

AMENDED IN ASSEMBLY MAY 7, 2013

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 *determining* the placement of a foster child ~~with special health care needs is being considered~~ *who is medically fragile, as defined*, preference be given to placement with a foster parent who is 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 *determining* the placement of a foster child
- 4 ~~with special health care needs is being considered~~, *who is medically*
- 5 *fragile, as defined in subdivision (b) of Section 1760.2 of the Health*
- 6 *and Safety Code*, preference shall be given to placement with a
- 7 foster parent who is an individual nurse provider, as defined in
- 8 subdivision (m) of Section ~~14143.26~~ *14043.26* of the Welfare and
- 9 Institutions Code, who provides health services under the federal
- 10 Early and Periodic Screening, Diagnosis and Treatment program
- 11 (Section 1396d(a)(4)(B) of Title 42 of the United States Code).
- 12 (b) The preference described in subdivision (a) shall be
- 13 subordinate to the preference granted to a relative of the child
- 14 under Section 361.3, in accordance with Section 671(a)(19) of
- 15 Title 42 of the United States Code.
- 16 (c) *This section does not prohibit a child welfare agency or the*
- 17 *juvenile court from placing a medically fragile foster child in a*
- 18 *specialized foster care home with appropriate support services if*
- 19 *it is deemed to be in the best interest of the child.*