.
13 Counsel shall be the holder of these privileges if the child is found
14 by the court not to be of sufficient age and maturity to consent.
15 For the sole purpose of fulfilling his or her obligation to provide
16 legal representation of the child, counsel shall have access to all
17 records with regard to the child maintained by a health care facility,
18 as defined in Section 1545 of the Penal Code, health care providers,
19 as defined in Section 6146 of the Business and Professions Code,
20 a physician and surgeon or other health practitioner, as defined in
21 former Section 11165.8 of the Penal Code, as that section read on
22 January 1, 2000, or a child care custodian, as defined in former
23 Section 11165.7 of the Penal Code, as that section read on January
24 1, 2000. Notwithstanding any other law, counsel shall be given
25 access to all records relevant to the case that are maintained by
26 state or local public agencies. All information requested from a
27 child protective agency regarding a child who is in protective
28 custody, or from a child's guardian ad litem, shall be provided to
29 the child's counsel within 30 days of the request.

30 (g) In a county of the third class, if counsel is to be provided to
31 a child at the county's expense other than by counsel for the
32 agency, the court shall first use the services of the public defender
33 before appointing private counsel. Nothing in this subdivision shall
34 be construed to require the appointment of the public defender in
35 any case in which the public defender has a conflict of interest. In
36 the interest of justice, a court may depart from that portion of the
37 procedure requiring appointment of the public defender after
38 making a finding of good cause and stating the reasons therefor
39 on the record.

1 (h) In a county of the third class, if counsel is to be appointed
2 to provide legal counsel for a parent or guardian at the county's
3 expense, the court shall first use the services of the alternate public
4 defender before appointing private counsel. Nothing in this
5 subdivision shall be construed to require the appointment of the
6 alternate public defender in any case in which the public defender
7 has a conflict of interest. In the interest of justice, a court may
8 depart from that portion of the procedure requiring appointment
9 of the alternate public defender after making a finding of good
10 cause and stating the reasons therefor on the record.

11 SEC. 5. Section 369.5 of the Welfare and Institutions Code is
12 amended to read:

13 369.5. (a) (1) If a child is adjudged a dependent child of the
14 court under Section 300 and the child has been removed from the
15 physical custody of the parent under Section 361, only a juvenile
16 court judicial officer shall have authority to make orders regarding
17 the administration of psychotropic medications for that child. The
18 juvenile court may issue a specific order delegating this authority
19 to a parent upon making findings on the record that the parent
20 poses no danger to the child and has the capacity to authorize
21 psychotropic medications. Court authorization for the
22 administration of psychotropic medication shall be based on a
23 request from a physician, indicating the reasons for the request, a
24 description of the child's diagnosis and behavior, the expected
25 results of the medication, and a description of any side effects of
26 the medication.

27 (2) (A) On or before July 1, 2016, the Judicial Council shall
28 amend and adopt rules of court and develop appropriate forms for
29 the implementation of this section, in consultation with the State
30 Department of Social Services, the State Department of Health
31 Care Services, and stakeholders, including, but not limited to, the
32 County Welfare Directors Association of California, the County
33 Behavioral Health Directors Association of California, the Chief
34 Probation Officers of California, associations representing current
35 and former foster children, caregivers, and children's attorneys.
36 This effort shall be undertaken in coordination with the updates
37 required under paragraph (2) of subdivision (a) of Section 739.5.

38 (B) The rules of court and forms developed pursuant to
39 subparagraph (A) shall address all of the following:

1 (i) The child and his or her caregiver and court-appointed special
2 advocate, if any, have an opportunity to provide input on the
3 medications being prescribed.

4 (ii) Information regarding the child’s overall mental health
5 assessment and treatment plan is provided to the court.

6 (iii) Information regarding the rationale for the proposed
7 medication, provided in the context of past and current treatment
8 efforts, is provided to the court. This information shall include,
9 but not be limited to, information on other pharmacological and
10 nonpharmacological treatments that have been utilized and the
11 child’s response to those treatments, a discussion of symptoms not
12 alleviated or ameliorated by other current or past treatment efforts,
13 and an explanation of how the psychotropic medication being
14 prescribed is expected to improve the child’s symptoms.

15 (iv) Guidance is provided to the court on how to evaluate the
16 request for authorization, including how to proceed if information,
17 otherwise required to be included in a request for authorization
18 under this section, is not included in a request for authorization
19 submitted to the court.

20 (C) The rules of court and forms developed pursuant to
21 subparagraph (A) shall include a process for periodic oversight by
22 the court of orders regarding the administration of psychotropic
23 medications that includes the caregiver’s and child’s observations
24 regarding the effectiveness of the medication and side effects,
25 information on medication management appointments and other
26 followup appointments with medical practitioners, and information
27 on the delivery of other mental health treatments that are a part of
28 the child’s overall treatment plan. The periodic oversight shall be
29 facilitated by the county social worker, public health nurse, or
30 other appropriate county staff. This oversight process shall be
31 conducted in conjunction with other regularly scheduled court
32 hearings and reports provided to the court by the county child
33 welfare agency.

34 (b) (1) In counties in which the county child welfare agency
35 completes the request for authorization for the administration of
36 psychotropic medication, the agency is encouraged to complete
37 the request within three business days of receipt from the physician
38 of the information necessary to fully complete the request.

39 (2) Nothing in this subdivision is intended to change current
40 local practice or local court rules with respect to the preparation

1 and submission of requests for authorization for the administration
2 of psychotropic medication.

3 (c) (1) Within seven court days from receipt by the court of a
4 completed request, the juvenile court judicial officer shall either
5 approve or deny in writing a request for authorization for the
6 administration of psychotropic medication to the child, or shall,
7 upon a request by the parent, the legal guardian, or the child's
8 attorney, or upon its own motion, set the matter for hearing.

