

Assembly Bill No. 1905

Passed the Assembly August 23, 2010

Chief Clerk of the Assembly

Passed the Senate August 20, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1905, 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.

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, subject to specified conditions, the approval of an approved home of a relative or nonrelative extended family member for which an annual visit to ensure the quality of

care provided is pending, to remain in full force and effect, 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.

Existing law continuously appropriates moneys from the General Fund to pay for the state's share of AFDC-FC costs.

This bill would declare that no appropriation would be made for purposes of the bill.

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.

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

SECTION 1. Section 11402.4 is added to the Welfare and Institutions Code, to read:

11402.4. (a) Subject to the conditions set forth in subdivisions (b) and (c), and notwithstanding any other provision of law, with respect to an approved home of a relative or nonrelative extended family member for which an annual visit to ensure the quality of care provided is pending, the relative or nonrelative extended family member home's approval shall remain in full force and effect. Payment to the relative or nonrelative extended family member provider shall not be delayed or terminated solely due to late completion of the annual visit to ensure the quality of care provided.

(b) The frequency of required visits to ensure the quality of care provided shall not be less than the frequency of visits for licensed foster family homes as specified in paragraph (1) of subdivision (a) of Section 1534 of the Health and Safety Code. If late completion of an annual visit occurs, under no circumstances shall the county visit an approved home of a relative or nonrelative extended family member less than once every 24 months.

(c) The frequency of required visits to ensure the quality of care provided shall be subject to state plan approval.

SEC. 2. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of implementing this act.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2010

Governor