

ASSEMBLY BILL

No. 2101

**Introduced by Assembly Member Achadjian
(Coauthor: Assembly Member Alejo)**

February 23, 2012

An act to add and repeal Article 8.5 (commencing with Section 1567.10) of Chapter 3 of Division 2 of the Health and Safety Code, and to amend Section 11400 of the Welfare and Institutions Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2101, as introduced, Achadjian. Juvenile Rehabilitation Training Camp Pilot Program.

Existing law establishes various programs for juveniles deemed to be wards of the court as a result of the commission of certain offenses.

Existing law, the Community Care Facilities Act, provides for the licensure and regulation of community care and residential facilities by the State Department of Social Services. Violation of the act is a misdemeanor.

This bill would establish a residential training camp pilot program, to be known as the Juvenile Rehabilitation Training Camp Pilot Program, for the purpose of providing an alternative placement option for male juveniles who commit specified offenses. The bill would authorize any program in San Luis Obispo County that meets specified criteria to be licensed and funded as a group home to the extent permitted by federal law and the California Constitution. The bill would exempt the program from certain requirements governing group homes. By requiring the program to comply with the Community Care Facilities

Act, except as specified, the bill would expand the scope of an existing crime, thereby creating a state-mandated local program.

This bill would require the State Department of Social Services to provide a report with specified information to the Legislature on or before January 1, 2018, and a 2nd report with recommendations to the Legislature on or before January 1, 2023, relating to the operation of the program.

The bill would repeal these provisions on January 1, 2023.

This bill would make legislative findings and declarations as to the necessity of a special statute for San Luis Obispo County.

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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Article 8.5 (commencing with Section 1567.10)
2 is added to Chapter 3 of Division 2 of the Health and Safety Code,
3 to read:

4
5 Article 8.5. Juvenile Rehabilitation Training Camp Pilot
6 Program
7

8 1567.10. (a) There is hereby established a pilot program that
9 shall be known as the Juvenile Rehabilitation Training Camp Pilot
10 Program.

11 (b) Any program in San Luis Obispo County that meets all of
12 the following requirements may, to the extent permitted by federal
13 law and the California Constitution, be licensed and funded as a
14 group home pursuant to this chapter:

15 (1) The program is instructed by qualified individuals and has
16 an emphasis on academics, physical fitness, and transforming the
17 criminal mindset.

18 (2) The program provides individual and group counseling and
19 leadership training.

1 (3) The program previously operated as a group home in San
2 Luis Obispo County.

3 (4) The program serves up to 60 individuals.

4 (c) Any program licensed as a group home pursuant to this
5 section shall comply with all statutes and regulations governing
6 group homes, except, to the extent permitted under federal law
7 and the California Constitution, as follows:

8 (1) Only individuals who are authorized to have more than
9 incidental contact with a juvenile, including persons providing
10 supervisory, coaching, or counseling services, group home
11 applicants and administrators, and individuals described in
12 subparagraphs (E) and (F) of paragraph (1) of subdivision (b) of
13 Section 1522, shall be subject to the requirements of Section 1522.

14 (2) Inspection and visitor policies shall, to the extent practicable
15 and appropriate, allow for inspection by the department and family
16 access to participants in accordance with orders from the juvenile
17 court and the probation department having jurisdiction over
18 program participants.

19 (3) The program may be conducted in an open dormitory setting.

20 (4) The participants of the program shall attend an onsite school
21 supported by credentialed teachers.

22 (5) Policies relating to meals, clothing, and supervision shall
23 be commensurate with the needs of the program participants.

24 (6) The program may be established on a military base.

25 (d) At no time and in no instance shall physical or chemical
26 force, or physical or mental intimidation or coercion, be used for
27 punishment, behavior modification, or any other purpose in the
28 program, unless specifically in response to an emergency situation
29 in which a participant or staff person faces imminent physical
30 harm, and in accordance with use-of-force policies adopted by the
31 department.

32 1567.11. (a) To the extent permitted by federal law and the
33 California Constitution, any male minor found to have committed
34 a felony offense or a misdemeanor offense pursuant to Section
35 602 of the Welfare and Institutions Code may, at the court's
36 discretion, be committed to placement in the program established
37 pursuant to this article. No minor shall be placed in the program
38 who is under the jurisdiction of the court solely because of abuse
39 or neglect.

