

ASSEMBLY BILL

No. 636

Introduced by Assembly Member Steinberg

February 22, 2001

An act to add Sections 10601.2, 11461.1, 16124, and 16125 to, and to repeal and add Section 11461 of, the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 636, as introduced, Steinberg. Foster care.

Under existing law, the State Department of Social Services oversees the administration of county public social services, including foster care services and child welfare services.

This bill would enact the Foster Care Improvement and Accountability Act of 2001. This bill would require the department to establish, by July 1, 2002, the California Child and Family Service Review System, in order to review all county child welfare systems.

Existing law provides for the reimbursement of foster care providers under the state's Aid to Families with Dependent Children (AFDC) program, including payment for children placed in a licensed or approved family home with a capacity of 6 or less or in an approved home of a relative or nonrelated legal guardian and provides for the adjustment of these reimbursement rates at the rate of 6% on July 1, 1998.

Existing law also provides for the payment of a specialized care increment to foster families on behalf of an AFDC-FC child requiring specialized care, and provides for a clothing allowance for an AFDC-FC child.

This bill would repeal and recast the above provisions and prescribe increases including adjustments in the basic rates, special care increments, and clothing allowance for foster care children as well as for adoption assistance program payments.

The bill would also provide that there shall be a line item in the annual Budget Act under which the Legislature may appropriate from the General Fund to the department an amount determined in accordance with specified requirements to be used by counties for certain foster care-related purposes.

Under existing law, the State Department of Social Services is required to promulgate statistical reports on the status of children in foster care.

This bill would require that no child, including a special needs child, be designated as unadoptable or be given an equivalent label, indicating a lack of qualification or diminished state of commitment on the part of adoptive parents.

This bill would prohibit the department from eliminating children who have been designated as unadoptable from using that category in their statistical reports and require the department to include these children in the population of finding adoptive homes.

Existing law has limited training programs for foster care providers.

This bill would require that the department establish a training and certification program for all licensed family foster care providers. The training would include continuing education, examination in parenting skills, and training for special needs children. The foster care families who meet the certification standards would receive a 10% additional rate of pay above the basic rate of pay. The department would recoup a portion of the costs of the program from the foster care families by charging fees for the courses but the fee would be prohibited from exceeding 10% of the enhanced payment.

Because funds are continuously appropriated from the General Fund to pay for a share of the cost of AFDC-FC payments, by increasing AFDC-FC payments, the bill would constitute an appropriation.

Because each county is required to pay for a share of the cost of AFDC-FC payments, and to administer the AFDC-FC program, by increasing AFDC-FC payments, the bill would constitute 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

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

3 (a) The State of California has failed in its fundamental
4 obligation to protect and care for children removed from their
5 homes due to parental abuse and neglect.

6 (b) Despite incremental legislative efforts and laudable pilot
7 projects proven to improve outcomes for the more than 100,000
8 children in California’s foster care system and to preserve families,
9 successful programs have not been appropriately replicated or
10 adequately funded to serve all the children and families who need
11 them.

12 (c) California is not making maximum use of the federal money
13 from Title IV-E of the federal Social Security Act, available to the
14 State of California to improve outcomes for foster youth.

15 (d) The foster care system, including the state, the counties, and
16 the courts, suffers from a lack of a cohesive structure state
17 leadership, communication between agencies serving foster
18 children and youth, and clear goals. There is no accountability for
19 foster child and youth outcomes.

20 (e) The 1994 amendments to the federal Social Security Act
21 (Public Law 103-432) authorize the California Health and Human
22 Services Agency to review state child and family service programs
23 in order to assure compliance with the state plan requirements in
24 Titles IV-B and IV-E of that act. The reviews cover child protective
25 services, foster care, adoption, family preservation, family
26 support, and independent living. California is scheduled for
27 review in 2002. Failure to substantially comply with seven specific



1 outcomes measuring child well-being and seven specific systemic
2 factors that affect quality of services delivered to children and
3 families may result in loss of federal dollars provided pursuant to
4 Title IV-E of the federal Social Security Act, the major source of
5 funding for California's child welfare system.

