

AMENDED IN SENATE AUGUST 7, 2002

AMENDED IN SENATE JULY 18, 2001

AMENDED IN SENATE JULY 3, 2001

AMENDED IN ASSEMBLY JUNE 4, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1105**

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**Introduced by Assembly Members Simitian and Shelley  
(Coauthor: Assembly Member Diaz)**

February 23, 2001

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An act to ~~repeal and add Section 11465.6 of~~ *to add and repeal Sections 11400.4, 11400.5, and 11462.02 of*, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1105, as amended, Simitian. ~~Child care: foster family homes: child care reimbursement—Foster care: group homes: San Mateo County.~~

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers, including foster family homes, on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, *with money from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.*

~~Existing law provides that the department establish a program in up to 5 consenting counties under which licensed family homes and~~

~~relative caregivers would be provided with reimbursement for the cost of licensed child care for each foster child under 13 years of age, if any of specified conditions are met.~~

~~This bill would repeal that requirement, and, instead, would, subject to the appropriation of funds and federal financial participation, require the department, with the advice, assistance, and cooperation of the counties and foster care providers, to develop, implement, and maintain a statewide system to provide child care assistance under specified circumstances for foster children in the care of a licensed family home or relative caregiver receiving payments under the AFDC-FC program.~~

~~Because each county is required to administer the AFDC-FC program, 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.~~

*Existing law imposes various requirements that must be met as a condition of licensing of community care facilities, including group homes, and provides for the licensure of those entities by the State Department of Social Services.*

*Under existing law, the AFDC-FC program provides for a group reimbursement rate classification schedule that is based upon the level of services being provided.*

*This bill would permit the County of San Mateo, until January 1, 2008, to operate a youth crisis/residential treatment facility. This bill would require the facility to meet specified requirements, to be licensed by the department, and to be eligible for AFDC-FC group home reimbursement, as prescribed. This bill would also require the county to report to the department on specified items relating to the program.*

*This bill would provide that no appropriation shall be made pursuant to the provision continuously appropriating funds for the AFDC-FC Program, for the purposes of funding the bill.*



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

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

1 ~~SECTION 1.—It is the intent of the Legislature in enacting this~~  
2 SECTION 1. Section 11400.4 is added to the Welfare and  
3 Institutions Code, to read:

4 11400.4. (a) Notwithstanding subdivision (h) of Section  
5 11400, for purposes of this article, “group home” also means a  
6 county-operated home, as provided for under Section 11400.5.

7 (b) This section shall remain in effect only until January 1,  
8 2008, and as of that date is repealed, unless a later enacted statute,  
9 that is enacted before January 1, 2008, deletes or extends that date.

10 SEC. 2. Section 11400.5 is added to the Welfare and  
11 Institutions Code, to read:

12 11400.5. (a) The County of San Mateo may operate a youth  
13 crisis/residential treatment facility for up to 12 youths who are  
14 seriously emotionally disturbed to demonstrate that length of  
15 out-of-home placement can be shortened when interagency  
16 partners, including mental health, human services, and juvenile  
17 probation and the youth’s parents or responsible caregivers are  
18 directly involved in the development of treatment and aftercare  
19 plans from the initiation of the residential placement.

20 (b) The facility shall be licensed by the department Community  
21 Care Licensing Division and shall be staffed and structured to be  
22 eligible for a Rate Classification (RCL) 13/14 pursuant to Section  
23 11462.

24 (c) The County of San Mateo’s facility’s program shall  
25 implement a “no eject/no reject” policy.

26 (d) The facility’s program shall receive policy oversight from  
27 the San Mateo County Board of Supervisors.

28 (e) The county shall report to the department by January 1,  
29 2005, and January 1, 2007, on all of the following items:

30 (1) The average length of residential placement in the program  
31 and the average length of residential placement in comparable  
32 RCL 13/14 youth residential treatment programs.

33 (2) The number of youth admitted to the program who have  
34 acute psychiatric hospitalizations during their residential stay.



