

AMENDED IN ASSEMBLY JUNE 12, 2013

AMENDED IN ASSEMBLY MAY 29, 2013

SENATE BILL

No. 66

Introduced by Committee on Budget and Fiscal Review

January 10, 2013

~~An act relating to the Budget Act of 2013.~~ *An act to amend Section 110032 of, and to add Section 110034.5 to, the Government Code, to amend Sections 1522, 1530.8, 1562, and 1596.871 of the Health and Safety Code, to amend Sections 319.2, 361.2, 626, 727, 11265.1, 11265.2, 11265.3, 11322.63, 11323.25, 11325.5, 11450, 11450.12, 11450.13, 11462.04, 16519.5, 18901.2, 18906.55, and 18910 of, to amend, repeal, and add Sections 11155, 11265, 11265.4, 11320.1, 11322.85, 11325.2, 11325.21, and 11325.22 of, and to add Sections 319.3, 11322.64, 11325.24, and 16010.8 the Welfare and Institutions Code, and to amend Section 72 of Chapter 32 of the Statutes of 2011, relating to human services, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 66, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2013.~~ *Human services.*

(1) Existing law, the In-Home Supportive Services Employer-Employee Relations Act, provides the method of resolving disputes regarding wages, benefits, and other terms and conditions of employment, as defined, between the California In-Home Supportive Services Authority (Statewide Authority) for in-home supportive services and recognized employee organizations. Existing law, if an agreement is not reached, authorizes the Statewide Authority to declare an impasse and implement its last, best, and final offer after the applicable

mediation procedure has been exhausted, fact finding has been completed and made public, and no resolution has been reached by the parties.

This bill would, in those circumstances, authorize the Statewide Authority to implement any or all of its last, best, and final offer after declaring an impasse and would require that any proposal in the Statewide Authority's last, best, and final offer be presented to the Legislature for approval if it would conflict with existing statutes or require the expenditure of funds.

(2) The Ralph M. Brown Act and the Bagley-Keene Open Meeting Act each require, with specified exceptions, that all meetings of a local or state body be open and public and all persons be permitted to attend.

This bill would exempt certain collective bargaining activities, meetings, and investigations involving the Statewide Authority from those public meeting requirements.

(3) Existing law requires the State Department of Social Services, before issuing a license or special permit to any person to operate or manage a community care facility or a day care facility, to secure from an appropriate law enforcement agency a criminal record regarding the applicant and specified other persons, including those who will reside in the facility and employees and volunteers who have contact with the clients or children, as specified. Existing law generally prohibits the Department of Justice or the State Department of Social Services from charging a fee for fingerprinting or obtaining the criminal record of an applicant for a license or special permit to operate a community care facility providing nonmedical board, room, and care for 6 or fewer children, an applicant to operate or manage a day care facility that will serve 6 or fewer children, or an applicant for a family day care license, as specified. Existing law suspends the operation of that prohibition against charging a fee through the 2012–13 fiscal year.

This bill would extend through the 2014–15 fiscal year the suspension of the prohibition against charging a fee for fingerprinting or obtaining a criminal record pursuant to the provisions described above, thereby permitting those departments to charge a fee for those services.

(4) Existing law provides for the removal of children who are unable to remain in the custody and care of their parent or parents. Existing law provides that when a child under the 6 years of age is not released from the custody of the court, the child may be placed in a community care facility licensed as a group home for children or in a temporary shelter care facility only when the court finds that placement is

necessary to secure a complete and adequate evaluation, including placement planning and transition time. Existing law limits this placement period to 60 days, except if the supervisor of the caseworker's supervisor makes certain findings in the child's case plan.

This bill would instead require the deputy director or director of the county child welfare department or an assistant chief probation officer or chief probation officer of the county probation department to make findings that would authorize the extension of the 60-day placement limitation. The bill would impose certain requirements relating to placements that extend beyond 120 days. The bill also would enact substantially similar provisions for a dependent child 6 to 12 years of age, inclusive, and would require the State Department of Social Services to adopt regulations to implement these provisions, if the department determines that regulations are necessary. By increasing the duties of county welfare and probation departments, this bill would impose a state-mandated local program.

This bill would state the Legislature's intent that no child or youth in foster care reside in group care for longer than one year, and would require the State Department of Social Services to provide updates to the Legislature, commencing no later than January 1, 2014, regarding the outcomes of assessments of children and youth who have been in group homes for longer than one year.

This bill would make conforming and clarifying changes relating to these provisions.

(5) Existing law provides for 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. Under existing law, foster care providers licensed as group homes have rates established by classifying each group home program and applying a standardized schedule of rates. Existing law prohibits the establishment of a new group home rate or change to an existing rate under the AFDC-FC program, except for exemptions granted by the department on a case-by-case basis. Existing law also limits, for the 2012–13 fiscal year, exceptions for any program with a rate classification level below 10 to exceptions associated with a program change.

This bill would extend that limitation to the 2013–14 fiscal year.

(6) Existing law requires the State Department of Social Services to establish and administer the California Child and Family Service Review System to review all county child welfare systems, including child

protective services, foster care, adoption, family preservation, family support, and independent living. Existing law requires the department to implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, approving relatives and nonrelative extended family members as foster care providers, and approving adoptive families. Existing law implements this program for 3 years, commencing January 1, 2013, in 5 early implementation counties, also referred to as pilot project counties, and then throughout the state.

This bill would delete references to pilot project counties in those provisions and would refer instead to early implementation counties.

(7) Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law requires each county to pay 30% of the nonfederal share of costs of administering the CalFresh program. Existing law also requires counties to expend an amount for programs that provide services to needy families that, when combined with the funds expended above for the administration of the CalFresh program, equals or exceeds the amount spent by the county for corresponding activities during the 1996–97 fiscal year.

Existing law provides that any county that equals or exceeds the amount spent by the county for corresponding activities during the 1996–97 fiscal year entirely through expenditures for the administration of the CalFresh program in the 2010–11, 2011–12, and 2012–13 fiscal years shall receive the full state General Fund allocation for the administration of the CalFresh program without paying the county's share of the nonfederal costs for the amount above the 1996–97 expenditure requirement.

This bill would extend counties' eligibility to receive the full allocation for CalFresh administration under the above circumstances to the 2013–14 fiscal year.

(8) Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds.

Existing law imposes limits on the amount of income and personal and real property an individual or family may possess in order to be

eligible for public aid, including under the CalWORKs program, including specifying the allowable value of a licensed vehicle retained by an applicant for, or recipient of, that aid.

This bill would revise, as of January 1, 2014, provisions relating to the allowable value of a licensed vehicle by, among other things, requiring that for each licensed vehicle with an equity value of more than \$9,500, the equity value that exceeds \$9,500 be attributed toward the family's resource level.

Under existing law, the county is required to annually redetermine eligibility for CalWORKs benefits. Existing law additionally requires the county to redetermine recipient eligibility and grant amounts on a semiannual basis, using prospective budgeting, and to prospectively determine the grant amount that a recipient is entitled to receive for each month of the semiannual reporting period. Under existing law, the CalWORKs semiannual reporting system is also implemented by the State Department of Social Services in administering CalFresh.

This bill would revise the timeframes for mailing out and receipt of the certificate of eligibility required for the annual redetermination, as specified. The bill would require counties to use information reported on the semiannual report form or the annual certificate of eligibility to prospectively determine eligibility and the grant amount for each semiannual reporting period. The bill would make various related conforming changes, including revising provisions relating to the semiannual redetermination of eligibility and grant amounts. The bill would authorize counties to adopt staggered semiannual reporting requirements, as specified.

(9) Under existing law, with certain exceptions, every individual, as a condition of eligibility for aid under the CalWORKs program, is required to participate in welfare-to-work activities. Existing law requires recipients who are not exempt to participate in job search and job club.

This bill, commencing January 1, 2014, would revise the procedures relating to an applicant's job search participation by requiring an applicant, after receiving an orientation and appraisal, to participate in job search and job club, family stabilization pursuant to specified procedures as established by the bill, or substance abuse, mental health, or domestic violence services, unless the county determines that the participant should first receive a specified assessment. With respect to the family services component, the bill would authorize a recipient to participate if the county determines that his or her family is experiencing

an identified situation or crisis that is destabilizing the family and would interfere with participation in welfare-to-work activities and services.

Existing law authorizes counties to implement a welfare-to-work plan that includes subsidized private sector and public sector employment.

This bill would require the State Department of Social Services, in consultation with the County Welfare Directors Association of California, to develop an allocation methodology to distribute additional funding for expanded subsidized employment programs for CalWORKs recipients. The bill would require counties that accept additional funding pursuant to these provisions to continue to expend no less than the aggregate amount of county funds that the county expended for public and private sector subsidized employment in the 2012–13 fiscal year.

(10) Existing law requires the Department of Community Services and Development to receive and administer the federal Low-Income Home Energy Assistance Program (LIHEAP) block grant. Under existing law, to the extent permitted by federal law, the State Department of Social Services, in conjunction with the Department of Community Services and Development, is required to design, implement, and maintain a utility assistance initiative to provide applicants and recipients of CalFresh benefits a nominal LIHEAP service benefit, as specified, out of the federal LIHEAP block grant. Existing law provides that, to the extent permitted by federal law, a CalFresh household receiving or anticipating receipt of a nominal LIHEAP service benefit is entitled to use the full standard utility allowance (SUA) for purposes of calculating CalFresh benefits.

This bill would, if the demand for the nominal LIHEAP service benefit exceeds allocated funding, require both departments to report that information to the Legislature and develop a plan to maintain the program as intended. The bill would require the State Department of Social Services to ensure that the receipt of the nominal LIHEAP service benefit does not adversely affect a CalFresh household's eligibility or reduce the household's CalFresh benefits. The bill would provide that if use of the full SUA, rather than the homeless shelter deduction, results in a lower amount of CalFresh benefits for a homeless household, the homeless household would be entitled to use the homeless shelter deduction. To the extent that the bill would expand eligibility for CalWORKs and CalFresh benefits, it would impose a state-mandated local program.

(11) Existing law requires the State Department of Social Services, in consultation with designated stakeholders in the In-Home Supportive

Services Program, to develop a new ratesetting methodology for public authority administrative costs, to go into effect commencing with the 2013–14 fiscal year.

This bill would delete the requirement that this new ratesetting methodology take effect in the 2013–14 fiscal year.

This bill would authorize the State Department of Social Services to implement certain of its provisions by all-county letters or similar instructions, pending the adoption of emergency regulations by July 1, 2015.

(12) 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.

(13) The Budget Acts of 2011 and 2012 make various appropriations to the State Department of Social Services.

This bill would reappropriate the balance of specified appropriations made in those prior Budget Acts to the State Department of Social Services for the purposes provided for in those appropriations, to be available for encumbrance and expenditure until June 30, 2014, thereby making an appropriation.

(14) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~*This bill would express the intent of the Legislature to enact the Budget Act of 2013.*~~

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

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

1 *SECTION 1. Section 110032 of the Government Code is*
2 *amended to read:*

3 *110032. After the applicable mediation procedure has been*
4 *exhausted, ~~factfinding~~ fact finding has been completed and made*
5 *public, and no resolution has been reached by the parties, the*
6 *Statewide Authority may declare an impasse and implement any*
7 *or all of its last, best, and final offer. Any proposal in the Statewide*

1 Authority's last, best, and final offer that, if implemented, would
2 conflict with existing statutes or require the expenditure of funds
3 shall be presented to the Legislature for approval. The unilateral
4 implementation of the Statewide Authority's last, best, and final
5 offer shall not deprive a recognized employee organization of the
6 right each year to meet and confer on matters within the scope of
7 representation, whether or not those matters are included in the
8 unilateral implementation, prior to the adoption of the annual
9 budget or as otherwise required by law.

10 SEC. 2. Section 110034.5 is added to the Government Code,
11 to read:

12 110034.5. All of the following proceedings are exempt from
13 the Bagley-Keene Open Meeting Act (Article 9 (commencing with
14 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) and
15 the Ralph M. Brown Act (Chapter 9 (commencing with Section
16 54950) of Part 1 of Division 2 of Title 5), unless the parties agree
17 otherwise:

18 (a) Any meeting, negotiation, or discussion between the
19 Statewide Authority or its designated representative and a
20 recognized or certified employee organization.

21 (b) Any meeting of a mediator with either party or both parties
22 to the meeting and negotiation process described in subdivision
23 (a).

24 (c) Any hearing, meeting, or investigation conducted by a
25 factfinder or arbitrator in connection with the activities described
26 in subdivision (a).

27 (d) Any executive session of the Statewide Authority or between
28 the Statewide Authority and its designated representative,
29 including, but not limited to, the Department of Human Resources,
30 for the purpose of discussing its position regarding any matter
31 within the scope of representation and its designated
32 representatives.

33 SEC. 3. Section 1522 of the Health and Safety Code is amended
34 to read:

35 1522. The Legislature recognizes the need to generate timely
36 and accurate positive fingerprint identification of applicants as a
37 condition of issuing licenses, permits, or certificates of approval
38 for persons to operate or provide direct care services in a
39 community care facility, foster family home, or a certified family
40 home of a licensed foster family agency. Therefore, the Legislature

1 supports the use of the fingerprint live-scan technology, as
2 identified in the long-range plan of the Department of Justice for
3 fully automating the processing of fingerprints and other data by
4 the year 1999, otherwise known as the California Crime
5 Information Intelligence System (CAL-CII), to be used for
6 applicant fingerprints. It is the intent of the Legislature in enacting
7 this section to require the fingerprints of those individuals whose
8 contact with community care clients may pose a risk to the clients'
9 health and safety. An individual shall be required to obtain either
10 a criminal record clearance or a criminal record exemption from
11 the State Department of Social Services before his or her initial
12 presence in a community care facility.

13 (a) (1) Before issuing a license or special permit to any person
14 or persons to operate or manage a community care facility, the
15 State Department of Social Services shall secure from an
16 appropriate law enforcement agency a criminal record to determine
17 whether the applicant or any other person specified in subdivision
18 (b) has ever been convicted of a crime other than a minor traffic
19 violation or arrested for any crime specified in Section 290 of the
20 Penal Code, for violating Section 245 or 273.5, of the Penal Code,
21 subdivision (b) of Section 273a of the Penal Code, or, prior to
22 January 1, 1994, paragraph (2) of Section 273a of the Penal Code,
23 or for any crime for which the department cannot grant an
24 exemption if the person was convicted and the person has not been
25 exonerated.

26 (2) The criminal history information shall include the full
27 criminal record, if any, of those persons, and subsequent arrest
28 information pursuant to Section 11105.2 of the Penal Code.

29 (3) Except during the 2003–04 to the ~~2012–13~~ 2014–15 fiscal
30 years, inclusive, neither the Department of Justice nor the State
31 Department of Social Services may charge a fee for the
32 fingerprinting of an applicant for a license or special permit to
33 operate a facility providing nonmedical board, room, and care for
34 six or less children or for obtaining a criminal record of the
35 applicant pursuant to this section.

