

AMENDED IN SENATE JUNE 26, 2014

AMENDED IN ASSEMBLY MAY 7, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2668

Introduced by Assembly Member Quirk-Silva

February 21, 2014

An act to amend Sections 11465 and 16501.25 of, and to add Sections 16501.26, 16501.27, and 16501.28 to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2668, as amended, Quirk-Silva. Foster care: nonminor dependent parents.

Existing law provides aid and services to children placed in out-of-home care through various social service programs, including Aid to Families with Dependent Children-Foster Care (AFDC-FC) and the Kinship Guardianship Assistance Payment Program (Kin-GAP). Existing law provides that, when a child is living with a parent who receives AFDC-FC or Kin-GAP benefits, the rate paid to the provider on behalf of the parent include an amount for care and supervision of the child, as specified. Existing law provides for specified payments in instances in which a child is living with a teen parent in a whole family foster home, as defined. Existing law requires, under these circumstances, that a written shared responsibility plan be developed between the parent, his or her caregiver, and a representative of the county or other agency providing direct supervision to the caregiver. Existing law requires that, once this plan has been completed and provided to the appropriate agencies, the payment made to the caregiver

be increased by an additional \$200 per month to reflect the increased care and supervision of the child.

This bill, on or after July 1, 2015, would similarly authorize the development of a parenting support plan between a nonminor dependent parent who resides in a supervised independent living placement, an identified responsible adult who has agreed to act as a parenting mentor, and a representative of the county child welfare agency or probation department. The bill would authorize the nonminor dependent to provide the plan to the county child welfare agency or probation department, at which time he or she would receive an additional aid payment of \$200 per month. The bill would require the State Department of Social Services to convene a working group to develop and issue an all-county letter that specifies the minimum criteria a person must meet in order to serve as an identified responsible adult to a nonminor dependent parent, as specified. The bill would require a person who wishes to become an identified responsible adult to meet the minimum criteria described above, be at least 21 years of age, and undergo a ~~state-level criminal records check, check and a Child Abuse Central Index check,~~ as specified. ~~The bill would authorize a person who does not have a criminal record or who has been issued a criminal records exemption by a county, as specified, to serve as an identified responsible adult.~~ By increasing the duties of counties providing child welfare services, this bill would impose 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 11465 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 11465. (a) When a child is living with a parent who receives
- 4 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on

1 behalf of the parent shall include an amount for care and
2 supervision of the child.

3 (b) For each category of eligible licensed community care
4 facility, as defined in Section 1502 of the Health and Safety Code,
5 the department shall adopt regulations setting forth a uniform rate
6 to cover the cost of care and supervision of the child in each
7 category of eligible licensed community care facility.

8 (c) (1) On and after July 1, 1998, the uniform rate to cover the
9 cost of care and supervision of a child pursuant to this section shall
10 be increased by 6 percent, rounded to the nearest dollar. The
11 resultant amounts shall constitute the new uniform rate.

12 (2) (A) On and after July 1, 1999, the uniform rate to cover the
13 cost of care and supervision of a child pursuant to this section shall
14 be adjusted by an amount equal to the California Necessities Index
15 computed pursuant to Section 11453, rounded to the nearest dollar.
16 The resultant amounts shall constitute the new uniform rate, subject
17 to further adjustment pursuant to subparagraph (B).

18 (B) In addition to the adjustment specified in subparagraph (A),
19 on and after January 1, 2000, the uniform rate to cover the cost of
20 care and supervision of a child pursuant to this section shall be
21 increased by 2.36 percent, rounded to the nearest dollar. The
22 resultant amounts shall constitute the new uniform rate.

23 (3) Subject to the availability of funds, for the 2000–01 fiscal
24 year and annually thereafter, these rates shall be adjusted for cost
25 of living pursuant to procedures in Section 11453.

26 (4) On and after January 1, 2008, the uniform rate to cover the
27 cost of care and supervision of a child pursuant to this section shall
28 be increased by 5 percent, rounded to the nearest dollar. The
29 resulting amount shall constitute the new uniform rate.

30 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
31 payment made pursuant to this section for care and supervision of
32 a child who is living with a teen parent in a whole family foster
33 home, as defined in Section 11400, shall equal the basic rate for
34 children placed in a licensed or approved home as specified in
35 subdivisions (a) to (d), inclusive, and subdivision (g), of Section
36 11461.

37 (2) The amount paid for care and supervision of a dependent
38 infant living with a dependent teen parent receiving AFDC-FC
39 benefits in a group home placement shall equal the infant
40 supplement rate for group home placements.

