

AMENDED IN ASSEMBLY MARCH 26, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 458

Introduced by Assembly Member Chu
*(Coauthors: Assembly Members Goldberg, Kehoe, Koretz, Laird,
Lieber, and Leno)*
(Coauthor: Senator Kuehl)

February 14, 2003

An act to amend Sections 1522.41, 1529.2, and 1563 of the Health and Safety Code, and to amend Sections 16001.9 and 16003 of, *and to add Section 16013 to*, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 458, as amended, Chu. Foster care.

Existing law requires the State Department of Social Services to license community care facilities, including facilities that provide foster care services for children. Existing law regulates foster family homes and provides for their licensure by certified foster family agencies, the county, or the State Department of Social Services.

Existing law provides that it is the policy of the state that foster children have specified rights.

Existing law requires an administrator of a group home facility to complete a certification program. Existing law requires licensing personnel at the department to have specified training. Existing law requires every licensed foster parent to complete specified preplacement training and additional annual training. Existing law requires that each community college district with a foster care

education program make orientation and training available to a relative caretaker.

This bill would add to the rights contained in the policy referred to above, the rights of a foster child to have fair and equal access to all *available* services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, ~~or~~ mental or physical disability, *or HIV status*. This bill would ~~also~~ require training for administrators, licensing personnel, licensed foster parents, and relative caretakers to include training about ~~this right~~ *these rights*.

This bill would also state that it is the policy of this state that all persons engaged in providing care and services to foster children are to have fair and equal access to all existing programs, benefits, services, and licensing processes, and shall not be subjected to discrimination or harassment, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: 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) Foster care in the State of California is primarily~~
4 ~~administered by county social services departments. These county~~
5 ~~agencies receive federal, state, and county funds for the care,~~
6 ~~placement, and supervision of abused and neglected children who~~
7 ~~have been removed from their homes for their own protection,~~
8 ~~pursuant to Section 300 and following of the Welfare and~~
9 ~~Institutions Code, and who are dependents of the juvenile courts~~
10 ~~of this state.~~

11 ~~(b) Group home facilities are licensed by the State Department~~
12 ~~of Social Services; receive federal, state, and county funds for the~~
13 ~~care of foster children; and have paid professional staff engaged~~
14 ~~in providing care and services to foster children.~~

15 ~~(c) Foster family agencies are licensed by the State Department~~
16 ~~of Social Services; receive federal, state, and county funds to~~
17 ~~recruit, train, certify, and provide ongoing training and support to~~
18 ~~foster parents who care for foster children; and have paid~~



1 ~~professional staff that provide training, supervision, and support~~
2 ~~to foster parents.~~

3 *(a) Foster children are harmed by discrimination based on*
4 *actual or perceived race, ethnic group identification, ancestry,*
5 *national origin, color, religion, sex, sexual orientation, gender*
6 *identity, mental or physical disability, or HIV status, whether that*
7 *discrimination is directed at them or at their caregivers.*

8 *(b) County child welfare departments in California receive*
9 *federal, state, and county funds for the care, placement, and*
10 *supervision of abused and neglected children who have been*
11 *removed from their homes for their own protection and who are*
12 *dependents of the juvenile courts of the state.*

13 *(c) Group home facilities and foster family agencies are*
14 *licensed by the State Department of Social Services, contract with*
15 *county child welfare departments, receive federal, state, and*
16 *county funds, and have paid professional staff engaged in*
17 *providing care and services to foster children and training,*
18 *supervision, and support to foster parents.*

19 ~~(d) County ~~social services~~ child welfare departments, group~~
20 ~~home facilities, and foster family agencies have a legal~~
21 ~~responsibility, as a condition of receiving public funds for the care~~
22 ~~of foster children, to provide safe and nondiscriminatory care,~~
23 ~~placement, and services to foster children.~~

