

**Assembly Bill No. 2198**

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Passed the Assembly August 31, 1998

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*Chief Clerk of the Assembly*

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Passed the Senate August 27, 1998

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1998, at \_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_

An act to add Chapter 2.3 (commencing with Section 16135) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2198, Washington. Children's services: alcohol- or drug-exposed and HIV positive children: placement.

Existing law provides for a demonstration project for the provision of placement services for children who are exposed to alcohol or drugs or who are HIV positive. Existing law defines "eligible child" for purposes of these provisions, requires a participating county to recruit and train foster families for purposes of providing care to eligible children, and sets forth various requirements of a participating county with regard to the selection of foster homes, preparation of case plans, and submission of progress reports.

This bill would establish a program for special training and services to facilitate the adoption of children who are HIV positive or who have a condition or symptoms resulting from substance abuse by the mother and who are dependent children of the court or who have an adoption case plan and reside with a preadoptive or adoptive caregiver. The bill would specify that preadoptive parents trained by health care professionals may provide specialized in-home health care to children placed by the county pursuant to certain procedures.

The bill would appropriate \$1,000,000 from the General Fund to the State Department of Social Services to implement the program established pursuant to the bill.

Appropriation: yes.

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

SECTION 1. The Legislature finds and declares all of the following:



(a) The Governor has implemented an adoption initiative that is aimed at increasing the number of adoptions of children who would otherwise remain in long-term foster care.

(b) Public Law 105-89, the Adoption and Safe Families Act of 1997, was signed into law in 1997 and includes provisions for implementing President Clinton's December 14, 1996, Executive Memorandum on Adoption that articulated the goal of doubling by the year 2002 the number of children adopted or placed in other permanent homes each year.

(c) Children with prenatal drug exposure are disproportionately represented in the foster care system and may be considered hard-to-place for purposes of adoption. Many of these children are born prematurely, remaining in hospitals almost five times as long as normal newborns. Many suffer long-term effects of drug exposure, requiring special education. Many may have developmental and behavioral problems and learning disabilities for which appropriate interventions must be provided.

(d) From 1995 to 1997, the United States Department of Health and Human Services' Administration on Children, Youth and Families funded a demonstration project awarded jointly to the Los Angeles County Department of Children and Family Services, Adoptions Division, and the UCLA Center for Healthier Children, Families and Communities. The goal of this program, known as TIES for Adoption, was to promote the successful adoption and healthy growth and development of infants and children who were prenatally exposed to alcohol or other drugs. The program's final evaluation substantiated its success in achieving this goal.

(e) The TIES for Adoption program has been proven to help the effort to ensure successful adoptions of drug- and alcohol-exposed children who would otherwise remain in foster care or experience disruptions of their adoptive placements.



SEC. 2. Chapter 2.3 (commencing with Section 16135) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 2.3. ADOPTION OF ALCOHOL- AND  
DRUG-EXPOSED AND HIV POSITIVE CHILDREN

16135. The purpose of this chapter is to establish a program for special training and services to facilitate the adoption of children who are HIV positive, or born to a substance-abusing mother. This program shall be available to any county that requests participation pursuant to procedures established by the department to the extent funds are appropriated through the annual Budget Act. Nothing in this chapter shall authorize the use of state funds appropriated for any other purpose to be used in this program.

16135.1. (a) “Eligible child” means any child who meets the requirements of paragraph (1) or (2), and paragraph (3).

(1) Any child who has a condition or symptoms resulting from, or are suspected as resulting from, alcohol or substance abuse by the mother.

(2) Any child who is HIV positive.

(3) Any child who meets the requirements of either paragraph (1) or (2) and who meets all of the following requirements:

(A) The child is a dependent child of the court.

(B) The child has an adoption case plan and resides with a preadoptive or adoptive caregiver, or the plan is to transition and move the child to a preadoptive or adoptive caregiver.

