

AMENDED IN ASSEMBLY MARCH 28, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

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, An act to add Section 10601.2 to the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 636, as amended, Steinberg. ~~Foster care~~ *Child welfare services.*

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~~. *Child Welfare System 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: $\frac{2}{3}$ majority. Appropriation: ~~yes~~ *no*. Fiscal committee: ~~yes~~. State-mandated local program: ~~yes~~ *no*.~~

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



1 in order to assure compliance with the state plan requirements in
2 Titles IV-B and IV-E of that act. The reviews cover child protective
3 services, foster care, adoption, family preservation, family
4 support, and independent living. California is scheduled for
5 review in 2002. Failure to substantially comply with seven specific
6 outcomes measuring child well-being and seven specific systemic
7 factors that affect quality of services delivered to children and
8 families may result in loss of federal dollars provided pursuant to
9 Title IV-E of the federal Social Security Act, the major source of
10 funding for California's child welfare system.

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

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

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

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



1 ~~(j) Accordingly, in order to provide greater accountability in~~
2 ~~California's child welfare system, increase the quantity and quality~~
3 ~~of foster care placements and the services necessary to meet the~~
4 ~~unique and critical needs of foster children, promote and stimulate~~
5 ~~adoption, and enhance the transition to adulthood and~~
6 ~~self-sufficiency for the victimized children placed in state care, the~~
7 ~~Legislature enacts the Foster Care Improvement and~~
8 ~~Accountability Act of 2001.~~

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

11 *(h) Accordingly, in order to provide greater accountability for*
12 *foster youth outcomes in California's child welfare system and the*
13 *state leadership necessary to identify and replicate best practices*
14 *to assure that the unique and critical needs of foster children are*
15 *met, the Legislature enacts the Child Welfare System Improvement*
16 *and Accountability Act of 2001.*

17 *SEC. 2. This act shall be known and may be cited as the Child*
18 *Welfare System Improvement and Accountability Act of 2001.*

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

21 10601.2. (a) The State Department of Social Services shall
22 establish, by July 1, 2002, the California Child and Family Service
23 Review System in order to review all county child welfare
24 systems. These reviews shall cover child protective services, foster
25 care, adoption, family preservation, family support, and
26 independent living.

27 (b) Child and family service reviews shall ensure maximum
28 compliance with federal regulations for the receipt of money from
29 Subtitle E (commencing with Section 470) of Title IV of the
30 federal Social Security Act (42 U.S.C. Sec. 670 and following) and
31 to ensure compliance with state plan requirements set forth in
32 Subtitle B (commencing with Section 421) of Title IV of the
33 federal Social Security Act (42 U.S.C. Sec. 621 and following).

34 (c) Child and family service reviews shall ensure that the
35 delivery of service to children and families by the state, the
36 counties, and the courts meets or exceeds standards set forth in the
37 1994 amendments to the federal Social Security Act.

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



- 1 (1) Children are, first and foremost, protected from abuse and
2 neglect.
- 3 (2) Children are safely maintained in their homes whenever
4 possible and appropriate.
- 5 (3) Children have permanency and stability in their living
6 situations.
- 7 (4) The continuity of family relationships and connections is
8 preserved for children.
- 9 (5) Families have enhanced capacity to provide for their
10 children's needs.
- 11 (6) Children receive appropriate services to meet their
12 education needs.
- 13 (7) Children receive adequate services to meet their physical
14 and mental health needs.
- 15 (e) The department shall review and audit county and state
16 system factors that affect the quality of services delivered to
17 children and families and the outcomes they experience. These
18 system factors shall include, but are not limited to, all of the
19 following:
- 20 (1) Statewide information system.
- 21 (2) Service array.
- 22 (3) Case review system.
- 23 (4) Staff training.
- 24 (5) Quality assurance system.
- 25 (6) Agency responsiveness to the community.
- 26 (7) Foster and adoptive parent licensing, recruitment, and
27 retention.
- 28 (f) In establishing the California Child and Family Service
29 Review System, the department shall collaborate with the Judicial
30 Council, the California Health and Human Services Agency, the
31 State Department of Education, Department of Child Support
32 Services, Department of Justice, County Supervisors Association
33 of California (CSAC), the County Welfare Directors Association
34 (CWDA), and any other state departments or agencies the
35 department deems necessary to facilitate the adequate exchange of
36 information and coordination of efforts to improve outcomes for
37 foster youth and families and meet or exceed the federal standards.
- 38 (g) Beginning January 1, 2003, the department shall commence
39 individual child and family service reviews of California counties.
40 Counties found not in substantial compliance with the specified



1 child well-being outcomes pursuant to subdivision (d) and specific
2 system factors pursuant to subdivision (e) shall receive technical
3 assistance from teams made up of state and peer-county
4 administrators to assist with implementing best practices to
5 improve performance in specified areas of noncompliance.