24 ~~(e) Group home facilities and foster family agencies should~~
25 ~~receive clear guidance from the laws of this state, and the~~
26 ~~regulations and licensing procedures of the State Department of~~
27 ~~Social Services, as to their legal obligation to provide care,~~
28 ~~placement, and services to foster children without discriminating~~
29 ~~on the basis of actual or perceived race, ethnic group identification,~~
30 ~~ancestry, national origin, color, religion, sex, sexual orientation,~~
31 ~~gender identity, or mental or physical disability.~~

32 ~~(f) Foster family homes and relative caregivers, which are~~
33 ~~licensed by the State Department of Social Services, and, in some~~
34 ~~cases, are certified by foster family agencies, and receive federal,~~
35 ~~state, and county funds for the care of children who are dependents~~
36 ~~of the juvenile courts. Foster parents and relative caregivers,~~
37 ~~however, are not paid employees. Rather, they care for foster~~
38 ~~children in their own homes. Under current law, foster families and~~
39 ~~relative caregivers are permitted to decide on an individual basis~~



1 ~~whether to accept an individual child into their care, and whether~~
2 ~~to retain that child in their care.~~

3 ~~(g) Foster parents and relative caregivers should receive clear~~
4 ~~guidance from the laws of this state and the regulations and~~
5 ~~licensing procedures of the State Department of Social Services,~~
6 ~~that their legal obligation to provide safe and nondiscriminatory~~
7 ~~care for foster children requires that they either provide care to~~
8 ~~each child placed in their home without discriminating on the basis~~
9 ~~of the child's actual or perceived race, ethnic group identification,~~
10 ~~ancestry, national origin, color, religion, sex, sexual orientation,~~
11 ~~gender identity, or mental or physical disability, or, if unable or~~
12 ~~unwilling to do so, that they notify the child's social worker that~~
13 ~~they cannot provide this care to the child.~~

14 ~~(h) Initial and ongoing training for county children's services~~
15 ~~and foster family agencies have a legal responsibility to provide~~
16 ~~care, placement, and services to foster children, family members,~~
17 ~~foster parents, and service providers without discriminating on the~~
18 ~~basis of actual or perceived race, ethnic group identification,~~
19 ~~ancestry, national origin, color, religion, sex, sexual orientation,~~
20 ~~gender identity, mental or physical disability, or HIV status.~~

21 ~~(e) Foster family homes and relative caregivers are licensed by~~
22 ~~the State Department of Social Services and receive federal, state,~~
23 ~~and county funds for the care of children. Still, foster parents and~~
24 ~~relative caregivers are not paid employees, instead, they care for~~
25 ~~foster children in their own homes and are permitted under current~~
26 ~~practice to decide on an individual basis whether to accept and~~
27 ~~retain an individual child into their care.~~

28 ~~(f) Once foster parents or relative caregivers accept a child into~~
29 ~~their home, they have a legal responsibility to provide care to the~~
30 ~~child without discriminating on the basis of actual or perceived~~
31 ~~race, ethnic group identification, ancestry, national origin, color,~~
32 ~~religion, sex, sexual orientation, gender identity, mental or~~
33 ~~physical disability, or HIV status. Because any change in living~~
34 ~~environment is traumatic for any child, if the foster parents or~~
35 ~~relative caregivers cannot fulfill this responsibility with respect to~~
36 ~~an individual child, then foster parents and relative caregivers are~~
37 ~~required to notify the child's social worker and request additional~~
38 ~~training, counseling, or other assistance. Only as a last resort~~
39 ~~should the foster parent or relative caregiver request that the child~~
40 ~~be removed from the foster parents' or relative caregivers' home.~~



1 (g) *Initial and ongoing training for county child welfare*
2 workers, group home staff and administrators, foster family
3 agency staff, foster parents, and relative caregivers is crucial to
4 enable all persons involved in providing care, placement, and
5 services to foster children to fulfill their responsibilities to provide
6 safe and nondiscriminatory care, placement, and services to foster
7 children.