6 (f) Many abused and neglected children who are removed from
7 their homes have been subject to "foster care drift," moving from
8 placement to placement without desirable family stability,
9 educational stability, or appropriate care. Many children beyond
10 infancy are placed in expensive group homes, without regard to
11 service needs, and a substantial number have been designated as
12 "unadoptable."

13 (g) There is a high correlation between children in the foster
14 care system and those subsequently in the juvenile and adult
15 corrections systems, with this correlation being linked to such
16 factors as high teen pregnancy and high school dropout rates,
17 having unaddressed physical or mental health needs,
18 homelessness, and lack of adequate job skills, education, or
19 training to become or remain employed.

20 (h) The supply of licensed family foster care providers has
21 declined to crisis levels, while the need for these placements has
22 increased, resulting in the inability to place children according to
23 their needs. Instead they are placed wherever there is an open bed.
24 The dearth of family foster care is partly due to the fact that
25 compensation rates have been insufficient to meet the
26 out-of-pocket costs of children placed in that care.

27 (i) An enhanced supply of licensed family foster care
28 providers, while maintaining or improving quality, gives more and
29 more appropriate placement choices for juvenile courts and local
30 child protective service authorities, allows greater attention to
31 children by a larger number of providers, and enhances the
32 adoption prospects of those children placed in foster care. It also
33 directs more children into the more intimate family settings at a
34 substantially lower public cost than group home alternatives.

35 (j) Accordingly, in order to provide greater accountability in
36 California's child welfare system, increase the quantity and quality
37 of foster care placements and the services necessary to meet the
38 unique and critical needs of foster children, promote and stimulate
39 adoption, and enhance the transition to adulthood and
40 self-sufficiency for the victimized children placed in state care, the



1 Legislature enacts the Foster Care Improvement and
2 Accountability Act of 2001.

3 SEC. 2. This act shall be known and may be cited as the Foster
4 Care Improvement and Accountability Act of 2001.

5 SEC. 3. Section 10601.2 is added to the Welfare and
6 Institutions Code, to read:

7 10601.2. (a) The State Department of Social Services shall
8 establish, by July 1, 2002, the California Child and Family Service
9 Review System in order to review all county child welfare
10 systems. These reviews shall cover child protective services, foster
11 care, adoption, family preservation, family support, and
12 independent living.

13 (b) Child and family service reviews shall ensure maximum
14 compliance with federal regulations for the receipt of money from
15 Subtitle E (commencing with Section 470) of Title IV of the
16 federal Social Security Act (42 U.S.C. Sec. 670 and following) and
17 to ensure compliance with state plan requirements set forth in
18 Subtitle B (commencing with Section 421) of Title IV of the
19 federal Social Security Act (42 U.S.C. Sec. 621 and following).

20 (c) Child and family service reviews shall ensure that the
21 delivery of service to children and families by the state, the
22 counties, and the courts meets or exceeds standards set forth in the
23 1994 amendments to the federal Social Security Act.

24 (d) The department shall review and audit every county's child
25 welfare system to ensure all of the following:

26 (1) Children are, first and foremost, protected from abuse and
27 neglect.

28 (2) Children are safely maintained in their homes whenever
29 possible and appropriate.

30 (3) Children have permanency and stability in their living
31 situations.

32 (4) The continuity of family relationships and connections is
33 preserved for children.

34 (5) Families have enhanced capacity to provide for their
35 children's needs.

36 (6) Children receive appropriate services to meet their
37 education needs.

38 (7) Children receive adequate services to meet their physical
39 and mental health needs.



1 (e) The department shall review and audit county and state
2 system factors that affect the quality of services delivered to
3 children and families and the outcomes they experience. These
4 system factors shall include, but are not limited to, all of the
5 following:

6 (1) Statewide information system.