1 (3) (A) The caregiver shall provide the county child welfare
 2 agency or probation department with a copy of the shared
 3 responsibility plan developed pursuant to Section 16501.25 and
 4 shall advise the county child welfare agency or probation
 5 department of any subsequent changes to the plan. Once the plan
 6 has been completed and provided to the appropriate agencies, the
 7 payment made pursuant to this section shall be increased by an
 8 additional two hundred dollars (\$200) per month to reflect the
 9 increased care and supervision while he or she is placed in the
 10 whole family foster home.

11 (B) A nonminor dependent parent residing in a supervised
 12 independent living placement, as defined in subdivision (w) of
 13 Section 11400, may provide the county child welfare agency or
 14 probation department with a copy of the parenting support plan
 15 developed pursuant to Section 16501.26 and shall advise the county
 16 child welfare agency or probation department of any subsequent
 17 changes to the plan. Once the plan has been completed and
 18 provided to the appropriate agencies, the payment made pursuant
 19 to this section shall be increased by an additional two hundred
 20 dollars (\$200) per month.

21 (4) In a year in which the payment provided pursuant to this
 22 section is adjusted for the cost of living as provided in paragraph
 23 (1) of subdivision (c), the payments provided for in this subdivision
 24 shall also be increased by the same procedures.

25 (5) A Kin-GAP relative who, immediately prior to entering the
 26 Kin-GAP program, was designated as a whole family foster home
 27 shall receive the same payment amounts for the care and
 28 supervision of a child who is living with a teen parent they received
 29 in foster care as a whole family foster home.

30 (6) On and after January 1, 2012, the rate paid for a child living
 31 with a teen parent in a whole family foster home as defined in
 32 Section 11400 shall also be paid for a child living with a nonminor
 33 dependent parent who is eligible to receive AFDC-FC or Kin-GAP
 34 pursuant to Section 11403.

35 SEC. 2. Section 16501.25 of the Welfare and Institutions Code
 36 is amended to read:

37 16501.25. (a) For the purposes of this section, “teen parent”
 38 means a child who has been adjudged to be a dependent child or
 39 ward of the court on the grounds that he or she is a person described
 40 under Section 300 or 602, or a ward of a nonrelated legal guardian

1 whose guardianship was established pursuant to Section 360 or
2 366.26, living in out-of-home placement in a whole family foster
3 home, as defined in subdivision (u) of Section 11400, who is a
4 parent. Commencing January 1, 2012, “teen parent” also means a
5 nonminor dependent, as defined in subdivision (v) of Section
6 11400, who is living in a whole family foster home, as defined in
7 subdivision (t) of Section 11400, and is eligible for AFDC-FC or
8 Kin-GAP payments pursuant to Section 11403.

9 (b) (1) When the child of a teen parent is not subject to the
10 jurisdiction of the dependency court but is in the full or partial
11 physical custody of the teen parent, a written shared responsibility
12 plan shall be developed. The plan shall be developed between the
13 teen parent, caregiver, and a representative of the county child
14 welfare agency or probation department, and in the case of a
15 certified home, a representative of the agency providing direct and
16 immediate supervision to the caregiver. Additional input may be
17 provided by any individuals identified by the teen parent, the other
18 parent of the child, if appropriate, and other extended family
19 members. The plan shall be developed as soon as is practicably
20 possible. However, if one or more of the above stakeholders are
21 not available to participate in the creation of the plan within the
22 first 30 days of the teen parent’s placement, the teen parent and
23 caregiver may enter into a plan for the purposes of fulfilling the
24 requirements of subparagraph (A) of paragraph (3) of subdivision
25 (d) of Section 11465, which may be modified at a later time when
26 the other individuals become available.

27 (2) The plan shall be designed to preserve and strengthen the
28 teen parent family unit, as described in Section 16002.5, to assist
29 the teen parent in meeting the goals outlined in Section 16002.5,
30 to facilitate a supportive home environment for the teen parent and
31 the child, and to ultimately enable the teen parent to independently
32 provide a safe, stable, and permanent home for the child. The plan
33 shall in no way limit the teen parent’s legal right to make decisions
34 regarding the care, custody, and control of the child.