8 SEC. 2. Section 1522.41 of the Health and Safety Code is
9 amended to read:

10 1522.41. (a) The director, in consultation and collaboration
11 with county placement officials, group home provider
12 organizations, the Director of Mental Health and the Director of
13 Developmental Services, shall develop and establish a
14 certification program to ensure that administrators of group home
15 facilities have appropriate training to provide the care and services
16 for which a license or certificate is issued.

17 (b) (1) In addition to any other requirements or qualifications
18 required by the department, an administrator of a group home
19 facility shall successfully complete a department approved
20 certification program pursuant to subdivision (c) prior to
21 employment. An administrator employed in a group home on the
22 effective date of this section shall meet the requirements of
23 paragraph (2) of subdivision (c).

24 (2) In those cases where the individual is both the licensee and
25 the administrator of a facility, the individual shall comply with all
26 of the licensee and administrator requirements of this section.

27 (3) Failure to comply with this section shall constitute cause for
28 revocation of the license of the facility.

29 (4) The licensee shall notify the department within 10 days of
30 any change in administrators.

31 (c) (1) The administrator certification programs shall require
32 a minimum of 40 hours of classroom instruction that provides
33 training on a uniform core of knowledge in each of the following
34 areas:

35 (A) Laws, regulations, and policies and procedural standards
36 that impact the operations of the type of facility for which the
37 applicant will be an administrator.

38 (B) Business operations.

39 (C) Management and supervision of staff.



- 1 (D) Psychosocial and educational needs of the facility
- 2 residents.
- 3 (E) Community and support services.
- 4 (F) Physical needs for facility residents.
- 5 (G) Administration, storage, misuse, and interaction of
- 6 medication used by facility residents.
- 7 (H) Resident admission, retention, and assessment procedures.
- 8 (I) Nonviolent emergency intervention and reporting
- 9 requirements.
- 10 (J) The right of a foster child to have fair and equal access to
- 11 all *available* services, placement, care, treatment, and benefits,
- 12 and to not be subjected to discrimination or harassment on the basis
- 13 of actual or perceived race, ethnic group identification, ancestry,
- 14 national origin, color, religion, sex, sexual orientation, gender
- 15 identity, ~~or mental or physical disability~~ *mental or physical*
- 16 *disability, or HIV status.*
- 17 (2) The department shall adopt separate program requirements
- 18 for initial certification for persons who are employed as group
- 19 home administrators on the effective date of this section. A person
- 20 employed as an administrator of a group home facility on the
- 21 effective date of this section, shall obtain a certificate by
- 22 completing the training and testing requirements imposed by the
- 23 department within 12 months of the effective date of the
- 24 regulations implementing this section. After the effective date of
- 25 this section, these administrators shall meet the requirements
- 26 imposed by the department on all other group home administrators
- 27 for certificate renewal.
- 28 (3) Individuals applying for certification under this section
- 29 shall successfully complete an approved certification program,
- 30 pass a written test administered by the department within 60 days
- 31 of completing the program, and submit to the department the
- 32 documentation required by subdivision (d) within 30 days after
- 33 being notified of having passed the test. The department may
- 34 extend these time deadlines for good cause. The department shall
- 35 notify the applicant of his or her test results within 30 days of
- 36 administering the test.
- 37 (d) The department shall not begin the process of issuing a
- 38 certificate until receipt of all of the following:
- 39 (1) A certificate of completion of the administrator training
- 40 required pursuant to this chapter.



1 (2) The fee required for issuance of the certificate. A fee of one
2 hundred dollars (\$100) shall be charged by the department to cover
3 the costs of processing the application for certification.

4 (3) Documentation from the applicant that he or she has passed
5 the written test.

6 (4) Submission of fingerprints pursuant to Section 1522. The
7 department may waive the submission for those persons who have
8 a current clearance on file.

9 (5) That person is at least 21 years of age.

10 (e) It shall be unlawful for any person not certified under this
11 section to hold himself or herself out as a certified administrator
12 of a group home facility. Any person willfully making any false
13 representation as being a certified administrator or facility
14 manager is guilty of a misdemeanor.