36 (4) The following shall apply to the criminal record information:

37 (A) If the State Department of Social Services finds that the
38 applicant, or any other person specified in subdivision (b), has
39 been convicted of a crime other than a minor traffic violation, the

1 application shall be denied, unless the director grants an exemption
2 pursuant to subdivision (g).

3 (B) If the State Department of Social Services finds that the
4 applicant, or any other person specified in subdivision (b) is
5 awaiting trial for a crime other than a minor traffic violation, the
6 State Department of Social Services may cease processing the
7 application until the conclusion of the trial.

8 (C) If no criminal record information has been recorded, the
9 Department of Justice shall provide the applicant and the State
10 Department of Social Services with a statement of that fact.

11 (D) If the State Department of Social Services finds after
12 licensure that the licensee, or any other person specified in
13 paragraph (1) of subdivision (b), has been convicted of a crime
14 other than a minor traffic violation, the license may be revoked,
15 unless the director grants an exemption pursuant to subdivision
16 (g).

17 (E) An applicant and any other person specified in subdivision
18 (b) shall submit fingerprint images and related information to the
19 Department of Justice for the purpose of searching the criminal
20 records of the Federal Bureau of Investigation, in addition to the
21 criminal records search required by this subdivision. If an applicant
22 and all other persons described in subdivision (b) meet all of the
23 conditions for licensure, except receipt of the Federal Bureau of
24 Investigation's criminal offender record information search
25 response for the applicant or any of the persons described in
26 subdivision (b), the department may issue a license if the applicant
27 and each person described in subdivision (b) has signed and
28 submitted a statement that he or she has never been convicted of
29 a crime in the United States, other than a traffic infraction, as
30 prescribed in paragraph (1) of subdivision (a) of Section 42001 of
31 the Vehicle Code. If, after licensure, the department determines
32 that the licensee or any other person specified in subdivision (b)
33 has a criminal record, the license may be revoked pursuant to
34 Section 1550. The department may also suspend the license
35 pending an administrative hearing pursuant to Section 1550.5.

36 (F) The State Department of Social Services shall develop
37 procedures to provide the individual's state and federal criminal
38 history information with the written notification of his or her
39 exemption denial or revocation based on the criminal record.
40 Receipt of the criminal history information shall be optional on

1 the part of the individual, as set forth in the agency's procedures.
2 The procedure shall protect the confidentiality and privacy of the
3 individual's record, and the criminal history information shall not
4 be made available to the employer.

5 (G) Notwithstanding any other law, the department is authorized
6 to provide an individual with a copy of his or her state or federal
7 level criminal offender record information search response as
8 provided to that department by the Department of Justice if the
9 department has denied a criminal background clearance based on
10 this information and the individual makes a written request to the
11 department for a copy specifying an address to which it is to be
12 sent. The state or federal level criminal offender record information
13 search response shall not be modified or altered from its form or
14 content as provided by the Department of Justice and shall be
15 provided to the address specified by the individual in his or her
16 written request. The department shall retain a copy of the
17 individual's written request and the response and date provided.

18 (b) (1) In addition to the applicant, this section shall be
19 applicable to criminal convictions of the following persons:

20 (A) Adults responsible for administration or direct supervision
21 of staff.

22 (B) Any person, other than a client, residing in the facility.

23 (C) Any person who provides client assistance in dressing,
24 grooming, bathing, or personal hygiene. Any nurse assistant or
25 home health aide meeting the requirements of Section 1338.5 or
26 1736.6, respectively, who is not employed, retained, or contracted
27 by the licensee, and who has been certified or recertified on or
28 after July 1, 1998, shall be deemed to meet the criminal record
29 clearance requirements of this section. A certified nurse assistant
30 and certified home health aide who will be providing client
31 assistance and who falls under this exemption shall provide one
32 copy of his or her current certification, prior to providing care, to
33 the community care facility. The facility shall maintain the copy
34 of the certification on file as long as care is being provided by the
35 certified nurse assistant or certified home health aide at the facility.
36 Nothing in this paragraph restricts the right of the department to
37 exclude a certified nurse assistant or certified home health aide
38 from a licensed community care facility pursuant to Section 1558.

39 (D) Any staff person, volunteer, or employee who has contact
40 with the clients.

1 (E) If the applicant is a firm, partnership, association, or
2 corporation, the chief executive officer or other person serving in
3 like capacity.

4 (F) Additional officers of the governing body of the applicant,
5 or other persons with a financial interest in the applicant, as
6 determined necessary by the department by regulation. The criteria
7 used in the development of these regulations shall be based on the
8 person's capability to exercise substantial influence over the
9 operation of the facility.

10 (2) The following persons are exempt from the requirements
11 applicable under paragraph (1):

12 (A) A medical professional as defined in department regulations
13 who holds a valid license or certification from the person's
14 governing California medical care regulatory entity and who is
15 not employed, retained, or contracted by the licensee if all of the
16 following apply:

17 (i) The criminal record of the person has been cleared as a
18 condition of licensure or certification by the person's governing
19 California medical care regulatory entity.

20 (ii) The person is providing time-limited specialized clinical
21 care or services.

22 (iii) The person is providing care or services within the person's
23 scope of practice.

24 (iv) The person is not a community care facility licensee or an
25 employee of the facility.

26 (B) A third-party repair person or similar retained contractor if
27 all of the following apply:

28 (i) The person is hired for a defined, time-limited job.

29 (ii) The person is not left alone with clients.

30 (iii) When clients are present in the room in which the repair
31 person or contractor is working, a staff person who has a criminal
32 record clearance or exemption is also present.

33 (C) Employees of a licensed home health agency and other
34 members of licensed hospice interdisciplinary teams who have a
35 contract with a client or resident of the facility and are in the
36 facility at the request of that client or resident's legal
37 decisionmaker. The exemption does not apply to a person who is
38 a community care facility licensee or an employee of the facility.

39 (D) Clergy and other spiritual caregivers who are performing
40 services in common areas of the community care facility or who

1 are advising an individual client at the request of, or with the
2 permission of, the client or legal decisionmaker, are exempt from
3 fingerprint and criminal background check requirements imposed
4 by community care licensing. This exemption does not apply to a
5 person who is a community care licensee or employee of the
6 facility.

7 (E) Members of fraternal, service, or similar organizations who
8 conduct group activities for clients if all of the following apply:

9 (i) Members are not left alone with clients.

10 (ii) Members do not transport clients off the facility premises.

11 (iii) The same organization does not conduct group activities
12 for clients more often than defined by the department's regulations.

13 (3) In addition to the exemptions in paragraph (2), the following
14 persons in foster family homes, certified family homes, and small
15 family homes are exempt from the requirements applicable under
16 paragraph (1):

17 (A) Adult friends and family of the licensed or certified foster
18 parent, who come into the home to visit for a length of time no
19 longer than defined by the department in regulations, provided
20 that the adult friends and family of the licensee are not left alone
21 with the foster children. However, the licensee, acting as a
22 reasonable and prudent parent, as defined in paragraph (2) of
23 subdivision (a) of Section 362.04 of the Welfare and Institutions
24 Code, may allow his or her adult friends and family to provide
25 short-term care to the foster child and act as an appropriate
26 occasional short-term babysitter for the child.

27 (B) Parents of a foster child's friend when the foster child is
28 visiting the friend's home and the friend, licensed or certified foster
29 parent, or both are also present. However, the licensee, acting as
30 a reasonable and prudent parent, may allow the parent of the foster
31 child's friend to act as an appropriate short-term babysitter for the
32 child without the friend being present.

33 (C) Individuals who are engaged by any licensed or certified
34 foster parent to provide short-term care to the child for periods not
35 to exceed 24 hours. Caregivers shall use a reasonable and prudent
36 parent standard in selecting appropriate individuals to act as
37 appropriate occasional short-term babysitters.

38 (4) In addition to the exemptions specified in paragraph (2), the
39 following persons in adult day care and adult day support centers
40 are exempt from the requirements applicable under paragraph (1):

1 (A) Unless contraindicated by the client's individualized
2 program plan (IPP) or needs and service plan, a spouse, significant
3 other, relative, or close friend of a client, or an attendant or a
4 facilitator for a client with a developmental disability if the
5 attendant or facilitator is not employed, retained, or contracted by
6 the licensee. This exemption applies only if the person is visiting
7 the client or providing direct care and supervision to the client.

8 (B) A volunteer if all of the following applies:

9 (i) The volunteer is supervised by the licensee or a facility
10 employee with a criminal record clearance or exemption.

11 (ii) The volunteer is never left alone with clients.

12 (iii) The volunteer does not provide any client assistance with
13 dressing, grooming, bathing, or personal hygiene other than
14 washing of hands.

15 (5) (A) In addition to the exemptions specified in paragraph
16 (2), the following persons in adult residential and social
17 rehabilitation facilities, unless contraindicated by the client's
18 individualized program plan (IPP) or needs and services plan, are
19 exempt from the requirements applicable under paragraph (1): a
20 spouse, significant other, relative, or close friend of a client, or an
21 attendant or a facilitator for a client with a developmental disability
22 if the attendant or facilitator is not employed, retained, or
23 contracted by the licensee. This exemption applies only if the
24 person is visiting the client or providing direct care and supervision
25 to that client.

26 (B) Nothing in this subdivision shall prevent a licensee from
27 requiring a criminal record clearance of any individual exempt
28 from the requirements of this section, provided that the individual
29 has client contact.

30 (6) Any person similar to those described in this subdivision,
31 as defined by the department in regulations.

32 (c) (1) Subsequent to initial licensure, a person specified in
33 subdivision (b) who is not exempted from fingerprinting shall
34 obtain either a criminal record clearance or an exemption from
35 disqualification pursuant to subdivision (g) from the State
36 Department of Social Services prior to employment, residence, or
37 initial presence in the facility. A person specified in subdivision
38 (b) who is not exempt from fingerprinting shall be fingerprinted
39 and shall sign a declaration under penalty of perjury regarding any
40 prior criminal convictions. The licensee shall submit fingerprint

1 images and related information to the Department of Justice and
2 the Federal Bureau of Investigation, through the Department of
3 Justice, for a state and federal level criminal offender record
4 information search, or comply with paragraph (1) of subdivision
5 (h). These fingerprint images and related information shall be sent
6 by electronic transmission in a manner approved by the State
7 Department of Social Services and the Department of Justice for
8 the purpose of obtaining a permanent set of fingerprints, and shall
9 be submitted to the Department of Justice by the licensee. A
10 licensee's failure to prohibit the employment, residence, or initial
11 presence of a person specified in subdivision (b) who is not exempt
12 from fingerprinting and who has not received either a criminal
13 record clearance or an exemption from disqualification pursuant
14 to subdivision (g) or to comply with paragraph (1) of subdivision
15 (h), as required in this section, shall result in the citation of a
16 deficiency and the immediate assessment of civil penalties in the
17 amount of one hundred dollars (\$100) per violation per day for a
18 maximum of five days, unless the violation is a second or
19 subsequent violation within a 12-month period in which case the
20 civil penalties shall be in the amount of one hundred dollars (\$100)
21 per violation for a maximum of 30 days, and shall be grounds for
22 disciplining the licensee pursuant to Section 1550. The department
23 may assess civil penalties for continued violations as permitted by
24 Section 1548. The fingerprint images and related information shall
25 then be submitted to the Department of Justice for processing.
26 Upon request of the licensee, who shall enclose a self-addressed
27 stamped postcard for this purpose, the Department of Justice shall
28 verify receipt of the fingerprints.

29 (2) Within 14 calendar days of the receipt of the fingerprint
30 images, the Department of Justice shall notify the State Department
31 of Social Services of the criminal record information, as provided
32 for in subdivision (a). If no criminal record information has been
33 recorded, the Department of Justice shall provide the licensee and
34 the State Department of Social Services with a statement of that
35 fact within 14 calendar days of receipt of the fingerprint images.
36 Documentation of the individual's clearance or exemption from
37 disqualification shall be maintained by the licensee and be available
38 for inspection. If new fingerprint images are required for
39 processing, the Department of Justice shall, within 14 calendar
40 days from the date of receipt of the fingerprints, notify the licensee

1 that the fingerprints were illegible, the Department of Justice shall
2 notify the State Department of Social Services, as required by
3 Section 1522.04, and shall also notify the licensee by mail, within
4 14 days of electronic transmission of the fingerprints to the
5 Department of Justice, if the person has no criminal history
6 recorded. A violation of the regulations adopted pursuant to Section
7 1522.04 shall result in the citation of a deficiency and an immediate
8 assessment of civil penalties in the amount of one hundred dollars
9 (\$100) per violation per day for a maximum of five days, unless
10 the violation is a second or subsequent violation within a 12-month
11 period in which case the civil penalties shall be in the amount of
12 one hundred dollars (\$100) per violation for a maximum of 30
13 days, and shall be grounds for disciplining the licensee pursuant
14 to Section 1550. The department may assess civil penalties for
15 continued violations as permitted by Section 1548.

16 (3) Except for persons specified in subdivision (b) who are
17 exempt from fingerprinting, the licensee shall endeavor to ascertain
18 the previous employment history of persons required to be
19 fingerprinted. If it is determined by the State Department of Social
20 Services, on the basis of the fingerprint images and related
21 information submitted to the Department of Justice, that subsequent
22 to obtaining a criminal record clearance or exemption from
23 disqualification pursuant to subdivision (g), the person has been
24 convicted of, or is awaiting trial for, a sex offense against a minor,
25 or has been convicted for an offense specified in Section 243.4,
26 273a, 273d, 273g, or 368 of the Penal Code, or a felony, the State
27 Department of Social Services shall notify the licensee to act
28 immediately to terminate the person's employment, remove the
29 person from the community care facility, or bar the person from
30 entering the community care facility. The State Department of
31 Social Services may subsequently grant an exemption from
32 disqualification pursuant to subdivision (g). If the conviction or
33 arrest was for another crime, except a minor traffic violation, the
34 licensee shall, upon notification by the State Department of Social
35 Services, act immediately to either (A) terminate the person's
36 employment, remove the person from the community care facility,
37 or bar the person from entering the community care facility; or
38 (B) seek an exemption from disqualification pursuant to subdivision
39 (g). The State Department of Social Services shall determine if
40 the person shall be allowed to remain in the facility until a decision

1 on the exemption from disqualification is rendered. A licensee's
2 failure to comply with the department's prohibition of employment,
3 contact with clients, or presence in the facility as required by this
4 paragraph shall result in a citation of deficiency and an immediate
5 assessment of civil penalties in the amount of one hundred dollars
6 (\$100) per violation per day and shall be grounds for disciplining
7 the licensee pursuant to Section 1550.

8 (4) The department may issue an exemption from
9 disqualification on its own motion pursuant to subdivision (g) if
10 the person's criminal history indicates that the person is of good
11 character based on the age, seriousness, and frequency of the
12 conviction or convictions. The department, in consultation with
13 interested parties, shall develop regulations to establish the criteria
14 to grant an exemption from disqualification pursuant to this
15 paragraph.

