

AMENDED IN ASSEMBLY JUNE 30, 2011

AMENDED IN ASSEMBLY JUNE 21, 2011

AMENDED IN SENATE MARCH 21, 2011

**SENATE BILL**

**No. 119**

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**Introduced by Senator Lowenthal**

**(~~Coauthor: Senator Liu~~ *Coauthors: Senators Evans and Liu*)**

*(Coauthor: Assembly Member Ammiano)*

January 24, 2011

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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 youth at least 12 years of age and 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

1 support, or social rehabilitation services on less than a 24-hour  
2 basis to persons under 18 years of age who would otherwise be  
3 placed in foster care or who are returning to families from foster  
4 care. Program standards for these facilities shall be developed by  
5 the department, pursuant to Section 1530, in consultation with  
6 therapeutic day services and foster care providers.

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

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

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

32 (7) “Social rehabilitation facility” means any residential facility  
33 that provides social rehabilitation services for no longer than 18  
34 months in a group setting to adults recovering from mental illness  
35 who temporarily need assistance, guidance, or counseling. Program  
36 components shall be subject to program standards pursuant to  
37 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part  
38 2 of Division 5 of the Welfare and Institutions Code.

39 (8) “Community treatment facility” means any residential  
40 facility that provides mental health treatment services to children

1 in a group setting and that has the capacity to provide secure  
2 containment. Program components shall be subject to program  
3 standards developed and enforced by the State Department of  
4 Mental Health pursuant to Section 4094 of the Welfare and  
5 Institutions Code.

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

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

14 (A) Assumes care, custody, and control of a child through  
15 relinquishment of the child to the agency or involuntary termination  
16 of parental rights to the child.

17 (B) Assesses the birth parents, prospective adoptive parents, or  
18 child.

19 (C) Places children for adoption.

20 (D) Supervises adoptive placements.

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

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

32 (A) Assesses the prospective adoptive parents.

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

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

39 Private noncustodial adoption agencies shall be organized and  
40 operated on a nonprofit basis. As a condition of licensure to provide

1 intercountry adoption services, a noncustodial adoption agency  
2 shall be accredited and in good standing according to Part 96 of  
3 Title 22 of the Code of Federal Regulations, or supervised by an  
4 accredited primary provider, or acting as an exempted provider,  
5 in compliance with Subpart F (commencing with Section 96.29)  
6 of Part 96 of Title 22 of the Code of Federal Regulations.

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

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

23 (13) “Emergency youth shelter facility” means a group care  
24 facility that provides voluntary temporary emergency shelter and  
25 case management to youth ~~under~~ *at least 12 years of age and under*  
26 *18 years of age, except as provided in paragraph (2) of subdivision*  
27 *(b) of Section 1502.35*, including youth under 18 years of age who  
28 are emancipated pursuant to Part 6 (commencing with Section  
29 7000) of Division 11 of the Family Code, and that satisfies the  
30 requirements of Section 1502.35.

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

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

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

36 1502.35. In order to be licensed under this chapter as an  
37 emergency youth shelter facility, a facility shall satisfy all of the  
38 following criteria:

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

4 (b) The facility shall serve youth ~~under~~ *at least 12 years of age*  
5 *and under 18 years of age, except as provided in paragraph (2),*  
6 including youth who have emancipated pursuant to Part 6  
7 (commencing with Section 7000) of Division 11 of the Family  
8 Code, and who are homeless or at risk of being homeless. These  
9 youth may include any of the following:

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

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

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

16 (c) The facility shall be owned and operated on a nonprofit  
17 basis, by a private nonprofit corporation, a nonprofit organization,  
18 or a public agency.

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

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

22 1530.85. (a) No later than January 1, 2013, the department  
23 shall adopt regulations for licensed emergency youth shelter  
24 facilities that care for youth, as described in subdivision (b) of  
25 Section 1502.35, who are homeless or at risk of becoming  
26 homeless.

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

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

39 (d) If a facility that satisfies the definition of an emergency  
40 youth shelter is already operating on the effective date of the act

1 that added this section before regulations pursuant to this section  
2 are adopted, the department shall grant the facility a waiver ~~or~~  
3 ~~exception~~ for any existing licensing standard that is inappropriate  
4 for an emergency youth shelter, provided that the waiver ~~or~~  
5 ~~exception~~ does not adversely affect the health, safety, or personal  
6 rights of youth in the shelter. ~~Following their adoption, the~~  
7 ~~regulations adopted pursuant to this section shall constitute the~~  
8 ~~only licensing standards applicable to an emergency youth shelter.~~

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

14 ~~(f) A facility licensed as a group home shall also have authority~~  
15 ~~to provide emergency youth shelter services to youth, including~~  
16 ~~foster youth, as described in subdivision (b) of Section 1502.35.~~

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