15 (f) (1) Certificates issued under this section shall be renewed
16 every two years and renewal shall be conditional upon the
17 certificate holder submitting documentation of completion of 40
18 classroom hours of continuing education related to the core of
19 knowledge specified in subdivision (c). For purposes of this
20 section, an individual who is a group home facility administrator
21 and who is required to complete the continuing education hours
22 required by the regulations of the Department of Developmental
23 Services, and approved by the regional center, may have up to 24
24 of the required continuing education course hours credited toward
25 the 40-hour continuing education requirement of this section.
26 Community college course hours approved by the regional centers
27 shall be accepted by the department for certification.

28 (2) Every administrator of a group home facility shall complete
29 the continuing education requirements of this subdivision.

30 (3) Certificates issued under this section shall expire every two
31 years on the anniversary date of the initial issuance of the
32 certificate, except that any administrator receiving his or her initial
33 certification on or after July 1, 1999, shall make an irrevocable
34 election to have his or her recertification date for any subsequent
35 recertification either on the date two years from the date of
36 issuance of the certificate or on the individual's birthday during the
37 second calendar year following certification. The department shall
38 send a renewal notice to the certificate holder 90 days prior to the
39 expiration date of the certificate. If the certificate is not renewed
40 prior to its expiration date, reinstatement shall only be permitted



1 after the certificate holder has paid a delinquency fee equal to three
2 times the renewal fee and has provided evidence of completion of
3 the continuing education required.

4 (4) To renew a certificate, the certificate holder shall, on or
5 before the certificate expiration date, request renewal by
6 submitting to the department documentation of completion of the
7 required continuing education courses and pay the renewal fee of
8 one hundred dollars (\$100), irrespective of receipt of the
9 department's notification of the renewal. A renewal request
10 postmarked on or before the expiration of the certificate shall be
11 proof of compliance with this paragraph.

12 (5) A suspended or revoked certificate shall be subject to
13 expiration as provided for in this section. If reinstatement of the
14 certificate is approved by the department, the certificate holder, as
15 a condition precedent to reinstatement, shall submit proof of
16 compliance with paragraphs (1) and (2) of subdivision (f), and
17 shall pay a fee in an amount equal to the renewal fee, plus the
18 delinquency fee, if any, accrued at the time of its revocation or
19 suspension. Delinquency fees, if any, accrued subsequent to the
20 time of its revocation or suspension and prior to an order for
21 reinstatement, shall be waived for a period of 12 months to allow
22 the individual sufficient time to complete the required continuing
23 education units and to submit the required documentation.
24 Individuals whose certificates will expire within 90 days after the
25 order for reinstatement may be granted a three-month extension to
26 renew their certificates during which time the delinquency fees
27 shall not accrue.

28 (6) A certificate that is not renewed within four years after its
29 expiration shall not be renewed, restored, reissued, or reinstated
30 except upon completion of a certification training program,
31 passing any test that may be required of an applicant for a new
32 certificate at that time, and paying the appropriate fees provided
33 for in this section.

34 (7) A fee of twenty-five dollars (\$25) shall be charged for the
35 reissuance of a lost certificate.

36 (8) A certificate holder shall inform the department of his or her
37 employment status and change of mailing address within 30 days
38 of any change.



1 (g) Unless otherwise ordered by the department, the certificate
2 shall be considered forfeited under either of the following
3 conditions:

4 (1) The department has revoked any license held by the
5 administrator after the department issued the certificate.

6 (2) The department has issued an exclusion order against the
7 administrator pursuant to Sections 1558, 1568.092, 1569.58, or
8 1596.8897, after the department issued the certificate, and the
9 administrator did not appeal the exclusion order or, after the
10 appeal, the department issued a decision and order that upheld the
11 exclusion order.