16 (5) Concurrently with notifying the licensee pursuant to
17 paragraph (3), the department shall notify the affected individual
18 of his or her right to seek an exemption from disqualification
19 pursuant to subdivision (g). The individual may seek an exemption
20 from disqualification only if the licensee terminates the person's
21 employment or removes the person from the facility after receiving
22 notice from the department pursuant to paragraph (3).

23 (d) (1) Before issuing a license or certificate of approval to any
24 person or persons to operate a foster family home or certified
25 family home as described in Section 1506, the State Department
26 of Social Services or other approving authority shall secure
27 California and Federal Bureau of Investigation criminal history
28 information to determine whether the applicant or any person
29 specified in subdivision (b) who is not exempt from fingerprinting
30 has ever been convicted of a crime other than a minor traffic
31 violation or arrested for any crime specified in subdivision (c) of
32 Section 290 of the Penal Code, for violating Section 245 or 273.5,
33 subdivision (b) of Section 273a or, prior to January 1, 1994,
34 paragraph (2) of Section 273a of the Penal Code, or for any crime
35 for which the department cannot grant an exemption if the person
36 was convicted and the person has not been exonerated. The State
37 Department of Social Services or other approving authority shall
38 not issue a license or certificate of approval to any foster family
39 home or certified family home applicant who has not obtained
40 both a California and Federal Bureau of Investigation criminal

1 record clearance or exemption from disqualification pursuant to
2 subdivision (g).

3 (2) The criminal history information shall include the full
4 criminal record, if any, of those persons.

5 (3) Neither the Department of Justice nor the State Department
6 of Social Services may charge a fee for the fingerprinting of an
7 applicant for a license, special permit, or certificate of approval
8 described in this subdivision. The record, if any, shall be taken
9 into consideration when evaluating a prospective applicant.

10 (4) The following shall apply to the criminal record information:

11 (A) If the applicant or other persons specified in subdivision
12 (b) who are not exempt from fingerprinting have convictions that
13 would make the applicant's home unfit as a foster family home or
14 a certified family home, the license, special permit, or certificate
15 of approval shall be denied.

16 (B) If the State Department of Social Services finds that the
17 applicant, or any person specified in subdivision (b) who is not
18 exempt from fingerprinting is awaiting trial for a crime other than
19 a minor traffic violation, the State Department of Social Services
20 or other approving authority may cease processing the application
21 until the conclusion of the trial.

22 (C) For purposes of this subdivision, a criminal record clearance
23 provided under Section 8712 of the Family Code may be used by
24 the department or other approving agency.

25 (D) To the same extent required for federal funding, an applicant
26 for a foster family home license or for certification as a family
27 home, and any other person specified in subdivision (b) who is
28 not exempt from fingerprinting, shall submit a set of fingerprint
29 images and related information to the Department of Justice and
30 the Federal Bureau of Investigation, through the Department of
31 Justice, for a state and federal level criminal offender record
32 information search, in addition to the criminal records search
33 required by subdivision (a).

34 (5) Any person specified in this subdivision shall, as a part of
35 the application, be fingerprinted and sign a declaration under
36 penalty of perjury regarding any prior criminal convictions or
37 arrests for any crime against a child, spousal or cohabitant abuse
38 or, any crime for which the department cannot grant an exemption
39 if the person was convicted and shall submit these fingerprints to
40 the licensing agency or other approving authority.

1 (6) (A) Subsequent to initial licensure or certification, a person
2 specified in subdivision (b) who is not exempt from fingerprinting
3 shall obtain both a California and Federal Bureau of Investigation
4 criminal record clearance, or an exemption from disqualification
5 pursuant to subdivision (g), prior to employment, residence, or
6 initial presence in the foster family or certified family home. A
7 foster family home licensee or foster family agency shall submit
8 fingerprint images and related information of persons specified in
9 subdivision (b) who are not exempt from fingerprinting to the
10 Department of Justice and the Federal Bureau of Investigation,
11 through the Department of Justice, for a state and federal level
12 criminal offender record information search, or to comply with
13 paragraph (1) of subdivision (h). A foster family home licensee's
14 or a foster family agency's failure to either prohibit the
15 employment, residence, or initial presence of a person specified
16 in subdivision (b) who is not exempt from fingerprinting and who
17 has not received either a criminal record clearance or an exemption
18 from disqualification pursuant to subdivision (g), or comply with
19 paragraph (1) of subdivision (h), as required in this section, shall
20 result in a citation of a deficiency, and the immediate civil penalties
21 of one hundred dollars (\$100) per violation per day for a maximum
22 of five days, unless the violation is a second or subsequent violation
23 within a 12-month period in which case the civil penalties shall
24 be in the amount of one hundred dollars (\$100) per violation for
25 a maximum of 30 days, and shall be grounds for disciplining the
26 licensee pursuant to Section 1550. A violation of the regulation
27 adopted pursuant to Section 1522.04 shall result in the citation of
28 a deficiency and an immediate assessment of civil penalties in the
29 amount of one hundred dollars (\$100) per violation per day for a
30 maximum of five days, unless the violation is a second or
31 subsequent violation within a 12-month period in which case the
32 civil penalties shall be in the amount of one hundred dollars (\$100)
33 per violation for a maximum of 30 days, and shall be grounds for
34 disciplining the foster family home licensee or the foster family
35 agency pursuant to Section 1550. The State Department of Social
36 Services may assess penalties for continued violations, as permitted
37 by Section 1548. The fingerprint images shall then be submitted
38 to the Department of Justice for processing.

39 (B) Upon request of the licensee, who shall enclose a
40 self-addressed envelope for this purpose, the Department of Justice

1 shall verify receipt of the fingerprints. Within five working days
2 of the receipt of the criminal record or information regarding
3 criminal convictions from the Department of Justice, the
4 department shall notify the applicant of any criminal arrests or
5 convictions. If no arrests or convictions are recorded, the
6 Department of Justice shall provide the foster family home licensee
7 or the foster family agency with a statement of that fact concurrent
8 with providing the information to the State Department of Social
9 Services.

10 (7) If the State Department of Social Services finds that the
11 applicant, or any other person specified in subdivision (b) who is
12 not exempt from fingerprinting, has been convicted of a crime
13 other than a minor traffic violation, the application shall be denied,
14 unless the director grants an exemption from disqualification
15 pursuant to subdivision (g).

16 (8) If the State Department of Social Services finds after
17 licensure or the granting of the certificate of approval that the
18 licensee, certified foster parent, or any other person specified in
19 subdivision (b) who is not exempt from fingerprinting, has been
20 convicted of a crime other than a minor traffic violation, the license
21 or certificate of approval may be revoked by the department or the
22 foster family agency, whichever is applicable, unless the director
23 grants an exemption from disqualification pursuant to subdivision
24 (g). A licensee's failure to comply with the department's
25 prohibition of employment, contact with clients, or presence in
26 the facility as required by paragraph (3) of subdivision (c) shall
27 be grounds for disciplining the licensee pursuant to Section 1550.

28 (e) The State Department of Social Services shall not use a
29 record of arrest to deny, revoke, or terminate any application,
30 license, employment, or residence unless the department
31 investigates the incident and secures evidence, whether or not
32 related to the incident of arrest, that is admissible in an
33 administrative hearing to establish conduct by the person that may
34 pose a risk to the health and safety of any person who is or may
35 become a client. The State Department of Social Services is
36 authorized to obtain any arrest or conviction records or reports
37 from any law enforcement agency as necessary to the performance
38 of its duties to inspect, license, and investigate community care
39 facilities and individuals associated with a community care facility.

1 (f) (1) For purposes of this section or any other provision of
2 this chapter, a conviction means a plea or verdict of guilty or a
3 conviction following a plea of nolo contendere. Any action that
4 the State Department of Social Services is permitted to take
5 following the establishment of a conviction may be taken when
6 the time for appeal has elapsed, when the judgment of conviction
7 has been affirmed on appeal, or when an order granting probation
8 is made suspending the imposition of sentence, notwithstanding
9 a subsequent order pursuant to Sections 1203.4 and 1203.4a of the
10 Penal Code permitting the person to withdraw his or her plea of
11 guilty and to enter a plea of not guilty, or setting aside the verdict
12 of guilty, or dismissing the accusation, information, or indictment.
13 For purposes of this section or any other provision of this chapter,
14 the record of a conviction, or a copy thereof certified by the clerk
15 of the court or by a judge of the court in which the conviction
16 occurred, shall be conclusive evidence of the conviction. For
17 purposes of this section or any other provision of this chapter, the
18 arrest disposition report certified by the Department of Justice, or
19 documents admissible in a criminal action pursuant to Section
20 969b of the Penal Code, shall be prima facie evidence of the
21 conviction, notwithstanding any other law prohibiting the
22 admission of these documents in a civil or administrative action.

23 (2) For purposes of this section or any other provision of this
24 chapter, the department shall consider criminal convictions from
25 another state or federal court as if the criminal offense was
26 committed in this state.

27 (g) (1) After review of the record, the director may grant an
28 exemption from disqualification for a license or special permit as
29 specified in paragraph (4) of subdivision (a), or for a license,
30 special permit, or certificate of approval as specified in paragraphs
31 (4), (7), and (8) of subdivision (d), or for employment, residence,
32 or presence in a community care facility as specified in paragraphs
33 (3), (4), and (5) of subdivision (c), if the director has substantial
34 and convincing evidence to support a reasonable belief that the
35 applicant and the person convicted of the crime, if other than the
36 applicant, are of good character as to justify issuance of the license
37 or special permit or granting an exemption for purposes of
38 subdivision (c). Except as otherwise provided in this subdivision,
39 an exemption shall not be granted pursuant to this subdivision if
40 the conviction was for any of the following offenses:

1 (A) (i) An offense specified in Section 220, 243.4, or 264.1,
2 subdivision (a) of Section 273a or, prior to January 1, 1994,
3 paragraph (1) of Section 273a, Section 273d, 288, or 289,
4 subdivision (c) of Section 290, or Section 368 of the Penal Code,
5 or was a conviction of another crime against an individual specified
6 in subdivision (c) of Section 667.5 of the Penal Code.

7 (ii) Notwithstanding clause (i), the director may grant an
8 exemption regarding the conviction for an offense described in
9 paragraph (1), (2), (7), or (8) of subdivision (c) of Section 667.5
10 of the Penal Code, if the employee or prospective employee has
11 been rehabilitated as provided in Section 4852.03 of the Penal
12 Code, has maintained the conduct required in Section 4852.05 of
13 the Penal Code for at least 10 years, and has the recommendation
14 of the district attorney representing the employee's county of
15 residence, or if the employee or prospective employee has received
16 a certificate of rehabilitation pursuant to Chapter 3.5 (commencing
17 with Section 4852.01) of Title 6 of Part 3 of the Penal Code. This
18 clause shall not apply to foster care providers, including relative
19 caregivers, nonrelated extended family members, or any other
20 person specified in subdivision (b), in those homes where the
21 individual has been convicted of an offense described in paragraph
22 (1) of subdivision (c) of Section 667.5 of the Penal Code.

23 (B) A felony offense specified in Section 729 of the Business
24 and Professions Code or Section 206 or 215, subdivision (a) of
25 Section 347, subdivision (b) of Section 417, or subdivision (a) of
26 Section 451 of the Penal Code.

27 (C) Under no circumstances shall an exemption be granted
28 pursuant to this subdivision to any foster care provider applicant
29 if that applicant, or any other person specified in subdivision (b)
30 in those homes, has a felony conviction for either of the following
31 offenses:

32 (i) A felony conviction for child abuse or neglect, spousal abuse,
33 crimes against a child, including child pornography, or for a crime
34 involving violence, including rape, sexual assault, or homicide,
35 but not including other physical assault and battery. For purposes
36 of this subparagraph, a crime involving violence means a violent
37 crime specified in clause (i) of subparagraph (A), or subparagraph
38 (B).

39 (ii) A felony conviction, within the last five years, for physical
40 assault, battery, or a drug- or alcohol-related offense.

1 (iii) This subparagraph shall not apply to licenses or approvals
2 wherein a caregiver was granted an exemption to a criminal
3 conviction described in clause (i) or (ii) prior to the enactment of
4 this subparagraph.

5 (iv) This subparagraph shall remain operative only to the extent
6 that compliance with its provisions is required by federal law as
7 a condition for receiving funding under Title IV-E of the federal
8 Social Security Act (42 U.S.C. Sec. 670 et seq.).

9 (2) The department shall not prohibit a person from being
10 employed or having contact with clients in a facility on the basis
11 of a denied criminal record exemption request or arrest information
12 unless the department complies with the requirements of Section
13 1558.

14 (h) (1) For purposes of compliance with this section, the
15 department may permit an individual to transfer a current criminal
16 record clearance, as defined in subdivision (a), from one facility
17 to another, as long as the criminal record clearance has been
18 processed through a state licensing district office, and is being
19 transferred to another facility licensed by a state licensing district
20 office. The request shall be in writing to the State Department of
21 Social Services, and shall include a copy of the person's driver's
22 license or valid identification card issued by the Department of
23 Motor Vehicles, or a valid photo identification issued by another
24 state or the United States government if the person is not a
25 California resident. Upon request of the licensee, who shall enclose
26 a self-addressed envelope for this purpose, the State Department
27 of Social Services shall verify whether the individual has a
28 clearance that can be transferred.

29 (2) The State Department of Social Services shall hold criminal
30 record clearances in its active files for a minimum of three years
31 after an employee is no longer employed at a licensed facility in
32 order for the criminal record clearance to be transferred.

33 (3) The following shall apply to a criminal record clearance or
34 exemption from the department or a county office with
35 department-delegated licensing authority:

36 (A) A county office with department-delegated licensing
37 authority may accept a clearance or exemption from the
38 department.

39 (B) The department may accept a clearance or exemption from
40 any county office with department-delegated licensing authority.

1 (C) A county office with department-delegated licensing
2 authority may accept a clearance or exemption from any other
3 county office with department-delegated licensing authority.

4 (4) With respect to notifications issued by the Department of
5 Justice pursuant to Section 11105.2 of the Penal Code concerning
6 an individual whose criminal record clearance was originally
7 processed by the department or a county office with
8 department-delegated licensing authority, all of the following shall
9 apply:

10 (A) The Department of Justice shall process a request from the
11 department or a county office with department-delegated licensing
12 authority to receive the notice only if all of the following conditions
13 are met:

14 (i) The request shall be submitted to the Department of Justice
15 by the agency to be substituted to receive the notification.

16 (ii) The request shall be for the same applicant type as the type
17 for which the original clearance was obtained.

18 (iii) The request shall contain all prescribed data elements and
19 format protocols pursuant to a written agreement between the
20 department and the Department of Justice.

21 (B) (i) On or before January 7, 2005, the department shall notify
22 the Department of Justice of all county offices that have
23 department-delegated licensing authority.

24 (ii) The department shall notify the Department of Justice within
25 15 calendar days of the date on which a new county office receives
26 department-delegated licensing authority or a county's delegated
27 licensing authority is rescinded.