6 ~~SEC. 4.—Section 11461 of the Welfare and Institutions Code is~~
7 ~~repealed.~~

8 ~~SEC. 5.—Section 11461 is added to the Welfare and Institutions~~
9 ~~Code, to read:~~

10 ~~11461. (a) For children placed in a licensed or approved~~
11 ~~family home with a capacity of six or less or in an approved home~~
12 ~~of a relative or nonrelated legal guardian, the per child per month~~
13 ~~rates in the following schedule shall be in effect for the period~~
14 ~~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

22
23 ~~(b) Beginning with the 2002-03 fiscal year, the schedule of~~
24 ~~basic rates in subdivision (a) shall be adjusted by the percentage~~
25 ~~changes in the California Necessities Index, computed pursuant to~~
26 ~~the methodology described in Section 11453, subject to the~~
27 ~~availability of funds.~~

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

34 ~~(2) Any county that, as of January 1, 2002, has in effect~~
35 ~~specialized care increments that have been approved by the~~
36 ~~department, shall continue to receive state participation for those~~
37 ~~payments.~~

38 ~~(3) Beginning January 1, 2002, specialized care increments~~
39 ~~shall be adjusted in accordance with the methodology for the~~
40 ~~schedule of basic rates described in subdivision (b). No county~~



1 shall receive state participation for any increases in a specialized
2 care increment which exceeds the adjustments made in accordance
3 with this methodology.

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

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

12 (3) ~~Beginning January 1, 2002, clothing allowances shall be~~
13 ~~adjusted annually in accordance with the methodology for the~~
14 ~~schedule of basic rates described in subdivision (b). No county~~
15 ~~shall be reimbursed for any increases in clothing allowances which~~
16 ~~exceed the adjustments made in accordance with this~~
17 ~~methodology.~~

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

24 ~~SEC. 6. Section 11461.1 is added to the Welfare and~~
25 ~~Institutions Code, to read:~~

26 ~~11461.1. (a) There shall be a line item in the annual Budget~~
27 ~~Act under which the Legislature may appropriate from the General~~
28 ~~Fund to the department an amount equal to 5 percent of the General~~
29 ~~Fund appropriation for payments to foster family homes governed~~
30 ~~by Section 11461, as well as payments for adoption assistance~~
31 ~~provided for pursuant to Section 16121. Moneys appropriated~~
32 ~~pursuant to this section shall be an augmentation of the AFDC-FC~~
33 ~~program in order to provide incentives and assistance to counties~~
34 ~~in the area of specialized care. Moneys appropriated in accordance~~
35 ~~with this section may be used by counties for, but their use shall~~
36 ~~not be limited to, the expansion of specialized care payment~~
37 ~~systems, the recruitment and training of foster parents for the~~
38 ~~placement of children with specialized care needs, and the~~
39 ~~development of county systems to encourage the placement of~~
40 ~~children in family homes. It is the intent of the Legislature that, in~~



1 ~~the use of any funds appropriated pursuant to this section, federal~~
2 ~~financial participation be claimed whenever possible.~~

3 ~~SEC. 7. Section 16124 is added to the Welfare and Institutions~~
4 ~~Code, to read:~~

5 ~~16124. Notwithstanding any other provision of law, no child~~
6 ~~subject to the jurisdiction of the juvenile courts, or a part of the~~
7 ~~state's foster care system, shall be designated as "unadoptable,"~~
8 ~~or an equivalent label, indicating a lack of qualification or~~
9 ~~diminished state of commitment on the part of adoptive parents.~~
10 ~~Statistical reports on the status of children in foster care shall~~
11 ~~designate those who are placed with relatives, in group homes,~~
12 ~~with nonrelative legal guardians, or in family foster care, or by~~
13 ~~other classification, and shall not eliminate the inclusion of any~~
14 ~~child from those reports based on alleged difficulties in achieving~~
15 ~~adoptive status.~~

16 ~~SEC. 8. Section 16125 is added to the Welfare and Institutions~~
17 ~~Code, to read:~~

18 ~~16125. (a) The State Department of Social Services shall~~
19 ~~establish by January 1, 2003, a training and certification program~~
20 ~~for all licensed family foster care providers. That training program~~
21 ~~shall include continuing education, and examinations in parenting~~
22 ~~skills, and in the skills for the special physical, emotional, and~~
23 ~~educational needs of children placed or likely to be placed in their~~
24 ~~care. Licensed family foster care providers who meet specified~~
25 ~~standards shall be designated as "skilled certified family foster~~
26 ~~care providers." The department shall coordinate the training and~~
27 ~~certification program established pursuant to this section with~~
28 ~~existing county training programs and requirements.~~

29 ~~(b) Family foster care providers who meet the certification~~
30 ~~standards established pursuant to subdivision (a) shall receive an~~
31 ~~additional 10 percent above the base rate established pursuant to~~
32 ~~subdivisions (a), (b), and (c) of Section 11461 as the monthly~~
33 ~~compensation for provision of foster care services to medically~~
34 ~~fragile or special needs foster children. The department may~~
35 ~~charge fees for courses or other training to achieve the certification~~
36 ~~in order to recover its costs of providing the course or other~~
37 ~~training, but this fee shall not exceed 10 percent of the enhanced~~
38 ~~payment that certification under this section would produce over~~
39 ~~a six-month period.~~



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

