

AMENDED IN ASSEMBLY MAY 7, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1171

Introduced by Assembly Member Levine

February 22, 2013

An act to add *and repeal* Section 16521.6-~~to~~ of the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1171, as amended, Levine. Child welfare services: electronic records.

Existing law requires a foster care provider, in consultation with the county case manager, to be responsible for ensuring that a foster youth or nonminor dependent is provided with appropriate referrals to health services when the foster youth either reaches 18 years of age or the nonminor dependent exits foster care, and to the extent county and state resources are provided.

This bill would require, ~~beginning January 1, 2014, as a pilot program in 3 counties that agree to participate, and as determined by the State Department of Social Services, a no later than July 1, 2014, that the State Department of Social Services implement and oversee a voluntary 3-county pilot program to provide a foster youth, 16 years of age or older, upon his or her request, or upon his or her emancipation from dependency or probation, with access to an online electronic recordkeeping repository of necessary documents, including, but not limited to, medical and health records, a copy of his or her certified birth certificate, and a copy of his or her social security card, to assist him or her in the transition to adulthood. The bill would require the online electronic recordkeeping repository to allow the youth to view,~~

download, upload, and transmit those documents to assist the youth or nonminor dependent in maintaining those documents. The bill would require a social worker or other representative of the county welfare department, or a probation officer or other representative of the probation department, as appropriate, or another authorized representative as designated by the county or the court to assist a the child or nonminor dependent, 16 years of age or older, or when he or she makes the request, with establishing and obtaining electronic copies of specified records, including, but not limited to, medical or health records, a certified copy of his or her birth certificate, and a social security card with establishing and obtaining electronic copies of those documents.

This bill would require the department, in coordination with the 3 participating counties, to submit a report to the Assembly and Senate Human Services Committees no later than December 1, 2017, evaluating the pilot program and providing recommendations as to whether it should be extended, expanded, or made permanent. These provisions would become inoperative on January 1, 2018, and would be repealed as of January 1, 2019.

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

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

- 1 SECTION 1. Section 16521.6 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 ~~16521.6. (a) When a child is 16 years of age or older, or when~~
- 4 ~~he or she makes the request, a~~
- 5 *16521.6. (a) No later than July 1, 2014, the department shall*
- 6 *implement and oversee a voluntary three-county pilot program*
- 7 *for a period of three years to provide a foster youth, who is 16*
- 8 *years of age or older, upon his or her request, or upon the foster*
- 9 *youth's emancipation from dependency or probation, with access*
- 10 *to a singular online electronic recordkeeping repository of*
- 11 *necessary documents for purposes of assisting the foster youth in*
- 12 *maintaining and having access to those documents and to assist*
- 13 *in the youth's transition to adulthood.*
- 14 *(b) The online electronic recordkeeping repository shall allow*
- 15 *the foster youth to view, download, upload, and transmit, as*

1 *appropriate, necessary documents to assist the youth or nonminor*
2 *dependent in maintaining the documents.*

3 (c) A social worker or other representative of the county welfare
4 department, or a probation officer or other representative of the
5 probation department, as appropriate, *or another authorized*
6 *representative as designated by the county or the court* shall assist
7 the child or nonminor dependent with establishing and obtaining
8 electronic copies of his or her records, ~~including, but not limited~~
9 ~~to:~~ *for the purposes of this pilot program.*

10 (d) *Documents included in the online electronic recordkeeping*
11 *repository shall include, but are not limited to, all of the following:*

12 (1) *Medical or health records, including up-to-date health*
13 *records that include, but are not limited to, diagnoses, allergies,*
14 *test results, immunizations, and medications as permitted by the*
15 *Health Insurance Portability and Accountability Act of 1996*
16 *(Public Law 104-191).*

17 (2) ~~Certified copy~~ *Copy of his or her certified birth certificate.*

18 (3) ~~Social~~ *Copy of his or her social security card.*

19 (4) *Letter proving the child or nonminor dependent was a ward*
20 *or dependent of the court.*

21 (5) *Special immigrant juvenile status, if applicable.*

22 (6) ~~School records.~~ *Educational records, as permitted by state*
23 *pupil privacy laws and the federal Family Educational Rights and*
24 *Privacy Act of 1974 (20 U.S.C. Sec. 1232g), which shall include*
25 *a copy of his or her official high school transcript and high school*
26 *diploma or high school equivalency certificate, if applicable.*

27 (7) ~~Driver's~~ *Copy of his or her driver's license, as described in*
28 *Section 12500 of the Vehicle Code, or identification card, as*
29 *described in Section 13000 of the Vehicle Code.*

30 (8) *Background and contact information of siblings and other*
31 *family members, as appropriate, and as permitted by court order*
32 *pursuant to federal and state law.*

33 (9) *Application to seal juvenile court records.*

34 ~~(b) This section shall be a pilot program in three counties that~~
35 ~~agree to participate, as determined by the State Department of~~
36 ~~Social Services, beginning on January 1, 2014.~~

37 (10) *Copy of his or her transitional independent living case*
38 *plan, if applicable.*

39 (11) *Any additional records as determined necessary by the*
40 *director.*

- 1 (e) Access to the repository shall be limited to the foster youth
2 and the person designated pursuant to subdivision (c).
- 3 (f) Any necessary efforts to provide for the security of the
4 repository, including online security protocols, shall be taken to
5 protect the privacy of the foster youth as determined by the
6 director.
- 7 (g) (1) The department, in coordination with the three
8 participating counties, shall submit a report to the Assembly and
9 Senate Human Services Committees no later than December 1,
10 2017, evaluating the pilot program and providing recommendations
11 as to whether it should be extended, expanded, or made permanent.
- 12 (2) The requirement for submitting a report imposed under this
13 subdivision is inoperative on January 1, 2018, pursuant to Section
14 10231.5 of the Government Code.
- 15 (h) This section shall become inoperative on January 1, 2018,
16 and, as of January 1, 2019, is repealed, unless a later enacted
17 statute, that becomes operative on or before January 1, 2019,
18 deletes or extends the dates on which it becomes inoperative and
19 is repealed.