7 (2) Service array.

8 (3) Case review system.

9 (4) Staff training.

10 (5) Quality assurance system.

11 (6) Agency responsiveness to the community.

12 (7) Foster and adoptive parent licensing, recruitment, and
13 retention.

14 (f) In establishing the California Child and Family Service
15 Review System, the department shall collaborate with the Judicial
16 Council, the California Health and Human Services Agency, the
17 State Department of Education, Department of Child Support
18 Services, Department of Justice, County Supervisors Association
19 of California (CSAC), the County Welfare Directors Association
20 (CWDA), and any other state departments or agencies the
21 department deems necessary to facilitate the adequate exchange of
22 information and coordination of efforts to improve outcomes for
23 foster youth and families and meet or exceed the federal standards.

24 (g) Beginning January 1, 2003, the department shall commence
25 individual child and family service reviews of California counties.
26 Counties found not in substantial compliance with the specified
27 child well-being outcomes pursuant to subdivision (d) and specific
28 system factors pursuant to subdivision (e) shall receive technical
29 assistance from teams made up of state and peer-county
30 administrators to assist with implementing best practices to
31 improve performance in specified areas of noncompliance.

32 SEC. 4. Section 11461 of the Welfare and Institutions Code is
33 repealed.

34 ~~11461. (a) For children placed in a licensed or approved~~
35 ~~family home with a capacity of six or less, or in an approved home~~
36 ~~of a relative or nonrelated legal guardian, the per child per month~~
37 ~~rates in the following schedule shall be in effect for the period July~~
38 ~~1, 1989, through December 31, 1989:~~
39



Age	Basic rate
0-4	\$ 294
5-8	— 319
9-11	— 340
12-14	— 378
15-20	— 412

~~(b) (1) Any county that, as of October 1, 1989, has in effect a basic rate that is at the levels set forth in the schedule in subdivision (a), shall continue to receive state participation, as specified in subdivision (c) of Section 15200, at these levels:~~

~~(2) Any county that, as of October 1, 1989, has in effect a basic rate that exceeds a level set forth in the schedule in subdivision (a), shall continue to receive the same level of state participation as it received on October 1, 1989.~~

~~(c) The amounts in the schedule of basic rates in subdivision (a) shall be adjusted as follows:~~

~~(1) Effective January 1, 1990, the amounts in the schedule of basic rates in subdivision (a) shall be increased by 12 percent.~~

~~(2) Effective May 1, 1990, any county that did not increase the basic rate by 12 percent on January 1, 1990, shall do both of the following:~~

~~(A) Increase the basic rate in effect December 31, 1989, for which state participation is received by 12 percent.~~

~~(B) Increase the basic rate, as adjusted pursuant to subparagraph (A) by an additional 5 percent.~~

~~(3) (A) Except as provided in subparagraph (B), effective July 1, 1990, for the 1990-91 fiscal year, the amounts in the schedule of basic rates in subdivision (a) shall be increased by an additional 5 percent.~~

~~(B) The rate increase required by subparagraph (A) shall not be applied to rates increased May 1, 1990, pursuant to paragraph (2).~~

~~(4) Effective July 1, 1998, the amounts in the schedule of basic rates in subdivision (a) shall be increased by 6 percent. Notwithstanding any other provision of law, the 6 percent increase provided for in this paragraph shall, retroactive to July 1, 1998, apply to every county, including any county to which paragraph (2) of subdivision (b) applies, and shall apply to foster care for every age group.~~



1 ~~(5) Notwithstanding any other provision of law, any increase~~
2 ~~that takes effect after July 1, 1998, shall apply to every county,~~
3 ~~including any county to which paragraph (2) of subdivision (b)~~
4 ~~applies, and shall apply to foster care for every age group.~~