1 (3) *The average annual inpatient psychiatric days for youth*  
2 *involved in the Children and Youth System of Care in the two years*  
3 *prior to the implementation of the program.*

4 (4) *The County of San Mateo’s annual out-of-home placement*  
5 *rate in the two years prior to the implementation of the program*  
6 *and in the years following the implementation of the program.*

7 (5) *Annual rating of the program by the youth, parents, or*  
8 *caregivers.*

9 (f) *This section shall remain in effect only until January 1,*  
10 *2008, and as of that date is repealed, unless a later enacted statute,*  
11 *that is enacted before January 1, 2008, deletes or extends that date.*

12 SEC. 3. *Section 11462.02 is added to the Welfare and*  
13 *Institutions Code, to read:*

14 11462.02. (a) *Notwithstanding paragraph (2) of subdivision*  
15 *(a) of Section 11462, a foster care provider licensed as a group*  
16 *home may also have a rate established if the group home is a*  
17 *county-operated home, as provided for under Section 11400.5.*

18 (b) *This section shall remain in effect only until January 1,*  
19 *2008, and as of that date is repealed, unless a later enacted statute,*  
20 *that is enacted before January 1, 2008, deletes or extends that date.*

21 SEC. 4. *No appropriation pursuant to Section 15200 of the*  
22 *Welfare and Institutions Code shall be made for the purpose of*  
23 *funding this act.*

24 *act to accomplish all of the following:*

25 ~~(a) To provide high quality early childhood education and~~  
26 ~~schoolage child care programs for children in foster care.~~

27 ~~(b) To provide safe and stable homelike placements for~~  
28 ~~children served by the foster care system.~~

29 ~~(c) To recruit and retain high quality foster families, including~~  
30 ~~working parents, to ensure an adequate supply of homes for abused~~  
31 ~~and neglected children.~~

32 ~~(d) To avoid costly and often inappropriate placements of~~  
33 ~~children.~~

34 ~~(e) To reduce the financial barriers for current foster parents in~~  
35 ~~finding high quality child care so that they may attend foster parent~~  
36 ~~training, work outside the home, and participate in activities~~  
37 ~~related to fulfilling their foster caregiving responsibilities.~~

38 ~~(f) To support counties in their responsibility to meet the needs~~  
39 ~~of foster children in a manner that recognizes county~~  
40 ~~circumstances and conforms with uniform statewide standards.~~



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

3 ~~(a) Child care in a high quality setting can provide children with~~  
4 ~~experiences that enhance their social, emotional, and behavioral~~  
5 ~~development and improve school readiness, and successful~~  
6 ~~transition into elementary school.~~

7 ~~(b) Foster children and their foster families should be provided~~  
8 ~~with the resources and support necessary to ensure optimal growth~~  
9 ~~and development in a cost effective manner.~~

10 ~~(c) By providing child care to foster families, this act provides~~  
11 ~~offsetting savings to the state and counties based on the following:~~

12 ~~(1) Reduced utilization of emergency shelter placement.~~

13 ~~(2) Reduced use of inappropriate foster family agencies and~~  
14 ~~group home placements.~~

15 ~~(3) Reduced social work activity due to fewer disrupted~~  
16 ~~placements.~~

17 ~~(4) Increased federal financial participation in the cost of child~~  
18 ~~care for children in foster care.~~

19 ~~SEC. 3. Section 11465.6 of the Welfare and Institutions Code~~  
20 ~~is repealed.~~

21 ~~SEC. 4. Section 11465.6 is added to the Welfare and~~  
22 ~~Institutions Code, to read:~~

23 ~~11465.6. (a) The department, with the advice, assistance, and~~  
24 ~~cooperation of the counties and foster care providers, shall~~  
25 ~~develop, implement, and maintain a statewide system to provide~~  
26 ~~child care assistance to eligible foster care providers, defined as~~  
27 ~~licensed foster family homes or relative caregivers receiving~~  
28 ~~AFDC-FC payments under this chapter. Child care assistance may~~  
29 ~~include reimbursement of child care expenses incurred by the~~  
30 ~~eligible foster care provider, or direct payment to the child care~~  
31 ~~provider.~~

32 ~~(b) Child care assistance shall be available for the cost of~~  
33 ~~licensed child care for each foster child in the care of the eligible~~  
34 ~~foster care provider during the period that any of the following~~  
35 ~~apply:~~