9 (2) Notwithstanding Section 827 or any other law, upon the
10 approval or denial by the juvenile court judicial officer of a request
11 for authorization for the administration of psychotropic medication,
12 the county child welfare agency or other person or entity who
13 submitted the request shall provide a copy of the court order
14 approving or denying the request to the child's caregiver.

15 (d) Psychotropic medication or psychotropic drugs are those
16 medications administered for the purpose of affecting the central
17 nervous system to treat psychiatric disorders or illnesses. These
18 medications include, but are not limited to, anxiolytic agents,
19 antidepressants, mood stabilizers, antipsychotic medications,
20 anti-Parkinson agents, hypnotics, medications for dementia, and
21 psychostimulants.

22 (e) Nothing in this section is intended to supersede local court
23 rules regarding a minor's right to participate in mental health
24 decisions.

25 (f) This section does not apply to nonminor dependents, as
26 defined in subdivision (v) of Section 11400.

27 SEC. 6. Section 739.5 of the Welfare and Institutions Code is
28 amended to read:

29 739.5. (a) (1) If a minor who has been adjudged a ward of the
30 court under Section 601 or 602 is removed from the physical
31 custody of the parent under Section 726 and placed into foster
32 care, as defined in Section 727.4, only a juvenile court judicial
33 officer shall have authority to make orders regarding the
34 administration of psychotropic medications for that minor. The
35 juvenile court may issue a specific order delegating this authority
36 to a parent upon making findings on the record that the parent
37 poses no danger to the minor and has the capacity to authorize
38 psychotropic medications. Court authorization for the
39 administration of psychotropic medication shall be based on a
40 request from a physician, indicating the reasons for the request, a

1 description of the minor’s diagnosis and behavior, the expected
2 results of the medication, and a description of any side effects of
3 the medication.

4 (2) (A) On or before July 1, 2016, the Judicial Council shall
5 amend and adopt rules of court and develop appropriate forms for
6 the implementation of this section, in consultation with the State
7 Department of Social Services, the State Department of Health
8 Care Services, and stakeholders, including, but not limited to, the
9 County Welfare Directors Association of California, the County
10 Behavioral Health Directors Association of California, the Chief
11 Probation Officers of California, associations representing current
12 and former foster children, caregivers, and minor’s attorneys. This
13 effort shall be undertaken in coordination with the updates required
14 under paragraph (2) of subdivision (a) of Section 369.5.

15 (B) The rules of court and forms developed pursuant to
16 subparagraph (A) shall address all of the following:

17 (i) The minor and his or her caregiver and court-appointed
18 special advocate, if any, have an opportunity to provide input on
19 the medications being prescribed.

20 (ii) Information regarding the minor’s overall mental health
21 assessment and treatment plan is provided to the court.

22 (iii) Information regarding the rationale for the proposed
23 medication, provided in the context of past and current treatment
24 efforts, is provided to the court. This information shall include,
25 but not be limited to, information on other pharmacological and
26 nonpharmacological treatments that have been utilized and the
27 minor’s response to those treatments, a discussion of symptoms
28 not alleviated or ameliorated by other current or past treatment
29 efforts, and an explanation of how the psychotropic medication
30 being prescribed is expected to improve the minor’s symptoms.

31 (iv) Guidance is provided to the court on how to evaluate the
32 request for authorization, including how to proceed if information,
33 otherwise required to be included in a request for authorization
34 under this section, is not included in a request for authorization
35 submitted to the court.

36 (C) The rules of court and forms developed pursuant to
37 subparagraph (A) shall include a process for periodic oversight by
38 the court of orders regarding the administration of psychotropic
39 medications that includes the caregiver’s and minor’s observations
40 regarding the effectiveness of the medication and side effects,

1 information on medication management appointments and other
2 followup appointments with medical practitioners, and information
3 on the delivery of other mental health treatments that are a part of
4 the minor's overall treatment plan. This oversight process shall be
5 conducted in conjunction with other regularly scheduled court
6 hearings and reports provided to the court by the county probation
7 agency.

8 (b) (1) The agency that completes the request for authorization
9 for the administration of psychotropic medication is encouraged
10 to complete the request within three business days of receipt from
11 the physician of the information necessary to fully complete the
12 request.

13 (2) Nothing in this subdivision is intended to change current
14 local practice or local court rules with respect to the preparation
15 and submission of requests for authorization for the administration
16 of psychotropic medication.

17 (c) (1) Within seven court days from receipt by the court of a
18 completed request, the juvenile court judicial officer shall either
19 approve or deny in writing a request for authorization for the
20 administration of psychotropic medication to the minor, or shall,
21 upon a request by the parent, the legal guardian, or the minor's
22 attorney, or upon its own motion, set the matter for hearing.

23 (2) Notwithstanding Section 827 or any other law, upon the
24 approval or denial by the juvenile court judicial officer of a request
25 for authorization for the administration of psychotropic medication,
26 the county probation agency or other person or entity who
27 submitted the request shall provide a copy of the court order
28 approving or denying the request to the minor's caregiver.

29 (d) Psychotropic medication or psychotropic drugs are those
30 medications administered for the purpose of affecting the central
31 nervous system to treat psychiatric disorders or illnesses. These
32 medications include, but are not limited to, anxiolytic agents,
33 antidepressants, mood stabilizers, antipsychotic medications,
34 anti-Parkinson agents, hypnotics, medications for dementia, and
35 psychostimulants.

36 (e) Nothing in this section is intended to supersede local court
37 rules regarding a minor's right to participate in mental health
38 decisions.

39 (f) This section does not apply to nonminor dependents, as
40 defined in subdivision (v) of Section 11400.