28 (C) The Department of Justice shall charge the department, a
29 county office with department-delegated licensing authority, or a
30 county child welfare agency with criminal record clearance and
31 exemption authority, a fee for each time a request to substitute the
32 recipient agency is received for purposes of this paragraph. This
33 fee shall not exceed the cost of providing the service.

34 (5) (A) A county child welfare agency with authority to secure
35 clearances pursuant to Section 16504.5 of the Welfare and
36 Institutions Code and to grant exemptions pursuant to Section
37 361.4 of the Welfare and Institutions Code may accept a clearance
38 or exemption from another county with criminal record and
39 exemption authority pursuant to these sections.

1 (B) With respect to notifications issued by the Department of
2 Justice pursuant to Section 11105.2 of the Penal Code concerning
3 an individual whose criminal record clearance was originally
4 processed by a county child welfare agency with criminal record
5 clearance and exemption authority, the Department of Justice shall
6 process a request from a county child welfare agency with criminal
7 record and exemption authority to receive the notice only if all of
8 the following conditions are met:

9 (i) The request shall be submitted to the Department of Justice
10 by the agency to be substituted to receive the notification.

11 (ii) The request shall be for the same applicant type as the type
12 for which the original clearance was obtained.

13 (iii) The request shall contain all prescribed data elements and
14 format protocols pursuant to a written agreement between the State
15 Department of Social Services and the Department of Justice.

16 (i) The full criminal record obtained for purposes of this section
17 may be used by the department or by a licensed adoption agency
18 as a clearance required for adoption purposes.

19 (j) If a licensee or facility is required by law to deny employment
20 or to terminate employment of any employee based on written
21 notification from the state department that the employee has a prior
22 criminal conviction or is determined unsuitable for employment
23 under Section 1558, the licensee or facility shall not incur civil
24 liability or unemployment insurance liability as a result of that
25 denial or termination.

26 (k) The State Department of Social Services may charge a fee
27 for the costs of processing electronic fingerprint images and related
28 information.

29 (l) Amendments to this section made in the 1999 portion of the
30 1999–2000 Regular Session shall be implemented commencing
31 60 days after the effective date of the act amending this section in
32 the 1999 portion of the 1999–2000 Regular Session, except that
33 those provisions for the submission of fingerprints for searching
34 the records of the Federal Bureau of Investigation shall be
35 implemented 90 days after the effective date of that act.

36 *SEC. 4. Section 1530.8 of the Health and Safety Code is*
37 *amended to read:*

38 1530.8. (a) (1) The department shall adopt regulations for
39 community care facilities licensed as group homes, and for
40 temporary shelter care facilities as defined in subdivision (c), that

1 care for dependent children, children placed by a regional center,
2 or voluntary placements, who are younger than 6 years of age. The
3 department shall adopt these regulations after assessing the needs
4 of this population and developing standards pursuant to Section
5 11467.1 of the Welfare and Institutions Code.

6 (2) The department shall adopt regulations under this section
7 that apply to mother and infant programs serving children younger
8 than six years of age who reside in a group home with a minor
9 parent who is the primary caregiver of the child that shall be subject
10 to the requirements of subdivision (d).

11 (3) *To the extent that the department determines they are*
12 *necessary, the department shall adopt regulations under this*
13 *section that apply to group homes that care for dependent children*
14 *who are 6 to 12 years of age, inclusive. In order to determine*
15 *whether such regulations are necessary, and what any resulting*
16 *standards should include, the department shall consult with*
17 *interested parties that include, but are not limited to,*
18 *representatives of current and former foster youth, advocates for*
19 *children in foster care, county welfare and mental health directors,*
20 *chief probation officers, representatives of care providers, experts*
21 *in child development, and representatives of the Legislature. The*
22 *standards may provide normative guidelines differentiated by the*
23 *needs specific to children in varying age ranges that fall between*
24 *6 and 12 years of age, inclusive. Prior to adopting regulations,*
25 *the department shall submit for public comment, by July 1, 2016,*
26 *any proposed regulations.*

27 (b) The regulations shall include physical environment standards,
28 including staffing and health and safety requirements, that meet
29 or exceed state child care standards under Title 5 and Title 22 of
30 the California Code of Regulations.

31 (c) For purposes of this section, a “temporary shelter care
32 facility” means any residential facility that meets all of the
33 following requirements:

34 (1) It is owned and operated by the county.

35 (2) It is a 24-hour facility that provides short-term residential
36 care and supervision for dependent children under 18 years of age
37 who have been removed from their homes as a result of abuse or
38 neglect, as defined in Section 300 of the Welfare and Institutions
39 Code, or both.

1 (d) (1) By September 1, 1999, the department shall submit for
2 public comment regulations specific to mother and infant programs
3 serving children younger than six years of age who are dependents
4 of the court and reside in a group home with a minor child who is
5 the primary caregiver of the child.

6 (2) The regulations shall include provisions that when the minor
7 parent is absent and the facility is providing direct care to children
8 younger than six years of age who are dependents of the court,
9 there shall be one child care staff person for every four children
10 of minor parents.

11 (3) In developing these proposed regulations, the department
12 shall issue the proposed regulations for public comment, and shall
13 refer to existing national standards for mother and infant programs
14 as a guideline, where applicable.

15 (4) Prior to preparing the proposed regulations, the department
16 shall consult with interested parties by convening a meeting by
17 February 28, 1999, that shall include, but not be limited to,
18 representatives from a public interest law firm specializing in
19 children's issues and provider organizations.

20 *SEC. 5. Section 1562 of the Health and Safety Code is amended*
21 *to read:*

22 1562. (a) The director shall ensure that operators and staffs
23 of community care facilities have appropriate training to provide
24 the care and services for which a license or certificate is issued.
25 The section shall not apply to a facility licensed as an Adult
26 Residential Facility for Persons with Special Health Care Needs
27 pursuant to Article 9 (commencing with Section 1567.50).

28 (b) *It is the intent of the Legislature that children in foster care*
29 *reside in the least restrictive, family-based settings that can meet*
30 *their needs, and that group homes will be used only for short term,*
31 *specialized, and intensive treatment purposes that are consistent*
32 *with a case plan that is determined by a child's best interests.*
33 *Accordingly, the Legislature encourages the department to adopt*
34 *policies, practices, and guidance that ensure that the education,*
35 *qualification, and training requirements for child care staff in*
36 *group homes are consistent with the intended role of group homes*
37 *to provide short-term, specialized, and intensive treatment, with*
38 *a particular focus on crisis intervention, behavioral stabilization,*
39 *and other treatment-related goals, as well as the connections*
40 *between those efforts and work toward permanency for children.*

1 *SEC. 6. Section 1596.871 of the Health and Safety Code is*
2 *amended to read:*

3 1596.871. The Legislature recognizes the need to generate
4 timely and accurate positive fingerprint identification of applicants
5 as a condition of issuing licenses, permits, or certificates of
6 approval for persons to operate or provide direct care services in
7 a child care center or family child care home. It is the intent of the
8 Legislature in enacting this section to require the fingerprints of
9 those individuals whose contact with child day care facility clients
10 may pose a risk to the children's health and safety. An individual
11 shall be required to obtain either a criminal record clearance or a
12 criminal record exemption from the State Department of Social
13 Services before his or her initial presence in a child day care
14 facility.

15 (a) (1) Before issuing a license or special permit to any person
16 to operate or manage a day care facility, the department shall secure
17 from an appropriate law enforcement agency a criminal record to
18 determine whether the applicant or any other person specified in
19 subdivision (b) has ever been convicted of a crime other than a
20 minor traffic violation or arrested for any crime specified in
21 subdivision (c) of Section 290 of the Penal Code, for violating
22 Section 245 or 273.5, subdivision (b) of Section 273a or, prior to
23 January 1, 1994, paragraph (2) of Section 273a of the Penal Code,
24 or for any crime for which the department cannot grant an
25 exemption if the person was convicted and the person has not been
26 exonerated.

27 (2) The criminal history information shall include the full
28 criminal record, if any, of those persons, and subsequent arrest
29 information pursuant to Section 11105.2 of the Penal Code.

30 (3) Except during the ~~2003–04 through 2012–13~~ *to the 2014–15*
31 fiscal years, inclusive, neither the Department of Justice nor the
32 department may charge a fee for the fingerprinting of an applicant
33 who will serve six or fewer children or any family day care
34 applicant for a license, or for obtaining a criminal record of an
35 applicant pursuant to this section.

36 (4) The following shall apply to the criminal record information:

37 (A) If the State Department of Social Services finds that the
38 applicant or any other person specified in subdivision (b) has been
39 convicted of a crime, other than a minor traffic violation, the

1 application shall be denied, unless the director grants an exemption
2 pursuant to subdivision (f).

3 (B) If the State Department of Social Services finds that the
4 applicant, or any other person specified in subdivision (b), is
5 awaiting trial for a crime other than a minor traffic violation, the
6 State Department of Social Services may cease processing the
7 application until the conclusion of the trial.

8 (C) If no criminal record information has been recorded, the
9 Department of Justice shall provide the applicant and the State
10 Department of Social Services with a statement of that fact.

11 (D) If the State Department of Social Services finds after
12 licensure that the licensee, or any other person specified in
13 paragraph (2) of subdivision (b), has been convicted of a crime
14 other than a minor traffic violation, the license may be revoked,
15 unless the director grants an exemption pursuant to subdivision
16 (f).

17 (E) An applicant and any other person specified in subdivision
18 (b) shall submit fingerprint images and related information to the
19 Department of Justice and the Federal Bureau of Investigation,
20 through the Department of Justice, for a state and federal level
21 criminal offender record information search, in addition to the
22 search required by subdivision (a). If an applicant meets all other
23 conditions for licensure, except receipt of the Federal Bureau of
24 Investigation's criminal history information for the applicant and
25 persons listed in subdivision (b), the department may issue a license
26 if the applicant and each person described by subdivision (b) has
27 signed and submitted a statement that he or she has never been
28 convicted of a crime in the United States, other than a traffic
29 infraction as defined in paragraph (1) of subdivision (a) of Section
30 42001 of the Vehicle Code. If, after licensure, the department
31 determines that the licensee or person specified in subdivision (b)
32 has a criminal record, the license may be revoked pursuant to
33 Section 1596.885. The department may also suspend the license
34 pending an administrative hearing pursuant to Section 1596.886.

35 (b) (1) In addition to the applicant, this section shall be
36 applicable to criminal convictions of the following persons:

37 (A) Adults responsible for administration or direct supervision
38 of staff.

39 (B) Any person, other than a child, residing in the facility.

1 (C) Any person who provides care and supervision to the
2 children.

3 (D) Any staff person, volunteer, or employee who has contact
4 with the children.

5 (i) A volunteer providing time-limited specialized services shall
6 be exempt from the requirements of this subdivision if this person
7 is directly supervised by the licensee or a facility employee with
8 a criminal record clearance or exemption, the volunteer spends no
9 more than 16 hours per week at the facility, and the volunteer is
10 not left alone with children in care.

11 (ii) A student enrolled or participating at an accredited
12 educational institution shall be exempt from the requirements of
13 this subdivision if the student is directly supervised by the licensee
14 or a facility employee with a criminal record clearance or
15 exemption, the facility has an agreement with the educational
16 institution concerning the placement of the student, the student
17 spends no more than 16 hours per week at the facility, and the
18 student is not left alone with children in care.

19 (iii) A volunteer who is a relative, legal guardian, or foster parent
20 of a client in the facility shall be exempt from the requirements of
21 this subdivision.

22 (iv) A contracted repair person retained by the facility, if not
23 left alone with children in care, shall be exempt from the
24 requirements of this subdivision.

25 (v) Any person similar to those described in this subdivision,
26 as defined by the department in regulations.

27 (E) If the applicant is a firm, partnership, association, or
28 corporation, the chief executive officer, other person serving in
29 like capacity, or a person designated by the chief executive officer
30 as responsible for the operation of the facility, as designated by
31 the applicant agency.

32 (F) If the applicant is a local educational agency, the president
33 of the governing board, the school district superintendent, or a
34 person designated to administer the operation of the facility, as
35 designated by the local educational agency.

36 (G) Additional officers of the governing body of the applicant,
37 or other persons with a financial interest in the applicant, as
38 determined necessary by the department by regulation. The criteria
39 used in the development of these regulations shall be based on the

1 person's capability to exercise substantial influence over the
2 operation of the facility.

3 (H) This section does not apply to employees of child care and
4 development programs under contract with the State Department
5 of Education who have completed a criminal record clearance as
6 part of an application to the Commission on Teacher Credentialing,
7 and who possess a current credential or permit issued by the
8 commission, including employees of child care and development
9 programs that serve both children subsidized under, and children
10 not subsidized under, a State Department of Education contract.
11 The Commission on Teacher Credentialing shall notify the
12 department upon revocation of a current credential or permit issued
13 to an employee of a child care and development program under
14 contract with the State Department of Education.

15 (I) This section does not apply to employees of a child care and
16 development program operated by a school district, county office
17 of education, or community college district under contract with
18 the State Department of Education who have completed a criminal
19 record clearance as a condition of employment. The school district,
20 county office of education, or community college district upon
21 receiving information that the status of an employee's criminal
22 record clearance has changed shall submit that information to the
23 department.

24 (2) Nothing in this subdivision shall prevent a licensee from
25 requiring a criminal record clearance of any individuals exempt
26 from the requirements under this subdivision.

27 (c) (1) (A) Subsequent to initial licensure, any person specified
28 in subdivision (b) and not exempted from fingerprinting shall, as
29 a condition to employment, residence, or presence in a child day
30 care facility be fingerprinted and sign a declaration under penalty
31 of perjury regarding any prior criminal conviction. The licensee
32 shall submit fingerprint images and related information to the
33 Department of Justice and the Federal Bureau of Investigation,
34 through the Department of Justice, or to comply with paragraph
35 (1) of subdivision (h), prior to the person's employment, residence,
36 or initial presence in the child day care facility.

37 (B) These fingerprint images for the purpose of obtaining a
38 permanent set of fingerprints shall be electronically submitted to
39 the Department of Justice in a manner approved by the State
40 Department of Social Services and to the Department of Justice,

1 or to comply with paragraph (1) of subdivision (h), as required in
2 this section, shall result in the citation of a deficiency, and an
3 immediate assessment of civil penalties in the amount of one
4 hundred dollars (\$100) per violation per day for a maximum of
5 five days, unless the violation is a second or subsequent violation
6 within a 12-month period in which case the civil penalties shall
7 be in the amount of one hundred dollars (\$100) per violation for
8 a maximum of 30 days, and shall be grounds for disciplining the
9 licensee pursuant to Section 1596.885 or Section 1596.886. The
10 State Department of Social Services may assess civil penalties for
11 continued violations permitted by Sections 1596.99 and 1597.62.
12 The fingerprint images and related information shall then be
13 submitted to the department for processing. Within 14 calendar
14 days of the receipt of the fingerprint images, the Department of
15 Justice shall notify the State Department of Social Services of the
16 criminal record information, as provided in this subdivision. If no
17 criminal record information has been recorded, the Department of
18 Justice shall provide the licensee and the State Department of
19 Social Services with a statement of that fact within 14 calendar
20 days of receipt of the fingerprint images. If new fingerprint images
21 are required for processing, the Department of Justice shall, within
22 14 calendar days from the date of receipt of the fingerprint images,
23 notify the licensee that the fingerprints were illegible.

