

Introduced by Senator Simitian

February 22, 2005

An act to amend Section 11400 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 679, as introduced, Simitian. Aid to Families with Dependent Children-Foster Care: group homes: definition.

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 group 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 designates the various placements which may be made for a child eligible for AFDC-FC benefits, including a licensed group home. Existing law defines a group home for purposes of the AFDC-FC program as a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, that provides services in a group setting to children in need of care and supervision.

This bill would also include within the definition of a group home for purposes of the AFDC-FC program a nondetention, publicly operated residential home with a capacity of up to 25 beds, that provides services in a group setting to children in need of care and supervision. 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: no.

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

1 SECTION 1. Section 11400 of the Welfare and Institutions
2 Code, as amended by Section 6 of Chapter 664 of the Statutes of
3 2004, is amended to read:

4 11400. For the purposes of this article, the following
5 definitions shall apply:

6 (a) “Aid to Families with Dependent Children-Foster Care
7 (AFDC-FC)” means the aid provided on behalf of needy children
8 in foster care under the terms of this division.

9 (b) “Case plan” means a written document that, at a minimum,
10 specifies the type of home in which the child shall be placed, the
11 safety of that home, and the appropriateness of that home to meet
12 the child’s needs. It shall also include the agency’s plan for
13 ensuring that the child receive proper care and protection in a
14 safe environment, and shall set forth the appropriate services to
15 be provided to the child, the child’s family, and the foster
16 parents, in order to meet the child’s needs while in foster care,
17 and to reunify the child with the child’s family. In addition, the
18 plan shall specify the services that will be provided or steps that
19 will be taken to facilitate an alternate permanent plan if
20 reunification is not possible.

21 (c) “Certified family home” means a family residence certified
22 by a licensed foster family agency and issued a certificate of
23 approval by that agency as meeting licensing standards, and used
24 only by that foster family agency for placements.

25 (d) “Family home” means the family residency of a licensee in
26 which 24-hour care and supervision are provided for children.

27 (e) “Small family home” means any residential facility, in the
28 licensee’s family residence, which provides 24-hour care for six
29 or fewer foster children who have mental disorders or
30 developmental or physical disabilities and who require special
31 care and supervision as a result of their disabilities.

32 (f) “Foster care” means the 24-hour out-of-home care provided
33 to children whose own families are unable or unwilling to care
34 for them, and who are in need of temporary or long-term
35 substitute parenting.

1 (g) “Foster family agency” means any individual or
2 organization engaged in the recruiting, certifying, and training of,
3 and providing professional support to, foster parents, or in
4 finding homes or other places for placement of children for
5 temporary or permanent care who require that level of care as an
6 alternative to a group home. Private foster family agencies shall
7 be organized and operated on a nonprofit basis.

8 (h) “Group home” means a nondetention privately operated
9 residential home, organized and operated on a nonprofit basis
10 only, of any capacity, *or a nondetention publicly operated*
11 *residential home with a capacity of up to 25 beds*, that provides
12 services in a group setting to children in need of care and
13 supervision, as required by paragraph (1) of subdivision (a) of
14 Section 1502 of the Health and Safety Code.

15 (i) “Periodic review” means review of a child’s status by the
16 juvenile court or by an administrative review panel, that shall
17 include a consideration of the safety of the child, a determination
18 of the continuing need for placement in foster care, evaluation of
19 the goals for the placement and the progress toward meeting
20 these goals, and development of a target date for the child’s
21 return home or establishment of alternative permanent
22 placement.

23 (j) “Permanency planning hearing” means a hearing conducted
24 by the juvenile court in which the child’s future status, including
25 whether the child shall be returned home or another permanent
26 plan shall be developed, is determined.

27 (k) “Placement and care” refers to the responsibility for the
28 welfare of a child vested in an agency or organization by virtue
29 of the agency or organization having (1) been delegated care,
30 custody, and control of a child by the juvenile court, (2) taken
31 responsibility, pursuant to a relinquishment or termination of
32 parental rights on a child, (3) taken the responsibility of
33 supervising a child detained by the juvenile court pursuant to
34 Section 319 or 636, or (4) signed a voluntary placement
35 agreement for the child’s placement; or to the responsibility
36 designated to an individual by virtue of his or her being
37 appointed the child’s legal guardian.

38 (l) “Preplacement preventive services” means services that are
39 designed to help children remain with their families by
40 preventing or eliminating the need for removal.