1 SEC. 7. Section 16003 of the Welfare and Institutions Code is
2 amended to read:

3 16003. (a) In order to promote the successful implementation
4 of the statutory preference for foster care placement with a relative
5 caretaker as set forth in Section 7950 of the Family Code, each
6 community college district with a foster care education program
7 shall make available orientation and training to the relative or
8 nonrelative extended family member caregiver into whose care
9 the county has placed a foster child pursuant to Section 1529.2 of
10 the Health and Safety Code, including, but not limited to, courses
11 that cover the following:

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

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

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

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

24 (5) Health issues in foster care, including, but not limited to,
25 the information described in subdivision (d) of Section 16501.4.

26 (6) Accessing education and health services that are available
27 to foster children.

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

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

34 (9) Information on resources available for those who meet
35 eligibility criteria, including out-of-home care payments, the
36 Medi-Cal program, in-home supportive services, and other similar
37 resources.

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

1 (11) Basic instruction on the existing laws and procedures
2 regarding the safety of foster youth at school and the ensuring of
3 a harassment and violence free school environment contained in
4 the School Safety and Violence Prevention Act (Article 3.6
5 (commencing with Section 32228) of Chapter 2 of Part 19 of
6 Division 1 of Title 1 of the Education Code).

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

12 (1) Age-appropriate child development.

13 (2) Health issues in foster care, including, but not limited to,
14 the information described in subdivision (d) of Section 16501.4.

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

16 (4) Emancipation and independent living.

17 (5) Accessing education and health services available to foster
18 children.

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

21 (7) Permanency options for relative or nonrelative extended
22 family member caregivers, including legal guardianship, the
23 Kinship Guardianship Assistance Payment Program, and kin
24 adoption.

25 (8) Basic instruction on the existing laws and procedures
26 regarding the safety of foster youth at school and the ensuring of
27 a harassment and violence free school environment contained in
28 the School Safety and Violence Prevention Act (Article 3.6
29 (commencing with Section 32228) of Chapter 2 of Part 19 of
30 Division 1 of Title 1 of the Education Code).

31 (c) In addition to the requirements of subdivisions (a) and (b),
32 each community college district with a foster care education
33 program, in providing the orientation program, shall develop
34 appropriate program parameters in collaboration with the counties.

35 (d) Each community college district with a foster care education
36 program shall make every attempt to make the training and
37 orientation programs for relative or nonrelative extended family
38 member caregivers highly accessible in the communities in which
39 they reside.

1 (e) When a child is placed with a relative or nonrelative extended
2 family member caregiver, the county shall inform the caregiver
3 of the availability of training and orientation programs and it is
4 the intent of the Legislature that the county shall forward the names
5 and addresses of relative or nonrelative extended family member
6 caregivers to the appropriate community colleges providing the
7 training and orientation programs.

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

12 *SEC. 7.1. Section 16003 of the Welfare and Institutions Code*
13 *is amended to read:*

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

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

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

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

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

35 (5) Health issues in foster ~~care~~: *care, including, but not limited*
36 *to, the information described in subdivision (d) of Section 16501.4.*

37 (6) Accessing education and health services that are available
38 to foster children.

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

1 (8) Permanency options for relative or nonrelative extended
2 family member caregivers, including legal guardianship, the
3 Kinship Guardianship Assistance Payment Program, and kin
4 adoption.

5 (9) Information on resources available for those who meet
6 eligibility criteria, including out-of-home care payments, the
7 Medi-Cal program, in-home supportive services, and other similar
8 resources.

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

12 (11) Basic instruction on the existing laws and procedures
13 regarding the safety of foster youth at school and the ensuring of
14 a harassment and violence free school environment contained in
15 ~~the California Student Safety and Violence Prevention Act of 2000~~
16 ~~(Article Article 3.6 (commencing with Section 32228) of Chapter~~
17 ~~2 of Part 19 of Division 1 of Title 1 of the Education Code): Code.~~

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

23 ~~(1) Age-appropriate child development.~~

24 *(1) Child and adolescent development, including sexual*
25 *orientation, gender identity, and expression.*

26 ~~(2) Health issues in foster care: care, including, but not limited~~
27 ~~to, the information described in subdivision (d) of Section 16501.4.~~

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

29 (4) Emancipation and independent living.

30 (5) Accessing education and health services available to foster
31 children.

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

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

38 (8) Basic instruction on the existing laws and procedures
39 regarding the safety of foster youth at school and the ensuring of
40 a harassment and violence free school environment contained in

1 the California Student Safety and Violence Prevention Act of 2000
2 (~~Article Article~~ 3.6 (commencing with Section 32228) of Chapter
3 2 of Part 19 of Division 1 of Title 1 of the Education Code). Code.

4 (c) In addition to the requirements of subdivisions (a) and (b),
5 each community college district with a foster care education
6 program, in providing the orientation program, shall develop
7 appropriate program parameters in collaboration with the counties.

8 (d) Each community college district with a foster care education
9 program shall make every attempt to make the training and
10 orientation programs for relative or nonrelative extended family
11 member caregivers highly accessible in the communities in which
12 they reside.