24 (C) Documentation of the individual's clearance or exemption
25 shall be maintained by the licensee, and shall be available for
26 inspection. When live-scan technology is operational, as defined
27 in Section 1522.04, the Department of Justice shall notify the
28 department, as required by that section, and notify the licensee by
29 mail within 14 days of electronic transmission of the fingerprints
30 to the Department of Justice, if the person has no criminal record.
31 Any violation of the regulations adopted pursuant to Section
32 1522.04 shall result in the citation of a deficiency and an immediate
33 assessment of civil penalties in the amount of one hundred dollars
34 (\$100) per violation per day for a maximum of five days, unless
35 the violation is a second or subsequent violation within a 12-month
36 period in which case the civil penalties shall be in the amount of
37 one hundred dollars (\$100) per violation for a maximum of 30
38 days, and shall be grounds for disciplining the licensee pursuant
39 to Section 1596.885 or Section 1596.886. The department may

1 assess civil penalties for continued violations, as permitted by
2 Sections 1596.99 and 1597.62.

3 (2) Except for persons specified in paragraph (2) of subdivision
4 (b), the licensee shall endeavor to ascertain the previous
5 employment history of persons required to be fingerprinted under
6 this subdivision. If it is determined by the department, on the basis
7 of fingerprints submitted to the Department of Justice, that the
8 person has been convicted of a sex offense against a minor, an
9 offense specified in Section 243.4, 273a, 273d, 273g, or 368 of
10 the Penal Code, or a felony, the State Department of Social
11 Services shall notify the licensee to act immediately to terminate
12 the person's employment, remove the person from the child day
13 care facility, or bar the person from entering the child day care
14 facility. The department may subsequently grant an exemption
15 pursuant to subdivision (f). If the conviction was for another crime
16 except a minor traffic violation, the licensee shall, upon notification
17 by the State Department of Social Services, act immediately to
18 either (1) terminate the person's employment, remove the person
19 from the child day care facility, or bar the person from entering
20 the child day care facility; or (2) seek an exemption pursuant to
21 subdivision (f). The department shall determine if the person shall
22 be allowed to remain in the facility until a decision on the
23 exemption is rendered. A licensee's failure to comply with the
24 department's prohibition of employment, contact with clients, or
25 presence in the facility as required by this paragraph shall result
26 in a citation of deficiency and an immediate assessment of civil
27 penalties by the department against the licensee, in the amount of
28 one hundred dollars (\$100) per violation per day for a maximum
29 of five days, unless the violation is a second or subsequent violation
30 within a 12-month period in which case the civil penalties shall
31 be in the amount of one hundred dollars (\$100) per violation for
32 a maximum of 30 days, and shall be grounds for disciplining the
33 licensee pursuant to Section 1596.885 or 1596.886.

34 (3) The department may issue an exemption on its own motion
35 pursuant to subdivision (f) if the person's criminal history indicates
36 that the person is of good character based on the age, seriousness,
37 and frequency of the conviction or convictions. The department,
38 in consultation with interested parties, shall develop regulations
39 to establish the criteria to grant an exemption pursuant to this
40 paragraph.

1 (4) Concurrently with notifying the licensee pursuant to
2 paragraph (3), the department shall notify the affected individual
3 of his or her right to seek an exemption pursuant to subdivision
4 (f). The individual may seek an exemption only if the licensee
5 terminates the person's employment or removes the person from
6 the facility after receiving notice from the department pursuant to
7 paragraph (3).

8 (d) (1) For purposes of this section or any other provision of
9 this chapter, a conviction means a plea or verdict of guilty or a
10 conviction following a plea of nolo contendere. Any action that
11 the department is permitted to take following the establishment of
12 a conviction may be taken when the time for appeal has elapsed,
13 when the judgment of conviction has been affirmed on appeal, or
14 when an order granting probation is made suspending the
15 imposition of sentence, notwithstanding a subsequent order
16 pursuant to Sections 1203.4 and 1203.4a of the Penal Code
17 permitting the person to withdraw his or her plea of guilty and to
18 enter a plea of not guilty, or setting aside the verdict of guilty, or
19 dismissing the accusation, information, or indictment. For purposes
20 of this section or any other provision of this chapter, the record of
21 a conviction, or a copy thereof certified by the clerk of the court
22 or by a judge of the court in which the conviction occurred, shall
23 be conclusive evidence of the conviction. For purposes of this
24 section or any other provision of this chapter, the arrest disposition
25 report certified by the Department of Justice, or documents
26 admissible in a criminal action pursuant to Section 969b of the
27 Penal Code, shall be prima facie evidence of conviction,
28 notwithstanding any other provision of law prohibiting the
29 admission of these documents in a civil or administrative action.

30 (2) For purposes of this section or any other provision of this
31 chapter, the department shall consider criminal convictions from
32 another state or federal court as if the criminal offense was
33 committed in this state.

34 (e) The State Department of Social Services may not use a
35 record of arrest to deny, revoke, or terminate any application,
36 license, employment, or residence unless the department
37 investigates the incident and secures evidence, whether or not
38 related to the incident of arrest, that is admissible in an
39 administrative hearing to establish conduct by the person that may
40 pose a risk to the health and safety of any person who is or may

1 become a client. The State Department of Social Services is
2 authorized to obtain any arrest or conviction records or reports
3 from any law enforcement agency as necessary to the performance
4 of its duties to inspect, license, and investigate community care
5 facilities and individuals associated with a community care facility.

6 (f) (1) After review of the record, the director may grant an
7 exemption from disqualification for a license or special permit as
8 specified in paragraphs (1) and (4) of subdivision (a), or for
9 employment, residence, or presence in a child day care facility as
10 specified in paragraphs (3), (4), and (5) of subdivision (c) if the
11 director has substantial and convincing evidence to support a
12 reasonable belief that the applicant and the person convicted of
13 the crime, if other than the applicant, are of good character so as
14 to justify issuance of the license or special permit or granting an
15 exemption for purposes of subdivision (c). However, an exemption
16 may not be granted pursuant to this subdivision if the conviction
17 was for any of the following offenses:

18 (A) An offense specified in Section 220, 243.4, or 264.1,
19 subdivision (a) of Section 273a or, prior to January 1, 1994,
20 paragraph (1) of Section 273a, Section 273d, 288, or 289,
21 subdivision (c) of Section 290, or Section 368 of the Penal Code,
22 or was a conviction of another crime against an individual specified
23 in subdivision (c) of Section 667.5 of the Penal Code.

24 (B) A felony offense specified in Section 729 of the Business
25 and Professions Code or Section 206 or 215, subdivision (a) of
26 Section 347, subdivision (b) of Section 417, or subdivision (a) or
27 (b) of Section 451 of the Penal Code.

28 (2) The department may not prohibit a person from being
29 employed or having contact with clients in a facility on the basis
30 of a denied criminal record exemption request or arrest information
31 unless the department complies with the requirements of Section
32 1596.8897.

33 (g) Upon request of the licensee, who shall enclose a
34 self-addressed stamped postcard for this purpose, the Department
35 of Justice shall verify receipt of the fingerprint images.

36 (h) (1) For the purposes of compliance with this section, the
37 department may permit an individual to transfer a current criminal
38 record clearance, as defined in subdivision (a), from one facility
39 to another, as long as the criminal record clearance has been
40 processed through a state licensing district office, and is being

1 transferred to another facility licensed by a state licensing district
2 office. The request shall be in writing to the department, and shall
3 include a copy of the person's driver's license or valid
4 identification card issued by the Department of Motor Vehicles,
5 or a valid photo identification issued by another state or the United
6 States government if the person is not a California resident. Upon
7 request of the licensee, who shall enclose a self-addressed stamped
8 envelope for this purpose, the department shall verify whether the
9 individual has a clearance that can be transferred.

10 (2) The State Department of Social Services shall hold criminal
11 record clearances in its active files for a minimum of two years
12 after an employee is no longer employed at a licensed facility in
13 order for the criminal record clearances to be transferred.

14 (3) The following shall apply to a criminal record clearance or
15 exemption from the department or a county office with
16 department-delegated licensing authority:

17 (A) A county office with department-delegated licensing
18 authority may accept a clearance or exemption from the
19 department.

20 (B) The department may accept a clearance or exemption from
21 any county office with department-delegated licensing authority.

22 (C) A county office with department-delegated licensing
23 authority may accept a clearance or exemption from any other
24 county office with department-delegated licensing authority.

25 (4) With respect to notifications issued by the Department of
26 Justice pursuant to Section 11105.2 of the Penal Code concerning
27 an individual whose criminal record clearance was originally
28 processed by the department or a county office with
29 department-delegated licensing authority, all of the following shall
30 apply:

31 (A) The Department of Justice shall process a request from the
32 department or a county office with department-delegated licensing
33 authority to receive the notice, only if all of the following
34 conditions are met:

35 (i) The request shall be submitted to the Department of Justice
36 by the agency to be substituted to receive the notification.

37 (ii) The request shall be for the same applicant type as the type
38 for which the original clearance was obtained.

1 (iii) The request shall contain all prescribed data elements and
2 format protocols pursuant to a written agreement between the
3 department and the Department of Justice.

4 (B) (i) On or before January 7, 2005, the department shall notify
5 the Department of Justice of all county offices that have
6 department-delegated licensing authority.

7 (ii) The department shall notify the Department of Justice within
8 15 calendar days of the date on which a new county office receives
9 department-delegated licensing authority or a county's delegated
10 licensing authority is rescinded.

11 (C) The Department of Justice shall charge the department or
12 a county office with department-delegated licensing authority a
13 fee for each time a request to substitute the recipient agency is
14 received for purposes of this paragraph. This fee shall not exceed
15 the cost of providing the service.

16 (i) Notwithstanding any other provision of law, the department
17 may provide an individual with a copy of his or her state or federal
18 level criminal offender record information search response as
19 provided to that department by the Department of Justice if the
20 department has denied a criminal background clearance based on
21 this information and the individual makes a written request to the
22 department for a copy specifying an address to which it is to be
23 sent. The state or federal level criminal offender record information
24 search response shall not be modified or altered from its form or
25 content as provided by the Department of Justice and shall be
26 provided to the address specified by the individual in his or her
27 written request. The department shall retain a copy of the
28 individual's written request and the response and date provided.

29 *SEC. 7. Section 319.2 of the Welfare and Institutions Code is*
30 *amended to read:*

31 319.2. Notwithstanding Section 319, when a child under the
32 age of six years is not released from the custody of the court, the
33 child may be placed in a community care facility licensed as a
34 group home for children or in a temporary shelter care facility, as
35 defined in Section 1530.8 of the Health and Safety Code, only
36 when the court finds that placement is necessary to secure a
37 complete and adequate evaluation, including placement planning
38 and transition time. The placement period shall not exceed 60 days
39 unless a case plan has been developed and the need for additional
40 time is documented in the case plan and has been approved by the

1 ~~supervisor of the caseworker's supervisor~~ *deputy director or*
2 *director of the county child welfare department or an assistant*
3 *chief probation officer or chief probation officer of the county*
4 *probation department.*

5 *SEC. 8. Section 319.3 is added to the Welfare and Institutions*
6 *Code, to read:*

7 *319.3. Notwithstanding Section 319, a dependent child who is*
8 *six to 12 years of age, inclusive, may be placed in community care*
9 *facility licensed as a group home for children or in a temporary*
10 *shelter care facility, as defined in Section 1530.8 of the Health*
11 *and Safety Code, only when the court finds that placement is*
12 *necessary to secure a complete and adequate evaluation, including*
13 *placement planning and transition time. The placement period*
14 *shall not exceed 60 days unless a case plan has been developed*
15 *and the need for additional time is documented in the case plan*
16 *and has been approved by a deputy director or director of the*
17 *county child welfare department or an assistant chief probation*
18 *officer or chief probation officer of the county probation*
19 *department.*

20 *SEC. 9. Section 361.2 of the Welfare and Institutions Code is*
21 *amended to read:*

22 361.2. (a) When a court orders removal of a child pursuant to
23 Section 361, the court shall first determine whether there is a parent
24 of the child, with whom the child was not residing at the time that
25 the events or conditions arose that brought the child within the
26 provisions of Section 300, who desires to assume custody of the
27 child. If that parent requests custody, the court shall place the child
28 with the parent unless it finds that placement with that parent would
29 be detrimental to the safety, protection, or physical or emotional
30 well-being of the child.

31 (b) If the court places the child with that parent it may do any
32 of the following:

33 (1) Order that the parent become legal and physical custodian
34 of the child. The court may also provide reasonable visitation by
35 the noncustodial parent. The court shall then terminate its
36 jurisdiction over the child. The custody order shall continue unless
37 modified by a subsequent order of the superior court. The order
38 of the juvenile court shall be filed in any domestic relation
39 proceeding between the parents.

1 (2) Order that the parent assume custody subject to the
2 jurisdiction of the juvenile court and require that a home visit be
3 conducted within three months. In determining whether to take
4 the action described in this paragraph, the court shall consider any
5 concerns that have been raised by the child's current caregiver
6 regarding the parent. After the social worker conducts the home
7 visit and files his or her report with the court, the court may then
8 take the action described in paragraph (1), (3), or this paragraph.
9 However, nothing in this paragraph shall be interpreted to imply
10 that the court is required to take the action described in this
11 paragraph as a prerequisite to the court taking the action described
12 in either paragraph (1) or paragraph (3).

13 (3) Order that the parent assume custody subject to the
14 supervision of the juvenile court. In that case the court may order
15 that reunification services be provided to the parent or guardian
16 from whom the child is being removed, or the court may order that
17 services be provided solely to the parent who is assuming physical
18 custody in order to allow that parent to retain later custody without
19 court supervision, or that services be provided to both parents, in
20 which case the court shall determine, at review hearings held
21 pursuant to Section 366, which parent, if either, shall have custody
22 of the child.

23 (c) The court shall make a finding either in writing or on the
24 record of the basis for its determination under subdivisions (a) and
25 (b).

26 (d) Part 6 (commencing with Section 7950) of Division 12 of
27 the Family Code shall apply to the placement of a child pursuant
28 to paragraphs (1) and (2) of subdivision (e).

29 (e) When the court orders removal pursuant to Section 361, the
30 court shall order the care, custody, control, and conduct of the
31 child to be under the supervision of the social worker who may
32 place the child in any of the following:

33 (1) The home of a noncustodial parent as described in
34 subdivision (a), regardless of the parent's immigration status.

35 (2) The approved home of a relative, regardless of the relative's
36 immigration status.

