

AMENDED IN ASSEMBLY AUGUST 8, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

SENATE BILL

No. 855

Introduced by Committee on Budget and Fiscal Review

January 7, 2016

~~An act relating to the Budget Act of 2016.~~ *An act to amend Sections 12254 and 12258 of the Revenue and Taxation Code, and to amend Sections 10850.4, 11322.64, and 11461.3 of, and to add Section 10850.45 to, the Welfare and Institutions Code, relating to human services, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 855, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2016.~~ *Human services.*

(1) Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law establishes a managed care organization provider tax, which is administered by the State Department of Health Care Services. The tax is assessed by the department on licensed health care service plans, managed care plans contracted with the department to provide Medi-Cal services, and alternate health care service plans.

Existing law imposes a gross premiums tax of 2.35% on all insurers, as defined, doing business in this state, as set forth in the California Constitution. Existing law requires certain insurers to make prepayments of the annual tax and requires the amount of each prepayment to be 25% of the amount of the annual insurance tax liability reported on the

return of the insurer for the preceding calendar year. Existing law reduces the gross premiums tax rate to 0% for those premiums received on or after July 1, 2016, and on or before June 30, 2019, for the provision of health insurance paid by health insurers providing health insurance that has a corporate affiliate, as defined, that is a health care service plan or health plan that is subject to the managed care organization provider tax described above, as specified.

This bill would provide that for health insurers subject to the 0% gross premiums tax rate prepayments are not required between July 1, 2016, and on or before June 30, 2019, and would additionally provide that for prepayments due on or after June 30, 2019, the amount due is 25% of the amount of what the annual insurance tax liability reported on the return of the health insurer for the preceding calendar year would have been if the provision reducing the gross premiums tax rate to 0% described above had never been operative.

(2) Existing law requires certain documents from the juvenile case file for a child who died as a result of abuse or neglect, as specified, to be released by the custodian of records upon request and subject to redaction of certain identifying personal information upon completion of the child abuse or neglect investigation into the child's death.

This bill would add a description of child protective or other services provided and actions taken by the child welfare agency, and juvenile court if applicable, to the list of documents that are required to be released. The bill would also require the custodian of records to release certain information in all cases in which abuse or neglect results in a child near fatality, as defined. The bill would prohibit the disclosure of certain information in connection with child near fatalities, including, among others, information that would, after consultation with the district attorney, jeopardize a criminal investigation or proceeding. The bill would make related changes.

The bill would also authorize the State Department of Social Services to implement these provisions by means of all-county letters or similar instructions until regulations are adopted, as specified. By creating new duties for local officials, the bill would impose a state-mandated local program.

(3) Existing law establishes the Approved Relative Caregiver Funding Option Program (ARC), in counties that choose to participate, for the purpose of making the amount paid to relative caregivers for the in-home care of children placed with them who are ineligible for AFDC-FC payments equal to the amount paid on behalf of children

who are eligible for AFDC-FC payments. Existing law authorizes a county that is participating in ARC and that has paid certain specified funds to request reimbursement for those funds from the department if, in any calendar year, the entire amount of funding appropriated by the state for ARC has not been fully allocated to or utilized by participating counties.

This bill would instead authorize a county to make that request if, in any fiscal year, the entire amount of funding appropriated by the state for ARC has not been fully allocated to or utilized by participating counties.

(4) The bill also would delete an obsolete reporting requirement of the State Department of Social Services relating to employment of CalWORKs recipients.

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

This bill would provide that, 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.

(6) This bill would appropriate \$705,000 from the General Fund to the Department of Rehabilitation, for encumbrance or expenditure until June 30, 2017, to be allocated to independent living centers that have been both established and maintained using specified federal funding as their primary base grant.

(7) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2016.~~

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

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

- 1 SECTION 1. Section 12254 of the Revenue and Taxation Code
- 2 is amended to read:

1 12254. (a) The amount of each prepayment shall be 25 percent
2 of the amount of the annual insurance tax liability reported on the
3 return of the insurer for the preceding calendar year.

4 (b) In establishing the prepayment amount of an insurer that
5 has acquired the business of another insurer, the amount of tax
6 liability of the acquiring insurer reported for the preceding calendar
7 year shall be deemed to include the amount of tax liability of the
8 acquired insurer reported for that year.

9 *(c) Notwithstanding subdivision (a), for a health insurer subject*
10 *to Section 12202.2 both of the following shall apply:*

11 *(1) On or after July 1, 2016, and on or before June 30, 2019, a*
12 *prepayment shall not be required.*

13 *(2) The amount of each prepayment due after June 30, 2019,*
14 *shall be 25 percent of the amount of what the annual insurance*
15 *tax liability reported on the return of the insurer for the preceding*
16 *calendar year would have been if Section 12202.2 had never been*
17 *operative.*

18 ~~(e)~~

19 *(d) This section shall become operative on July 1, 2013.*

20 *SEC. 2. Section 12258 of the Revenue and Taxation Code is*
21 *amended to read:*

22 12258. (a) Any insurer that fails to pay any prepayment within
23 the time required shall pay a penalty of 10 percent of the amount
24 of the required prepayment, plus interest at the modified adjusted
25 rate per month, or fraction thereof, established pursuant to Section
26 6591.5, from the due date of the prepayment until the date of
27 payment but not for any period after the due date of the annual
28 tax. Assessments of prepayment deficiencies may be made in the
29 manner provided by deficiency assessments of the annual tax.