5 ~~(6) The increase in the basic foster family home rate shall apply~~
6 ~~only to children placed in a licensed foster family home receiving~~
7 ~~the basic rate or in an approved home of a relative or nonrelated~~
8 ~~legal guardian receiving the basic rate. The increased rate shall not~~
9 ~~be used to compute the monthly amount that may be paid to~~
10 ~~licensed foster family agencies for the placement of children in~~
11 ~~certified foster homes.~~

12 ~~(d) (1) (A) Beginning with the 1991-92 fiscal year, the~~
13 ~~schedule of basic rates in subdivision (a) shall be adjusted by the~~
14 ~~percentage changes in the California Necessities Index, computed~~
15 ~~pursuant to the methodology described in Section 11453, subject~~
16 ~~to the availability of funds.~~

17 ~~(B) In addition to the adjustment in subparagraph (A) effective~~
18 ~~January 1, 2000, the schedule of basic rates in subdivision (a) shall~~
19 ~~be increased by 2.36 percent rounded to the nearest dollar.~~

20 ~~(2) (A) Any county that, as of the 1991-92 fiscal year, receives~~
21 ~~state participation for a basic rate that exceeds the amount set forth~~
22 ~~in the schedule of basic rates in subdivision (a) shall receive an~~
23 ~~increase each year in state participation for that basic rate of~~
24 ~~one-half of the percentage adjustments specified in paragraph (1)~~
25 ~~until the difference between the county's adjusted state~~
26 ~~participation level for its basic rate and the adjusted schedule of~~
27 ~~basic rates is eliminated.~~

28 ~~(B) Notwithstanding subparagraph (A), all counties for the~~
29 ~~1999-2000 fiscal year shall receive an increase in state~~
30 ~~participation for the basic rate of the entire percentage adjustment~~
31 ~~described in paragraph (1).~~

32 ~~(3) If a county has, after receiving the adjustments specified in~~
33 ~~paragraph (2), a state participation level for a basic rate that is~~
34 ~~below the amount set forth in the adjusted schedule of basic rates~~
35 ~~for that fiscal year, the state participation level for that rate shall~~
36 ~~be further increased to the amount specified in the adjusted~~
37 ~~schedule of basic rates.~~

38 ~~(e) (1) As used in this section, "specialized care increment"~~
39 ~~means an approved amount paid with state participation on behalf~~
40 ~~of an AFDC-FC child requiring specialized care to a home listed~~



1 ~~in subdivision (a) in addition to the basic rate. On the effective date~~
2 ~~of this section, the department shall continue and maintain the~~
3 ~~current ratesetting system for specialized care.~~

4 ~~(2) Any county that, as of the effective date of this section, has~~
5 ~~in effect specialized care increments that have been approved by~~
6 ~~the department, shall continue to receive state participation for~~
7 ~~those payments.~~

8 ~~(3) Any county that, as of the effective date of this section, has~~
9 ~~in effect specialized care increments that exceed the amounts that~~
10 ~~have been approved by the department, shall continue to receive~~
11 ~~the same level of state participation as it received on the effective~~
12 ~~date of this section.~~

13 ~~(4) (A) Except for subparagraph (B), beginning January 1,~~
14 ~~1990, specialized care increments shall be adjusted in accordance~~
15 ~~with the methodology for the schedule of basic rates described in~~
16 ~~subdivision (c) and (d). No county shall receive state participation~~
17 ~~for any increases in a specialized care increment which exceeds the~~
18 ~~adjustments made in accordance with this methodology.~~

