

**Introduced by Senator Lowenthal
(Coauthor: Senator Liu)**

January 24, 2011

An act to amend Section 1502 of, and to add Sections 1502.35 and 1530.85 to, the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 119, as introduced, Lowenthal. Emergency youth shelter facilities.

The California Community Care Facilities Act provides for the licensing and regulation of community care facilities, as defined, a violation of which is a misdemeanor.

This bill would include with the definition of a community care facility an emergency youth shelter facility, as defined, for specified youth under 18 years of age who are homeless or at risk of being homeless. The bill would require the department to adopt regulations for these facilities by January 1, 2013.

By expanding the definition of a community care facility, this bill would change the definition of an existing crime, thus creating 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 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. Section 1502 of the Health and Safety Code is
2 amended to read:

3 1502. As used in this chapter:

4 (a) “Community care facility” means any facility, place, or
5 building that is maintained and operated to provide nonmedical
6 residential care, day treatment, adult day care, or foster family
7 agency services for children, adults, or children and adults,
8 including, but not limited to, the physically handicapped, mentally
9 impaired, incompetent persons, and abused or neglected children,
10 and includes the following:

11 (1) “Residential facility” means any family home, group care
12 facility, or similar facility determined by the director, for 24-hour
13 nonmedical care of persons in need of personal services,
14 supervision, or assistance essential for sustaining the activities of
15 daily living or for the protection of the individual.

16 (2) “Adult day program” means any community-based facility
17 or program that provides care to persons 18 years of age or older
18 in need of personal services, supervision, or assistance essential
19 for sustaining the activities of daily living or for the protection of
20 these individuals on less than a 24-hour basis.

21 (3) “Therapeutic day services facility” means any facility that
22 provides nonmedical care, counseling, educational or vocational
23 support, or social rehabilitation services on less than a 24-hour
24 basis to persons under 18 years of age who would otherwise be
25 placed in foster care or who are returning to families from foster
26 care. Program standards for these facilities shall be developed by
27 the department, pursuant to Section 1530, in consultation with
28 therapeutic day services and foster care providers.

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

36 (5) “Foster family home” means any residential facility
37 providing 24-hour care for six or fewer foster children that is
38 owned, leased, or rented and is the residence of the foster parent

1 or parents, including their family, in whose care the foster children
2 have been placed. The placement may be by a public or private
3 child placement agency or by a court order, or by voluntary
4 placement by a parent, parents, or guardian. It also means a foster
5 family home described in Section 1505.2.

6 (6) “Small family home” means any residential facility, in the
7 licensee’s family residence, that provides 24-hour care for six or
8 fewer foster children who have mental disorders or developmental
9 or physical disabilities and who require special care and supervision
10 as a result of their disabilities. A small family home may accept
11 children with special health care needs, pursuant to subdivision
12 (a) of Section 17710 of the Welfare and Institutions Code. In
13 addition to placing children with special health care needs, the
14 department may approve placement of children without special
15 health care needs, up to the licensed capacity.

16 (7) “Social rehabilitation facility” means any residential facility
17 that provides social rehabilitation services for no longer than 18
18 months in a group setting to adults recovering from mental illness
19 who temporarily need assistance, guidance, or counseling. Program
20 components shall be subject to program standards pursuant to
21 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
22 2 of Division 5 of the Welfare and Institutions Code.

23 (8) “Community treatment facility” means any residential
24 facility that provides mental health treatment services to children
25 in a group setting and that has the capacity to provide secure
26 containment. Program components shall be subject to program
27 standards developed and enforced by the State Department of
28 Mental Health pursuant to Section 4094 of the Welfare and
29 Institutions Code.

30 Nothing in this section shall be construed to prohibit or
31 discourage placement of persons who have mental or physical
32 disabilities into any category of community care facility that meets
33 the needs of the individual placed, if the placement is consistent
34 with the licensing regulations of the department.

35 (9) “Full-service adoption agency” means any licensed entity
36 engaged in the business of providing adoption services, that does
37 all of the following:

38 (A) Assumes care, custody, and control of a child through
39 relinquishment of the child to the agency or involuntary termination
40 of parental rights to the child.

1 (B) Assesses the birth parents, prospective adoptive parents, or
2 child.

3 (C) Places children for adoption.

4 (D) Supervises adoptive placements.