(b) “TIES for Adoption” means Training, Intervention, Education, and Services for Adoption, a training project developed and implemented by the Adoptions Division of the Los Angeles County Department of Children’s Services, the UCLA Center for Healthier Children, Families, and Communities, and the UCLA Psychology Department, a demonstration project



funded by the Federal Adoption Opportunities Program from September 30, 1995, to December 31, 1997, inclusive.

(c) “HIV positive” means having a human immunodeficiency virus infection.

(d) “Specialized in-home health care” means, but is not limited to, those services identified by the child’s primary physician as appropriately administered by a prospective adoptive parent who has been trained by mental health or health care professionals.

16135.10. (a) In order to promote successful adoptions of substance and alcohol exposed court dependent children, the department shall establish a program of specialized training and supportive services to families adopting court dependent children who are either HIV positive or assessed as being prenatally exposed to alcohol or a controlled substance.

(b) The program shall include respite services. Notwithstanding any other provision of law, respite services shall be funded with a 30 percent nonfederal county share consistent with the normal sharing ratio for child welfare services. This county share may be provided with county general funds, in-kind contributions, or other funds not appropriated by the Budget Act. The source of the county share shall meet all applicable state and federal requirements and provide counties with maximum flexibility.

16135.13. (a) A participating county shall provide special training to recruited adoptive parents to care for eligible children. The training curriculum shall include, but is not limited to, all of the following:

- (1) Orientation.
- (2) Effect of alcohol and controlled substances on the fetus and children.
- (3) Normal and abnormal infant and early childhood development.
- (4) Special medical needs and disabilities.
- (5) Recovery from addiction to alcohol and controlled substances.
- (6) Self-care for the caregiver.
- (7) HIV/AIDS in children.



(8) Issues in parenting and providing lifelong permanency and substance abuse prevention to, children with prenatal alcohol and other controlled substances exposure.

(9) Issues specific to caring for a child who tests HIV positive.

(b) Participating counties may provide the same special training to relative caretakers in the process of adopting program-eligible children.

16135.14. (a) The county shall determine whether a child is eligible for services pursuant to this section.

(b) A participating county shall select a specialized prospective adoptive home for the child.

(c) If an eligible child's adoptive placement changes from one participating county to another participating county, the child shall remain eligible for services.

16135.16. (a) In order to receive funding, all participating counties shall submit and have an approved plan that is in compliance with the policies and procedures established by the department.

(b) The requirements of this section may be met by the implementation of the TIES for Adoption program as defined in Subdivision (b) of Section 16135.1.

16135.17. Participating counties shall prepare an adoption services case plan pursuant to regulations adopted by the department and arrange for nonmedical support services. Nonmedical support services shall include respite care for specially trained prospective adoptive parents, including relative caretakers, pursuant to regulations adopted by the department. Nonmedical support services may also include, but are not limited to, temperament and behavior management training, consultation regarding medical and psychological issues and services, and educational advocacy.

16135.25. The department shall do all of the following:

(a) Develop necessary procedures and standardized programs for a specialized adoptive home training project.

(b) Assist counties in coordinating sources of funding and services available to eligible children in order to



maximize the social services provided to these children and avoid duplication of program funding.

(c) Require that participating counties coordinate available services for this population and their adoptive families.

(d) Provide to a requesting county information necessary to establish a program.

16135.26. If a participating county has an existing contract for the provision of services provided for under this chapter, that contract may be continued through the 1998–99 state fiscal year.

16135.30. (a) Notwithstanding any other provision of law, subdivisions (b) and (c) shall control the placement of a child pursuant to this chapter.

(b) A county may place children who are alcohol or controlled substance exposed or HIV positive in prospective adoptive homes pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code.

(c) If a county makes a placement pursuant to subdivision (b), a preadoptive parent trained by health care professionals may provide specialized in-home health care to that child who was placed in their home for the purpose of adoption.

SEC. 3. The sum of one million dollars (\$1,000,000) is hereby appropriated from the General Fund to the State Department of Social Services to implement Chapter 2.3 (commencing with Section 16135) of Part 4 of Division 9 of the Welfare and Institutions Code.



Approved \_\_\_\_\_, 1998

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*Governor*