12 (h) (1) The department, in consultation and collaboration with
13 county placement officials, provider organizations, the State
14 Department of Mental Health, and the State Department of
15 Developmental Services, shall establish, by regulation, the
16 program content, the testing instrument, the process for approving
17 certification training programs, and criteria to be used in
18 authorizing individuals, organizations, or educational institutions
19 to conduct certification training programs and continuing
20 education courses. The department may also grant continuing
21 education hours for continuing courses offered by accredited
22 educational institutions that are consistent with the requirements
23 in this section. The department may deny vendor approval to any
24 agency or person in any of the following circumstances:

25 (A) The applicant has not provided the department with
26 evidence satisfactory to the department of the ability of the
27 applicant to satisfy the requirements of vendorization set out in the
28 regulations adopted by the department pursuant to subdivision (j).

29 (B) The applicant person or agency has a conflict of interest in
30 that the person or agency places its clients in group home facilities.

31 (C) The applicant public or private agency has a conflict of
32 interest in that the agency is mandated to place clients in group
33 homes and to pay directly for the services. The department may
34 deny vendorization to this type of agency only as long as there are
35 other vendor programs available to conduct the certification
36 training programs and conduct education courses.

37 (2) The department may authorize vendors to conduct the
38 administrator's certification training program pursuant to this
39 section. The department shall conduct the written test pursuant to
40 regulations adopted by the department.



1 (3) The department shall prepare and maintain an updated list
2 of approved training vendors.

3 (4) The department may inspect certification training programs
4 and continuing education courses to determine if content and
5 teaching methods comply with regulations. If the department
6 determines that any vendor is not complying with the requirements
7 of this section, the department shall take appropriate action to
8 bring the program into compliance, which may include removing
9 the vendor from the approved list.

10 (5) The department shall establish reasonable procedures and
11 timeframes not to exceed 30 days for the approval of vendor
12 training programs.

13 (6) The department may charge a reasonable fee, not to exceed
14 one hundred fifty dollars (\$150) every two years, to certification
15 program vendors for review and approval of the initial 40-hour
16 training program pursuant to subdivision (c). The department may
17 also charge the vendor a fee, not to exceed one hundred dollars
18 (\$100) every two years, for the review and approval of the
19 continuing education courses needed for recertification pursuant
20 to this subdivision.

21 (i) The department shall establish a registry for holders of
22 certificates that shall include, at a minimum, information on
23 employment status and criminal record clearance.

24 (j) Subdivisions (b) to (i), inclusive, shall be implemented upon
25 regulations being adopted by the department, by January 1, 2000.

26 SEC. 3. Section 1529.2 of the Health and Safety Code is
27 amended to read:

28 1529.2. (a) In addition to the foster parent training provided
29 pursuant to Section 903.7 of the Welfare and Institutions Code,
30 foster family agencies shall supplement the community college
31 training by providing a program of training for their certified
32 foster families.

33 (b) (1) Every licensed foster parent shall complete a minimum
34 of 12 hours of foster parent training, as prescribed in paragraph (3),
35 before the placement of any foster children with the foster parent.
36 In addition, a foster parent shall complete a minimum of eight
37 hours of foster parent training annually as prescribed in paragraph
38 (4). No child shall be placed in a foster family home unless these
39 requirements are met by the persons in the home who are serving
40 as the foster parents.



1 (2) (A) Upon the request of the foster parent for a hardship
2 waiver from the postplacement training requirement or a request
3 for an extension of the deadline, the county may, at its option, on
4 a case-by-case basis, waive the postplacement training
5 requirement or extend any established deadline for a period not to
6 exceed one year, if the postplacement training requirement
7 presents a severe and unavoidable obstacle to continuing as a foster
8 parent. Obstacles for which a county may grant a hardship waiver
9 or extension are:

10 (i) Lack of access to training due to the cost or travel required.

11 (ii) Family emergency.

12 (B) Before a waiver or extension may be granted, the foster
13 parent should explore the opportunity of receiving training by
14 video or written materials.

15 (3) The initial preplacement training shall include, but not be
16 limited to, training courses that cover all of the following:

17 (A) An overview of the child protective system.

