

Senate Bill No. 1612

CHAPTER 845

An act to amend Section 15200.5 of, and to add Section 11410 to, the Welfare and Institutions Code, relating to child welfare, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 2004. Filed with Secretary of State September 28, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1612, Speier. Foster care and child welfare services: funding.

(1) 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 moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.

This bill would require the State Department of Social Services to amend the foster care state plan required under federal law, to authorize counties that elect to subsidize child care for foster parents to use federal foster care matching funds for the purpose of subsidizing that child care. The bill would require counties electing to administer the Foster Parent Child Care Program to follow guidelines developed by the department. The bill would require the federal funds to match only county funds.

(2) Existing law provides for the appropriation of certain sums out of any money in the State Treasury not otherwise appropriated, after deducting federal funds available, for various purposes, including providing aid for the adequate care of each child receiving AFDC-FC benefits. Existing law provides that notwithstanding these provisions, the county is to be responsible for 100% of the nonfederal share of payments to needy children eligible for AFDC-FC who are placed in public child care institutions.

This bill would also provide that the county is to be 100% responsible for payments made to foster parents pursuant to the requirements of the bill.

(3) Existing law makes appropriations in the annual Budget Act for the support of the government of the State of California and for several public purposes, including the support of the State Department of Social Services and the provision of child welfare services.

This bill would require \$91,440,000 of the amount appropriated in the Budget Act of 2004 for local assistance by the State Department of Social Services to be provided to counties to fund designated child welfare services activities.

This bill would reappropriate \$17,145,000 from the Budget Act of 2003 to the Budget Act of 2004 to augment child welfare services basic county allocations. The bill would allow the Department of Finance to reduce a part of the reallocated amount by a corresponding amount of savings in the 2004–05 fiscal year, if the savings are redirected to child welfare services uses designated in the bill.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

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

SECTION 1. Section 11410 is added to the Welfare and Institutions Code, to read:

11410. (a) The department shall amend the foster care state plan required under Subtitle IV-E (commencing with Section 470) of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.), to authorize counties that elect to subsidize child care for foster parents to use federal matching funds under Subtitle IV-E for that purpose.

(b) When approved by the federal government, counties electing to administer the Foster Parent Child Care Program shall follow the guidelines developed by the State Department of Social Services.

(c) Federal funds used by a county pursuant to this section shall be matched only by county funds pursuant to Section 15200.5.

SEC. 2. Section 15200.5 of the Welfare and Institutions Code is amended to read:

15200.5. Notwithstanding the provisions of subdivision (c) of Section 15200, the county shall be responsible for 100 percent of the nonfederal share of payments to needy children eligible for AFDC-FC under the conditions of Section 11402.5, and for payments made to foster parents pursuant to Section 11410.

SEC. 3. Of the amount appropriated in Item 5180-151-0001 of Section 2.00 of the Budget Act of 2004 (Chapter 208 of the Statutes of 2004), \$91,440,000 shall be provided to counties to fund additional child welfare service activities and shall be allocated based on child welfare services caseload and county unit costs. However, no county shall receive less than \$100,000. These funds shall be expressly targeted for emergency response, family reunification, family maintenance, and permanent placement services, and shall be used to supplement, not to



supplant, child welfare services funds. A county is not required to provide a match of the funds received pursuant to this provision if the county appropriates the required full match for the county's child welfare services program exclusive of the funds received pursuant to this provision. These funds are available only to counties that have certified that they are fully utilizing the Child Welfare Services/Case Management System (CWS/CMS) or have entered into an agreed-upon plan with the State Department of Social Services outlining the steps that will be taken to achieve full utilization. The department shall reallocate any funds that counties choose not to accept under this provision to other counties based on the allocation formula specified in this provision. The department, in collaboration with the County Welfare Directors Association and representatives from labor groups representing social workers, shall develop the definition of full utilization of the CWS/CMS, the method for measuring full utilization, the process for the state and counties to work together to move counties toward full utilization, and measurements of progress toward full utilization.

SEC. 4. The sum of ten million dollars (\$10,000,000) is hereby reappropriated from subdivision (a) of Schedule (1) of Item 5180-151-0001 of the Budget Act of 2003 (Chapter 157 of the Statutes of 2003) for transfer to Schedule (1) of Item 5180-151-0001 of the Budget Act of 2004 (Chapter 208 of the Statutes of 2004) to augment child welfare services basic county allocations.

SEC. 5. The sum of seven million one hundred forty-five thousand dollars (\$7,145,000) is hereby appropriated from subdivision (a) of Schedule (2) of Item 5180-111-0001 of Section 2.00 of the Budget Act of 2003 (Chapter 157 of the Statutes of 2003) for transfer to Schedule (1) of Item 5180-151-0001 of Section 2.00 of the Budget Act of 2004 (Chapter 208 of the Statutes of 2004) to augment child welfare services basic county allocations.

SEC. 6. The Department of Finance may reduce the amount of the reappropriation in Section 5 of this act by a corresponding amount of 2004-05 fiscal year savings if the savings are redirected to child welfare services basic county allocation for the 2004-05 fiscal year from either the Child Welfare Services/Case Management System or the Child Welfare Services Redesign activities. The Department of Finance shall notify the fiscal and budget committees of both houses of the Legislature 30 days prior to reducing the appropriation.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:



In order to ensure that sufficient funding exists during the entire 2004–05 fiscal year in order to provide important child welfare services, it is necessary that this act take effect immediately.

