

AMENDED IN SENATE MARCH 21, 2011

SENATE BILL

No. 119

**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 amended, 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~~ *minors* under 18 years of age, *except as specified*, 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, *as specified, which would be the only licensing standards applicable to emergency youth shelters. This bill would allow an emergency youth shelter that is operating under a group home license to apply for an immediate transfer to an emergency youth shelter license, upon adoption of the regulations required under the bill.*

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

1 professional support to, foster parents, or in finding homes or other
2 places for placement of children for temporary or permanent care
3 who require that level of care as an alternative to a group home.
4 Private foster family agencies shall be organized and operated on
5 a nonprofit basis.

6 (5) “Foster family home” means any residential facility
7 providing 24-hour care for six or fewer foster children that is
8 owned, leased, or rented and is the residence of the foster parent
9 or parents, including their family, in whose care the foster children
10 have been placed. The placement may be by a public or private
11 child placement agency or by a court order, or by voluntary
12 placement by a parent, parents, or guardian. It also means a foster
13 family home described in Section 1505.2.

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

24 (7) “Social rehabilitation facility” means any residential facility
25 that provides social rehabilitation services for no longer than 18
26 months in a group setting to adults recovering from mental illness
27 who temporarily need assistance, guidance, or counseling. Program
28 components shall be subject to program standards pursuant to
29 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
30 2 of Division 5 of the Welfare and Institutions Code.

31 (8) “Community treatment facility” means any residential
32 facility that provides mental health treatment services to children
33 in a group setting and that has the capacity to provide secure
34 containment. Program components shall be subject to program
35 standards developed and enforced by the State Department of
36 Mental Health pursuant to Section 4094 of the Welfare and
37 Institutions Code.

38 Nothing in this section shall be construed to prohibit or
39 discourage placement of persons who have mental or physical
40 disabilities into any category of community care facility that meets

1 the needs of the individual placed, if the placement is consistent
2 with the licensing regulations of the department.

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

6 (A) Assumes care, custody, and control of a child through
7 relinquishment of the child to the agency or involuntary termination
8 of parental rights to the child.

9 (B) Assesses the birth parents, prospective adoptive parents, or
10 child.

11 (C) Places children for adoption.

12 (D) Supervises adoptive placements.

13 Private full-service adoption agencies shall be organized and
14 operated on a nonprofit basis. As a condition of licensure to provide
15 intercountry adoption services, a full-service adoption agency shall
16 be accredited and in good standing according to Part 96 of Title
17 22 of the Code of Federal Regulations, or supervised by an
18 accredited primary provider, or acting as an exempted provider,
19 in compliance with Subpart F (commencing with Section 96.29)
20 of Part 96 of Title 22 of the Code of Federal Regulations.

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

24 (A) Assesses the prospective adoptive parents.

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

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

31 Private noncustodial adoption agencies shall be organized and
32 operated on a nonprofit basis. As a condition of licensure to provide
33 intercountry adoption services, a noncustodial adoption agency
34 shall be accredited and in good standing according to Part 96 of
35 Title 22 of the Code of Federal Regulations, or supervised by an
36 accredited primary provider, or acting as an exempted provider,
37 in compliance with Subpart F (commencing with Section 96.29)
38 of Part 96 of Title 22 of the Code of Federal Regulations.

39 (11) “Transitional shelter care facility” means any group care
40 facility that provides for 24-hour nonmedical care of persons in

1 need of personal services, supervision, or assistance essential for
2 sustaining the activities of daily living or for the protection of the
3 individual. Program components shall be subject to program
4 standards developed by the State Department of Social Services
5 pursuant to Section 1502.3.

6 (12) “Transitional housing placement facility” means a
7 community care facility licensed by the department pursuant to
8 Section 1559.110 to provide transitional housing opportunities to
9 persons at least 17 years of age, and not more than 18 years of age
10 unless the requirements of Section 11403 of the Welfare and
11 Institutions Code are met, who are in out-of-home placement under
12 the supervision of the county department of social services or the
13 county probation department, and who are participating in an
14 independent living program.

15 (13) “Emergency youth shelter facility” means a group care
16 facility that provides voluntary temporary emergency shelter and
17 ~~counseling services to youth~~ *case management to minors* under
18 18 years of age, including youth under 18 years of age who are
19 emancipated pursuant to Part 6 (commencing with Section 7000)
20 of Division 11 of the Family Code, and that satisfies the
21 requirements of Section 1502.35.

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

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

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

27 1502.35. In order to be licensed under this chapter as an
28 emergency youth shelter facility, a facility shall satisfy all of the
29 following criteria:

30 (a) The facility shall ~~provide~~ *offer* voluntary short-term
31 ~~residential nonmedical shelter~~ care and supervision, on a 24-hour
32 basis, to individuals described in subdivision (b).

33 (b) The facility shall serve ~~youth~~ *unaccompanied minors* under
34 18 years of age, including youth who have emancipated pursuant
35 to Part 6 (commencing with Section 7000) of Division 11 of the
36 Family Code, *or youth who are in high school at 18 years of age,*
37 *and expected to graduate before their 19th birthday,* and who are
38 homeless or at risk of being homeless.

1 (c) The facility shall be owned and operated on a nonprofit
2 basis, by a private nonprofit corporation or a nonprofit public
3 benefit corporation.

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

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

7 1530.85. (a) No later than January 1, 2013, the department
8 shall adopt regulations for licensed emergency youth shelter
9 facilities that care for ~~youth~~ *unaccompanied minors* under 18 years
10 of age, including emancipated youth, who are homeless or at risk
11 of becoming homeless.

12 (b) Regulations adopted pursuant to this section shall include
13 physical environment standards, including staffing and *staff*
14 *training*, health and safety requirements, ~~that meet or exceed size~~
15 *limitations, health and hygiene of the facility, service provision,*
16 *and eligibility to access services. These standards may meet, but*
17 *shall not exceed*, state child care standards under Title 22 of the
18 California Code of Regulations.

19 (c) In developing the regulations required by this section, the
20 department shall consult with interested parties by convening a
21 meeting that shall include, but not be limited to, representatives
22 of provider organizations that serve homeless or runaway youth,
23 *and youth who have accessed emergency youth shelter services.*

24 (d) *The regulations adopted under this section shall constitute*
25 *the only licensing standards applicable to an emergency youth*
26 *shelter. If a facility that satisfies the definition of an emergency*
27 *youth shelter is already operating on the effective date of the act*
28 *adding this section, the department shall not take any action that*
29 *would adversely affect, or otherwise attempt to impose existing*
30 *licensing standards on, that facility, before regulations are adopted*
31 *pursuant to this section.*

32 (e) *Upon implementation of the regulations adopted under this*
33 *section, a facility that is operating under a group home license,*
34 *and that satisfies the criteria in Section 1502.35, may apply to*
35 *immediately transfer its existing license to an emergency youth*
36 *shelter license.*

37 SEC. 4. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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