

ASSEMBLY BILL

No. 2481

Introduced by Assembly Member Evans

February 23, 2006

An act to add Chapter 1.5 (commencing with Section 16030) to Part 4 of Division 9 of, and to repeal and add Section 11461 of, the Welfare and Institutions Code, relating to foster care, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2481, as introduced, Evans. Foster care.

Existing law provides for Aid to Families with Dependent Children Foster Care (AFDC-FC) for children who have been removed from their homes in certain instances, and establishes the rate of foster care provider payments with respect to 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 nonrelative legal guardian. Existing law provides for the adjustment of those rates at specified times.

Existing law also provides for a clothing allowance in addition to the basic rate, and provides for the annual adjustment of that allowance, and specifies that commencing with the 2000–01 fiscal year, each child shall be entitled to a clothing allowance of \$100 per year, subject to the availability of funds.

This bill would increase the per child rates in effect on December 31, 2006, by 5% on January 1, 2007, and would provide for an increase in the schedule of basic rates and certain special payments for the 2007–08, 2008–09, 2009–10, and 2010–11 fiscal years by the percentage changes in the California Necessities Index. By requiring counties to comply with the rate adjustments, this bill would impose a state-mandated local program.

Existing law continuously appropriates funds for allocation to each county for the adequate care of children of each child eligible to receive AFDC-FC foster care. By requiring the adjustment in the amount of money allocated under the AFDC-FC program, this bill would result in an appropriation.

This bill would also require the State Department of Social Services to administer the Foster Parent Recruitment and Retention Program, created by this bill, establishes procedures for counties to elect to participate in the program, and would make funding of the program subject to appropriation in the annual Budget Act or another act.

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.

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: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 11461 of the Welfare and Institutions
2 Code is repealed.
3 ~~11461. (a) For children placed in a licensed or approved~~
4 ~~family home with a capacity of six or less, or in an approved~~
5 ~~home of a relative or nonrelated legal guardian, or the approved~~
6 ~~home of a nonrelative extended family member as described in~~
7 ~~Section 362.7, the per child per month rates in the following~~
8 ~~schedule shall be in effect for the period July 1, 1989, through~~
9 ~~December 31, 1989:~~

10		
11	- Age	Basic rate
12	0-4.....	\$ 294
13	5-8.....	- 319
14	9-11.....	- 340
15	12-14.....	- 378
16	15-20.....	- 412
17		

1 ~~(b) (1) Any county that, as of October 1, 1989, has in effect a~~
2 ~~basic rate that is at the levels set forth in the schedule in~~
3 ~~subdivision (a), shall continue to receive state participation, as~~
4 ~~specified in subdivision (c) of Section 15200, at these levels.~~
5 ~~(2) Any county that, as of October 1, 1989, has in effect a~~
6 ~~basic rate that exceeds a level set forth in the schedule in~~
7 ~~subdivision (a), shall continue to receive the same level of state~~
8 ~~participation as it received on October 1, 1989.~~
9 ~~(c) The amounts in the schedule of basic rates in subdivision~~
10 ~~(a) shall be adjusted as follows:~~
11 ~~(1) Effective January 1, 1990, the amounts in the schedule of~~
12 ~~basic rates in subdivision (a) shall be increased by 12 percent.~~
13 ~~(2) Effective May 1, 1990, any county that did not increase the~~
14 ~~basic rate by 12 percent on January 1, 1990, shall do both of the~~
15 ~~following:~~
16 ~~(A) Increase the basic rate in effect December 31, 1989, for~~
17 ~~which state participation is received by 12 percent.~~
18 ~~(B) Increase the basic rate, as adjusted pursuant to~~
19 ~~subparagraph (A) by an additional 5 percent.~~
20 ~~(3) (A) Except as provided in subparagraph (B), effective July~~
21 ~~1, 1990, for the 1990-91 fiscal year, the amounts in the schedule~~
22 ~~of basic rates in subdivision (a) shall be increased by an~~
23 ~~additional 5 percent.~~
24 ~~(B) The rate increase required by subparagraph (A) shall not~~
25 ~~be applied to rates increased May 1, 1990, pursuant to paragraph~~
26 ~~(2).~~
27 ~~(4) Effective July 1, 1998, the amounts in the schedule of~~
28 ~~basic rates in subdivision (a) shall be increased by 6 percent.~~
29 ~~Notwithstanding any other provision of law, the 6-percent~~
30 ~~increase provided for in this paragraph shall, retroactive to July~~
31 ~~1, 1998, apply to every county, including any county to which~~
32 ~~paragraph (2) of subdivision (b) applies, and shall apply to foster~~
33 ~~care for every age group.~~
34 ~~(5) Notwithstanding any other provision of law, any increase~~
35 ~~that takes effect after July 1, 1998, shall apply to every county,~~
36 ~~including any county to which paragraph (2) of subdivision (b)~~
37 ~~applies, and shall apply to foster care for every age group.~~
38 ~~(6) The increase in the basic foster family home rate shall~~
39 ~~apply only to children placed in a licensed foster family home~~
40 ~~receiving the basic rate or in an approved home of a relative or~~

