

AMENDED IN ASSEMBLY APRIL 8, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1133

Introduced by Assembly Member Mitchell
(Principal coauthor: Assembly Member Quirk-Silva)
(Coauthors: Assembly Members Ammiano, Chesbro, and
Maienschein)

February 22, 2013

An act to add Section 17739 to the Welfare and Institutions Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

AB 1133, as amended, Mitchell. Foster children: special health care needs.

Under existing law, the State Department of Social Services licenses foster families, and the department and each county provide assistance to foster parents of low-income children under the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program. Existing law requires the department to develop a program, to be administered by the department and county social services departments, for the establishment of foster care homes for children with special health care needs with foster parents trained by health care professionals pursuant to the discharge plan of the facility releasing the child being placed in, or currently in, foster care. Existing law requires each county department of social services to develop a specified plan for foster care placement of children with special health care needs.

This bill would require that, when the placement of a foster child with special health care needs is being considered, preference be given to placement with a foster parent who is ~~a health care practitioner authorized to provide in-home medical care, as specified~~ *an individual nurse provider, as defined, who provides health services under the federal Early and Periodic Screening, Diagnosis and Treatment program*, but that this preference be subordinate to the preference granted to a relative of the child, in accordance with federal law.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

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

1 SECTION 1. Section 17739 is added to the Welfare and
 2 Institutions Code, to read:
 3 17739. (a) When the placement of a foster child with special
 4 health care needs is being considered, preference shall be given
 5 to placement with a foster parent who is ~~a health care practitioner~~
 6 ~~authorized to provide in-home medical care as described in~~
 7 ~~subdivision (t) of Section 14132 of the Welfare and Institutions~~
 8 ~~Code.~~ *an individual nurse provider, as defined in subdivision (m)*
 9 *of Section 14143.26 of the Welfare and Institutions Code, who*
 10 *provides health services under the federal Early and Periodic*
 11 *Screening, Diagnosis and Treatment program (Section*
 12 *1396d(a)(4)(B) of Title 42 of the United States Code).*
 13 (b) The preference described in subdivision (a) shall be
 14 subordinate to the preference granted to a relative of the child
 15 under Section 361.3, in accordance with Section 671(a)(19) of
 16 Title 42 of the United States Code.

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