30 (b) Notwithstanding any other law, if a Medi-Cal managed care
31 plan, as defined in subdivision (a) of Section 12009, receives
32 additional amounts includable in its total operating revenue, as
33 defined in Section 12241, for the service periods from January 1,
34 2009, to June 30, 2013, inclusive, those amounts shall continue to
35 be subject to the tax imposed by Section 12201, as added by
36 Section 4 of the act adding this section, as added by Section 5 of
37 Chapter 157 of the Statutes of 2009, as added by Section 31 of
38 Chapter 717 of the Statutes of 2010, and as added by Section 2 of
39 Chapter 11 of the First Extraordinary Session of the Statutes of
40 2011, and 100 percent of the tax continues to be due and shall be

1 submitted to the Department of Insurance no later than 30 days
2 after receipt of those amounts.

3 (c) *This section shall not apply to an insurer subject to*
4 *paragraph (1) of subdivision (c) of Section 12254.*

5 (e)

6 (d) This section shall become operative on July 1, 2013.

7 SEC. 3. *Section 10850.4 of the Welfare and Institutions Code*
8 *is amended to read:*

9 10850.4. (a) Within five business days of learning that a child
10 fatality has occurred in the county and that there is a reasonable
11 suspicion that the fatality was caused by abuse or neglect, the
12 custodian of records for the county child welfare agency, upon
13 request, shall release the following information:

14 (1) The age and gender of the child.

15 (2) The date of death.

16 (3) Whether the child ~~was~~ *resided* in foster care or in the home
17 of his or her parent or guardian at the time of death.

18 (4) Whether an investigation is being conducted by a law
19 enforcement agency or the county child welfare agency.

20 (b) All cases in which abuse or ~~neglect~~ *neglect, as defined by*
21 *paragraph (1) of subdivision (k)*, leads to a child's death shall be
22 subject to the disclosures required in subdivision (c). Abuse or
23 neglect is determined to have led to a child's death if one or more
24 of the following conditions are met:

25 (1) A county child protective services agency determines that
26 the abuse or neglect was substantiated.

27 (2) A law enforcement investigation concludes that abuse or
28 neglect occurred.

29 (3) A coroner or medical examiner concludes that the child who
30 died had suffered abuse or neglect.

31 (c) Upon completion of the child abuse or neglect investigation
32 into the child's death, as described in subdivision (b), the following
33 documents from the juvenile case file shall be released by the
34 custodian of records upon request, subject to the redactions set
35 forth in subdivision (e):

36 (1) All of the information in subdivision (a).

37 (2) For cases in which the child's death occurred while living
38 with a parent or guardian, all previous referrals of abuse or neglect
39 of the deceased child while living with that parent or guardian
40 shall be disclosed along with the following documents:

1 (A) The emergency response referral information form and the
2 emergency response notice of referral disposition form completed
3 by the county child welfare agency relating to the abuse or neglect
4 that caused the death of the child.

5 (B) Any cross reports completed by the county child welfare
6 agency to law enforcement relating to the deceased child.

7 (C) All risk and safety assessments completed by the county
8 child welfare services agency relating to the deceased child.

9 (D) All health care records of the deceased child, excluding
10 mental health records, related to the child's death and previous
11 injuries reflective of a pattern of abuse or neglect.

12 (E) Copies of police reports about the person against whom the
13 child abuse or neglect was substantiated.

14 (F) *A description of child protective or other services provided*
15 *and actions taken by the child welfare agency, and juvenile court*
16 *if applicable, relating to the deceased child, addressing any*
17 *services and actions that are not otherwise disclosed within other*
18 *documents required for release pursuant to this section, including*
19 *the date and a written description of any such service or action*
20 *taken.*

21 (3) For cases in which the child's death occurred while the child
22 was in foster care, the following documents in addition to those
23 specified in paragraphs (1) and (2) generated while the child was
24 living in the foster care placement that was the placement at the
25 time of the child's death:

26 (A) Records pertaining to the foster ~~parents'~~ *placement's* initial
27 licensing and renewals and type of license or licenses held, if in
28 the case file.

29 (B) All reported licensing violations, including notices of action,
30 if in the case file.

31 (C) Records of the training completed by the foster parents, if
32 in the case file.

33 (d) (1) The documents *and information* listed in *paragraph*
34 *(1) of, and subparagraphs (A) to (E), inclusive, of paragraph (2)*
35 *of, subdivision (c) shall be released to the public by the custodian*
36 *of records within 10 business days of the request or the disposition*
37 *of the investigation, whichever is later.*

38 (2) *The description listed in subparagraph (F) of paragraph*
39 *(2) of subdivision (c) shall be released to the public by the*

1 *custodian of records within 10 business days after the release of*
2 *the documents pursuant to paragraph (1).*

3 (e) (1) Prior to releasing any document pursuant to subdivision
4 (c), the custodian of records shall redact the following information:

5 (A) The names, addresses, telephone numbers, ethnicity,
6 religion, or any other identifying information of any person or
7 institution, other than the county or the State Department of Social
8 Services, that is mentioned in the documents listed in paragraphs
9 (2) and (3) of subdivision (c).

10 (B) Any information that would, after consultation with the
11 district attorney, jeopardize a criminal investigation or proceeding.

12 (C) Any information that is privileged, confidential, or not
13 subject to disclosure pursuant to any other state or federal law.