18 (B) The effects of child abuse and neglect on child
19 development.

20 (C) Positive discipline and the importance of self-esteem.

21 (D) Health issues in foster care.

22 (E) Accessing education and health services available to foster
23 children.

24 (F) The right of a foster child to have fair and equal access to
25 all *available* services, placement, care, treatment, and benefits,
26 and to not be subjected to discrimination or harassment on the basis
27 of actual or perceived race, ethnic group identification, ancestry,
28 national origin, color, religion, sex, sexual orientation, gender
29 identity, ~~or mental or physical disability~~ *mental or physical*
30 *disability, or HIV status*.

31 (4) The postplacement annual training shall include, but not be
32 limited to, training courses that cover all of the following:

33 (A) Age-appropriate child development.

34 (B) Health issues in foster care.

35 (C) Positive discipline and the importance of self-esteem.

36 (D) Emancipation and independent living skills if a foster
37 parent is caring for youth.

38 (E) The right of a foster child to have fair and equal access to
39 all *available* services, placement, care, treatment, and benefits,
40 and to not be subjected to discrimination or harassment on the basis



1 of actual or perceived race, ethnic group identification, ancestry,
2 national origin, color, religion, sex, sexual orientation, gender
3 identity, ~~or mental or physical disability~~ *mental or physical*
4 *disability, or HIV status.*

5 (5) Foster parent training may be attained through a variety of
6 sources, including community colleges, counties, hospitals, foster
7 parent associations, the California State Foster Parent
8 Association's Conference, adult schools, and certified foster
9 parent instructors.

10 (6) A candidate for placement of foster children shall submit a
11 certificate of training to document completion of the training
12 requirements. The certificate shall be submitted with the initial
13 consideration for placements and provided at the time of the
14 annual visit by the licensing agency thereafter.

15 (c) Nothing in this section shall preclude a county from
16 requiring county-provided preplacement or postplacement foster
17 parent training in excess of the requirements in this section.

18 SEC. 4. Section 1563 of the Health and Safety Code is
19 amended to read:

20 1563. (a) The director shall ensure that licensing personnel at
21 the department have appropriate training to properly carry out this
22 chapter.

23 (b) The director shall institute a staff development and training
24 program to develop among departmental staff the knowledge and
25 understanding necessary to successfully carry out this chapter.
26 Specifically, the program shall do all of the following:

27 (1) Provide staff with 36 hours of training per year that reflects
28 the needs of persons served by community care facilities. This
29 training shall, where appropriate, include specialized instruction
30 in the needs of foster children, persons with mental disorders, or
31 developmental or physical disabilities, or other groups served by
32 specialized community care facilities.

33 (2) Give priority to applications for employment from persons
34 with experience as care providers to persons served by community
35 care facilities.

36 (3) Provide new staff with comprehensive training within the
37 first six months of employment. This comprehensive training
38 shall, at a minimum, include the following core areas:
39 administrative action process, client populations, conducting
40 facility visits, cultural awareness, documentation skills, facility



1 operations, human relation skills, interviewing techniques,
2 investigation processes, and regulation administration.

3 (c) In addition to the requirements in subdivision (b), group
4 home and foster family agency licensing personnel shall receive
5 a minimum of 24 hours of training per year to increase their
6 understanding of children in group homes, certified homes, and
7 foster family homes. The training shall cover, but not be limited
8 to, all of the following topics:

9 (1) The types and characteristics of emotionally troubled
10 children.

11 (2) The high-risk behaviors they exhibit.

12 (3) The biological, psychological, interpersonal, and social
13 contributors to these behaviors.

14 (4) The range of management and treatment interventions
15 utilized for these children, including, but not limited to,
16 nonviolent, emergency intervention techniques.