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

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

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

27 *SEC. 7.2. Section 16003 of the Welfare and Institutions Code*
28 *is amended to read:*

29 16003. (a) In order to promote the successful implementation
30 of the statutory preference for foster care placement with a relative
31 caretaker as set forth in Section 7950 of the Family Code, each
32 community college district with a foster care education program
33 shall make available orientation and ~~training to~~ training, pursuant
34 to Sections 1522.44 and 1529.2 of the Health and Safety Code, to
35 the relative or nonrelative extended family member caregiver into
36 whose care the county has placed a foster child pursuant to Section
37 1529.2 of the Health and Safety Code, including, but ~~child. The~~
38 training shall include, but is not limited to, courses that cover the
39 following:

- 1 (1) The role, rights, and responsibilities of a relative or
2 nonrelative extended family member caregiver caring for a child
3 in foster care, including the right of a foster child to have fair and
4 equal access to all available services, placement, care, treatment,
5 and benefits, and to not be subjected to discrimination or
6 harassment on the basis of actual or perceived race, ethnic group
7 identification, ancestry, national origin, color, religion, sex, sexual
8 orientation, gender identity, mental or physical disability, or HIV
9 status.
- 10 (2) An overview of the child protective system.
- 11 (3) The effects of child abuse and neglect on child development.
- 12 (4) Positive discipline and the importance of self-esteem.
- 13 (5) Health issues in foster-care: *care, including, but not limited*
14 *to, the information described in subdivision (d) of Section 16501.4.*
- 15 (6) Accessing education and health services that are available
16 to foster children.
- 17 (7) Relationship and safety issues regarding contact with one
18 or both of the birth parents.
- 19 (8) Permanency options for relative or nonrelative extended
20 family member caregivers, including legal guardianship, the
21 Kinship Guardianship Assistance Payment Program, and kin
22 adoption.
- 23 (9) Information on resources available for those who meet
24 eligibility criteria, including out-of-home care payments, the
25 Medi-Cal program, in-home supportive services, and other similar
26 resources.
- 27 (10) Instruction on cultural competency and sensitivity relating
28 to, and best practices for, providing adequate care to lesbian, gay,
29 bisexual, and transgender youth in out-of-home care.
- 30 (11) Basic instruction on the existing laws and procedures
31 regarding the safety of foster youth at school and the ensuring of
32 a harassment and violence free school environment contained in
33 ~~the California Student School Safety and Violence Prevention Act~~
34 ~~of 2000~~ (Article 3.6 (commencing with Section 32228) of Chapter
35 2 of Part 19 of Division 1 of Title 1 of the Education Code).
- 36 (12) *Knowledge of, and skills related to, the application of the*
37 *reasonable and prudent parent standard for the participation of*
38 *the child in age or developmentally appropriate activities, as set*
39 *forth in Section 1522.44 of the Health and Safety Code.*

- 1 (b) In addition to training made available pursuant to subdivision
2 (a), each community college district with a foster care education
3 program shall make training available to a relative or nonrelative
4 extended family member caregiver that includes, but need not be
5 limited to, courses that cover all of the following:
- 6 (1) Age-appropriate child development.
 - 7 (2) Health issues in foster-care: *care, including, but not limited*
8 *to, the information described in subdivision (d) of Section 16501.4.*
 - 9 (3) Positive discipline and the importance of self-esteem.
 - 10 (4) Emancipation and independent living.
 - 11 (5) Accessing education and health services available to foster
12 children.
 - 13 (6) Relationship and safety issues regarding contact with one
14 or both of the birth parents.
 - 15 (7) Permanency options for relative or nonrelative extended
16 family member caregivers, including legal guardianship, the
17 Kinship Guardianship Assistance Payment Program, and kin
18 adoption.
 - 19 (8) Basic instruction on the existing laws and procedures
20 regarding the safety of foster youth at school and the ensuring of
21 a harassment and violence free school environment contained in
22 the ~~California Student School~~ *School Safety and Violence Prevention Act*
23 ~~of 2000~~ (Article 3.6 (commencing with Section 32228) of Chapter
24 2 of Part 19 of Division 1 of Title 1 of the Education Code).
 - 25 (9) *Knowledge of, and skills related to, the application of the*
26 *reasonable and prudent parent standard for the participation of*
27 *the child in age or developmentally appropriate activities, as set*
28 *forth in Section 1522.44 of the Health and Safety Code.*
- 29 (c) In addition to the requirements of subdivisions (a) and (b),
30 each community college district with a foster care education
31 program, in providing the orientation program, shall develop
32 appropriate program parameters in collaboration with the counties.
- 33 (d) Each community college district with a foster care education
34 program shall make every attempt to make the training and
35 orientation programs for relative or nonrelative extended family
36 member caregivers highly accessible in the communities in which
37 they reside.
- 38 (e) When a child is placed with a relative or nonrelative extended
39 family member caregiver, the county shall inform the caregiver
40 of the availability of training and orientation programs and it is

1 the intent of the Legislature that the county shall forward the names
 2 and addresses of relative or nonrelative extended family member
 3 caregivers to the appropriate community colleges providing the
 4 training and orientation programs.

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

9 *SEC. 7.3. Section 16003 of the Welfare and Institutions Code*
 10 *is amended to read:*

11 16003. (a) In order to promote the successful implementation
 12 of the statutory preference for foster care placement with a relative
 13 ~~caretaker caregiver~~ as set forth in Section 7950 of the Family Code,
 14 each community college district with a foster care education
 15 program shall make available orientation and ~~training to training,~~
 16 *pursuant to Sections 1522.44 and 1529.2 of the Health and Safety*
 17 *Code, to the relative or nonrelative extended family member*
 18 *caregiver into whose care the county has placed a foster-child*
 19 ~~*pursuant to Section 1529.2 of the Health and Safety Code,*~~
 20 ~~*including, but*~~ *child. The training shall include, but is not limited*
 21 *to, courses that cover the following:*

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

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

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

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

34 (5) Health issues in foster-care: *care, including, but not limited*
 35 *to, the information described in subdivision (d) of Section 16501.4.*

36 (6) Accessing education and health services that are available
 37 to foster children.

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

1 (8) Permanency options for relative or nonrelative extended
2 family member caregivers, including legal guardianship, the
3 Kinship Guardianship Assistance Payment Program, and kin
4 adoption.

5 (9) Information on resources available for those who meet
6 eligibility criteria, including out-of-home care payments, the
7 Medi-Cal program, in-home supportive services, and other similar
8 resources.