1 (b) In order to be eligible to participate in the program, a male
2 minor shall meet all of the following criteria:

3 (1) The minor shall be between 13 and 17 years of age, inclusive.

4 (2) The minor shall be assessed to determine whether he is
5 physically and psychologically suitable to participate in the
6 program. The assessment shall also include a determination as to
7 the availability of space in the program, as well as the minor’s
8 preference.

9 (c) If, for any reason, the minor is found to be unsuitable for
10 placement in the program, or continuation in the program, he shall
11 be returned to the juvenile court for further disposition.

12 1567.12. (a) The department shall submit to the Legislature,
13 by January 1, 2018, a report that includes all of the following:

14 (1) The number of participants successfully completing the
15 program.

16 (2) The arrest, reincarceration, and probation violation rates of
17 wards or former wards who successfully completed the program.

18 (3) The cost of the program per participant.

19 (4) A description of the programs and services provided.

20 (5) Any other information that the department deems relevant.

21 (b) The department shall submit to the Legislature, by January
22 1, 2023, a report that includes the following:

23 (1) The information specified in subdivision (a).

24 (2) Recommendations regarding continuing or discontinuing
25 the program.

26 (c) The reports submitted pursuant to subdivisions (a) and (b)
27 shall comply with Section 9795 of the Government Code.

28 1567.13. This article shall remain in effect only until January
29 1, 2023, and as of that date is repealed, unless a later enacted
30 statute, that is enacted before January 1, 2023, deletes or extends
31 that date.

32 SEC. 2. Section 11400 of the Welfare and Institutions Code is
33 amended to read:

34 11400. For the purposes of this article, the following definitions
35 shall apply:

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

39 (b) “Case plan” means a written document that, at a minimum,
40 specifies the type of home in which the child shall be placed, the

1 safety of that home, and the appropriateness of that home to meet
2 the child's needs. It shall also include the agency's plan for
3 ensuring that the child receive proper care and protection in a safe
4 environment, and shall set forth the appropriate services to be
5 provided to the child, the child's family, and the foster parents, in
6 order to meet the child's needs while in foster care, and to reunify
7 the child with the child's family. In addition, the plan shall specify
8 the services that will be provided or steps that will be taken to
9 facilitate an alternate permanent plan if reunification is not possible.

10 (c) "Certified family home" means a family residence certified
11 by a licensed foster family agency and issued a certificate of
12 approval by that agency as meeting licensing standards, and used
13 only by that foster family agency for placements.

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

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

21 (f) "Foster care" means the 24-hour out-of-home care provided
22 to children whose own families are unable or unwilling to care for
23 them, and who are in need of temporary or long-term substitute
24 parenting.

25 (g) "Foster family agency" means any individual or organization
26 engaged in the recruiting, certifying, and training of, and providing
27 professional support to, foster parents, or in finding homes or other
28 places for placement of children for temporary or permanent care
29 who require that level of care as an alternative to a group home.
30 Private foster family agencies shall be organized and operated on
31 a nonprofit basis.

32 (h) (1) "Group home" means a nondetention privately operated
33 residential home, organized and operated on a nonprofit basis only,
34 of any capacity, or a nondetention licensed residential care home
35 operated by the County of San Mateo with a capacity of up to 25
36 beds, that provides services in a group setting to children in need
37 of care and supervision, as required by paragraph (1) of subdivision
38 (a) of Section 1502 of the Health and Safety Code.

1 (2) “Group home” also means a group home as described in
2 Article 8.5 (commencing with Section 1567.10) of Chapter 3 of
3 Division 2 of the Health and Safety Code.

4 (i) “Periodic review” means review of a child’s status by the
5 juvenile court or by an administrative review panel, that shall
6 include a consideration of the safety of the child, a determination
7 of the continuing need for placement in foster care, evaluation of
8 the goals for the placement and the progress toward meeting these
9 goals, and development of a target date for the child’s return home
10 or establishment of alternative permanent placement.