14 (2) (A) The State Department of Social Services shall
15 promulgate a regulation listing the laws described in subparagraph
16 (C) of paragraph (1) and setting forth standards governing
17 redactions.

18 (B) Notwithstanding the rulemaking provisions of the
19 Administrative Procedure Act (Chapter 3.5 (commencing with
20 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
21 Code), until emergency regulations are filed with the Secretary of
22 State, the State Department of Social Services may implement the
23 changes made to Section 827 and this section at the 2007–08
24 Regular Session of the Legislature through all-county letters or
25 similar instructions from the director. The department shall adopt
26 emergency regulations, as necessary to implement those changes,
27 no later than January 1, 2009.

28 (C) The adoption of regulations pursuant to this paragraph shall
29 be deemed to be an emergency necessary for the immediate
30 preservation of the public peace, health, safety, or general welfare.
31 The emergency regulations authorized by this section shall be
32 exempt from review by the Office of Administrative Law. The
33 emergency regulations authorized by this section shall be submitted
34 for filing with the Secretary of State and shall remain in effect for
35 no more than 180 days, by which time the final regulations shall
36 be adopted.

37 (f) Upon receiving a request for the documents listed in
38 subdivision (c), the custodian of records shall notify and provide
39 a copy of the request upon counsel for any child who is directly
40 or indirectly connected to the juvenile case file. If counsel for a

1 child, including the deceased child or any sibling of the deceased
2 child, objects to the release of any part of the documents listed in
3 paragraphs (2) and (3) of subdivision (c), they may petition the
4 juvenile court for relief to prevent the release of any document or
5 part of a document requested pursuant to paragraph (2) of
6 subdivision (a) of Section 827.

7 (g) ~~Documents from the juvenile *Juvenile* case file, other than~~
8 ~~those listed in paragraphs (2) and (3) of subdivision (c), file records~~
9 ~~that are not subject to disclosure pursuant to this section~~ shall
10 only be disclosed upon an order by the juvenile court pursuant to
11 Section 827.

12 (h) Once documents pursuant to this section have been released
13 by the custodian of records, the State Department of Social Services
14 or the county welfare department or agency may comment on the
15 case within the scope of the release. If the county welfare
16 department or agency comments publicly about the case within
17 the scope of the release pursuant to this subdivision, the social
18 worker on the case may also comment publicly about the case
19 within the scope of the release.

20 (i) Information released by a custodian of records consistent
21 with the requirements of this section does not require prior notice
22 to any other individual.

23 (j) Each county welfare department or agency shall notify the
24 State Department of Social Services of every child fatality that
25 occurred within its jurisdiction that was the result of child abuse
26 or neglect. Based on these notices and any other relevant
27 information in the State Department of Social Services' possession,
28 the department shall annually issue a report identifying the child
29 fatalities and any systemic issues or patterns revealed by the notices
30 and other relevant information. The State Department of Social
31 Services, after consultation with interested stakeholders, shall
32 provide instructions by an all-county letter regarding the procedure
33 for notification.

34 (k) For purposes of this section, the following definitions apply:

35 (1) "Child abuse or neglect" ~~has and~~ "abuse or neglect" have
36 the same meaning as defined in Section 11165.6 of the Penal Code.

37 (2) "Custodian of records," for the purposes of this section and
38 paragraph (2) of subdivision (a) of Section 827, means the county
39 welfare department or agency.

1 (3) “Juvenile case files” or “case files” ~~include~~ *includes* any
2 juvenile court files, as defined in Rule 5.552 of the California Rules
3 of Court, and any county child welfare department or agency or
4 State Department of Social Services records regardless of whether
5 they are maintained electronically or in paper form.

6 (4) “Substantiated” has the same meaning as *that term is used*
7 *with respect to a substantiated report* as defined in Section
8 11165.12 of the Penal Code.

9 (l) A person disclosing juvenile case file information as required
10 by this section shall not be subject to ~~suit~~ *liability* in any civil or
11 criminal ~~proceedings~~ *proceeding* for complying with the
12 requirements of this section.

13 (m) This section shall apply only to deaths that occur on or after
14 January 1, 2008.

15 (n) Nothing in this section shall require a custodian of records
16 to retain documents beyond any date otherwise required by law.

17 (o) Nothing in this section shall be construed as requiring a
18 custodian of records to obtain documents not in the case file.

19 (p) *Nothing in this section authorizes the disclosure of*
20 *information that reveals the identity of a person or persons who*
21 *provided information related to suspected abuse, neglect, or*
22 *maltreatment of the child.*

23 (q) *Notwithstanding the rulemaking provisions of the*
24 *Administrative Procedure Act (Chapter 3.5 (commencing with*
25 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
26 *Code), until regulations are filed with the Secretary of State, the*
27 *State Department of Social Services may implement this section*
28 *through all-county letters or similar instructions following*
29 *consultation with stakeholders. This consultation shall commence*
30 *no later than October 1, 2016, and shall include, but not be limited*
31 *to, child welfare advocates, labor organizations, representatives*
32 *of counties, and legislative staff. Rulemaking to implement this*
33 *section pursuant to the Administrative Procedure Act shall*
34 *commence no later than January 1, 2018.*

35 SEC. 4. Section 10850.45 is added to the Welfare and
36 Institutions Code, to read:

37 10850.45. (a) *Within 10 business days of learning that a child*
38 *near fatality that has been determined to have been caused by*
39 *abuse or neglect has occurred in the county, the custodian of*

1 records for the county child welfare agency, upon request, shall
2 release all of the following information:

- 3 (1) The age and gender of the child.
- 4 (2) The date of the near fatality.
- 5 (3) Whether the child resided in foster care or in the home of
6 his or her parent or guardian at the time of the near fatality.
- 7 (4) Whether an investigation is being conducted by a law
8 enforcement agency or the county child welfare agency.