37 (3) The approved home of a nonrelative extended family
38 member as defined in Section 362.7.

1 (4) A foster home in which the child has been placed before an
 2 interruption in foster care, if that placement is in the best interest
 3 of the child and space is available.

4 (5) A suitable licensed community care facility.

5 (6) With a foster family agency to be placed in a suitable
 6 licensed foster family home or certified family home which has
 7 been certified by the agency as meeting licensing standards.

8 (7) A home or facility in accordance with the federal Indian
 9 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

10 (8) A child under the age of six years may be placed in a
 11 community care facility licensed as a group home for children, or
 12 a temporary shelter care facility as defined in Section 1530.8 of
 13 the Health and Safety Code, only under any of the following
 14 circumstances:

15 (A) (i) When a case plan indicates that placement is for
 16 purposes of providing ~~specialized~~ *short-term, specialized, and*
 17 *intensive* treatment to the child, the case plan specifies the need
 18 for, nature of, and anticipated duration of this treatment, ~~and~~
 19 *pursuant to paragraph (2) of subdivision (c) of Section 16501.1,*
 20 *the facility meets the applicable regulations adopted under Section*
 21 *1530.8 of the Health and Safety Code and standards developed*
 22 *pursuant to Section 11467.1, and the deputy director or director*
 23 *of the county child welfare department or an assistant chief*
 24 *probation officer or chief probation officer of the county probation*
 25 *department has approved the case plan. The specialized*

26 (ii) *The short term, specialized, and intensive treatment period*
 27 *shall not exceed 120 days, unless additional time is needed pursuant*
 28 *to the case plan as documented by the caseworker and approved*
 29 *by the caseworker's supervisor the county has made progress*
 30 *toward or is actively working toward implementing the case plan*
 31 *that identifies the services or supports necessary to transition the*
 32 *child to a family setting, circumstances beyond the county's control*
 33 *have prevented the county from obtaining those services or*
 34 *supports within the timeline documented in the case plan, and the*
 35 *need for additional time pursuant to the case plan is documented*
 36 *by the caseworker and approved by a deputy director or director*
 37 *of the county child welfare department or an assistant chief*
 38 *probation officer or chief probation officer of the county probation*
 39 *department.*

1 (iii) *To the extent that placements pursuant to this paragraph*
2 *are extended beyond an initial 120 days, the requirements of*
3 *clauses (i) and (ii) shall apply to each extension. In addition, the*
4 *deputy director or director of the county child welfare department*
5 *or an assistant chief probation officer or chief probation officer*
6 *of the county probation department shall approve the continued*
7 *placement no less frequently than every 60 days.*

8 (B) When a case plan indicates that placement is for purposes
9 of providing family reunification services. In addition, the facility
10 offers family reunification services that meet the needs of the
11 individual child and his or her family, permits parents to have
12 reasonable access to their children 24 hours a day, encourages
13 extensive parental involvement in meeting the daily needs of their
14 children, and employs staff trained to provide family reunification
15 services. In addition, one of the following conditions exists:

16 (i) The child's parent is also a ward of the court and resides in
17 the facility.

18 (ii) The child's parent is participating in a treatment program
19 affiliated with the facility and the child's placement in the facility
20 facilitates the coordination and provision of reunification services.

21 (iii) Placement in the facility is the only alternative that permits
22 the parent to have daily 24-hour access to the child in accordance
23 with the case plan, to participate fully in meeting all of the daily
24 needs of the child, including feeding and personal hygiene, and to
25 have access to necessary reunification services.

26 (9) (A) *A child who is 6 to 12 years of age, inclusive, may be*
27 *placed in a community care facility licensed as a group home for*
28 *children only when a case plan indicates that placement is for*
29 *purposes of providing short-term, specialized, and intensive*
30 *treatment for the child, the case plan specifies the need for, nature*
31 *of, and anticipated duration of this treatment, pursuant to*
32 *paragraph (2) of subdivision (c) of Section 16501.1, and is*
33 *approved by the deputy director or director of the county child*
34 *welfare department or an assistant chief probation officer or chief*
35 *probation officer of the county probation department.*

36 (B) *The short-term, specialized, and intensive treatment period*
37 *shall not exceed six months, unless the county has made progress*
38 *or is actively working toward implementing the case plan that*
39 *identifies the services or supports necessary to transition the child*
40 *to a family setting, circumstances beyond the county's control have*

1 *prevented the county from obtaining those services or supports*
2 *within the timeline documented in the case plan, and the need for*
3 *additional time pursuant to the case plan is documented by the*
4 *caseworker and approved by a deputy director or director of the*
5 *county child welfare department or an assistant chief probation*
6 *officer or chief probation officer of the county probation*
7 *department.*

8 *(C) To the extent that placements pursuant to this paragraph*
9 *are extended beyond an initial six months, the requirements of*
10 *subparagraph (A) and (B) shall apply to each extension. In*
11 *addition, the deputy director or director of the county child welfare*
12 *department or an assistant chief probation officer or chief*
13 *probation officer of the county probation department shall approve*
14 *the continued placement no less frequently than every 60 days.*

15 ~~(9)~~

16 *(10) Nothing in this subdivision shall be construed to allow a*
17 *social worker to place any dependent child outside the United*
18 *States, except as specified in subdivision (f).*

19 *(f) (1) A child under the supervision of a social worker pursuant*
20 *to subdivision (e) shall not be placed outside the United States*
21 *prior to a judicial finding that the placement is in the best interest*
22 *of the child, except as required by federal law or treaty.*

23 *(2) The party or agency requesting placement of the child outside*
24 *the United States shall carry the burden of proof and must show,*
25 *by clear and convincing evidence, that placement outside the*
26 *United States is in the best interest of the child.*

27 *(3) In determining the best interest of the child, the court shall*
28 *consider, but not be limited to, the following factors:*

29 *(A) Placement with a relative.*

30 *(B) Placement of siblings in the same home.*

31 *(C) Amount and nature of any contact between the child and*
32 *the potential guardian or caretaker.*

33 *(D) Physical and medical needs of the dependent child.*

34 *(E) Psychological and emotional needs of the dependent child.*

35 *(F) Social, cultural, and educational needs of the dependent*
36 *child.*

37 *(G) Specific desires of any dependent child who is 12 years of*
38 *age or older.*

39 *(4) If the court finds that a placement outside the United States*
40 *is, by clear and convincing evidence, in the best interest of the*

1 child, the court may issue an order authorizing the social worker
2 to make a placement outside the United States. A child subject to
3 this subdivision shall not leave the United States prior to the
4 issuance of the order described in this paragraph.

5 (5) For purposes of this subdivision, “outside the United States”
6 shall not include the lands of any federally recognized American
7 Indian tribe or Alaskan Natives.

8 (6) This subdivision shall not apply to the placement of a
9 dependent child with a parent pursuant to subdivision (a).

10 (g) (1) If the child is taken from the physical custody of the
11 child’s parent or guardian and unless the child is placed with
12 relatives, the child shall be placed in foster care in the county of
13 residence of the child’s parent or guardian in order to facilitate
14 reunification of the family.

15 (2) In the event that there are no appropriate placements
16 available in the parent’s or guardian’s county of residence, a
17 placement may be made in an appropriate place in another county,
18 preferably a county located adjacent to the parent’s or guardian’s
19 community of residence.

20 (3) Nothing in this section shall be interpreted as requiring
21 multiple disruptions of the child’s placement corresponding to
22 frequent changes of residence by the parent or guardian. In
23 determining whether the child should be moved, the social worker
24 shall take into consideration the potential harmful effects of
25 disrupting the placement of the child and the parent’s or guardian’s
26 reason for the move.

27 (4) When it has been determined that it is necessary for a child
28 to be placed in a county other than the child’s parent’s or guardian’s
29 county of residence, the specific reason the out-of-county
30 placement is necessary shall be documented in the child’s case
31 plan. If the reason the out-of-county placement is necessary is the
32 lack of resources in the sending county to meet the specific needs
33 of the child, those specific resource needs shall be documented in
34 the case plan.

35 (5) When it has been determined that a child is to be placed
36 out-of-county either in a group home or with a foster family agency
37 for subsequent placement in a certified foster family home, and
38 the sending county is to maintain responsibility for supervision
39 and visitation of the child, the sending county shall develop a plan
40 of supervision and visitation that specifies the supervision and

1 visitation activities to be performed and specifies that the sending
2 county is responsible for performing those activities. In addition
3 to the plan of supervision and visitation, the sending county shall
4 document information regarding any known or suspected dangerous
5 behavior of the child that indicates the child may pose a safety
6 concern in the receiving county. Upon implementation of the Child
7 Welfare Services Case Management System, the plan of
8 supervision and visitation, as well as information regarding any
9 known or suspected dangerous behavior of the child, shall be made
10 available to the receiving county upon placement of the child in
11 the receiving county. If placement occurs on a weekend or holiday,
12 the information shall be made available to the receiving county on
13 or before the end of the next business day.

14 (6) When it has been determined that a child is to be placed
15 out-of-county and the sending county plans that the receiving
16 county shall be responsible for the supervision and visitation of
17 the child, the sending county shall develop a formal agreement
18 between the sending and receiving counties. The formal agreement
19 shall specify the supervision and visitation to be provided the child,
20 and shall specify that the receiving county is responsible for
21 providing the supervision and visitation. The formal agreement
22 shall be approved and signed by the sending and receiving counties
23 prior to placement of the child in the receiving county. In addition,
24 upon completion of the case plan, the sending county shall provide
25 a copy of the completed case plan to the receiving county. The
26 case plan shall include information regarding any known or
27 suspected dangerous behavior of the child that indicates the child
28 may pose a safety concern to the receiving county.

29 (h) Whenever the social worker must change the placement of
30 the child and is unable to find a suitable placement within the
31 county and must place the child outside the county, the placement
32 shall not be made until he or she has served written notice on the
33 parent or guardian at least 14 days prior to the placement, unless
34 the child's health or well-being is endangered by delaying the
35 action or would be endangered if prior notice were given. The
36 notice shall state the reasons which require placement outside the
37 county. The parent or guardian may object to the placement not
38 later than seven days after receipt of the notice and, upon objection,
39 the court shall hold a hearing not later than five days after the
40 objection and prior to the placement. The court shall order

1 out-of-county placement if it finds that the child’s particular needs
2 require placement outside the county.

3 (i) Where the court has ordered removal of the child from the
4 physical custody of his or her parents pursuant to Section 361, the
5 court shall consider whether the family ties and best interest of the
6 child will be served by granting visitation rights to the child’s
7 grandparents. The court shall clearly specify those rights to the
8 social worker.

9 (j) Where the court has ordered removal of the child from the
10 physical custody of his or her parents pursuant to Section 361, the
11 court shall consider whether there are any siblings under the court’s
12 jurisdiction, the nature of the relationship between the child and
13 his or her siblings, the appropriateness of developing or maintaining
14 the sibling relationships pursuant to Section 16002, and the impact
15 of the sibling relationships on the child’s placement and planning
16 for legal permanence.

17 (k) (1) When an agency has placed a child with a relative
18 caregiver, a nonrelative extended family member, a licensed foster
19 family home, or a group home, the agency shall ensure placement
20 of the child in a home that, to the fullest extent possible, best meets
21 the day-to-day needs of the child. A home that best meets the
22 day-to-day needs of the child shall satisfy all of the following
23 criteria:

24 (A) The child’s caregiver is able to meet the day-to-day health,
25 safety, and well-being needs of the child.

26 (B) The child’s caregiver is permitted to maintain the least
27 restrictive and most family-like environment that serves the
28 day-to-day needs of the child.

29 (C) The child is permitted to engage in reasonable,
30 age-appropriate day-to-day activities that promote the most
31 family-like environment for the foster child.

32 (2) The foster child’s caregiver shall use a reasonable and
33 prudent parent standard, as defined in paragraph (2) of subdivision
34 (a) of Section 362.04, to determine day-to-day activities that are
35 age-appropriate to meet the needs of the child. Nothing in this
36 section shall be construed to permit a child’s caregiver to permit
37 the child to engage in day-to-day activities that carry an
38 unreasonable risk of harm, or subject the child to abuse or neglect.

39 *SEC. 10. Section 626 of the Welfare and Institutions Code is*
40 *amended to read:*

1 626. An officer who takes a minor into temporary custody
2 under the provisions of Section 625 may do any of the following:

3 (a) Release the minor.

4 (b) Deliver or refer the minor to a public or private agency with
5 which the city or county has an agreement or plan to provide shelter
6 care, counseling, or diversion services to minors so delivered. A
7 *placement of a child in a community care facility as specified in*
8 *Section 1530.8 of the Health and Safety Code shall be made in*
9 *accordance with Section 319.2 or 319.3, as applicable, and with*
10 *paragraph (8) or (9) of subdivision (e) of Section 361.2, as*
11 *applicable.*

12 (c) Prepare in duplicate a written notice to appear before the
13 probation officer of the county in which the minor was taken into
14 custody at a time and place specified in the notice. The notice shall
15 also contain a concise statement of the reasons the minor was taken
16 into custody. The officer shall deliver one copy of the notice to
17 the minor or to a parent, guardian, or responsible relative of the
18 minor and may require the minor or the minor's parent, guardian,
19 or relative, or both, to sign a written promise to appear at the time
20 and place designated in the notice. Upon the execution of the
21 promise to appear, the officer shall immediately release the minor.
22 The officer shall, as soon as practicable, file one copy of the notice
23 with the probation officer. The written notice to appear may require
24 that the minor be fingerprinted, photographed, or both, upon the
25 minor's appearance before the probation officer, if the minor is a
26 person described in Section 602 and he or she was taken into
27 custody upon reasonable cause for the commission of a felony.

28 (d) Take the minor without unnecessary delay before the
29 probation officer of the county in which the minor was taken into
30 custody, or in which the minor resides, or in which the acts take
31 place or the circumstances exist which are alleged to bring the
32 minor within the provisions of Section 601 or 602, and deliver the
33 custody of the minor to the probation officer. The peace officer
34 shall prepare a concise written statement of the probable cause for
35 taking the minor into temporary custody and the reasons the minor
36 was taken into custody and shall provide the statement to the
37 probation officer at the time the minor is delivered to the probation
38 officer. In no case shall the officer delay the delivery of the minor
39 to the probation officer for more than 24 hours if the minor has

1 been taken into custody without a warrant on the belief that the
2 minor has committed a misdemeanor.

3 In determining which disposition of the minor to make, the
4 officer shall prefer the alternative which least restricts the minor's
5 freedom of movement, provided that alternative is compatible with
6 the best interests of the minor and the community.

7 *SEC. 11. Section 727 of the Welfare and Institutions Code is*
8 *amended to read:*

9 727. (a) (1) If a minor is adjudged a ward of the court on the
10 ground that he or she is a person described by Section 601 or 602,
11 the court may make any reasonable orders for the care, supervision,
12 custody, conduct, maintenance, and support of the minor, including
13 medical treatment, subject to further order of the court.