1 (m) “Relative” means an adult who is related to the child by
2 blood, adoption, or affinity within the fifth degree of kinship,
3 including stepparents, stepsiblings, and all relatives whose status
4 is preceded by the words “great,” “great-great,” or “grand” or the
5 spouse of any of these persons even if the marriage was
6 terminated by death or dissolution.

7 (n) “Nonrelative extended family member” means an adult
8 caregiver who has an established familial or mentoring
9 relationship with the child, as described in Section 362.7.

10 (o) “Voluntary placement” means an out-of-home placement
11 of a child by (1) the county welfare department after the parents
12 or guardians have requested the assistance of the county welfare
13 department and have signed a voluntary placement agreement; or
14 (2) the county welfare department licensed public or private
15 adoption agency, or the department acting as an adoption agency,
16 after the parents have requested the assistance of either the
17 county welfare department, the licensed public or private
18 adoption agency, or the department acting as an adoption agency
19 for the purpose of adoption planning, and have signed a
20 voluntary placement agreement.

21 (p) “Voluntary placement agreement” means a written
22 agreement between either the county welfare department, a
23 licensed public or private adoption agency, or the department
24 acting as an adoption agency, and the parents or guardians of a
25 child that specifies, at a minimum, the following:

26 (1) The legal status of the child.

27 (2) The rights and obligations of the parents or guardians, the
28 child, and the agency in which the child is placed.

29 (q) “Original placement date” means the most recent date on
30 which the court detained a child and ordered an agency to be
31 responsible for supervising the child or the date on which an
32 agency assumed responsibility for a child due to termination of
33 parental rights, relinquishment, or voluntary placement.

34 (r) “Transitional housing placement facility” means either of
35 the following:

36 (1) A community care facility licensed by the State
37 Department of Social Services pursuant to Section 1559.110 of
38 the Health and Safety Code to provide transitional housing
39 opportunities to persons at least 16 years of age, and not more
40 than 18 years of age unless they satisfy the requirements of

1 Section 11403, who are in out-of-home placement under the
2 supervision of the county department of social services or the
3 county probation department, and who are participating in an
4 independent living program.

5 (2) A facility certified to provide transitional housing services
6 pursuant to subdivision (e) of Section 1559.110 of the Health and
7 Safety Code.

8 (s) “Transitional housing placement program” means a
9 program that provides supervised housing opportunities to
10 eligible youth pursuant to Article 4 (commencing with Section
11 16522) of Chapter 5 of Part 4.

12 (t) “Crisis nursery” means a facility licensed to provide
13 short-term, 24-hour nonmedical residential care and supervision
14 for children under six years of age who are either voluntarily
15 placed for temporary care by a parent or legal guardian due to a
16 family crisis or stressful situation for no more than 30 days or,
17 except as provided in subdivision (e) of Section 1516 of the
18 Health and Safety Code, who are temporarily placed by a county
19 child welfare service agency for no more than 14 days.

20 (u) This section shall remain in effect only until January 1,
21 2008, and as of that date is repealed, unless a later enacted
22 statute, that is enacted before January 1, 2008, deletes or extends
23 that date.

24 SEC. 2. Section 11400 of the Welfare and Institutions Code,
25 as added by Section 7 of Chapter 664 of the Statutes of 2004, is
26 amended to read:

27 11400. For the purposes of this article, the following
28 definitions shall apply:

29 (a) “Aid to Families with Dependent Children-Foster Care
30 (AFDC-FC)” means the aid provided on behalf of needy children
31 in foster care under the terms of this division.

32 (b) “Case plan” means a written document that, at a minimum,
33 specifies the type of home in which the child shall be placed, the
34 safety of that home, and the appropriateness of that home to meet
35 the child’s needs. It shall also include the agency’s plan for
36 ensuring that the child receive proper care and protection in a
37 safe environment, and shall set forth the appropriate services to
38 be provided to the child, the child’s family, and the foster
39 parents, in order to meet the child’s needs while in foster care,
40 and to reunify the child with the child’s family. In addition, the

1 plan shall specify the services that will be provided or steps that
2 will be taken to facilitate an alternate permanent plan if
3 reunification is not possible.

4 (c) “Certified family home” means a family residence certified
5 by a licensed foster family agency and issued a certificate of
6 approval by that agency as meeting licensing standards, and used
7 only by that foster family agency for placements.

8 (d) “Family home” means the family residency of a licensee in
9 which 24-hour care and supervision are provided for children.

10 (e) “Small family home” means any residential facility, in the
11 licensee’s family residence, which provides 24-hour care for six
12 or fewer foster children who have mental disorders or
13 developmental or physical disabilities and who require special
14 care and supervision as a result of their disabilities.