17 (5) The right of a foster child to have fair and equal access to
18 all *available* services, placement, care, treatment, and benefits,
19 and to not be subjected to discrimination or harassment on the basis
20 of actual or perceived race, ethnic group identification, ancestry,
21 national origin, color, religion, sex, sexual orientation, gender
22 identity, ~~or mental or physical disability~~ *mental or physical*
23 *disability, or HIV status.*

24 SEC. 5. Section 16001.9 of the Welfare and Institutions Code
25 is amended to read:

26 16001.9. (a) It is the policy of the state that all children in
27 foster care shall have the following rights:

28 (1) To live in a safe, healthy, and comfortable home where he
29 or she is treated with respect.

30 (2) To be free from physical, sexual, emotional, or other abuse,
31 or corporal punishment.

32 (3) To receive adequate and healthy food, adequate clothing,
33 and, for youth in group homes, an allowance.

34 (4) To receive medical, dental, vision, and mental health
35 services.

36 (5) To be free of the administration of medication or chemical
37 substances, unless authorized by a physician.

38 (6) To contact family members, unless prohibited by court
39 order, and social workers, attorneys, foster youth advocates and



- 1 supporters, Court Appointed Special Advocates (CASA), and
2 probation officers.
- 3 (7) To visit and contact brothers and sisters, unless prohibited
4 by court order.
- 5 (8) To contact the Community Care Licensing Division of the
6 State Department of Social Services or the State Foster Care
7 Ombudsperson regarding violations of rights, to speak to
8 representatives of these offices confidentially, and to be free from
9 threats or punishment for making complaints.
- 10 (9) To make and receive confidential telephone calls and send
11 and receive unopened mail, unless prohibited by court order.
- 12 (10) To attend religious services and activities of his or her
13 choice.
- 14 (11) To maintain an emancipation bank account and manage
15 personal income, consistent with the child's age and
16 developmental level, unless prohibited by the case plan.
- 17 (12) To not be locked in any room, building, or facility
18 premises, unless placed in a community treatment facility.
- 19 (13) To attend school and participate in extracurricular,
20 cultural, and personal enrichment activities, consistent with the
21 child's age and developmental level.
- 22 (14) To work and develop job skills at an age-appropriate level
23 that is consistent with state law.
- 24 (15) To have social contacts with people outside of the foster
25 care system, such as teachers, church members, mentors, and
26 friends.
- 27 (16) To attend Independent Living Program classes and
28 activities if he or she meets age requirements.
- 29 (17) To attend court hearings and speak to the judge.
- 30 (18) To have storage space for private use.
- 31 (19) To review his or her own case plan if he or she is over 12
32 years of age and to receive information about his or her
33 out-of-home placement and case plan, including being told of
34 changes to the plan.
- 35 (20) To be free from unreasonable searches of personal
36 belongings.
- 37 (21) To confidentiality of all juvenile court records consistent
38 with existing law.
- 39 (22) To have fair and equal access to all *available* services,
40 placement, care, treatment, and benefits, and to not be subjected



1 to discrimination or harassment on the basis of actual or perceived
2 race, ethnic group identification, ancestry, national origin, color,
3 religion, sex, sexual orientation, gender identity, ~~or mental or~~
4 ~~physical disability~~ *mental or physical disability, or HIV status.*

5 (b) Nothing in this section shall be interpreted to require a
6 foster care provider to take any action that would impair the health
7 and safety of children in out-of-home placement.

8 SEC. 6. Section 16003 of the Welfare and Institutions Code
9 is amended to read:

10 16003. (a) In order to promote the successful
11 implementation of the statutory preference for foster care
12 placement with a relative caretaker as set forth in Section 7950 of
13 the Family Code, each community college district with a foster
14 care education program shall make available orientation and
15 training to the relative, or nonrelative extended family member
16 caregiver, into whose care the county has placed a foster child
17 pursuant to Section 1529.2 of the Health and Safety Code,
18 including, but not limited to, courses that cover the following:

19 (1) The role, rights, and responsibilities of a relative or
20 nonrelative extended family member caregiver caring for a child
21 in foster care.

22 (2) An overview of the child protective system.