1 nonrelative extended family member, as described in Section
2 362.7 or nonrelated legal guardian receiving the basic rate. The
3 increased rate shall not be used to compute the monthly amount
4 that may be paid to licensed foster family agencies for the
5 placement of children in certified foster homes.

6 (d) (1) (A) Beginning with the 1991-92 fiscal year, the
7 schedule of basic rates in subdivision (a) shall be adjusted by the
8 percentage changes in the California Necessities Index,
9 computed pursuant to the methodology described in Section
10 11453, subject to the availability of funds.

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

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

22 (B) Notwithstanding subparagraph (A), all counties for the
23 1999-2000 fiscal year shall receive an increase in state
24 participation for the basic rate of the entire percentage adjustment
25 described in paragraph (1).

26 (3) If a county has, after receiving the adjustments specified in
27 paragraph (2), a state participation level for a basic rate that is
28 below the amount set forth in the adjusted schedule of basic rates
29 for that fiscal year, the state participation level for that rate shall
30 be further increased to the amount specified in the adjusted
31 schedule of basic rates.

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

38 (2) Any county that, as of the effective date of this section, has
39 in effect specialized care increments that have been approved by

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

3 (3) Any county that, as of the effective date of this section, has
4 in effect specialized care increments that exceed the amounts that
5 have been approved by the department, shall continue to receive
6 the same level of state participation as it received on the effective
7 date of this section.

8 (4) (A) Except for subparagraph (B), beginning January 1,
9 1990, specialized care increments shall be adjusted in accordance
10 with the methodology for the schedule of basic rates described in
11 subdivision (c) and (d). No county shall receive state
12 participation for any increases in a specialized care increment
13 which exceeds the adjustments made in accordance with this
14 methodology.

15 (B) Notwithstanding subdivision (c) of Section 11460, for the
16 1993-94 fiscal year, an amount equal to 5 percent of the State
17 Treasury appropriation for family homes shall be added to the
18 total augmentation for the AFDC-FC program in order to provide
19 incentives and assistance to counties in the area of specialized
20 care. This appropriation shall be used, but not limited to,
21 encouraging counties to implement or expand specialized care
22 payment systems, to recruit and train foster parents for the
23 placement of children with specialized care needs, and to develop
24 county systems to encourage the placement of children in family
25 homes. It is the intent of the Legislature that in the use of these
26 funds, federal financial participation shall be claimed whenever
27 possible.

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

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

36 (3) Beginning January 1, 1990, except as provided in
37 paragraph (4), clothing allowances shall be adjusted annually in
38 accordance with the methodology for the schedule of basic rates
39 described in subdivision (c) and (d). No county shall be
40 reimbursed for any increases in clothing allowances which

1 ~~exceed the adjustments made in accordance with this~~
2 ~~methodology.~~

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

10 SEC. 2. Section 11461 is added to the Welfare and
11 Institutions Code, to read:

12 11461. (a) For children placed in a licensed or approved
13 family home with a capacity of six or less or in an approved
14 home of a relative or nonrelated legal guardian, the per child per
15 month rates in the following schedule shall be in effect for the
16 period January 1, 2002, to June 30, 2002, inclusive:

17	Age	Basic rate
18	0–4.....	\$ 425
19	5–8.....	463
20	9–11.....	495
21	12–14.....	547
22	15–20.....	597
23		
24		

25 (b) The schedule of basic rates set forth in subdivision (a) in
26 effect on December 31, 2006 shall be increased by 5 percent on
27 January 1, 2007.