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

12 (11) Basic instruction on the existing laws and procedures
13 regarding the safety of foster youth at school and the ensuring of
14 a harassment and violence free school environment contained in
15 ~~the California Student Safety and Violence Prevention Act of 2000~~
16 ~~(Article Article 3.6 (commencing with Section 32228) of Chapter~~
17 ~~2 of Part 19 of Division 1 of Title 1 of the Education Code): Code.~~

18 (12) *Knowledge of, and skills related to, the application of the*
19 *reasonable and prudent parent standard for the participation of*
20 *the child in age or developmentally appropriate activities, as set*
21 *forth in Section 1522.44 of the Health and Safety Code.*

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

27 ~~(1) Age-appropriate child development.~~

28 (1) *Child and adolescent development, including sexual*
29 *orientation, gender identity, and expression.*

30 (2) *Health issues in foster care, including, but not limited*
31 *to, the information described in subdivision (d) of Section 16501.4.*

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

33 (4) *Emancipation and independent living.*

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

36 (6) *Relationship and safety issues regarding contact with one*
37 *or both of the birth parents.*

38 (7) Permanency options for relative or nonrelative extended
39 family member caregivers, including legal guardianship, the

1 Kinship Guardianship Assistance Payment Program, and kin
2 adoption.

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

9 (9) *Knowledge of, and skills related to, the application of the*
10 *reasonable and prudent parent standard for the participation of*
11 *the child in age or developmentally appropriate activities, as set*
12 *forth in Section 1522.44 of the Health and Safety Code.*

13 (c) In addition to the requirements of subdivisions (a) and (b),
14 each community college district with a foster care education
15 program, in providing the orientation program, shall develop
16 appropriate program parameters in collaboration with the counties.

17 (d) Each community college district with a foster care education
18 program shall make every attempt to make the training and
19 orientation programs for relative or nonrelative extended family
20 member caregivers highly accessible in the communities in which
21 they reside.

22 (e) When a child is placed with a relative or nonrelative extended
23 family member caregiver, the county shall inform the caregiver
24 of the availability of training and orientation programs and it is
25 the intent of the Legislature that the county shall forward the names
26 and addresses of relative or nonrelative extended family member
27 caregivers to the appropriate community colleges providing the
28 training and orientation programs.

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

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

36 SEC. 8. Section 16206 of the Welfare and Institutions Code is
37 amended to read:

38 16206. (a) The purpose of the program is to develop and
39 implement statewide coordinated training programs designed
40 specifically to meet the needs of county child protective services

1 social workers assigned emergency response, family maintenance,
2 family reunification, permanent placement, and adoption
3 responsibilities. It is the intent of the Legislature that the program
4 include training for other agencies under contract with county
5 welfare departments to provide child welfare services. In addition,
6 the program shall provide training programs for persons defined
7 as a mandated reporter pursuant to the Child Abuse and Neglect
8 Reporting Act (Article 2.5 (commencing with Section 11164) of
9 Chapter 2 of Title 1 of Part 4 of the Penal Code). The program
10 shall provide the services required in this section to the extent
11 possible within the total allocation. If allocations are insufficient,
12 the department, in consultation with the grantee or grantees and
13 the Child Welfare Training Advisory Board, shall prioritize the
14 efforts of the program, giving primary attention to the most
15 urgently needed services. County child protective services social
16 workers assigned emergency response responsibilities shall receive
17 first priority for training pursuant to this section.

18 (b) The training program shall provide practice-relevant training
19 for mandated child abuse reporters and all members of the child
20 welfare delivery system that will address critical issues affecting
21 the well-being of children, and shall develop curriculum materials
22 and training resources for use in meeting staff development needs
23 of mandated child abuse reporters and child welfare personnel in
24 public and private agency settings.

25 (c) The training provided pursuant to this section shall include
26 all of the following:

- 27 (1) Crisis intervention.
- 28 (2) Investigative techniques.
- 29 (3) Rules of evidence.
- 30 (4) Indicators of abuse and neglect.
- 31 (5) Assessment criteria, including the application of guidelines
32 for assessment of relatives for placement according to the criteria
33 described in Section 361.3.
- 34 (6) Intervention strategies.
- 35 (7) Legal requirements of child protection, including
36 requirements of child abuse reporting laws.
- 37 (8) Case management.
- 38 (9) Use of community resources.

1 (10) Information regarding the dynamics and effects of domestic
2 violence upon families and children, including indicators and
3 dynamics of teen dating violence.

4 (11) Posttraumatic stress disorder and the causes, symptoms,
5 and treatment of posttraumatic stress disorder in children.

6 (12) The importance of maintaining relationships with
7 individuals who are important to a child in out-of-home placement,
8 including methods to identify those individuals, consistent with
9 the child's best interests, including, but not limited to, asking the
10 child about individuals who are important, and ways to maintain
11 and support those relationships.

12 (13) The legal duties of a child protective services social worker,
13 in order to protect the legal rights and safety of children and
14 families from the initial time of contact during investigation
15 through treatment.

16 (14) The information described in subdivision (d) of Section
17 16501.4.

18 (d) The training provided pursuant to this section may also
19 include any or all of the following:

20 (1) Child development and parenting.

21 (2) Intake, interviewing, and initial assessment.

22 (3) Casework and treatment.

23 (4) Medical aspects of child abuse and neglect.

24 (e) The training program in each county shall assess the
25 program's performance at least annually and forward it to the State
26 Department of Social Services for an evaluation. The assessment
27 shall include, at a minimum, all of the following:

28 (1) Workforce data, including education, qualifications, and
29 demographics.

30 (2) The number of persons trained.

31 (3) The type of training provided.

32 (4) The degree to which the training is perceived by participants
33 as useful in practice.