9 (b) Findings or information disclosed under this subdivision,
10 upon request, shall consist of a written report that includes all of
11 the following information:

- 12 (1) The age and gender of the child.
- 13 (2) The date the abuse or neglect occurred that resulted in the
14 near fatality, if known, and the date that a licensed physician
15 determined the child victim to be in serious or critical medical
16 condition, if known.
- 17 (3) Whether the child resided in foster care or in the home of
18 his or her parent or guardian at the time of the near fatality.
- 19 (4) The cause of, and circumstances regarding, the near fatality.
- 20 (5) A description of reports received, child protective or other
21 services provided, and actions taken by the county child welfare
22 services agency and juvenile court, if applicable, regarding both
23 of the following:
 - 24 (A) Suspected or substantiated abuse or neglect of the child
25 near fatality victim.
 - 26 (B) Suspected or substantiated abuse or neglect of other children
27 that is related to the abuse or neglect described in subparagraph
28 (A).
- 29 (6) The description required by paragraph (5) shall provide a
30 written narrative that includes, but is not limited to, the following
31 information:
 - 32 (A) The dates of reports, investigations, services provided, and
33 actions taken.
 - 34 (B) The investigative disposition for each report.
 - 35 (C) Any comments provided by the involved social worker or
36 workers for the written narrative regarding the investigations,
37 services provided, and actions taken.

38 (c) Subject to subdivision (e), a custodian of records shall
39 disclose the following to the public, upon request:

1 (1) For cases in which the child's near fatality occurred while
2 living with a parent or guardian, all previous referrals of abuse
3 or neglect of the child suffering the near fatality while living with
4 that parent or guardian, along with the following documents:

5 (A) The emergency response referral information form and
6 emergency response notice of referral disposition form completed
7 by the county child welfare agency relating to the abuse or neglect
8 that caused the near fatality of the child.

9 (B) Any cross reports completed by the county child welfare
10 services agency to law enforcement relating to the child suffering
11 the near fatality.

12 (C) All risk and safety assessments completed by the county
13 child welfare services agency relating to the child suffering the
14 near fatality.

15 (D) Copies of police reports about the person against whom
16 the child abuse or neglect was substantiated.

17 (2) For cases in which the child's near fatality occurred while
18 the child was in foster care, the following documents, in addition
19 to those specified in paragraph (1), generated while the child was
20 living in the foster care placement that was the placement at the
21 time of the child's near fatality:

22 (A) Records pertaining to the foster parents' initial licensing
23 and renewals and type of license or licenses held if in the case file.

24 (B) All reported licensing violations, including notices of action,
25 if in the case file.

26 (C) Records of the training completed by the foster parents if
27 in the case file.

28 (d) (1) When disclosure is requested pursuant to subdivisions
29 (b) and (c), all required findings and information shall be released
30 to the public by the custodian of records within 30 calendar days
31 of either the request or the disposition of the investigation,
32 whichever is later.

33 (2) When disclosure is requested pursuant to subdivision (b),
34 the county shall submit a copy of the description and written
35 narrative required in subdivision (b) to the State Department of
36 Social Services within 20 calendar days of the request or the
37 disposition of the investigation, whichever is later. Within 10
38 calendar days of receipt, the State Department of Social Services
39 shall review the description and written narrative submitted by
40 the county against the case file and notify the county of any

1 *discrepancies or other concerns prior to the county's release of*
2 *the information pursuant to paragraph (1).*

3 *(e) The information and records subject to disclosure pursuant*
4 *to subdivisions (b) and (c) shall not include, and the custodian of*
5 *records shall not disclose, any of the following information:*

6 *(1) The name, address, telephone number, ethnicity, religion,*
7 *or any other identifying information of any person or institution,*
8 *other than the county or the State Department of Social Services,*
9 *that is referenced in subdivision (b) or (c).*

10 *(2) Any information that would, after consultation with the*
11 *district attorney, jeopardize a criminal investigation or proceeding.*

12 *(3) Any information that is privileged, confidential, or not*
13 *subject to disclosure pursuant to any other state or federal law.*

14 *(4) All health care records related to the child or the child's*
15 *family.*

16 *(5) (A) Any information not relevant to the near fatality. This*
17 *includes, but is not limited to, any information regarding any adult*
18 *whose activities are not relevant to the near fatality.*

19 *(B) Information regarding the agency's handling of the case*
20 *that may indicate a pattern of events or have a bearing on the*
21 *circumstances that led to the near fatality is relevant for purposes*
22 *of subparagraph (A).*

23 *(C) Any action of any individual responding in the case in their*
24 *professional capacity is relevant for purposes of subparagraph*
25 *(A).*

26 *(f) Upon receiving a request for the information described in*
27 *subdivisions (b) and (c), the custodian of records shall notify and*
28 *provide a copy of the request to the counsel for any child who is*
29 *directly or indirectly connected to the juvenile case file. If the*
30 *counsel for a child, including the child near fatality victim or any*
31 *sibling of the child victim, objects to the release of any part of the*
32 *information listed in subdivisions (b) and (c), counsel may petition*
33 *the juvenile court for relief to prevent the release of any document*
34 *or part of a document requested pursuant to paragraph (2) of*
35 *subdivision (a) of Section 827.*