28 (c) (1) In the 2007–08, 2008–09, 2009–10, and 2010–11 fiscal
29 years, the schedule of basic rates in subdivision (a) as adjusted
30 pursuant to subdivision (b), and other special payments specified
31 in subdivisions (d) and (e) shall be adjusted annually by the
32 percentage changes in the California Necessities Index,
33 computed pursuant to the methodology described in Section
34 11453.

35 (d) (1) As used in this section, “specialized care increment”
36 means an approved amount paid with state participation on
37 behalf of an AFDC-FC child requiring specialized care to a home
38 listed in subdivision (a) in addition to the basic rate. On January
39 1, 2007, the department shall continue and maintain the then
40 current ratesetting system for specialized care.

1 (2) Any county that, as of January 1, 2007, has in effect
2 specialized care increments that have been approved by the
3 department, shall continue to receive state participation for those
4 payments.

5 (3) Beginning January 1, 2007, specialized care increments
6 shall be adjusted in accordance with the methodology for the
7 schedule of basic rates described in subdivision (c). No county
8 shall receive state participation for any increases in a specialized
9 care increment that exceeds the adjustments made in accordance
10 with this methodology.

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

16 (2) Any county that, as of January 1, 2007, has in effect
17 clothing allowances, shall continue to receive the same level as it
18 received on December 31, 2006.

19 (3) Beginning January 1, 2007, clothing allowances shall be
20 adjusted annually in accordance with the methodology for the
21 schedule of basic rates described in subdivision (c). No county
22 shall be reimbursed for any increases in clothing allowances that
23 exceed the adjustments made in accordance with this
24 methodology.

25 (f) The adjustment authorized by subdivision (c) shall also be
26 applied for the adjustment of Adoption Assistance Program
27 payment levels or a successor payment program from their base
28 levels in effect on July 1, 2006. Annual adjustments pursuant to
29 subdivision (c) shall not adversely affect base rate increases in
30 Adoption Assistance Program payment level rates.

31 SEC. 3. Chapter 1.5 (commencing with Section 16030) is
32 added to Part 4 of Division 9 of the Welfare and Institutions
33 Code, to read:

34

35 CHAPTER 1.5. FOSTER PARENT RECRUITMENT AND
36 RETENTION PROGRAM
37

38 16030. (a) The Legislature finds and declares that there is an
39 urgent need to recruit and retain licensed foster family homes to

1 provide children placed in out-of-home placements, in the least
2 restrictive and the most familylike setting possible.

3 (b) It is the intent of the Legislature to assist counties in the
4 recruitment and retention of these placements by creating the
5 Foster Parent Recruitment and Retention Program.

6 16031. There is hereby established the Foster Parent
7 Recruitment and Retention Program.

8 16032. The State Department of Social Services shall
9 administer, in consultation with the County Welfare Directors
10 Association, the Foster Parent Recruitment and Retention
11 Program.

12 16033. (a) Recruitment and retention activities allowed under
13 the program shall include, but not be limited to:

14 (1) Supplemental payments to foster family homes that care
15 for sibling groups.

16 (2) Respite care.

17 (3) Advertising and media marketing recruitment campaigns.

18 (4) First- and third-party liability insurance to cover property
19 damage.

20 (5) The use of county-based foster parent advocates to support
21 and work on behalf of foster parents.

22 (6) The use of foster parents as recruiters, and additional
23 support for those foster parents.

24 (7) Additional retention supports, including one-time costs of
25 purchasing items, including, but not limited to, beds and school
26 uniforms.

27 (8) Other locally designed recruitment and retention activities,
28 as appropriate.

29 (b) A county that elects to participate in the program shall
30 submit an annual foster parent recruitment and retention plan to
31 the State Department of Social Services. Participating counties
32 shall work with organizations representing current and former
33 foster youth, foster family homes, and other interested groups to
34 create the plan.

35 (c) Participating counties shall submit annually, a
36 self-assessment of the effectiveness of the local recruitment and
37 retention activities by increasing the number of foster family
38 homes and increasing the retention of those homes.

1 (d) Annual funding allocations shall be determined by the
2 department, in consultation with the County Welfare Directors
3 Association.

4 (e) Funding for the Foster Parent Recruitment and Retention
5 Program is subject to appropriation in the annual Budget Act or
6 another statute. Funding for the program shall be provided
7 without a county match requirement and may be used as a match
8 to draw down federal funding resources, as appropriate.

9 SEC. 4. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.

O