

AMENDED IN ASSEMBLY JUNE 21, 2011

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 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, *once adopted*, would be the only licensing standards applicable to emergency youth shelters. *Until the adoption of the regulations, the bill would require the department to grant facilities that satisfy the definition of an emergency youth shelter a waiver or exception for existing licensing standards, under certain circumstances.* 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.

The bill would authorize a facility licensed as a group home to provide emergency youth shelter services to youth, including foster youth.

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

1 care. Program standards for these facilities shall be developed by
2 the department, pursuant to Section 1530, in consultation with
3 therapeutic day services and foster care providers.

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

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

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

29 (7) “Social rehabilitation facility” means any residential facility
30 that provides social rehabilitation services for no longer than 18
31 months in a group setting to adults recovering from mental illness
32 who temporarily need assistance, guidance, or counseling. Program
33 components shall be subject to program standards pursuant to
34 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
35 2 of Division 5 of the Welfare and Institutions Code.

36 (8) “Community treatment facility” means any residential
37 facility that provides mental health treatment services to children
38 in a group setting and that has the capacity to provide secure
39 containment. Program components shall be subject to program
40 standards developed and enforced by the State Department of

1 Mental Health pursuant to Section 4094 of the Welfare and
2 Institutions Code.

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

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

11 (A) Assumes care, custody, and control of a child through
12 relinquishment of the child to the agency or involuntary termination
13 of parental rights to the child.

14 (B) Assesses the birth parents, prospective adoptive parents, or
15 child.

16 (C) Places children for adoption.

17 (D) Supervises adoptive placements.

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

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

29 (A) Assesses the prospective adoptive parents.

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

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

36 Private noncustodial adoption agencies shall be organized and
37 operated on a nonprofit basis. As a condition of licensure to provide
38 intercountry adoption services, a noncustodial adoption agency
39 shall be accredited and in good standing according to Part 96 of
40 Title 22 of the Code of Federal Regulations, or supervised by an

1 accredited primary provider, or acting as an exempted provider,
2 in compliance with Subpart F (commencing with Section 96.29)
3 of Part 96 of Title 22 of the Code of Federal Regulations.

4 (11) “Transitional shelter care facility” means any group care
5 facility that provides for 24-hour nonmedical care of persons in
6 need of personal services, supervision, or assistance essential for
7 sustaining the activities of daily living or for the protection of the
8 individual. Program components shall be subject to program
9 standards developed by the State Department of Social Services
10 pursuant to Section 1502.3.

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

20 (13) “Emergency youth shelter facility” means a group care
21 facility that provides voluntary temporary emergency shelter and
22 case management to ~~minors~~ *youth* under 18 years of age, including
23 youth under 18 years of age who are emancipated pursuant to Part
24 6 (commencing with Section 7000) of Division 11 of the Family
25 Code, and that satisfies the requirements of Section 1502.35.

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

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

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

31 1502.35. In order to be licensed under this chapter as an
32 emergency youth shelter facility, a facility shall satisfy all of the
33 following criteria:

34 (a) The facility shall offer voluntary short-term shelter care,
35 *case management*, and supervision, on a 24-hour basis, to
36 individuals described in subdivision (b).

37 (b) The facility shall serve ~~unaccompanied minors~~ *youth* under
38 18 years of age, including youth who have emancipated pursuant
39 to Part 6 (commencing with Section 7000) of Division 11 of the
40 Family Code, or youth who are in high school at 18 years of age,

1 ~~and expected to graduate before their 19th birthday, and who are~~
 2 *Family Code, and who are homeless or at risk of being homeless.*
 3 *These youth may include any of the following:*

4 (1) *Foster youth who have left their foster care placements.*

5 (2) *Youth 18 years of age, in order to complete high school or*
 6 *its equivalent, or to finish the high school year.*

7 (3) *Youth who satisfy the definitions contained in paragraph*
 8 *(2) or (6) of Section 725 of the federal McKinney-Vento Homeless*
 9 *Assistance Act (42 U.S.C. Sec. 11434a (2),(6)).*

10 (c) The facility shall be owned and operated on a nonprofit
 11 basis, by a private nonprofit corporation ~~or~~, a nonprofit ~~public~~
 12 ~~benefit corporation~~ *organization, or a public agency.*

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

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

16 1530.85. (a) No later than January 1, 2013, the department
 17 shall adopt regulations for licensed emergency youth shelter
 18 ~~facilities that care for unaccompanied minors under 18 years of~~
 19 ~~age, including emancipated youth, who are homeless or at risk~~
 20 *facilities that care for youth, as described in subdivision (b) of*
 21 *Section 1502.35, who are homeless or at risk of becoming*
 22 *homeless.*

23 (b) Regulations adopted pursuant to this section shall include
 24 physical environment standards, including staffing and staff
 25 training, health and safety requirements, size limitations, health
 26 and hygiene of the facility, service provision, and eligibility to
 27 access services. These standards may meet, but shall not exceed,
 28 state child care standards under Title 22 of the California Code of
 29 Regulations.

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

35 ~~(d) The regulations adopted under this section shall constitute~~
 36 ~~the only licensing standards applicable to an emergency youth~~
 37 ~~shelter. If a facility that satisfies the definition of an emergency~~
 38 ~~youth shelter is already operating on the effective date of the act~~
 39 ~~adding this section, the department shall not take any action that~~
 40 ~~would adversely affect, or otherwise attempt to impose existing~~

1 ~~licensing standards on, that facility, before regulations are adopted~~
2 ~~pursuant to this section.~~

3 *(d) If a facility that satisfies the definition of an emergency youth*
4 *shelter is already operating on the effective date of the act that*
5 *added this section before regulations pursuant to this section are*
6 *adopted, the department shall grant the facility a waiver or*
7 *exception for any existing licensing standard that is inappropriate*
8 *for an emergency youth shelter, provided that the waiver or*
9 *exception does not adversely affect the health, safety, or personal*
10 *rights of youth in the shelter. Following their adoption, the*
11 *regulations adopted pursuant to this section shall constitute the*
12 *only licencing standards applicable to an emergency youth shelter.*

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

18 *(f) A facility licensed as a group home shall also have authority*
19 *to provide emergency youth shelter services to youth, including*
20 *foster youth, as described in subdivision (b) of Section 1502.35.*

21 SEC. 4. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.