36 *(g) Juvenile case file records that are not subject to disclosure*
37 *pursuant to this section shall only be disclosed upon an order by*
38 *the juvenile court pursuant to Section 827.*

39 *(h) Once documents have been released by the custodian of*
40 *records pursuant to this section, the State Department of Social*

1 *Services or the county welfare department or agency may comment*
2 *on the case within the scope of the release. If the county welfare*
3 *department or agency comments publicly about the case within*
4 *the scope of the release pursuant to this subdivision, the social*
5 *worker on the case may also comment publicly about the case*
6 *within the scope of the release.*

7 *(i) Information released by a custodian of records consistent*
8 *with the requirements of this section does not require prior notice*
9 *to any other individual.*

10 *(j) Each county child welfare services agency shall notify the*
11 *State Department of Social Services of every child near fatality*
12 *that occurred within its jurisdiction that was the result of child*
13 *abuse or neglect. Based on these notices and any other relevant*
14 *information in the State Department of Social Services' possession,*
15 *the department shall annually issue a report identifying the child*
16 *near fatalities and any systemic issues or patterns revealed by the*
17 *notices and other relevant information.*

18 *(k) For purposes of this section, the following definitions apply:*

19 *(1) "Child abuse or neglect" and "abuse or neglect" have the*
20 *same meaning as defined in Section 11165.6 of the Penal Code.*
21 *"Child abuse or neglect" and "abuse or neglect" shall not include*
22 *near fatalities caused by the following persons, unless neglect by*
23 *a parent, guardian, or foster care provider contributed to the*
24 *circumstances of the near fatality:*

25 *(A) An alleged perpetrator who was unknown to the child or*
26 *family prior to the abuse that caused the near fatality.*

27 *(B) A minor, unless acting in the role of a caretaker, who is*
28 *alleged to have caused the near fatality.*

29 *(2) "Custodian of records" means the county welfare*
30 *department or agency.*

31 *(3) "Juvenile case files" or "case files" includes any juvenile*
32 *court files, as defined in Rule 5.552 of the California Rules of*
33 *Court, and any county child welfare department or agency or State*
34 *Department of Social Services records regardless of whether they*
35 *are maintained electronically or in paper form.*

36 *(4) (A) "Near fatality" has the same meaning as defined in*
37 *Section 5106a of Title 42 of the United States Code under the*
38 *federal Child Abuse Prevention and Treatment Act.*

39 *(B) Abuse or neglect is deemed to have resulted in a child's*
40 *near fatality if either of the following conditions is met:*

1 (i) A law enforcement investigation concludes that child abuse
2 or neglect occurred.

3 (ii) A county child welfare services agency determines that the
4 child abuse or neglect was substantiated.

5 (5) “Substantiated” has the same meaning as that term is used
6 with respect to a substantiated report as defined in Section
7 11165.12 of the Penal Code.

8 (l) A person disclosing juvenile case file information as required
9 by this section shall not be subject to liability in any civil or
10 criminal proceeding for complying with the requirements of this
11 section.

12 (m) This section shall apply only to near fatalities that occur
13 on or after January 1, 2017.

14 (n) This section does not require a custodian of records to retain
15 documents beyond any date otherwise required by law.

16 (o) This section does not require a custodian of records to obtain
17 documents not in the case file.

18 (p) This section does not authorize the disclosure of information
19 that reveals the identity of a person or persons who provided
20 information related to suspected abuse, neglect, or maltreatment
21 of a child.

22 (q) Notwithstanding the rulemaking provisions of the
23 Administrative Procedure Act (Chapter 3.5 (commencing with
24 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
25 Code), until regulations are filed with the Secretary of State, the
26 State Department of Social Services may implement this section
27 through all-county letters or similar instructions following
28 consultation with stakeholders. This consultation shall commence
29 no later than October 1, 2016, and shall include, but not be limited
30 to, child welfare advocates, labor organizations, representatives
31 of counties, and legislative staff. Rulemaking to implement this
32 section pursuant to the Administrative Procedure Act shall
33 commence no later than January 1, 2018.

34 SEC. 5. Section 11322.64 of the Welfare and Institutions Code,
35 as added by Section 9 of Chapter 25 of the Statutes of 2016, is
36 amended to read:

37 11322.64. (a) (1) The department, in consultation with the
38 County Welfare Directors Association of California, shall develop
39 an allocation methodology to distribute additional funding for
40 expanded subsidized employment programs for CalWORKs

1 recipients, or individuals described in Section 11320.15 who have
2 exceeded the time limits specified in subdivision (a) of Section
3 11454.

4 (2) Funds allocated pursuant to this section may be utilized to
5 cover all expenditures related to the operational costs of the
6 expanded subsidized employment program, including the cost of
7 overseeing the program, developing work sites, and providing
8 training to participants, as well as wage and nonwage costs.

9 (3) The department, in consultation with the County Welfare
10 Directors Association of California, shall determine the amount
11 or proportion of funding allocated pursuant to this section that may
12 be utilized for operational costs, consistent with the number of
13 employment slots anticipated to be created and the funding
14 provided.