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

15 (k) “Placement and care” refers to the responsibility for the
16 welfare of a child vested in an agency or organization by virtue of
17 the agency or organization having (1) been delegated care, custody,
18 and control of a child by the juvenile court, (2) taken responsibility,
19 pursuant to a relinquishment or termination of parental rights on
20 a child, (3) taken the responsibility of supervising a child detained
21 by the juvenile court pursuant to Section 319 or 636, or (4) signed
22 a voluntary placement agreement for the child’s placement; or to
23 the responsibility designated to an individual by virtue of his or
24 her being appointed the child’s legal guardian.

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

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

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

37 (o) “Voluntary placement” means an out-of-home placement
38 of a child by (1) the county welfare department, probation
39 department, or Indian tribe that has entered into an agreement
40 pursuant to Section 10553.1, after the parents or guardians have

1 requested the assistance of the county welfare department and have
2 signed a voluntary placement agreement; or (2) the county welfare
3 department licensed public or private adoption agency, or the
4 department acting as an adoption agency, after the parents have
5 requested the assistance of either the county welfare department,
6 the licensed public or private adoption agency, or the department
7 acting as an adoption agency for the purpose of adoption planning,
8 and have signed a voluntary placement agreement.

9 (p) “Voluntary placement agreement” means a written agreement
10 between either the county welfare department, probation
11 department, or Indian tribe that has entered into an agreement
12 pursuant to Section 10553.1, licensed public or private adoption
13 agency, or the department acting as an adoption agency, and the
14 parents or guardians of a child that specifies, at a minimum, the
15 following:

16 (1) The legal status of the child.

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

19 (q) “Original placement date” means the most recent date on
20 which the court detained a child and ordered an agency to be
21 responsible for supervising the child or the date on which an agency
22 assumed responsibility for a child due to termination of parental
23 rights, relinquishment, or voluntary placement.

24 (r) “Transitional housing placement facility” means either of
25 the following:

26 (1) A community care facility licensed by the State Department
27 of Social Services pursuant to Section 1559.110 of the Health and
28 Safety Code to provide transitional housing opportunities to persons
29 at least 16 years of age, and not more than 18 years of age and, on
30 or after January 1, 2012, any nonminor dependent who has not
31 attained 19 years of age, as described in paragraph (1) of
32 subdivision (a) of Section 11403.2, may remain in the facility if
33 it is in their best interests in order to complete high school or its
34 equivalent, or to finish the high school year prior to their 19th
35 birthday. These provisions shall apply to those who are in
36 out-of-home placement under the supervision of the county
37 department of social services or the county probation department,
38 and who are participating in an independent living program.

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

4 (s) “Transitional housing placement program” means a program
 5 that provides supervised housing opportunities to eligible youth
 6 and nonminor dependents pursuant to Article 4 (commencing with
 7 Section 16522) of Chapter 5 of Part 4.

8 (t) “Whole family foster home” means a new or existing family
 9 home, approved relative caregiver or nonrelative extended family
 10 member’s home, the home of a nonrelated legal guardian whose
 11 guardianship was established pursuant to Section 366.26 or 360,
 12 certified family home that provides foster care for a minor or
 13 nonminor dependent parent and his or her child, and is specifically
 14 recruited and trained to assist the minor or nonminor dependent
 15 parent in developing the skills necessary to provide a safe, stable,
 16 and permanent home for his or her child. The child of the minor
 17 or nonminor dependent parent need not be the subject of a petition
 18 filed pursuant to Section 300 to qualify for placement in a whole
 19 family foster home.

20 (u) “Mutual agreement” means a written voluntary agreement
 21 of consent for continued placement and care in a supervised setting
 22 between a minor or, on and after January 1, 2012, a nonminor
 23 dependent, and the county welfare services or probation department
 24 or tribal agency responsible for the foster care placement, that
 25 documents the nonminor’s continued willingness to remain in
 26 supervised out-of-home placement under the placement and care
 27 of the responsible county or tribal agency, remain under the
 28 jurisdiction of the juvenile court as a nonminor dependent, and
 29 report any change of circumstances relevant to continued eligibility
 30 for foster care payments, and that documents the nonminor’s and
 31 social worker’s or probation officer’s agreement to work together
 32 to facilitate implementation of the mutually developed supervised
 33 placement agreement and transitional independent living case plan.