23 (3) *The right of a foster child to have fair and equal access to*
24 *all available services, placement, care, treatment, and benefits,*
25 *and to not be subjected to discrimination or harassment on the*
26 *basis of actual or perceived race, ethnic group identification,*
27 *ancestry, national origin, color, religion, sex, sexual orientation,*
28 *gender identity, mental or physical disability, or HIV status.*

29 (4) The effects of child abuse and neglect on child
30 development.

31 ~~(4)~~

32 (5) Positive discipline and the importance of self-esteem.

33 ~~(5)~~

34 (6) Health issues in foster care.

35 ~~(6)~~

36 (7) Accessing education and health services that are available
37 to foster children.

38 ~~(7)~~

39 (8) Relationship and safety issues regarding contact with one
40 or both of the birth parents.



1 ~~(8)~~
2 (9) Permanency options for relative or nonrelative extended
3 family member caregivers, including legal guardianship, the
4 Kinship Guardianship Assistance Payment Program, and kin
5 adoption.
6 ~~(9)~~
7 (10) Information on resources available for those who meet
8 eligibility criteria, including out-of-home care payments, the
9 Medi-Cal program, in-home supportive services, and other similar
10 resources.
11 ~~(10)~~
12 (11) The right of a foster child to have fair and equal access to
13 all services, placement, care, treatment, and benefits, and to not be
14 subjected to discrimination or harassment on the basis of actual or
15 perceived race, ethnic group identification, ancestry, national
16 origin, color, religion, sex, sexual orientation, gender identity, or
17 mental or physical disability.
18 (b) In addition to training made available pursuant to
19 subdivision (a), each community college district with a foster care
20 education program shall make training available to a relative or
21 nonrelative extended family member caregiver that includes, but
22 need not be limited to, courses that cover all of the following:
23 (1) Age-appropriate child development.
24 (2) Health issues in foster care.
25 (3) Positive discipline and the importance of self-esteem.
26 (4) Emancipation and independent living.
27 (5) Accessing education and health services available to foster
28 children.
29 (6) Relationship and safety issues regarding contact with one
30 or both of the birth parents.
31 (7) Permanency options for relative or nonrelative extended
32 family member caregivers, including legal guardianship, the
33 Kinship Guardianship Assistance Payment Program, and kin
34 adoption.
35 (c) In addition to the requirements of subdivisions (a) and (b),
36 each community college district with a foster care education
37 program, in providing the orientation program, shall develop
38 appropriate program parameters in collaboration with the
39 counties.



1 (d) Each community college district with a foster care
2 education program shall make every attempt to make the training
3 and orientation programs for relative or nonrelative extended
4 family member caregivers highly accessible in the communities in
5 which they reside.

6 (e) When a child is placed with a relative or nonrelative
7 extended family member caregiver, the county shall inform the
8 caregiver of the availability of training and orientation programs
9 and it is the intent of the Legislature that the county shall forward
10 the names and addresses of relative or nonrelative extended family
11 member caregivers to the appropriate community colleges
12 providing the training and orientation programs.

13 (f) This section shall not be construed to preclude counties
14 from developing or expanding existing training and orientation
15 programs for foster care providers to include relative or
16 nonrelative extended family member caregivers.

17 *SEC. 7. Section 16013 is added to the Welfare and Institutions*
18 *Code, to read:*

19 *16013. It is the policy of this state that all persons engaged in*
20 *providing care and services to foster children, including, but not*
21 *limited to, foster parents, adoptive parents, relative caregivers,*
22 *and other caregivers contracting with a county welfare*
23 *department, shall have fair and equal access to all existing*
24 *programs, benefits, services, and licensing processes, and shall*
25 *not be subjected to discrimination or harassment on the basis of*
26 *their clients' or their own actual or perceived race, ethnic group*
27 *identification, ancestry, national origin, color, religion, sex,*
28 *sexual orientation, gender identity, mental or physical disability,*
29 *or HIV status.*