5 Private full-service adoption agencies shall be organized and
6 operated on a nonprofit basis. As a condition of licensure to provide
7 intercountry adoption services, a full-service adoption agency shall
8 be accredited and in good standing according to Part 96 of Title
9 22 of the Code of Federal Regulations, or supervised by an
10 accredited primary provider, or acting as an exempted provider,
11 in compliance with Subpart F (commencing with Section 96.29)
12 of Part 96 of Title 22 of the Code of Federal Regulations.

13 (10) “Noncustodial adoption agency” means any licensed entity
14 engaged in the business of providing adoption services, that does
15 all of the following:

16 (A) Assesses the prospective adoptive parents.

17 (B) Cooperatively matches children freed for adoption, who are
18 under the care, custody, and control of a licensed adoption agency,
19 for adoption, with assessed and approved adoptive applicants.

20 (C) Cooperatively supervises adoptive placements with a
21 full-service adoptive agency, but does not disrupt a placement or
22 remove a child from a placement.

23 Private noncustodial adoption agencies shall be organized and
24 operated on a nonprofit basis. As a condition of licensure to provide
25 intercountry adoption services, a noncustodial adoption agency
26 shall be accredited and in good standing according to Part 96 of
27 Title 22 of the Code of Federal Regulations, or supervised by an
28 accredited primary provider, or acting as an exempted provider,
29 in compliance with Subpart F (commencing with Section 96.29)
30 of Part 96 of Title 22 of the Code of Federal Regulations.

31 (11) “Transitional shelter care facility” means any group care
32 facility that provides for 24-hour nonmedical care of persons in
33 need of personal services, supervision, or assistance essential for
34 sustaining the activities of daily living or for the protection of the
35 individual. Program components shall be subject to program
36 standards developed by the State Department of Social Services
37 pursuant to Section 1502.3.

38 (12) “Transitional housing placement facility” means a
39 community care facility licensed by the department pursuant to
40 Section 1559.110 to provide transitional housing opportunities to

1 persons at least 17 years of age, and not more than 18 years of age
2 unless the requirements of Section 11403 of the Welfare and
3 Institutions Code are met, who are in out-of-home placement under
4 the supervision of the county department of social services or the
5 county probation department, and who are participating in an
6 independent living program.

7 (13) *“Emergency youth shelter facility” means a group care*
8 *facility that provides voluntary temporary emergency shelter and*
9 *counseling services to youth under 18 years of age, including youth*
10 *under 18 years of age who are emancipated pursuant to Part 6*
11 *(commencing with Section 7000) of Division 11 of the Family*
12 *Code, and that satisfies the requirements of Section 1502.35.*

13 (b) “Department” or “state department” means the State
14 Department of Social Services.

15 (c) “Director” means the Director of Social Services.

16 SEC. 2. Section 1502.35 is added to the Health and Safety
17 Code, to read:

18 1502.35. In order to be licensed under this chapter as an
19 emergency youth shelter facility, a facility shall satisfy all of the
20 following criteria:

21 (a) The facility shall provide voluntary short-term residential
22 nonmedical care and supervision, on a 24-hour basis, to individuals
23 described in subdivision (b).

24 (b) The facility shall serve youth under 18 years of age,
25 including youth who have emancipated pursuant to Part 6
26 (commencing with Section 7000) of Division 11 of the Family
27 Code, who are homeless or at risk of being homeless.

28 (c) The facility shall be owned and operated on a nonprofit
29 basis, by a private nonprofit corporation or a nonprofit public
30 benefit corporation.

31 (d) The facility shall have a maximum capacity of 25 residents.

32 SEC. 3. Section 1530.85 is added to the Health and Safety
33 Code, to read:

34 1530.85. (a) No later than January 1, 2013, the department
35 shall adopt regulations for licensed emergency youth shelter
36 facilities that care for youth under 18 years of age, including
37 emancipated youth, who are homeless or at risk of becoming
38 homeless.

39 (b) Regulations adopted pursuant to this section shall include
40 physical environment standards, including staffing and health and

1 safety requirements, that meet or exceed state child care standards
2 under Title 22 of the California Code of Regulations.

3 (c) In developing the regulations required by this section, the
4 department shall consult with interested parties by convening a
5 meeting that shall include, but not be limited to, representatives
6 of provider organizations that serve homeless or runaway youth.

7 SEC. 4. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.