34 (5) Any additional information or data deemed necessary by
35 the department for reporting, oversight, and monitoring purposes.

36 (f) The training program shall provide practice-relevant training
37 to county child protective services social workers who screen
38 referrals for child abuse or neglect and for all workers assigned to
39 provide emergency response, family maintenance, family
40 reunification, and permanent placement services. The training shall

1 be developed in consultation with the Child Welfare Training
2 Advisory Board and domestic violence victims’ advocates and
3 other public and private agencies that provide programs for victims
4 of domestic violence or programs of intervention for perpetrators.

5 SEC. 9. Section 16501.3 of the Welfare and Institutions Code
6 is amended to read:

7 16501.3. (a) The State Department of Social Services shall
8 establish and maintain a program of public health nursing in the
9 child welfare services program that meets the federal requirements
10 for the provision of health care to minor and nonminor dependents
11 in foster care consistent with Section 30026.5 of the Government
12 Code. The purpose of the public health nursing program shall be
13 to identify, respond to, and enhance the physical, mental, dental,
14 and developmental well-being of children in the child welfare
15 system.

16 (b) Under this program, counties shall use the services of a foster
17 care public health nurse. The foster care public health nurse shall
18 work with the appropriate child welfare services workers to
19 coordinate health care services and serve as a liaison with health
20 care professionals and other providers of health-related services.
21 This shall include coordination with county mental health plans
22 and local health jurisdictions, as appropriate.

23 (c) The duties of a foster care public health nurse shall include,
24 but need not be limited to, the following:

25 (1) Documenting that each child in foster care receives initial
26 and followup health screenings that meet reasonable standards of
27 medical practice.

28 (2) Collecting health information and other relevant data on
29 each foster child as available, receiving all collected information
30 to determine appropriate referral and services, and expediting
31 referrals to providers in the community for early intervention
32 services, specialty services, dental care, mental health services,
33 and other health-related services necessary for the child.

34 (3) Participating in medical care planning and coordinating for
35 the child. This may include, but is not limited to, assisting case
36 workers in arranging for comprehensive health and mental health
37 assessments, interpreting the results of health assessments or
38 evaluations for the purpose of case planning and coordination,
39 facilitating the acquisition of any necessary court authorizations
40 for procedures or medications, advocating for the health care needs

1 of the child and ensuring the creation of linkage among various
2 providers of care.

3 (4) Providing followup contact to assess the child’s progress in
4 meeting treatment goals.

5 (5) At the request of and under the direction of a nonminor
6 dependent, as described in subdivision (v) of Section 11400, assist
7 the nonminor dependent in accessing physical health and mental
8 health care, coordinating the delivery of health and mental health
9 care services, advocating for the health and mental health care that
10 meets the needs of the nonminor dependent, and to assist the
11 nonminor dependent to assume responsibility for his or her ongoing
12 physical and mental health care management.

13 (d) The services provided by foster care public health nurses
14 under this section shall be limited to those for which reimbursement
15 may be claimed under Title XIX at an enhanced rate for services
16 delivered by skilled professional medical personnel.
17 Notwithstanding any other provision of law, this section shall be
18 implemented only if, and to the extent that, the department
19 determines that federal financial participation, as provided under
20 Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396
21 et seq.), is available.

22 (e) (1) The State Department of Health Care Services shall seek
23 any necessary federal approvals for child welfare agencies to
24 appropriately claim enhanced federal Title XIX funds for services
25 provided pursuant to this section.

26 (2) Commencing in the fiscal year immediately following the
27 fiscal year in which the necessary federal approval pursuant to
28 paragraph (1) is secured, county child welfare agencies shall
29 provide health care oversight and coordination services pursuant
30 to this section, and may accomplish this through agreements with
31 local public health agencies.

32 (f) (1) Notwithstanding Section 10101, prior to the 2011–12
33 fiscal year, there shall be no required county match of the
34 nonfederal cost of this program.

35 (2) Commencing in the 2011–12 fiscal year, and each fiscal
36 year thereafter, funding and expenditures for programs and
37 activities under this section shall be in accordance with the
38 requirements provided in Sections 30025 and 30026.5 of the
39 Government Code.

1 (g) Public health nurses shall receive training developed pursuant
2 to subdivision (d) of Section 16501.4.

3 *SEC. 9.5. Section 16501.3 of the Welfare and Institutions Code*
4 *is amended to read:*

5 16501.3. (a) The State Department of Social Services shall
6 establish and maintain a program of public health nursing in the
7 child welfare services program that meets the federal requirements
8 for the provision of ~~healthcare~~ *health care* to minor and nonminor
9 dependents in foster care consistent with Section 30026.5 of the
10 Government Code. The purpose of the public health nursing
11 program shall be to ~~identify, respond to,~~ *promote* and enhance the
12 physical, mental, dental, and developmental well-being of children
13 in the child welfare system.

14 (b) Under this program, counties shall use the services of a foster
15 care public health nurse. The foster care public health nurse shall
16 work with the appropriate child welfare services workers to
17 coordinate health care services and serve as a liaison with health
18 care professionals and other providers of health-related services.
19 This shall include coordination with county mental health plans
20 and local health jurisdictions, as appropriate. *In order to fulfill*
21 *these duties, the foster care public health nurse shall have access*
22 *to the child's medical, dental, and mental health care information,*
23 *in a manner that is consistent with all relevant privacy*
24 *requirements.*

25 (c) The duties of a foster care public health nurse shall include,
26 but need not be limited to, the following:

27 (1) Documenting that each child in foster care receives initial
28 and followup health screenings that meet reasonable standards of
29 medical practice.

30 (2) Collecting health information and other relevant data on
31 each foster child as available, receiving all collected information
32 to determine appropriate referral and services, and expediting
33 referrals to providers in the community for early intervention
34 services, specialty services, dental care, mental health services,
35 and other health-related services necessary for the child.