15 (b) Funds allocated for expanded subsidized employment shall
16 be in addition to, and independent of, the county allocations made
17 pursuant to Section 15204.2.

18 (c) (1) A county that accepts additional funding for expanded
19 subsidized employment in accordance with this section shall
20 continue to expend no less than the aggregate amount of funding
21 received by the county pursuant to Section 15204.2 that the county
22 expended on subsidized employment in the 2012–13 fiscal year
23 pursuant to Section 11322.63, as that section read on June 30,
24 2016.

25 (2) This subdivision shall not apply for any fiscal year in which
26 the total CalWORKs caseload is projected by the department to
27 increase by more than 5 percent of the total actual CalWORKs
28 caseload in the 2012–13 fiscal year.

29 (d) Each county shall submit to the department a plan regarding
30 how it intends to utilize the funds allocated pursuant to this section.

31 (e) (1) Participation in subsidized employment pursuant to this
32 section shall be limited to a maximum of six months for each
33 participant.

34 (2) Notwithstanding paragraph (1), a county may extend
35 participation beyond the six-month limitation described in
36 paragraph (1) for up to an additional three months at a time, to a
37 maximum of no more than 12 total months. Extensions may be
38 granted pursuant to this paragraph if the county determines that
39 the additional time will increase the likelihood of either of the
40 following:

1 (A) The participant obtaining unsubsidized employment with
 2 the participating employer.

3 (B) The participant obtaining specific skills and experiences
 4 relevant for unsubsidized employment in a particular field.

5 (f) A county may continue to provide subsidized employment
 6 funded under this section to individuals who become ineligible for
 7 CalWORKs benefits in accordance with Section 11323.25.

8 (g) Upon application for CalWORKs assistance after a
 9 participant’s subsidized employment ends, if an assistance unit is
 10 otherwise eligible within three calendar months of the date that
 11 subsidized employment ended, the income exemption requirements
 12 contained in Section 11451.5 and the work requirements contained
 13 in subdivision (c) of Section 11201 shall apply. If aid is restored
 14 after the expiration of that three-month period, the income
 15 exemption requirements contained in Section 11450.12 and the
 16 work requirements contained in subdivision (b) of Section 11201
 17 shall apply.

18 ~~(h) No later than April 1, 2015, the State Department of Social
 19 Services shall submit at least the following information regarding
 20 implementation of this section to the Legislature:~~

21 ~~(1) The number of CalWORKs recipients that entered subsidized
 22 employment.~~

23 ~~(2) The number of CalWORKs recipients who found
 24 nonsubsidized employment after the subsidy ends.~~

25 ~~(3) The earnings of the program participants before and after
 26 the subsidy.~~

27 ~~(4) The impact of this program on the state’s work participation
 28 rate.~~

29 ~~(i)~~

30 ~~(h) This section shall become operative on July 1, 2016.~~

31 *SEC. 6. Section 11461.3 of the Welfare and Institutions Code*
 32 *is amended to read:*

33 11461.3. (a) The Approved Relative Caregiver Funding Option
 34 Program is hereby established for the purpose of making the
 35 amount paid to approved relative caregivers for the in-home care
 36 of children placed with them who are ineligible for AFDC-FC
 37 payments equal to the amount paid on behalf of children who are
 38 eligible for AFDC-FC payments. This is an optional program for
 39 counties choosing to participate, and in so doing, participating
 40 counties agree to the terms of this section as a condition of their

1 participation. It is the intent of the Legislature that the funding
2 described in paragraph (1) of subdivision (g) for the Approved
3 Relative Caregiver Funding Option Program be appropriated, and
4 available for use from January through December of each year,
5 unless otherwise specified.

6 (b) Subject to subdivision (e), effective January 1, 2015,
7 participating counties shall pay an approved relative caregiver a
8 per child per month rate in return for the care and supervision, as
9 defined in subdivision (b) of Section 11460, of a child that is placed
10 with the relative caregiver that is equal to the basic rate paid to
11 foster care providers pursuant to subdivision (g) of Section 11461,
12 if both of the following conditions are met:

13 (1) The county with payment responsibility has notified the
14 department in writing by October 1 of the year before participation
15 begins of its decision to participate in the Approved Relative
16 Caregiver Funding Option Program.

17 (2) The related child placed in the home meets all of the
18 following requirements:

19 (A) The child resides in California.

20 (B) The child is described by subdivision (b), (c), or (e) of
21 Section 11401 and the county welfare department or the county
22 probation department is responsible for the placement and care of
23 the child.

24 (C) The child is not eligible for AFDC-FC while placed with
25 the approved relative caregiver because the child is not eligible
26 for federal financial participation in the AFDC-FC payment.

27 (c) Any income or benefits received by an eligible child or the
28 approved relative caregiver on behalf of the eligible child that
29 would be offset against the basic rate paid to a foster care provider
30 pursuant to subdivision (g) of Section 11461, shall be offset from
31 any funds that are not CalWORKs funds paid to the approved
32 relative caregiver pursuant to this section.

33 (d) Participating counties shall recoup an overpayment in the
34 Approved Relative Caregiver Funding Option Program received
35 by an approved relative caregiver using the standards and processes
36 for overpayment recoupment that are applicable to overpayments
37 to an approved home of a relative, as specified in Section 11466.24.
38 Recouped overpayments shall not be subject to remittance to the
39 federal government. Any overpaid funds that are collected by the

1 participating counties shall be remitted to the state after subtracting
2 both of the following:

3 (1) An amount not to exceed the county share of the CalWORKs
4 portion of the Approved Relative Caregiver Funding Option
5 Program payment, if any.