34 (v) “Nonminor dependent” means, on and after January 1, 2012,
 35 a foster child, as described in Section 675(8)(B) of Title 42 of the
 36 United States Code under the federal Social Security Act who is
 37 a current dependent child or ward of the juvenile court, or a
 38 nonminor under the transition jurisdiction of the juvenile court, as
 39 described in Section 450, who satisfies all of the following criteria:

1 (1) He or she has attained 18 years of age while under an order
2 of foster care placement by the juvenile court, and is younger than
3 19 years of age as of January 1, 2012, younger than 20 years of
4 age as of January 1, 2013, or younger than 21 years of age as of
5 January 1, 2014.

6 (2) He or she is in foster care under the placement and care
7 responsibility of the county welfare department, county probation
8 department, or Indian tribe that entered into an agreement pursuant
9 to Section 10553.1.

10 (3) He or she is participating in a transitional independent living
11 case plan pursuant to Section 475(8) of the federal Social Security
12 Act (42 U.S.C. Sec. 675(8)), as contained in the federal Fostering
13 Connections to Success and Increasing Adoptions Act of 2008
14 (Public Law 110-351), as described in Section 11403.

15 (w) “Supervised independent living setting” means, on and after
16 January 1, 2012, a supervised setting, as specified in a nonminor
17 dependent’s transitional independent living case plan, in which
18 the youth is living independently, pursuant to Section 472(c)(2)
19 of the Social Security Act (42 U.S.C. Sec. 672(c)(2)).

20 (x) “THP-Plus Foster Care” means, on and after January 1,
21 2012, a placement that offers supervised housing opportunities
22 and supportive services to eligible nonminor dependents at least
23 18 years of age, on and after January 1, 2013, 19 years of age, and
24 on and after January 1, 2014, 20 years of age, and not more than
25 21 years of age, who are in out-of-home placement under the
26 placement and care responsibility of the county welfare department
27 or the county probation department or Indian tribe that entered
28 into an agreement pursuant to Section 10553.1, and who are
29 described in paragraphs (3) and (4) of subdivision (a) of Section
30 11403.2.

31 (y) “Transitional independent living case plan” means, on or
32 after January 1, 2012, the nonminor dependent’s case plan, updated
33 every six months, that describes the goals and objectives of how
34 the nonminor will make progress in the transition to living
35 independently and assume incremental responsibility for adult
36 decisionmaking, the collaborative efforts between the nonminor
37 and the social worker, probation officer, or Indian tribe and the
38 supportive services as described in the transitional independent
39 living plan (TILP) to ensure active and meaningful participation
40 in one or more of the eligibility criteria described in subdivision

1 (b) of Section 11403, the nonminor’s appropriate supervised
2 placement setting, and the nonminor’s permanent plan for transition
3 to living independently, which includes maintaining or obtaining
4 permanent connections to caring and committed adults, as set forth
5 in paragraph (16) of subdivision (f) of Section 16501.1.

6 (z) “Voluntary reentry agreement” means a written voluntary
7 agreement between a former dependent child or ward or a former
8 nonminor dependent, who has had juvenile court jurisdiction
9 terminated pursuant to Section 391, 452 or 607.2, and the county
10 welfare or probation department or tribal placing agency that
11 documents the nonminor’s desire and willingness to reenter foster
12 care, to be placed in a supervised setting under the placement and
13 care responsibility of the placing agency, the nonminor’s desire,
14 willingness, and ability to immediately participate in one or more
15 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
16 (b) of Section 11403, the nonminor’s agreement to work
17 collaboratively with the placing agency to develop his or her
18 transitional independent living case plan within 60 days of reentry,
19 the nonminor’s agreement to report any changes of circumstances
20 relevant to continued eligibility for foster care payments, and the
21 nonminor’s agreement to participate in the filing of a petition for
22 juvenile court jurisdiction as a nonminor dependent pursuant to
23 subdivision (e) of Section 388 within 15 judicial days of the signing
24 of the agreement and the placing agency’s efforts and supportive
25 services to assist the nonminor in the reentry process.

26 SEC. 3. The Legislature finds and declares that a special law
27 is necessary and that a general law cannot be made applicable
28 within the meaning of Section 16 of Article IV of the California
29 Constitution because of the unique circumstances with respect to
30 options for juvenile placement in San Luis Obispo County.

31 SEC. 4. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

O