

ASSEMBLY BILL

No. 1187

Introduced by Assembly Member Mansoor

February 22, 2013

An act to amend Sections 11410 and 15200.5 of, and to add Section 11410.5 to, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1187, as introduced, Mansoor. Foster care funds: subsidized child care for foster parents.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Existing law requires the county to amend its foster care state plan to authorize counties that elect to subsidize child care for foster parents to use specified federal matching funds for that purpose. Under existing law, the county is responsible for 100% of the nonfederal share of payments to foster parents for this purpose.

Existing law, the Child Care and Development Services Act, provides child care and development services to children from birth to 13 years of age, inclusive, and their parents, through full- and part-time programs, as specified. The act requires the Superintendent of Public Instruction to adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement those programs, and gives priority to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, as specified. Existing law also establishes the After School Education and Safety Program for the purpose of creating incentives for establishing locally driven before and after school enrichment programs during

schooldays and summer, intersession, or vacation days that partner public schools and communities to provide academic and literacy support and safe, constructive alternatives for youth.

This bill would require the State Department of Social Services to amend its foster care state plan to authorize the use of designated state child care and development funds administered by the State Department of Education and After School Education and Safety Program funds, in addition to county funds, as the nonfederal match for specified child care for children receiving protective services, foster children, and children at risk of abuse and neglect, pursuant to criteria specified in the bill. The bill would make conforming changes to the law relating to the payment of the nonfederal share of these costs.

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 11410 of the Welfare and Institutions
 2 Code is amended to read:

3 11410. (a) The department shall amend the foster care state
 4 plan, required under Subtitle IV-E (commencing with Section 470)
 5 of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.), to
 6 authorize counties that elect to subsidize child care for foster
 7 parents to use federal matching funds under Subtitle IV-E for that
 8 purpose.

9 (b) When approved by the federal government, counties electing
 10 to administer the Foster Parent Child Care Program shall follow
 11 the guidelines developed by the State Department of Social
 12 Services.

13 (c) Federal funds used by a county pursuant to this section shall
 14 be matched ~~only~~ *either* by county funds pursuant to Section
 15 ~~15200.5: 15200.5, or by funds made available pursuant to Section~~
 16 *11410.5, or by a combination of those funds. State general funds,*
 17 *other than funds described in this subdivision, shall not be used*
 18 *for purposes of a match for those federal funds.*

19 SEC. 2. Section 11410.5 is added to the Welfare and
 20 Institutions Code, to read:

21 11410.5. (a) The department shall amend the foster care state
 22 plan required under Subtitle IV-E (commencing with Section 470)
 23 of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) to

1 authorize the use of any combination of both of the following as
2 the nonfederal match for Title IV-E child care funds for children
3 receiving protective services, foster children, and children at risk
4 of abuse and neglect:

5 (1) State child care and development funds administered by the
6 child development division of the State Department of Education
7 that are not being used for any other nonfederal match.

8 (2) After School Education and Safety Program funds allocated
9 for the purposes described in Article 22.5 (commencing with
10 Section 8482) of Chapter 2 of Part 6 of Division 1 of Title 1 of the
11 Education Code that are not being used for any other nonfederal
12 match.

13 (b) If funds described in subdivision (a) are to be used as the
14 nonfederal match for Title IV-E, the county shall do all of the
15 following:

16 (1) Contract with a local child care agency that is contracted
17 with the State Department of Education, or an After School
18 Education and Safety Program agency that is willing to participate.

19 (2) Claim the full child care costs of federally eligible Title IV-E
20 children, at a rate commensurate with regional child care and
21 development costs.

22 (3) Provide the full federal Title IV-E funding to the local
23 contractor. The local contractor shall use the funds provided as
24 the nonfederal match and enroll and serve children identified by
25 the county as children receiving protective services, foster children,
26 or children at risk of abuse or neglect.

27 (4) Consult with the State Department of Education to ensure
28 that the child development division contractor or the After School
29 Education and Safety Program contractor is in good standing with
30 the State Department of Education, all federal Title IV-E funds
31 are used to enhance the program funded by the State Department
32 of Education, and the child development division contractor or the
33 After School Education and Safety Program contractor does not
34 charge twice for the same services.

35 SEC. 3. Section 15200.5 of the Welfare and Institutions Code
36 is amended to read:

37 15200.5. (a) ~~Notwithstanding the provisions of~~ subdivision
38 (c) of Section 15200, *and except as provided in subdivision (b)*,
39 the county ~~shall~~ *may elect* to be responsible for 100 percent of the
40 nonfederal share of payments to needy children eligible for

- 1 AFDC-FC under the conditions of Section 11402.5, and for
- 2 payments made to foster parents pursuant to Section 11410.
- 3 *(b) A county also may use funds made available pursuant to*
- 4 *Section 11410.5 for the nonfederal share of payments made to*
- 5 *foster parents pursuant to Section 11410.*

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