35 (3) The plan shall be written for the express purpose of aiding
36 the teen parent and the caregiver to reach agreements aimed at
37 reducing conflict and misunderstandings. The plan shall outline,
38 with as much specificity as is practicable, the duties, rights, and
39 responsibilities of both the teen parent and the caregiver with regard
40 to the child, and identify supportive services to be offered to the

1 teen parent by the caregiver or, in the case of a certified home, the
2 agency providing direct and immediate supervision to the caregiver,
3 or both. The plan shall be updated, as needed, to account for the
4 changing needs of infants and toddlers, and in accordance with
5 the teen parent's changing school, employment, or other outside
6 responsibilities. The plan shall not conflict with the teen parent's
7 case plan. Areas to be addressed by the plan include, but are not
8 limited to, all of the following:

- 9 (A) Feeding.
 - 10 (B) Clothing.
 - 11 (C) Hygiene.
 - 12 (D) Purchase of necessary items, including, but not limited to,
13 safety items, food, clothing, and developmentally appropriate toys
14 and books. This includes both one-time purchases and items needed
15 on an ongoing basis.
 - 16 (E) Health care.
 - 17 (F) Transportation to health care appointments, child care, and
18 school, as appropriate.
 - 19 (G) Provision of child care and babysitting.
 - 20 (H) Discipline.
 - 21 (I) Sleeping arrangements.
 - 22 (J) Visits among the child, his or her noncustodial parent, and
23 other appropriate family members, including the responsibilities
24 of the teen parent, the caregiver, and the foster family agency, as
25 appropriate, for facilitating the visitation. The shared responsibility
26 plan shall not conflict with the teen parent's case plan and any
27 visitation orders made by the court.
- 28 (c) Upon completion of the shared responsibility plan and any
29 subsequent updates to the plan, a copy shall be provided to the
30 teen parent and his or her attorney, the caregiver, the county child
31 welfare agency or probation-~~department~~ *department*, and, in the
32 case of a certified home, the agency providing direct and immediate
33 supervision to the caregiver.
- 34 (d) The shared responsibility plan requirements shall no longer
35 apply when the two hundred-dollar (\$200) monthly payment is
36 made under the Kin-GAP program pursuant to Article 4.5
37 (commencing with Section 11360) or Article 4.7 (commencing
38 with Section 11385) of Chapter 2 of Part 3 to a former whole
39 family foster home pursuant to subdivision (a) of Section 11465.

1 SEC. 3. Section 16501.26 is added to the Welfare and
2 Institutions Code, to read:

3 16501.26. (a) For the purposes of this section, “nonminor
4 dependent parent” means a nonminor dependent as described in
5 subdivision (v) of Section 11400, residing in a supervised
6 independent living placement as defined in subdivision (w) of
7 Section 11400, who is a parent.

8 (b) When the child of a nonminor dependent parent is not subject
9 to the jurisdiction of the dependency court, but is in the full or
10 partial custody of the nonminor dependent, a written parenting
11 support plan may be developed between the nonminor dependent
12 parent and an identified responsible adult who has agreed to act
13 as a parenting mentor to the nonminor dependent parent. The plan,
14 if developed, shall be developed between the nonminor dependent
15 parent, the identified responsible adult, and a representative of the
16 county child welfare agency or probation department. Additional
17 input may be provided by any individuals identified by the
18 nonminor dependent parent, the other parent of the child, if
19 appropriate, and other extended family members. The plan shall
20 be developed as soon as is practicably possible. However, if one
21 or more of the above stakeholders are not available to participate
22 in the creation of the plan within the first 30 days of the nonminor
23 dependent parent’s request to enter into the plan, the nonminor
24 dependent parent and the identified responsible adult may enter
25 into a plan for the purposes of fulfilling the requirements of
26 subparagraph (B) of paragraph (3) of subdivision (d) of Section
27 11465, which may be modified at a later time when the other
28 individuals become available.

29 (1) The plan shall be designed to preserve and strengthen the
30 nonminor dependent parent family unit, as described in Section
31 16002.5, to assist the nonminor dependent parent in meeting the
32 goals outlined in Section 16002.5, to assist the nonminor dependent
33 parent in maintaining a safe, stable, and permanent home for the
34 child, and to support the nonminor dependent parent’s educational
35 and employment goals. The plan shall in no way limit the nonminor
36 dependent parent’s legal right to make decisions regarding the
37 care, custody, and control of the child.

38 (2) The plan shall be written for the express purpose of
39 identifying additional support and assisting the nonminor dependent
40 parent in providing the best care plan for his or her child. The plan

1 shall outline, with as much specificity as is practicable, the ways
 2 in which the identified responsible adult will assist the nonminor
 3 dependent parent with regard to the child, and identify supportive
 4 services to be offered to the nonminor dependent parent by the
 5 identified responsible adult. The plan shall be updated, as needed,
 6 to account for the changing needs of infants and toddlers, and in
 7 accordance with the nonminor dependent parent’s changing school,
 8 employment, or other outside responsibilities. The plan shall not
 9 conflict with the nonminor dependent parent’s transitional
 10 independent living case plan or any visitation orders made by the
 11 court. Areas to be addressed by the plan may include, but are not
 12 limited to, all of the following:

13 (A) Transportation to health care appointments, child care, and
 14 school, as appropriate.