36 (3) Participating in medical care planning and coordinating for
37 the child. This may include, but is not limited to, assisting case
38 workers in arranging for comprehensive health and mental health
39 assessments, interpreting the results of health assessments or
40 evaluations for the purpose of case planning and coordination,

1 facilitating the acquisition of any necessary court authorizations
2 for procedures or medications, *monitoring and oversight of*
3 *psychotropic medications*, advocating for the health care needs of
4 the ~~child~~ *child*, and ensuring the creation of linkage among various
5 providers of care.

6 (4) Providing followup contact to assess the child's progress in
7 meeting treatment goals.

8 (5) At the request of and under the direction of a nonminor
9 dependent, as described in subdivision (v) of Section 11400, ~~assist~~
10 *assisting* the nonminor dependent in accessing physical health and
11 mental health care, coordinating the delivery of health and mental
12 health care services, advocating for the health and mental health
13 care that meets the needs of the nonminor dependent, ~~and to assist~~
14 *assisting the nonminor dependent to make informed decisions*
15 *about his or her health care by, at a minimum, providing*
16 *educational materials, and assisting* the nonminor dependent to
17 assume responsibility for his or her ongoing physical and mental
18 health care management.

19 (d) The services provided by foster care public health nurses
20 under this section shall be limited to those for which reimbursement
21 may be claimed under Title XIX *of the federal Social Security Act*
22 at an enhanced rate for services delivered by skilled professional
23 medical personnel. Notwithstanding any other ~~provision of~~ law,
24 this section shall be implemented only if, and to the extent that,
25 the department determines that federal financial participation, as
26 provided under Title XIX of the federal Social Security Act (42
27 U.S.C. Sec. 1396 et seq.), is available.

28 (e) (1) The State Department of Health Care Services shall seek
29 any necessary federal approvals for child welfare agencies to
30 appropriately claim enhanced federal Title XIX funds for services
31 provided pursuant to this section.

32 (2) Commencing in the fiscal year immediately following the
33 fiscal year in which the necessary federal approval pursuant to
34 paragraph (1) is secured, county child welfare agencies shall
35 provide health care oversight and coordination services pursuant
36 to this section, and may accomplish this through agreements with
37 local public health agencies.

38 (f) (1) Notwithstanding Section 10101, prior to the 2011–12
39 fiscal year, there shall be no required county match of the
40 nonfederal cost of this program.

1 (2) Commencing in the 2011–12 fiscal year, and each fiscal
2 year thereafter, funding and expenditures for programs and
3 activities under this section shall be in accordance with the
4 requirements provided in Sections 30025 and 30026.5 of the
5 Government Code.

6 (g) *Public health nurses shall receive training developed*
7 *pursuant to subdivision (d) of Section 16501.4.*

8 SEC. 10. Section 16501.4 is added to the Welfare and
9 Institutions Code, to read:

10 16501.4. In order to ensure the oversight of psychotropic
11 medications that are prescribed for children pursuant to Section
12 369.5 or 739.5, all of the following shall occur:

13 (a) The State Department of Health Care Services shall provide
14 to the State Department of Social Services, pursuant to a data
15 sharing agreement meeting the requirements of applicable state
16 and federal law and regulations, information for administration,
17 oversight, and implementation of federal and state health and public
18 social service programs for children in foster care. The departments
19 shall also develop, in consultation with counties, a data sharing
20 agreement in which county placing agencies may opt to participate,
21 which shall enable the county to, at a minimum, receive data
22 reports developed pursuant to this section.

23 (b) (1) In consultation with the State Department of Health
24 Care Services, the County Welfare Directors Association of
25 California, the County Behavioral Health Directors Association
26 of California, the Chief Probation Officers of California, and
27 stakeholders, the State Department of Social Services shall develop
28 the content and format for monthly, county-specific reports that
29 describe each child for whom one or more psychotropic
30 medications have been paid for under Medi-Cal, including paid
31 claims and managed care encounters. At a minimum, the report
32 shall include the following information:

33 (A) Psychotropic medications that have been authorized for the
34 child pursuant to Section 369.5 or 739.5.

35 (B) Pharmacy data, based on paid claims and managed care
36 encounters, including the name of the psychotropic medication,
37 quantity, and dose prescribed for the child.

38 (C) Other available data, including, but not limited to,
39 information regarding psychosocial interventions and incidents of
40 polypharmacy.

1 (2) The report shall include ~~an indicator that identifies~~ *one or*
2 *more indicators, developed in consultation with the stakeholders*
3 *identified in paragraph (1), that note children for whom additional*
4 *followup may be appropriate. The indicators may include, but*
5 *need not be limited to, an indicator that identifies each child under*
6 *five years of age for whom one or more psychotropic medications*
7 *is prescribed and an indicator that identifies each child of any age*
8 *for whom three or more psychotropic medications are prescribed.*

9 (c) (1) The State Department of Social Services shall distribute
10 to a county placing agency the monthly report for children under
11 its jurisdiction, if the placing agency is a signatory to the data
12 sharing agreement described in subdivision (a).

13 (2) A county placing agency shall use the form developed
14 pursuant to paragraph (3) to share information pertaining to a child
15 with the appropriate juvenile court, the child's attorney, the county
16 department of behavioral health, and the court-appointed special
17 advocate, if one has been appointed.

18 (A) In the case of the juvenile court, the information described
19 in subdivision (a) shall be shared in conjunction with reports
20 prepared for each regularly scheduled court hearing.

21 (B) In the case of the child's attorney, the county department
22 of behavioral health, and court-appointed special advocate, the
23 information described in subdivision (a) shall be shared initially
24 for each child served by these individuals upon the authorization
25 of psychotropic medication, and subsequently when that
26 information changes.