14 (2) In the discretion of the court, a ward may be ordered to be
15 on probation without supervision of the probation officer. The
16 court, in so ordering, may impose on the ward any and all
17 reasonable conditions of behavior as may be appropriate under
18 this disposition. A minor who has been adjudged a ward of the
19 court on the basis of the commission of any of the offenses
20 described in subdivision (b) or paragraph (2) of subdivision (d) of
21 Section 707, Section 459 of the Penal Code, or subdivision (a) of
22 Section 11350 of the Health and Safety Code, shall not be eligible
23 for probation without supervision of the probation officer. A minor
24 who has been adjudged a ward of the court on the basis of the
25 commission of any offense involving the sale or possession for
26 sale of a controlled substance, except misdemeanor offenses
27 involving marijuana, as specified in Chapter 2 (commencing with
28 Section 11053) of Division 10 of the Health and Safety Code, or
29 of an offense in violation of Section 32625 of the Penal Code, shall
30 be eligible for probation without supervision of the probation
31 officer only when the court determines that the interests of justice
32 would best be served and states reasons on the record for that
33 determination.

34 (3) In all other cases, the court shall order the care, custody, and
35 control of the minor to be under the supervision of the probation
36 officer who may place the minor in any of the following:

37 (A) The approved home of a relative or the approved home of
38 a nonrelative, extended family member, as defined in Section
39 362.7. If a decision has been made to place the minor in the home
40 of a relative, the court may authorize the relative to give legal

1 consent for the minor’s medical, surgical, and dental care and
2 education as if the relative caretaker were the custodial parent of
3 the minor.

4 (B) A suitable licensed community care facility. *A placement*
5 *of a child in a community care facility, as specified in Section*
6 *1530.8 of the Health and Safety Code, shall be made in accordance*
7 *with Section 319.2 or 319.3, as applicable, and with paragraph*
8 *(8) or (9) of subdivision (e) of Section 361.2, as applicable.*

9 (C) With a foster family agency to be placed in a suitable
10 licensed foster family home or certified family home which has
11 been certified by the agency as meeting licensing standards.

12 (D) (i) Every minor adjudged a ward of the juvenile court who
13 is residing in a placement as defined in subparagraphs (A) to (C),
14 inclusive, shall be entitled to participate in age-appropriate
15 extracurricular, enrichment, and social activities. No state or local
16 regulation or policy may prevent, or create barriers to, participation
17 in those activities. Each state and local entity shall ensure that
18 private agencies that provide foster care services to wards have
19 policies consistent with this section and that those agencies promote
20 and protect the ability of wards to participate in age-appropriate
21 extracurricular, enrichment, and social activities. A group home
22 administrator, a facility manager, or his or her responsible designee,
23 and a caregiver, as defined in paragraph (1) of subdivision (a) of
24 Section 362.04, shall use a reasonable and prudent parent standard,
25 as defined in paragraph (2) of subdivision (a) of Section 362.04,
26 in determining whether to give permission for a minor residing in
27 foster care to participate in extracurricular, enrichment, and social
28 activities. A group home administrator, a facility manager, or his
29 or her responsible designee, and a caregiver shall take reasonable
30 steps to determine the appropriateness of the activity taking into
31 consideration the minor’s age, maturity, and developmental level.

32 (ii) A group home administrator or a facility manager, or his or
33 her responsible designee, is encouraged to consult with social work
34 or treatment staff members who are most familiar with the minor
35 at the group home in applying and using the reasonable and prudent
36 parent standard.

37 (b) (1) To facilitate coordination and cooperation among
38 agencies, the court may, at any time after a petition has been filed,
39 after giving notice and an opportunity to be heard, join in the
40 juvenile court proceedings any agency that the court determines

1 has failed to meet a legal obligation to provide services to a minor,
2 for whom a petition has been filed under Section 601 or 602, to a
3 nonminor, as described in Section 303, or to a nonminor dependent,
4 as defined in subdivision (v) of Section 11400. In any proceeding
5 in which an agency is joined, the court shall not impose duties
6 upon the agency beyond those mandated by law. The purpose of
7 joinder under this section is to ensure the delivery and coordination
8 of legally mandated services to the minor. The joinder shall not
9 be maintained for any other purpose. Nothing in this section shall
10 prohibit agencies that have received notice of the hearing on joinder
11 from meeting prior to the hearing to coordinate services.

12 (2) The court has no authority to order services unless it has
13 been determined through the administrative process of an agency
14 that has been joined as a party, that the minor, nonminor, or
15 nonminor dependent is eligible for those services. With respect to
16 mental health assessment, treatment, and case management services
17 pursuant to Chapter 26.5 (commencing with Section 7570) of
18 Division 7 of Title 1 of the Government Code, the court's
19 determination shall be limited to whether the agency has complied
20 with that chapter.

21 (3) For the purposes of this subdivision, "agency" means any
22 governmental agency or any private service provider or individual
23 that receives federal, state, or local governmental funding or
24 reimbursement for providing services directly to a child, nonminor,
25 or nonminor dependent.

26 (c) If a minor has been adjudged a ward of the court on the
27 ground that he or she is a person described in Section 601 or 602,
28 and the court finds that notice has been given in accordance with
29 Section 661, and if the court orders that a parent or guardian shall
30 retain custody of that minor either subject to or without the
31 supervision of the probation officer, the parent or guardian may
32 be required to participate with that minor in a counseling or
33 education program including, but not limited to, parent education
34 and parenting programs operated by community colleges, school
35 districts, or other appropriate agencies designated by the court.

36 (d) The juvenile court may direct any reasonable orders to the
37 parents and guardians of the minor who is the subject of any
38 proceedings under this chapter as the court deems necessary and
39 proper to carry out subdivisions (a), (b), and (c) including orders
40 to appear before a county financial evaluation officer, to ensure

1 the minor's regular school attendance, and to make reasonable
2 efforts to obtain appropriate educational services necessary to meet
3 the needs of the minor.

4 If counseling or other treatment services are ordered for the
5 minor, the parent, guardian, or foster parent shall be ordered to
6 participate in those services, unless participation by the parent,
7 guardian, or foster parent is deemed by the court to be inappropriate
8 or potentially detrimental to the minor.

9 *SEC. 12. Section 11155 of the Welfare and Institutions Code*
10 *is amended to read:*

11 11155. (a) Notwithstanding Section 11257, in addition to the
12 personal property or resources permitted by other provisions of
13 this part, and to the extent permitted by federal law, an applicant
14 or recipient for aid under this chapter including an applicant or
15 recipient under Chapter 2 (commencing with Section 11200) may
16 retain countable resources in an amount equal to the amount
17 permitted under federal law for qualification for the federal
18 Supplemental Nutrition Assistance Program, administered in
19 California as CalFresh.

20 (b) The county shall determine the value of exempt personal
21 property other than motor vehicles in conformance with methods
22 established under CalFresh.

23 (c) (1) The value of licensed vehicles shall be the greater of the
24 fair market value as provided in paragraph (3) or the equity value,
25 as provided in paragraph (5), unless an exemption as provided in
26 paragraph (2) applies.

27 (2) The entire value of any licensed vehicle shall be exempt if
28 any of the following apply:

29 (A) It is used primarily for income-producing purposes.

30 (B) It annually produces income that is consistent with its fair
31 market value, even if used on a seasonal basis.

32 (C) It is necessary for long distance travel, other than daily
33 commuting, that is essential for the employment of a family
34 member.

35 (D) It is used as the family's residence.

36 (E) It is necessary to transport a physically disabled family
37 member, including an excluded disabled family member, regardless
38 of the purpose of the transportation.

1 (F) It would be exempted under any of subparagraphs (A) to
2 (D), inclusive, but the vehicle is not in use because of temporary
3 unemployment.

4 (G) It is used to carry fuel for heating for home use, when the
5 transported fuel or water is the primary source of fuel or water for
6 the family.

7 (H) The equity value of the vehicle is one thousand five hundred
8 one dollars (\$1,501) or less.

9 (3) Each licensed vehicle that is not exempted under paragraph
10 (2) shall be individually evaluated for fair market value, and any
11 portion of the value that exceeds four thousand six hundred fifty
12 dollars (\$4,650) shall be attributed in full market value toward the
13 family's resource level, regardless of any encumbrances on the
14 vehicle, the amount of the family's investment in the vehicle, and
15 whether the vehicle is used to transport family members to and
16 from employment.

17 (4) Any licensed vehicle that is evaluated for fair market value
18 shall also be evaluated for its equity value, except for the following:

19 (A) One licensed vehicle per adult family member, regardless
20 of the use of the vehicle.

21 (B) Any licensed vehicle, other than those to which
22 subparagraph (A) applies, that is driven by a family member under
23 18 years of age to commute to, and return from his or her place of
24 employment or place of training or education that is preparatory
25 to employment, or to seek employment. This subparagraph applies
26 only to vehicles used during a temporary period of unemployment.

27 (5) For purposes of this section, the equity value of a licensed
28 vehicle is the fair market value less encumbrances.

29 (d) The value of any unlicensed vehicle shall be the fair market
30 value less encumbrances, unless an exemption applies under
31 paragraph (2).

32 (e) *This section shall remain in effect only until January 1, 2014,*
33 *and as of that date is repealed, unless a later enacted statute, that*
34 *is enacted before January 1, 2014, deletes or extends that date.*

35 *SEC. 13. Section 11155 is added to the Welfare and Institutions*
36 *Code, to read:*

37 *11155. (a) Notwithstanding Section 11257, in addition to the*
38 *personal property or resources permitted by other provisions of*
39 *this part, and to the extent permitted by federal law, an applicant*
40 *or recipient for aid under this chapter including an applicant or*

1 recipient under Chapter 2 (commencing with Section 11200) may
2 retain countable resources in an amount equal to the amount
3 permitted under federal law for qualification for the federal
4 Supplemental Nutrition Assistance Program, administered in
5 California as CalFresh.

6 (b) The county shall determine the value of exempt personal
7 property other than motor vehicles in conformance with methods
8 established under CalFresh.

9 (c) (1) (A) The value of each licensed vehicle that is not exempt
10 under paragraph (4) shall be the equity value of the vehicle, which
11 shall be the fair market value less encumbrances.

12 (B) Any vehicle with an equity value of nine thousand five
13 hundred dollars (\$9,500) or less shall not be attributed to the
14 family's resource level.

15 (C) For each licensed vehicle with an equity value of more than
16 nine thousand five hundred dollars (\$9,500), the equity value that
17 exceeds nine thousand five hundred dollars (\$9,500) shall be
18 attributed to the family's resource level.

19 (2) The equity threshold described in paragraph (1) of nine
20 thousand five hundred dollars (\$9,500) shall be adjusted upward
21 annually by the increase, if any, in the United States Transportation
22 Consumer Price Index for all urban consumers published by the
23 United States Department of Labor, Bureau of Labor Statistics.

24 (3) The county shall determine the fair market value of the
25 vehicle in accordance with a methodology determined by the
26 department. The applicant or recipient shall self-certify the amount
27 of encumbrance, if any.

28 (4) The entire value of any licensed vehicle shall be exempt if
29 any of the following apply:

30 (A) It is used primarily for income-producing purposes.

31 (B) It annually produces income that is consistent with its fair
32 market value, even if used on a seasonal basis.

33 (C) It is necessary for long distance travel, other than daily
34 commuting, that is essential for the employment of a family
35 member.

36 (D) It is used as the family's residence.

37 (E) It is necessary to transport a physically disabled family
38 member, including an excluded disabled family member, regardless
39 of the purpose of the transportation.

1 (F) It would be exempted under any of subparagraphs (A) to
2 (D), inclusive, but the vehicle is not in use because of temporary
3 unemployment.

4 (G) It is used to carry fuel for heating for home use, when the
5 transported fuel or water is the primary source of fuel or water
6 for the family.

7 (H) Ownership of the vehicle was transferred through a gift,
8 donation, or family transfer, as defined by the Department of Motor
9 Vehicles.

10 (d) This section shall become operative on January 1, 2014.

11 SEC. 14. Section 11265 of the Welfare and Institutions Code
12 is amended to read:

13 11265. (a) The county shall redetermine eligibility annually.
14 The county shall at the time of the redetermination, and may at
15 other intervals as may be deemed necessary, require the family to
16 complete a certificate of eligibility containing a written declaration
17 of the information that may be required to establish the continuing
18 eligibility and amount of grant pursuant to Section 11004.

19 (b) (1) The certificate shall include blanks wherein shall be
20 stated the names of all children receiving aid, their present place
21 of residence, the names and status of any other adults living in the
22 home, the name, and if known, the social security number and
23 present whereabouts of a parent who is not living in the home, and
24 any outside income that may have been received through
25 employment, gifts, or the sale of real or personal property.

26 Each

27 (2) Each adult member of the family shall provide, under penalty
28 of perjury, the information necessary to complete the certificate.

29 (c) (1) If the certificate is mailed to the family, it shall be
30 accompanied by a stamped envelope for its return. ~~In the event~~ If
31 the certificate is not completed and returned within 10 days after
32 it is mailed or personally delivered to the family, a home visit or
33 other personal meeting shall be made to or with the family, and
34 the certificate shall then be completed with the assistance of the
35 eligibility worker, if needed.

36 The

37 (2) The department may adopt regulations providing for waiver
38 of the deadline for returning the completed certificate when the
39 recipient is considered to be mentally or physically unable to meet
40 the deadline.

1 (d) (1) A county shall comply with the reporting provisions of
2 this section until the county certifies to the director that semiannual
3 reporting has been implemented in the county.

4 (2) This section shall become inoperative on October 1, 2013,
5 and as of January 1, 2014, is repealed, unless a later enacted
6 statute that is enacted before January 1, 2014, deletes or extends
7 the dates on which it becomes inoperative and is repealed.

8 SEC. 15. Section 11265 is added to the Welfare and Institutions
9 Code, to read:

10 11265. (a) The county shall redetermine eligibility annually.
11 The county shall at the time of the redetermination, and may at
12 other intervals as may be deemed necessary, require the family to
13 complete a certificate of eligibility containing a written declaration
14 of the information that may be required to establish the continuing
15 eligibility and amount of grant pursuant to Section 11004.

16 (b) (1) The certificate shall include blanks wherein shall be
17 stated the names of all children receiving aid, their present place
18 of residence, the names and status of any other adults living in the
19 home, the name and, if known, the social security number and
20 present whereabouts of a parent who is not living in the home,
21 and any outside income that may have been received through
22 employment, gifts, or the sale of real or personal property.

23 (2) Each adult member of the family shall provide, under penalty
24 of perjury, the information necessary to complete the certificate.

25 (c) (1) If the certificate is mailed to the family, it shall be mailed
26 no later than the end of the month prior to the month it is due and
27 shall be accompanied by a postage-paid envelope for its return.
28 If a complete certificate is not received by the 15th day of the month
29 in which the certificate is due, the county shall provide the recipient
30 with a notice that the county will terminate benefits at the end of
31 the month. Prior to terminating benefits, the county shall attempt
32 to make personal contact by a county worker to remind the
33 recipient that a completed certificate is due. The certificate shall
34 be completed with the assistance of the eligibility worker, if needed.
35 For recipients also receiving CalFresh benefits, the certificate
36 shall be completed pursuant to the timeframes required by federal
37 and state law for the CalFresh program.