15 (B) Providing child care and babysitting.

16 (c) Upon completion of the parenting support plan and any
 17 subsequent updates to the plan, a copy shall be provided to the
 18 nonminor dependent parent and his or her attorney, the identified
 19 responsible adult, and the county child welfare agency or probation
 20 department.

21 (d) This section shall become operative on July 1, 2015.

22 SEC. 4. Section 16501.27 is added to the Welfare and
 23 Institutions Code, to read:

24 16501.27. (a) ~~(1)~~ For purposes of Section 16501.26, a person
 25 who wishes to become an identified responsible adult to a nonminor
 26 dependent parent shall ~~meet the minimum criteria established~~
 27 ~~pursuant to Section 16501.28, be at least 21 years of age, and~~
 28 ~~undergo a state-level criminal records check to be conducted by~~
 29 ~~an appropriate government agency through the California Law~~
 30 ~~Enforcement Telecommunications System (CLETS) pursuant to~~
 31 ~~Section 16504.5. Within 10 calendar days following the criminal~~
 32 ~~records check conducted through CLETS, the social worker shall~~
 33 ~~ensure that a fingerprint clearance check of the potential identified~~
 34 ~~responsible adult is initiated through the Department of Justice to~~
 35 ~~ensure the accuracy of the criminal records check conducted~~
 36 ~~through CLETS and shall review the results of any criminal records~~
 37 ~~check to assess the appropriateness of the person. The Department~~
 38 ~~of Justice shall forward fingerprint requests for federal-level~~
 39 ~~criminal history information to the Federal Bureau of Investigation~~

1 ~~pursuant to this section.~~ *comply with all of the following*
2 *requirements:*

3 (1) *Meet the minimum criteria established pursuant to Section*
4 *16501.28.*

5 (2) *Be at least 21 years of age.*

6 (3) *Undergo a criminal records check in accordance with*
7 *Section 1522 of the Health and Safety Code.*

8 (4) *Undergo a Child Abuse Central Index check pursuant to*
9 *Section 11170 of the Penal Code.*

10 ~~(2)~~

11 (b) *An identification card from a foreign consulate or foreign*
12 *passport shall be considered a valid form of identification for*
13 *purposes of conducting a criminal records check and fingerprint*
14 *clearance check under this subdivision and under pursuant to*
15 *subdivision (b) (a).*

16 ~~(b) The social worker shall also request that the Department of~~
17 ~~Justice conduct a check of the potential identified responsible adult~~
18 ~~within the Child Abuse Central Index pursuant to Section 11170~~
19 ~~of the Penal Code.~~

20 ~~(c) (1) If the results of the California and federal criminal records~~
21 ~~check indicate that the person does not have a criminal record, the~~
22 ~~individual may serve as an identified responsible adult to a~~
23 ~~nonminor dependent parent.~~

24 ~~(2) If the results of the criminal records check indicate that the~~
25 ~~person has a criminal record, the county may issue a criminal~~
26 ~~records exemption. However, the county shall not grant a criminal~~
27 ~~records exemption to a person who has been convicted of a crime~~
28 ~~specified in Section 290 of the Penal Code, for violating Section~~
29 ~~245 or 273.5 of the Penal Code, subdivision (b) of Section 273a~~
30 ~~of the Penal Code, or, prior to January 1, 1994, paragraph (2) of~~
31 ~~Section 273a of the Penal Code. If a person receives a criminal~~
32 ~~records exemption pursuant to this paragraph, he or she may serve~~
33 ~~as an identified responsible adult to a nonminor dependent parent.~~

34 ~~(d)~~

35 (c) *This section shall become operative on July 1, 2015.*

36 SEC. 5. *Section 16501.28 is added to the Welfare and*
37 *Institutions Code, to read:*

38 *16501.28. Notwithstanding the rulemaking provisions of the*
39 *Administrative Procedure Act (Chapter 3.5 (commencing with*
40 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*

1 Code), the department shall convene a working group no later than
2 February 1, 2015, that includes representatives of the County
3 Welfare Directors Association and child welfare advocates to
4 develop an all-county letter that specifies the minimum criteria a
5 person must meet in order to serve as an identified responsible
6 adult to a nonminor dependent parent. The working group shall
7 issue the letter to all counties by June 30, 2015.

8 SEC. 6. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.

O