

ASSEMBLY BILL

No. 1928

Introduced by Assembly Member Cook

February 22, 2012

An act to add Section 1502.8 to the Health and Safety Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1928, as introduced, Cook. Foster homes: residential capacity.

The California Community Care Facilities Act provides for the licensing and regulation of community care facilities, including, among others, foster family homes, small family homes, and foster family agencies, as defined. Under existing law, a violation of the act is a misdemeanor.

Existing law limits foster family homes and small family homes to 6 or fewer foster children, but allows a licensing agency to increase that limit to 8 foster children under specified circumstances. Existing regulations of the State Department of Social Services require that these licensing agencies include biological, adoptive, and guardianship children, and also require the licensing agency to take into consideration how many children, in addition to the children already living in the home, that the caregiver is capable of providing care and supervision to and that the home can accommodate.

This bill would require the licensing agency to exclude biological children, adoptive children, or children in guardianship who also reside on the premises for purposes of the capacity limits applicable to a foster family home or small family home, or a family home certified by a foster family home agency licensed pursuant to the act.

The bill would authorize the department to implement these provisions through all-county letters until the adoption of implementing regulations, as prescribed.

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 1502.8 is added to the Health and Safety
2 Code, to read:

3 1502.8. (a) Notwithstanding any other law, in interpreting the
4 capacity limits applicable to a foster family home or small family
5 home licensed pursuant to this chapter, or a family home certified
6 by a foster family home licensed pursuant to this chapter, as
7 provided in Sections 1502 and 1505.2, the licensing agency shall
8 exclude biological children, adoptive children, or children in
9 guardianship who also reside on the premises.

10 (b) (1) Notwithstanding the rulemaking provisions of the
11 Administrative Procedure Act (Chapter 3.5 (commencing with
12 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
13 Code), the department may implement and administer the changes
14 made by this act through all-county letters or similar instructions
15 from the director until regulations are adopted. The department
16 shall adopt emergency regulations implementing these provisions
17 no later than July 1, 2013. The department may readopt any
18 emergency regulation authorized by this section that is the same
19 as, or substantially equivalent to, any emergency regulation
20 previously adopted under this section.

21 (2) The initial adoption of regulations pursuant to this section
22 and one readoption of emergency regulations shall be deemed to
23 be an emergency and necessary for the immediate preservation of
24 the public peace, health, safety, or general welfare. Initial
25 emergency regulations and the one readoption of emergency
26 regulations authorized by this section shall be exempt from review
27 by the Office of Administrative Law. The initial emergency
28 regulations and the one readoption of emergency regulations
29 authorized by this section shall be submitted to the Office of
30 Administrative Law for filing with the Secretary of State and each

- 1 shall remain in effect for no more than 180 days, by which time
- 2 final regulations shall be adopted.

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