6 (2) Any other county funds that were included in the Approved
7 Relative Caregiver Funding Option Program payment.

8 (e) A county's election to participate in the Approved Relative
9 Caregiver Funding Option Program shall affirmatively indicate
10 that the county understands and agrees to all of the following
11 conditions:

12 (1) Commencing October 1, 2014, the county shall notify the
13 department in writing of its decision to participate in the Approved
14 Relative Caregiver Funding Option Program. Failure to make
15 timely notification, without good cause as determined by the
16 department, shall preclude the county from participating in the
17 program for the upcoming calendar year. Annually thereafter, any
18 county not already participating who elects to do so shall notify
19 the department in writing no later than October 1 of its decision
20 to participate for the upcoming calendar year.

21 (2) The county shall confirm that it will make per child per
22 month payments to all approved relative caregivers on behalf of
23 eligible children in the amount specified in subdivision (b) for the
24 duration of the participation of the county in this program.

25 (3) The county shall confirm that it will be solely responsible
26 to pay any additional costs needed to make all payments pursuant
27 to subdivision (b) if the state and federal funds allocated to the
28 Approved Relative Caregiver Funding Option Program pursuant
29 to paragraph (1) of subdivision (g) are insufficient to make all
30 eligible payments.

31 (f) (1) A county deciding to opt out of the Approved Relative
32 Caregiver Funding Option Program shall provide at least 120 days'
33 prior written notice of that decision to the department. Additionally,
34 the county shall provide at least 90 days' prior written notice to
35 the approved relative caregiver or caregivers informing them that
36 his or her per child per month payment will be reduced and the
37 date that the reduction will occur.

38 (2) The department shall presume that all counties have opted
39 out of the Approved Relative Caregiver Funding Option Program
40 if the funding appropriated for the current 12-month period is

1 reduced below the amount specified in subparagraph (B),
2 subparagraph (C), or subparagraph (D) of ~~paragraph (2)~~ *paragraph*
3 (2) of subdivision (g) for that 12-month period, unless a county
4 notifies the department in writing of its intent to opt in within 60
5 days of enactment of the State Budget. The counties shall provide
6 at least 90 days' prior written notice to the approved relative
7 caregiver or caregivers informing them that his or her per child
8 per month payment will be reduced, and the date that reduction
9 will occur.

10 (3) Any reduction in payments received by an approved relative
11 caregiver on behalf of a child under this section that results from
12 a decision by a county, including the presumed opt-out pursuant
13 to paragraph (2), to not participate in the Approved Relative
14 Caregiver Funding Option Program shall be exempt from state
15 hearing jurisdiction under Section 10950.

16 (g) (1) The following funding shall be used for the Approved
17 Relative Caregiver Funding Option Program:

18 (A) The applicable regional per-child CalWORKs grant, in
19 accordance with subdivision (a) of Section 11253.4.

20 (B) General Fund resources, as appropriated in paragraph (2).

21 (C) County funds only to the extent required under paragraph
22 (3) of subdivision (e).

23 (D) Funding described in subparagraphs (A) and (B) is intended
24 to fully fund the base caseload of approved relative caregivers,
25 which is defined as the number of approved relative caregivers
26 caring for a child who is not eligible to receive AFDC-FC
27 payments, as of July 1, 2014.

28 (2) The following amount is hereby appropriated from the
29 General Fund as follows:

30 (A) The sum of fifteen million dollars (\$15,000,000), for the
31 period of January 1, 2015, to June 30, 2015, inclusive.

32 (B) For the period of July 1, 2015, to June 30, 2016, inclusive,
33 there shall be appropriated an amount equal to the sum of all of
34 the following:

35 (i) Two times the amount appropriated pursuant to subparagraph
36 (A), inclusive of any increase pursuant to paragraph (3).

37 (ii) The amount necessary to increase or decrease the
38 CalWORKs funding associated with the base caseload described
39 in subparagraph (D) of paragraph (1) to reflect any change from

1 the prior fiscal year in the applicable regional per-child CalWORKs
2 grant described in subparagraph (A) of paragraph (1).

3 (iii) The additional amount necessary to fully fund the base
4 caseload described in subparagraph (D) of paragraph (1), reflective
5 of the annual California Necessities Index increase to the basic
6 rate paid to foster care providers.

7 (C) For every 12-month period thereafter, commencing with
8 the period of July 1, 2016, to June 30, 2017, inclusive, the sum of
9 all of the following shall be appropriated for purposes of this
10 section:

11 (i) The total General Fund amount provided pursuant to this
12 paragraph for the previous 12-month period.

13 (ii) The amount necessary to increase or decrease the
14 CalWORKs funding associated with the base caseload described
15 in subparagraph (D) of paragraph (1) to reflect any change from
16 the prior fiscal year in the applicable regional per-child CalWORKs
17 grant described in subparagraph (A) of paragraph (1).

18 (iii) The additional amount necessary to fully fund the base
19 caseload described in subparagraph (D) of paragraph (1), reflective
20 of the annual California Necessities Index increase to the basic
21 rate paid to foster care providers.

22 (D) Notwithstanding clauses (ii) and (iii) of subparagraph (B)
23 and clauses (ii) and (iii) of subparagraph (C), the total General
24 Fund appropriation made pursuant to subparagraph (B) shall not
25 be less than the greater of the following amounts:

26 (i) Thirty million dollars (\$30,000,000).