19 ~~(B) Notwithstanding subdivision (e) of Section 11460, for the~~
20 ~~1993-94 fiscal year, an amount equal to 5 percent of the State~~
21 ~~Treasury appropriation for family homes shall be added to the total~~
22 ~~augmentation for the AFDC-FC program in order to provide~~
23 ~~incentives and assistance to counties in the area of specialized care.~~
24 ~~This appropriation shall be used, but not limited to, encouraging~~
25 ~~counties to implement or expand specialized care payment~~
26 ~~systems, to recruit and train foster parents for the placement of~~
27 ~~children with specialized care needs, and to develop county~~
28 ~~systems to encourage the placement of children in family homes.~~
29 ~~It is the intent of the Legislature that in the use of these funds,~~
30 ~~federal financial participation shall be claimed whenever possible.~~

31 ~~(f) (1) As used in this section, "clothing allowance" means the~~
32 ~~amount paid with state participation in addition to the basic rate for~~
33 ~~the provision of additional clothing for an AFDC-FC child,~~
34 ~~including, but not limited to, an initial supply of clothing and~~
35 ~~school or other uniforms.~~

36 ~~(2) Any county that, as of the effective date of this section, has~~
37 ~~in effect clothing allowances, shall continue to receive the same~~
38 ~~level as it received on the effective date of this section.~~

39 ~~(3) Beginning January 1, 1990, except as provided in paragraph~~
40 ~~(4), clothing allowances shall be adjusted annually in accordance~~



1 with the methodology for the schedule of basic rates described in
2 subdivision (c) and (d). No county shall be reimbursed for any
3 increases in clothing allowances which exceed the adjustments
4 made in accordance with this methodology.

5 ~~(4) For the 2000–01 fiscal year and each fiscal year thereafter,~~
6 ~~without a county share of cost, notwithstanding subdivision (c) of~~
7 ~~Section 15200, each child shall be entitled to receive a~~
8 ~~supplemental clothing allowance of one hundred dollars (\$100)~~
9 ~~per year subject to the availability of funds. The clothing~~
10 ~~allowance shall be used to supplement, and not supplant, the~~
11 ~~clothing allowance specified in paragraph (1).~~

12 SEC. 5. Section 11461 is added to the Welfare and Institutions
13 Code, to read:

14 11461. (a) For children placed in a licensed or approved
15 family home with a capacity of six or less or in an approved home
16 of a relative or nonrelated legal guardian, the per child per month
17 rates in the following schedule shall be in effect for the period
18 January 1, 2002, to June 30, 2002, inclusive:

Age	Basic rate
0–4	\$ 486
5–8	529
9–11	565
12–14	625
15–20	683

26
27 (b) Beginning with the 2002–03 fiscal year, the schedule of
28 basic rates in subdivision (a) shall be adjusted by the percentage
29 changes in the California Necessities Index, computed pursuant to
30 the methodology described in Section 11453, subject to the
31 availability of funds.

32 (c) (1) As used in this section, “specialized care increment”
33 means an approved amount paid with state participation on behalf
34 of an AFDC-FC child requiring specialized care to a home listed
35 in subdivision (a) in addition to the basic rate. On January 1, 2002,
36 the department shall continue and maintain the then current
37 ratesetting system for specialized care.

38 (2) Any county that, as of January 1, 2002, has in effect
39 specialized care increments that have been approved by the



1 department, shall continue to receive state participation for those
2 payments.

3 (3) Beginning January 1, 2002, specialized care increments
4 shall be adjusted in accordance with the methodology for the
5 schedule of basic rates described in subdivision (b). No county
6 shall receive state participation for any increases in a specialized
7 care increment which exceeds the adjustments made in accordance
8 with this methodology.

9 (d) (1) As used in this section, “clothing allowance” means
10 the amount paid with state participation in addition to the basic rate
11 for the provision of additional clothing for an AFDC-FC child,
12 including, but not limited to, an initial supply of clothing and
13 school or other uniforms.

14 (2) Any county that, as of January 1, 2002, has in effect
15 clothing allowances, shall continue to receive the same level as it
16 received on December 31, 2001.