15 (f) “Foster care” means the 24-hour out-of-home care provided
16 to children whose own families are unable or unwilling to care
17 for them, and who are in need of temporary or long-term
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19 (g) “Foster family agency” means any individual or
20 organization engaged in the recruiting, certifying, and training of,
21 and providing professional support to, foster parents, or in
22 finding homes or other places for placement of children for
23 temporary or permanent care who require that level of care as an
24 alternative to a group home. Private foster family agencies shall
25 be organized and operated on a nonprofit basis.

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28 only, of any capacity, *or a nondetention publicly operated*
29 *residential home with a capacity of up to 25 beds*, that provides
30 services in a group setting to children in need of care and
31 supervision, as required by paragraph (1) of subdivision (a) of
32 Section 1502 of the Health and Safety Code.

33 (i) “Periodic review” means review of a child’s status by the
34 juvenile court or by an administrative review panel, that shall
35 include a consideration of the safety of the child, a determination
36 of the continuing need for placement in foster care, evaluation of
37 the goals for the placement and the progress toward meeting
38 these goals, and development of a target date for the child’s
39 return home or establishment of alternative permanent
40 placement.

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2 by the juvenile court in which the child’s future status, including
3 whether the child shall be returned home or another permanent
4 plan shall be developed, is determined.

5 (k) “Placement and care” refers to the responsibility for the
6 welfare of a child vested in an agency or organization by virtue
7 of the agency or organization having (1) been delegated care,
8 custody, and control of a child by the juvenile court, (2) taken
9 responsibility, pursuant to a relinquishment or termination of
10 parental rights on a child, (3) taken the responsibility of
11 supervising a child detained by the juvenile court pursuant to
12 Section 319 or 636, or (4) signed a voluntary placement
13 agreement for the child’s placement; or to the responsibility
14 designated to an individual by virtue of his or her being
15 appointed the child’s legal guardian.

16 (l) “Preplacement preventive services” means services that are
17 designed to help children remain with their families by
18 preventing or eliminating the need for removal.

19 (m) “Relative” means an adult who is related to the child by
20 blood, adoption, or affinity within the fifth degree of kinship,
21 including stepparents, stepsiblings, and all relatives whose status
22 is preceded by the words “great,” “great-great,” or “grand” or the
23 spouse of any of these persons even if the marriage was
24 terminated by death or dissolution.

25 (n) “Nonrelative extended family member” means an adult
26 caregiver who has an established familial or mentoring
27 relationship with the child, as described in Section 362.7.

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29 of a child by (1) the county welfare department after the parents
30 or guardians have requested the assistance of the county welfare
31 department and have signed a voluntary placement agreement; or
32 (2) the county welfare department licensed public or private
33 adoption agency, or the department acting as an adoption agency,
34 after the parents have requested the assistance of either the
35 county welfare department, the licensed public or private
36 adoption agency, or the department acting as an adoption agency
37 for the purpose of adoption planning, and have signed a
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40 agreement between either the county welfare department, a

1 licensed public or private adoption agency, or the department
2 acting as an adoption agency, and the parents or guardians of a
3 child that specifies, at a minimum, the following:

4 (1) The legal status of the child.

5 (2) The rights and obligations of the parents or guardians, the
6 child, and the agency in which the child is placed.

7 (q) “Original placement date” means the most recent date on
8 which the court detained a child and ordered an agency to be
9 responsible for supervising the child or the date on which an
10 agency assumed responsibility for a child due to termination of
11 parental rights, relinquishment, or voluntary placement.

12 (r) “Transitional housing placement facility” means either of
13 the following:

14 (1) A community care facility licensed by the State
15 Department of Social Services pursuant to Section 1559.110 of
16 the Health and Safety Code to provide transitional housing
17 opportunities to persons at least 16 years of age, and not more
18 than 18 years of age unless they satisfy the requirements of
19 Section 11403, who are in out-of-home placement under the
20 supervision of the county department of social services or the
21 county probation department, and who are participating in an
22 independent living program.

23 (2) A facility certified to provide transitional housing services
24 pursuant to subdivision (e) of Section 1559.110 of the Health and
25 Safety Code.

26 (s) “Transitional housing placement program” means a
27 program that provides supervised housing opportunities to
28 eligible youth pursuant to Article 4 (commencing with Section
29 16522) of Chapter 5 of Part 4.

30 (t) This section shall become operative on January 1, 2008.

31 SEC. 3. No appropriation pursuant to Section 15200 of the
32 Welfare and Institutions Code shall be made for the purpose of
33 funding this act.