

AMENDED IN ASSEMBLY APRIL 17, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1494

Introduced by Assembly Member DeSaulnier

February 23, 2007

An act to amend ~~Section 11400~~ *Sections 11400 and 11462.02* of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1494, as amended, DeSaulnier. Foster care: group homes.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers 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. Existing law requires a child to be placed in one of various placements, including a licensed group home, in order to be eligible for AFDC-FC benefits. Existing law defines a group home as a nondetention privately operated residential home, organized and operated on a nonprofit basis only, or a nondetention licensed residential care home operated by the County of San Mateo with a capacity of up to 25 beds, that provides specified services to children in a group setting.

This bill would expand the definition of a group home to include ~~a nondetention licensed residential care home~~ *the Chris Adams Center* operated by the County of Contra Costa ~~with a capacity of up to 25 beds, that provides the specified services, as specified, and would authorize a foster care rate to be set for that facility.~~ This bill would provide that no appropriation would be made, for purposes of funding

the bill pursuant to the provision continuously appropriating funds for the AFDC-FC program.

The bill would make ~~legislature~~ *legislative* findings and declarations regarding the ~~research~~ *of need* for a special statute.

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 4.5* of Chapter 630 of the Statutes
3 of 2005, is amended to read:

4 11400. For the purposes of this article, the following definitions
5 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 safe
14 environment, and shall set forth the appropriate services to be
15 provided to the child, the child's family, and the foster parents, in
16 order to meet the child's needs while in foster care, and to reunify
17 the child with the child's family. In addition, the plan shall specify
18 the services that will be provided or steps that will be taken to
19 facilitate an alternate permanent plan if reunification is not possible.

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

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

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

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

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

12 (h) “Group home” means a nondetention privately operated
13 residential home, organized and operated on a nonprofit basis only,
14 of any capacity, or a nondetention licensed residential care home
15 operated by the County of San Mateo or the County of Contra
16 Costa, with a capacity of up to 25 beds, that provides services in
17 a group setting to children in need of care and supervision, as
18 required by paragraph (1) of subdivision (a) of Section 1502 of
19 the Health and Safety Code. *The authority of Contra Costa County*
20 *to operate a group home pursuant to this subdivision shall extend*
21 *only to the operation of the Chris Adams Center.*

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

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

33 (k) “Placement and care” refers to the responsibility for the
34 welfare of a child vested in an agency or organization by virtue of
35 the agency or organization having (1) been delegated care, custody,
36 and control of a child by the juvenile court, (2) taken responsibility,
37 pursuant to a relinquishment or termination of parental rights on
38 a child, (3) taken the responsibility of supervising a child detained
39 by the juvenile court pursuant to Section 319 or 636, or (4) signed
40 a voluntary placement agreement for the child’s placement; or to

1 the responsibility designated to an individual by virtue of his or
2 her being appointed the child’s legal guardian.

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

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

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

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

26 (p) “Voluntary placement agreement” means a written agreement
27 between either the county welfare department, a licensed public
28 or private adoption agency, or the department acting as an adoption
29 agency, and the parents or guardians of a child that specifies, at a
30 minimum, the following:

- 31 (1) The legal status of the child.
- 32 (2) The rights and obligations of the parents or guardians, the
33 child, and the agency in which the child is placed.

34 (q) “Original placement date” means the most recent date on
35 which the court detained a child and ordered an agency to be
36 responsible for supervising the child or the date on which an agency
37 assumed responsibility for a child due to termination of parental
38 rights, relinquishment, or voluntary placement.

39 (r) “Transitional housing placement facility” means either of
40 the following:

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

9 (2) A facility certified to provide transitional housing services
10 pursuant to subdivision (e) of Section 1559.110 of the Health and
11 Safety Code.

12 (s) “Transitional housing placement program” means a program
13 that provides supervised housing opportunities to eligible youth
14 pursuant to Article 4 (commencing with Section 16522) of Chapter
15 5 of Part 4.

16 (t) “Whole family foster home” means a family home, approved
17 relative caregiver or nonrelative extended family member’s home,
18 or certified family home that provides foster care for a minor parent
19 and his or her child, and is specifically recruited and trained to
20 assist the minor parent in developing the skills necessary to provide
21 a safe, stable, and permanent home for his or her child. The child
22 of the minor parent need not be the subject of a petition filed
23 pursuant to Section 300 to qualify for placement in a whole family
24 foster home.

25 (u) This section shall become operative on January 1, 2008.

26 *SEC. 2. Section 11462.02 of the Welfare and Institutions Code*
27 *is amended to read:*

28 11462.02. (a) Notwithstanding paragraph (2) of subdivision
29 (a) of Section 11462, a foster care provider licensed as a group
30 home may also have a rate established if the group home is
31 operated by the County of San Mateo, as provided by subdivision
32 (h) of Section 11400.

33 (b) *Notwithstanding paragraph (2) of subdivision (a) of Section*
34 *11462, a rate may also be established for the Chris Adams Center*
35 *operated by the County of Contra Costa, as provided by subdivision*
36 *(h) of Section 11400.*

37 ~~SEC. 2.~~

38 *SEC. 3.* No appropriation pursuant to Section 15200 of the
39 Welfare and Institutions Code shall be made for the purposes of
40 funding this act.

1 ~~SEC. 3.~~

2 *SEC. 4.* The Legislature finds and declares that, because of the
3 unique circumstances applicable to the County of Contra Costa
4 concerning foster care placements, a statute of general applicability
5 cannot be enacted within the meaning of subdivision (b) of Section
6 16 of Article IV of the California Constitution, and, therefore, this
7 special statute is necessary.

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