27 (3) In consultation with the State Department of Health Care
28 Services, the County Welfare Directors Association, the County
29 Behavioral Health Directors Association of California, the Chief
30 Probation Officers of California, and stakeholders, the State
31 Department of Social Services shall develop a form to be utilized
32 in sharing the information required by paragraph (2).

33 (d) In consultation with the State Department of Health Care
34 Services, the Judicial Council, the County Welfare Directors
35 Association of California, the County Behavioral Health Directors
36 Association of California, the Chief Probation Officers of
37 California, and stakeholders, the State Department of Social
38 Services shall develop training that may be provided to county
39 child welfare social workers, probation officers, courts hearing
40 cases pursuant to Section 300, 601, or 602, children's attorneys,

1 children’s caregivers, court-appointed special advocates, and other
2 relevant staff who work with children under the jurisdiction of the
3 juvenile court that addresses the authorization, uses, risks, benefits,
4 assistance with self-administration, oversight, and monitoring of
5 psychotropic medications, trauma, and substance use disorder and
6 mental health treatments, including how to access those treatments.

7 ~~SEC. 11. To the extent that this act has an overall effect of~~
8 ~~increasing the costs already borne by a local agency for programs~~
9 ~~or levels of service mandated by the 2011 Realignment Legislation~~
10 ~~within the meaning of Section 36 of Article XIII of the California~~
11 ~~Constitution, it shall apply to local agencies only to the extent that~~
12 ~~the state provides annual funding for the cost increase. Any new~~
13 ~~program or higher level of service provided by a local agency~~
14 ~~pursuant to this act above the level for which funding has been~~
15 ~~provided shall not require a subvention of funds by the state nor~~
16 ~~otherwise be subject to Section 6 of Article XIII B of the California~~
17 ~~Constitution.~~

18 *SEC. 11. (a) Sections 1.5, 2.1, and 2.2 of this bill incorporate*
19 *amendments to Sections 1522.41 and 1529.2 of the Health and*
20 *Safety Code proposed by both this bill and Assembly Bill 403. They*
21 *shall only become operative if (1) both bills are enacted and*
22 *become effective on or before January 1, 2016, (2) each bill*
23 *amends Sections 1522.41 and 1529.2 of the Health and Safety*
24 *Code, and (3) this bill is enacted after Assembly Bill 403, in which*
25 *case Sections 1 and 2 of this bill shall not become operative.*

26 *(b) Section 4.5 of this bill incorporates amendments to Section*
27 *317 of the Welfare and Institutions Code proposed by both this*
28 *bill and Assembly Bill 224. It shall only become operative if (1)*
29 *both bills are enacted and become effective on or before January*
30 *1, 2016, (2) each bill amends Section 317 of the Welfare and*
31 *Institutions Code, and (3) this bill is enacted after Assembly Bill*
32 *224, in which case Section 4 of this bill shall not become operative.*

33 *(c) (1) Section 7.1 of this bill incorporates amendments to*
34 *Section 16003 of the Welfare and Institutions Code proposed by*
35 *both this bill and Assembly Bill 403. It shall only become operative*
36 *if (1) both bills are enacted and become effective on or before*
37 *January 1, 2016, (2) each bill amends Section 16003 of the Welfare*
38 *and Institutions Code, and (3) Senate Bill 794 is not enacted or*
39 *as enacted does not amend that section, and (4) this bill is enacted*

1 after Assembly Bill 403, in which case Sections 7, 7.2, and 7.3 of
2 this bill shall not become operative.

3 (2) Section 7.2 of this bill incorporates amendments to Section
4 16003 of the Welfare and Institutions Code proposed by both this
5 bill and Senate Bill 794. It shall only become operative if (1) both
6 bills are enacted and become effective on or before January 1,
7 2016, (2) each bill amends Section 16003 of the Welfare and
8 Institutions Code, (3) Assembly Bill 403 is not enacted or as
9 enacted does not amend that section, and (4) this bill is enacted
10 after Senate Bill 794, in which case Sections 7, 7.1, and 7.3 of this
11 bill shall not become operative.

12 (3) Section 7.3 of this bill incorporates amendments to Section
13 16003 of the Welfare and Institutions Code proposed by this bill,
14 Assembly Bill 403, and Senate Bill 794. It shall only become
15 operative if (1) all three bills are enacted and become effective on
16 or before January 1, 2016, (2) all three bills amend Section 16003
17 of the Welfare and Institutions Code, and (3) this bill is enacted
18 after Assembly Bill 403 and Senate Bill 794, in which case Sections
19 7, 7.1, and 7.2 of this bill shall not become operative.

20 (d) Section 9.5 of this bill incorporates amendments to Section
21 16501.3 of the Welfare and Institutions Code proposed by both
22 this bill and Senate Bill 319. It shall only become operative if (1)
23 both bills are enacted and become effective on or before January
24 1, 2016, (2) each bill amends Section 16501.3 of the Welfare and
25 Institutions Code, and (3) this bill is enacted after Senate Bill 319,
26 in which case Section 9 of this bill shall not become operative.

27 SEC. 12. (a) To the extent that this act has an overall effect
28 of increasing the costs already borne by a local agency for
29 programs or levels of service mandated by the 2011 Realignment
30 Legislation, Section 36 of Article XIII of the California Constitution
31 shall govern this act's application to local agencies and the state's
32 funding of those programs or levels of service.

33 (b) However, if the Commission on State Mandates determines
34 that this act contains other costs mandated by the state for
35 programs or levels of service not described in subdivision (a),
36 reimbursement to local agencies and school districts for those
37 costs shall be made pursuant to Part 7 (commencing with Section
38 17500) of Division 4 of Title 2 of the Government Code.

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