27 (ii) Two times the amount appropriated pursuant to subparagraph
28 (A), inclusive of any increase pursuant to paragraph (3).

29 (3) To the extent that the appropriation made by subparagraph
30 (A) of paragraph (2) is insufficient to fully fund the base caseload
31 of approved relative caregivers as of July 1, 2014, as described in
32 subparagraph (D) of paragraph (1), for the period of January 1,
33 2015, to June 30, 2015, inclusive, as jointly determined by the
34 department and the County Welfare Directors' Association and
35 approved by the Department of Finance on or before October 1,
36 2015, the amount specified in subparagraph (A) of paragraph (2)
37 shall be increased by the amount necessary to fully fund that base
38 caseload.

39 (4) Funds available pursuant to paragraph (2) shall be allocated
40 to participating counties proportionate to the number of their

1 approved relative caregiver placements, using a methodology and
2 timing developed by the department, following consultation with
3 county human services agencies and their representatives.

4 (5) Notwithstanding subdivision (e), if in any ~~calendar~~ *fiscal*
5 year the entire amount of funding appropriated by the state for the
6 Approved Relative Caregiver Funding Option Program has not
7 been fully allocated to or utilized by participating counties, a
8 participating county that has paid any funds pursuant to
9 subparagraph (C) of paragraph (1) of subdivision (g) may request
10 reimbursement for those funds from the department. The authority
11 of the department to approve the requests shall be limited by the
12 amount of available unallocated funds.

13 (h) An approved relative caregiver receiving payments on behalf
14 of a child pursuant to this section shall not be eligible to receive
15 additional CalWORKs payments on behalf of the same child under
16 Section 11450.

17 (i) To the extent permitted by federal law, payments received
18 by the approved relative caregiver from the Approved Relative
19 Caregiver Funding Option Program shall not be considered income
20 for the purpose of determining other public benefits.

21 (j) Prior to referral of any individual or recipient, or that person's
22 case, to the local child support agency for child support services
23 pursuant to Section 17415 of the Family Code, the county human
24 services agency shall determine if an applicant or recipient has
25 good cause for noncooperation, as set forth in Section 11477.04.
26 If the applicant or recipient claims good cause exception at any
27 subsequent time to the county human services agency or the local
28 child support agency, the local child support agency shall suspend
29 child support services until the county social services agency
30 determines the good cause claim, as set forth in Section 11477.04.
31 If good cause is determined to exist, the local child support agency
32 shall suspend child support services until the applicant or recipient
33 requests their resumption, and shall take other measures that are
34 necessary to protect the applicant or recipient and the children. If
35 the applicant or recipient is the parent of the child for whom aid
36 is sought and the parent is found to have not cooperated without
37 good cause as provided in Section 11477.04, the applicant's or
38 recipient's family grant shall be reduced by 25 percent for the time
39 the failure to cooperate lasts.

1 (k) Consistent with Section 17552 of the Family Code, if aid is
2 paid under this chapter on behalf of a child who is under the
3 jurisdiction of the juvenile court and whose parent or guardian is
4 receiving reunification services, the county human services agency
5 shall determine, prior to referral of the case to the local child
6 support agency for child support services, whether the referral is
7 in the best interest of the child, taking into account both of the
8 following:

9 (1) Whether the payment of support by the parent will pose a
10 barrier to the proposed reunification in that the payment of support
11 will compromise the parent's ability to meet the requirements of
12 the parent's reunification plan.

13 (2) Whether the payment of support by the parent will pose a
14 barrier to the proposed reunification in that the payment of support
15 will compromise the parent's current or future ability to meet the
16 financial needs of the child.

17 (l) Effective January 1, 2017, if a relative has been approved as
18 a resource family pursuant to Section 16519.5, the approved
19 relative shall be paid an amount equal to the resource family basic
20 rate at the child's assessed level of care as set forth in subdivision
21 (g) of Section 11461 and Section 11463.

22 *SEC. 7. (a) To the extent that this act has an overall effect of*
23 *increasing the costs already borne by a local agency for programs*
24 *or levels of service mandated by the 2011 Realignment Legislation,*
25 *Section 36 of Article XIII of the California Constitution shall*
26 *govern this act's application to local agencies and the state's*
27 *funding of those programs or levels of service.*

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

34 *SEC. 8. There is hereby appropriated seven hundred five*
35 *thousand dollars (\$705,000) from the General Fund to the*
36 *Department of Rehabilitation for encumbrance or expenditure*
37 *until June 30, 2017. Notwithstanding subdivision (b) of Section*
38 *19806 of the Welfare and Institutions Code, these funds shall be*
39 *allocated to those independent living centers that have been both*
40 *established and maintained using federal funding under Part C of*

1 *Chapter 1 of Title VII of the federal Rehabilitation Act of 1973*
2 *(29 U.S.C. Sec. 796f et seq.), as amended, as their primary base*
3 *grant, as determined by the Department of Rehabilitation.*

4 *SEC. 9. This act is a bill providing for appropriations related*
5 *to the Budget Bill within the meaning of subdivision (e) of Section*
6 *12 of Article IV of the California Constitution, has been identified*
7 *as related to the budget in the Budget Bill, and shall take effect*
8 *immediately.*

9 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
10 ~~changes, relating to the Budget Act of 2016.~~