36 ~~(1) The foster parent or relative caregiver is working outside~~  
37 ~~the home.~~

38 ~~(2) The foster parent or relative caregiver is participating in~~  
39 ~~foster parent training.~~



1 ~~(3) The foster parent or relative caregiver is fulfilling necessary~~  
2 ~~foster care related administrative duties, such as attending~~  
3 ~~conferences and judicial reviews.~~

4 ~~(e) Child care assistance shall be available statewide to eligible~~  
5 ~~foster care providers for actual child care expenses, at a minimum~~  
6 ~~of one-half of the regional market rate established pursuant to~~  
7 ~~Section 8447 of the Education Code. The nonfederal share of the~~  
8 ~~cost of child care assistance shall be paid by the state.~~

9 ~~(d) Counties may submit a plan for approval to the department~~  
10 ~~describing the extent to which child care expenses above the~~  
11 ~~minimum baseline established in subdivision (e) shall be paid. The~~  
12 ~~level of payment shall be determined based upon statewide~~  
13 ~~standards developed by the department, and may include, but shall~~  
14 ~~not be limited to, the following components:~~

15 ~~(1) Whether a county is urban or rural.~~

16 ~~(2) The average cost of living in the county.~~

17 ~~(3) The average cost of child care in the county compared to the~~  
18 ~~statewide average cost of care.~~

19 ~~(4) The existence of a shortage of licensed foster carehomes to~~  
20 ~~serve children in the county.~~

21 ~~(e) Counties that submit a plan pursuant to subdivision (d) shall~~  
22 ~~be authorized to pay child care expenses up to the regional market~~  
23 ~~rates established pursuant to Section 8447 of the Education Code.~~  
24 ~~Upon approval of the plan by the department, the nonfederal share~~  
25 ~~of cost for child care shall be shared by the state and county,~~  
26 ~~consistent with existing cost sharing ratios in the foster care~~  
27 ~~program, pursuant to subdivision (e) of Section 15200.~~

28 ~~(f) Child care assistance shall be available only to reimburse or~~  
29 ~~pay the cost of care provided by a licensed child care provider.~~

30 ~~(g) The need for child care and the plan for providing care shall~~  
31 ~~be documented in the child's case plan.~~

32 ~~(h) On an annual basis, each county shall report information to~~  
33 ~~the department. The information to be reported shall be~~  
34 ~~determined by the department in consultation with the County~~  
35 ~~Welfare Directors Association and shall include, at a minimum, all~~  
36 ~~of the following:~~

37 ~~(1) The number of foster parents for whom child care~~  
38 ~~assistance was paid pursuant to this section.~~

39 ~~(2) The number of foster children served.~~



1 ~~(3) Any other information as may be necessary to determine the~~  
2 ~~effect of child care assistance provided under this section on the~~  
3 ~~ability of counties to recruit and retain foster parents.~~

4 ~~(i) (1) Implementation of this section, in whole or in part, shall~~  
5 ~~be contingent upon receipt of federal financial participation and an~~  
6 ~~appropriation in the Budget Act or other statute. If any federal~~  
7 ~~approvals are necessary, the department shall, by February 1,~~  
8 ~~2002, submit an amendment to the state plan under Part E~~  
9 ~~(commencing with Section 670) of Title 4 of Chapter 7 of Title 42~~  
10 ~~of the United States Code, to the United States Department of~~  
11 ~~Health and Human Services.~~

12 ~~(2) Although this section shall not be implemented unless~~  
13 ~~federal financial participation is received in accordance with~~  
14 ~~paragraph (1), if this section is implemented, its application, in~~  
15 ~~whole or in part, shall not be limited to persons for whom federal~~  
16 ~~financial participation is available.~~

17 ~~SEC. 5. Notwithstanding Section 17610 of the Government~~  
18 ~~Code, if the Commission on State Mandates determines that this~~  
19 ~~act contains costs mandated by the state, reimbursement to local~~  
20 ~~agencies and school districts for those costs shall be made pursuant~~  
21 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~  
22 ~~2 of the Government Code. If the statewide cost of the claim for~~  
23 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~  
24 ~~reimbursement shall be made from the State Mandates Claims~~  
25 ~~Fund.~~