17 (3) Beginning January 1, 2002, clothing allowances shall be
18 adjusted annually in accordance with the methodology for the
19 schedule of basic rates described in subdivision (b). No county
20 shall be reimbursed for any increases in clothing allowances which
21 exceed the adjustments made in accordance with this
22 methodology.

23 (e) The adjustment authorized by subdivision (b) shall also be
24 applied for the adjustment of Adoption Assistance Program
25 Payment levels or a successor payment program from their base
26 levels in effect on July 1, 2001. Annual adjustments pursuant to
27 subdivision (b) shall not adversely affect base rate increases in
28 Adoption Assistance Program Payment level rates.

29 SEC. 6. Section 11461.1 is added to the Welfare and
30 Institutions Code, to read:

31 11461.1. (a) There shall be a line item in the annual Budget
32 Act under which the Legislature may appropriate from the General
33 Fund to the department an amount equal to 5 percent of the General
34 Fund appropriation for payments to foster family homes governed
35 by Section 11461, as well as payments for adoption assistance
36 provided for pursuant to Section 16121. Moneys appropriated
37 pursuant to this section shall be an augmentation of the AFDC-FC
38 program in order to provide incentives and assistance to counties
39 in the area of specialized care. Moneys appropriated in accordance
40 with this section may be used by counties for, but their use shall



1 not be limited to, the expansion of specialized care payment
2 systems, the recruitment and training of foster parents for the
3 placement of children with specialized care needs, and the
4 development of county systems to encourage the placement of
5 children in family homes. It is the intent of the Legislature that, in
6 the use of any funds appropriated pursuant to this section, federal
7 financial participation be claimed whenever possible.

8 SEC. 7. Section 16124 is added to the Welfare and Institutions
9 Code, to read:

10 16124. Notwithstanding any other provision of law, no child
11 subject to the jurisdiction of the juvenile courts, or a part of the
12 state’s foster care system, shall be designated as “unadoptable,”
13 or an equivalent label, indicating a lack of qualification or
14 diminished state of commitment on the part of adoptive parents.
15 Statistical reports on the status of children in foster care shall
16 designate those who are placed with relatives, in group homes,
17 with nonrelative legal guardians, or in family foster care, or by
18 other classification, and shall not eliminate the inclusion of any
19 child from those reports based on alleged difficulties in achieving
20 adoptive status.

21 SEC. 8. Section 16125 is added to the Welfare and Institutions
22 Code, to read:

23 16125. (a) The State Department of Social Services shall
24 establish by January 1, 2003, a training and certification program
25 for all licensed family foster care providers. That training program
26 shall include continuing education, and examinations in parenting
27 skills, and in the skills for the special physical, emotional, and
28 educational needs of children placed or likely to be placed in their
29 care. Licensed family foster care providers who meet specified
30 standards shall be designated as “skilled certified family foster
31 care providers.” The department shall coordinate the training and
32 certification program established pursuant to this section with
33 existing county training programs and requirements.

34 (b) Family foster care providers who meet the certification
35 standards established pursuant to subdivision (a) shall receive an
36 additional 10 percent above the base rate established pursuant to
37 subdivisions (a), (b), and (c) of Section 11461 as the monthly
38 compensation for provision of foster care services to medically
39 fragile or special needs foster children. The department may
40 charge fees for courses or other training to achieve the certification



1 in order to recover its costs of providing the course or other
2 training, but this fee shall not exceed 10 percent of the enhanced
3 payment that certification under this section would produce over
4 a six-month period.

5 SEC. 9. Notwithstanding Section 17610 of the Government
6 Code, if the Commission on State Mandates determines that this
7 act contains costs mandated by the state, reimbursement to local
8 agencies and school districts for those costs shall be made pursuant
9 to Part 7 (commencing with Section 17500) of Division 4 of Title
10 2 of the Government Code. If the statewide cost of the claim for
11 reimbursement does not exceed one million dollars (\$1,000,000),
12 reimbursement shall be made from the State Mandates Claims
13 Fund.

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