

ASSEMBLY BILL

No. 1905

**Introduced by Assembly Member Cook
(Coauthors: Assembly Members Adams and Emmerson)**

February 16, 2010

An act to add Section 11402.4 to the Welfare and Institutions Code, relating to foster care, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1905, as introduced, Cook. Foster care: funding: placement approvals.

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 8 placement categories in order to be eligible for AFDC-FC payments, including the approved home of a relative or a nonrelative extended family member. In addition, existing law requires, except as specified, that the standards used to determine suitability of relative and nonrelative extended family member placements be the same standards set forth in the regulations for the licensing of foster family homes.

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care and residential facilities by the State Department of Social Services, including specified inspection authority for specific categories of facilities, including

licensed foster family homes. Existing law excludes relative and nonrelative extended family member placements from the act. However, existing law also requires, with specified exceptions, that the standards used to determine suitability of relative and nonrelative extended family member placements be the same standards set forth in the regulations for the licensing of foster family homes.

The Community Care Facilities Act requires every licensed community care facility to be subject to unannounced visits by the department, as often as necessary to ensure the quality of care provided.

This bill would require the approval of an approved home of a relative or nonrelative extended family member for which reapproval is pending subject to a departmental reassessment visit, as specified, to remain in full force and effect during the reapproval process, and would prohibit payment to the approved home of a relative or nonrelative extended family member from being delayed or terminated solely due to late completion of the annual visit and reapproval, including any required corrective action plan.

To the extent that it would increase AFDC-FC payments to certain relative and nonrelative extended family members under some circumstances, this bill would make an appropriation. Additionally, by increasing duties of counties administering the AFDC-FC program, the bill would impose a state-mandated local program.

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 11402.4 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 11402.4. Notwithstanding any other provision of law, with
- 4 respect to an approved home of a relative or nonrelative extended
- 5 family member for which reapproval is pending subject to a
- 6 reassessment visit conducted pursuant to Section 1534 of the Health

1 and Safety Code or any other applicable law or regulation, the
2 relative or nonrelative extended family member home's approval
3 shall remain in full force and effect during the reapproval process.
4 Payment to the relative or nonrelative extended family member
5 provider shall not be delayed or terminated solely due to late
6 completion of the annual visit and reapproval, including any
7 required corrective action plan.

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