38 (2) The department may adopt regulations providing for waiver
39 of the deadline for returning the completed certificate when the

1 recipient is considered to be mentally or physically unable to meet
2 the deadline.

3 (d) (1) This section shall become operative on April 1, 2013. A
4 county shall implement the requirements of this section no later
5 than October 1, 2013.

6 (2) Upon implementation described in paragraph (1), each
7 county shall provide a certificate to the director certifying that
8 semiannual reporting has been implemented in the county.

9 (3) Upon filing the certificate described in paragraph (2), a
10 county shall comply with this section.

11 SEC. 16. Section 11265.1 of the Welfare and Institutions Code,
12 as added by Section 7 of Chapter 501 of the Statutes of 2011, is
13 amended to read:

14 11265.1. (a) ~~In addition to the requirement for an annual~~
15 ~~redetermination of eligibility, counties~~ Counties shall redetermine
16 recipient eligibility and grant amounts on a semiannual basis in a
17 prospective manner, using reasonably anticipated income consistent
18 with Section 5 of the federal Food Stamp and Nutrition Act of
19 2008 (7 U.S.C. Sec. ~~2014(f)(3)(A)~~), 2014(f)(3)(A)) and any
20 subsequent amendments thereto, implementing regulations, and
21 any waivers obtained by the department pursuant to ~~subdivision~~
22 ~~(g)~~ of Section ~~H265.2 18910~~. Counties shall use the information
23 reported on a recipient's semiannual report form or annual
24 certificate of eligibility required pursuant to Section 11265 to
25 prospectively determine eligibility and the grant amount for ~~the~~
26 following each semiannual reporting period.

27 (b) A semiannual reporting period shall be six consecutive
28 calendar months. ~~The recipient shall submit one semiannual report~~
29 ~~form for each semiannual reporting period.~~ Counties In addition
30 to the annual certificate of eligibility required pursuant to Section
31 11265, a semiannual report form shall be required during the first
32 semiannual reporting period following the application or annual
33 redetermination.

34 (c) (1) The recipient shall submit a semiannual report form
35 during the first semiannual reporting period following the
36 application or annual redetermination of eligibility.

37 (2) Counties shall provide a semiannual report form to recipients
38 at the end of the fifth month of the semiannual reporting period,
39 and recipients shall return the completed semiannual report form

1 with required verification to the county by the 11th day of the sixth
2 month of the semiannual reporting period.

3 (e)

4 (3) The semiannual report form shall be signed under penalty
5 of perjury, and shall include only the information necessary to
6 determine CalWORKs and CalFresh eligibility and calculate the
7 CalWORKs grant amount and CalFresh allotment, as specified by
8 the department. The form shall be ~~as comprehensible~~ *written in*
9 *language that is as understandable* as possible for recipients and
10 shall require recipients to provide the following:

11 (1)

12 (A) Information about income received during the fifth month
13 of the semiannual reporting period.

14 (2)

15 (B) Any other changes to facts required to be reported. The
16 recipient shall provide verification as specified by the department
17 with the semiannual report form.

18 (d) ~~A~~

19 (4) *The* semiannual report form shall be considered complete
20 if the following requirements, as specified by the department, are
21 met:

22 (1)

23 (A) The form is signed no earlier than the first day of the sixth
24 month of the semiannual reporting period by the persons specified
25 by the department.

26 (2)

27 (B) All questions and items pertaining to CalWORKs and
28 CalFresh eligibility and grant amounts are answered.

29 (3)

30 (C) Verification required by the department is provided.

31 (e)

32 (5) If a recipient fails to submit a complete semiannual report
33 form, as described in ~~subdivision (d)~~ *paragraph (4)*, by the 11th
34 day of the sixth month of the semiannual reporting period, the
35 county shall provide the recipient with a notice that the county
36 will terminate benefits at the end of the month. Prior to terminating
37 benefits, the county shall attempt to make personal contact *by a*
38 *county worker* to remind the recipient that a completed report is
39 ~~due~~; *due* or, if contact is not made, shall send a reminder notice to
40 the recipient no later than five days prior to the end of the month.

1 Any discontinuance notice shall be rescinded if a complete report
2 is received by the *end of the* first working day of the first month
3 of the following semiannual reporting period.

4 ~~(f)~~

5 (6) The county may determine, at any time prior to the last day
6 of the calendar month following discontinuance for nonsubmission
7 of a semiannual report form, that a recipient had good cause for
8 failing to submit a complete semiannual report form, as described
9 in ~~subdivision (d) paragraph (4)~~, by the *end of the* first working
10 day of the month following discontinuance. If the county finds a
11 recipient had good cause, as defined by the department, it shall
12 rescind the discontinuance notice. Good cause exists only when
13 the recipient cannot reasonably be expected to fulfill his or her
14 reporting responsibilities due to factors outside of the recipient's
15 control.

16 ~~(g)~~

17 (d) Administrative savings that may be reflected in the *annual*
18 Budget Act due to the implementation of semiannual reporting
19 pursuant to the act that added this section shall not exceed the
20 amount necessary to fund the net General Fund *and TANF* costs
21 of the semiannual reporting provisions of that act. Possible
22 additional savings in excess of this amount may only be reflected
23 in the *annual* Budget Act to the extent that they are based on actual
24 savings related to the change to semiannual reporting calculated
25 based on data developed in consultation with the County Welfare
26 Directors Association (CWDA).

27 ~~(h)~~

28 (e) The department, in consultation with the CWDA, shall
29 update the relevant policy and fiscal committees of the Legislature
30 as information becomes available regarding the effects upon the
31 program efficiency of implementation of semiannual reporting
32 requirements set forth in Section 11004.1. The update shall be
33 based on data collected by CWDA and select counties. The
34 department, in consultation with CWDA, shall determine the data
35 collection needs required to assess the effects of the semiannual
36 reporting.

37 ~~(i)~~

38 (f) Counties may establish staggered semiannual reporting cycles
39 for individual recipients, based on factors established or approved
40 by the department, ~~including, but not limited to, application date~~

1 ~~or case number~~; *provided the semiannual reporting cycle is aligned*
 2 *with the annual redetermination of eligibility*; however, all
 3 recipients within a county must be transitioned to a semiannual
 4 reporting system simultaneously. Up to and until the establishment
 5 of a countywide semiannual system, counties shall operate a
 6 quarterly system, as established by law and regulation applicable
 7 immediately prior to the establishment of the semiannual reporting
 8 system.

9 (j)

10 (g) (1) This section shall become operative on April 1, 2013.
 11 A county shall implement the semiannual reporting requirements
 12 in accordance with the act that added this section no later than
 13 October 1, 2013.

14 (2) Upon implementation described in paragraph (1), each
 15 county shall provide a certificate to the director certifying that
 16 semiannual reporting has been implemented in the county.

17 (3) Upon filing the certificate described in paragraph (2), a
 18 county shall comply with the semiannual reporting provisions of
 19 this section.

20 *SEC. 17. Section 11265.2 of the Welfare and Institutions Code,*
 21 *as added by Section 9 of Chapter 501 of the Statutes of 2011, is*
 22 *amended to read:*

23 11265.2. (a) The grant amount a recipient shall be entitled to
 24 receive for each month of the semiannual reporting period shall
 25 be prospectively determined as provided by this section. If a
 26 recipient reports that he or she does not anticipate any changes in
 27 income during the upcoming ~~quarter~~, *semiannual period*, compared
 28 to the income the recipient reported actually receiving on the
 29 semiannual report ~~form~~, *form or the annual certificate of eligibility*
 30 *required pursuant to Section 11265*, the grant shall be calculated
 31 using the actual income received. If a recipient reports that he or
 32 she anticipates a change in income in one or more months of the
 33 upcoming semiannual period, the county shall determine whether
 34 the recipient's income is reasonably anticipated. The grant shall
 35 be calculated using the income that the county determines is
 36 reasonably anticipated ~~in each of the six months of~~ *for* the
 37 upcoming semiannual period.

38 (b) For the purposes of the semiannual reporting, prospective
 39 budgeting system, income shall be considered to be "reasonably
 40 anticipated" if the county is reasonably certain of the amount of

1 income and that the income will be received during the semiannual
2 reporting period. The county shall determine what income is
3 “reasonably anticipated” based on information provided by the
4 recipient and any other available information.

5 (c) If a recipient reports that his or her income in the upcoming
6 semiannual period will be different each month and the county
7 needs additional information to determine a recipient’s reasonably
8 anticipated income for the following semiannual period, the county
9 may require the recipient to provide information about income for
10 each month of the prior semiannual period.

11 (d) Grant calculations pursuant to subdivision (a) may not be
12 revised to adjust the grant amount during the semiannual reporting
13 period, except as provided in Section 11265.3 and subdivisions
14 (e), (f), (g), and (h), and as otherwise established by the department.

15 (e) Notwithstanding subdivision (d), statutes and regulations
16 relating to (1) the 48-month time limit, (2) age limitations for
17 children under Section 11253, and (3) sanctions and financial
18 penalties affecting eligibility or grant amount shall be applicable
19 as provided in those statutes and regulations. Eligibility and grant
20 amount shall be adjusted during the semiannual reporting period
21 pursuant to those statutes and regulations effective with the first
22 monthly grant after timely and adequate notice is provided.

23 (f) Notwithstanding Section 11056, if an applicant applies for
24 assistance for a child who is currently aided in another assistance
25 unit, and the county determines that the applicant has care and
26 control of the child, as specified by the department, and is
27 otherwise eligible, the county shall discontinue aid to the child in
28 the existing assistance unit and shall aid the child in the applicant’s
29 assistance unit effective as of the first of the month following the
30 discontinuance of the child from the existing assistance unit.

31 (g) If the county is notified that a child for whom CalWORKs
32 assistance is currently being paid has been placed in a foster care
33 home, the county shall discontinue aid to the child at the end of
34 the month of placement. The county shall discontinue the case if
35 the remaining assistance unit members are not otherwise eligible.

36 (h) If the county determines that a recipient is no longer a
37 California resident, pursuant to Section 11100, the recipient shall
38 ~~be discontinued.~~ *discontinued with timely and adequate notice.*
39 The county shall discontinue the case if the remaining assistance
40 unit members are not otherwise eligible.

1 (i) (1) This section shall become operative on April 1, 2013. A
 2 county shall implement the semiannual reporting requirements in
 3 accordance with the act that added this section no later than October
 4 1, 2013.

5 (2) Upon implementation described in paragraph (1), each
 6 county shall provide a certificate to the director certifying that
 7 semiannual reporting has been implemented in the county.

8 (3) Upon filing the certificate described in paragraph (2), a
 9 county shall comply with the semiannual reporting provisions of
 10 this section.

11 *SEC. 18. Section 11265.3 of the Welfare and Institutions Code,*
 12 *as added by Section 11 of Chapter 501 of the Statutes of 2011, is*
 13 *amended to read:*

14 11265.3. (a) In addition to submitting the semiannual report
 15 form as required in Section 11265.1, the department shall establish
 16 an income reporting threshold for recipients of CalWORKs.

17 (b) The CalWORKs income reporting threshold shall be the
 18 lesser of the following:

19 (1) Fifty-five percent of the monthly income for a family of
 20 three at the federal poverty level, plus the amount of income last
 21 used to calculate the recipient's monthly benefits.

22 (2) The amount likely to render the recipient ineligible for
 23 ~~federal Supplemental Nutrition Assistance Program~~ CalWORKs
 24 benefits.

25 (3) The amount likely to render the recipient ineligible for
 26 ~~CalWORKs federal Supplemental Nutrition Assistance Program~~
 27 benefits.

28 (c) A recipient shall report to the county, orally or in writing,
 29 within 10 days, when any of the following occurs:

30 (1) The monthly household income exceeds the threshold
 31 established pursuant to this section.

32 (2) The household address has changed. *The act of failing to*
 33 *report an address change shall not, in and of itself, result in a*
 34 *reduction in aid or termination of benefits.*

35 (3) A drug felony conviction, as specified in Section 11251.3.

36 (4) An incidence of an individual fleeing prosecution or custody
 37 or confinement, or violating a condition of probation or parole, as
 38 specified in Section 11486.5.

39 (d) At least once per semiannual reporting period, counties shall
 40 inform each recipient of all of the following:

1 (1) *The amount of the recipient's income reporting threshold.*

2 ~~(1)~~

3 (2) The duty to report under this section.

4 ~~(2)~~

5 (3) The consequences of failing to report.

6 ~~(3) The amount of the recipient's income reporting threshold.~~

7 (e) When a recipient reports income exceeding the reporting
8 threshold, the county shall redetermine eligibility and the grant
9 amount as follows:

10 (1) If the recipient reports the increase in income for the first
11 through fifth months of a current semiannual reporting period, the
12 county shall verify the report and determine the recipient's financial
13 eligibility and grant amount.

14 (A) If the recipient is determined to be financially ineligible
15 based on the increase in income, the county shall discontinue the
16 recipient with timely and adequate notice, effective at the end of
17 the month in which the income was received.

18 (B) If it is determined that the recipient's grant amount should
19 decrease based on the increase in income, the county shall reduce
20 the recipient's grant amount for the remainder of the semiannual
21 reporting period with timely and adequate notice, effective the
22 first of the month following the month in which the income was
23 received.

24 (2) If the recipient reports an increase in income for the sixth
25 month of a current semiannual reporting period, the county shall
26 not redetermine eligibility for the current semiannual reporting
27 period, but shall consider this income in redetermining eligibility
28 and the grant amount for the following semiannual reporting period,
29 as provided in ~~Section~~ *Sections 11265.1 and 11265.2.*

30 (f) Counties shall act upon changes in income voluntarily
31 reported during the semiannual reporting period that result in an
32 increase in benefits, only after verification specified by the
33 department is received. Reported changes in income that increase
34 the grants shall be effective for the entire month in which the
35 change is reported. If the reported change in income results in an
36 increase in benefits, the county shall issue the increased benefit
37 amount within 10 days of receiving required verification.

38 (g) (1) When a decrease in gross monthly income is voluntarily
39 reported and verified, the county shall ~~redetermine~~ *recalculate* the
40 grant for the current month and any remaining months in the

1 semiannual reporting period ~~by averaging pursuant to Sections~~
2 *11265.1 and 11265.2 based on* the actual gross monthly income
3 reported and verified from the voluntary report for the current
4 month and the gross monthly income that is reasonably anticipated
5 for any future ~~month~~ *months* remaining in the semiannual reporting
6 period.

7 (2) When the ~~average~~ *anticipated income* is determined pursuant
8 to paragraph (1), and a grant amount is calculated based upon the
9 ~~averaged~~ *new* income, if the grant amount is higher than the grant
10 currently in effect, the county shall revise the grant for the current
11 month and any remaining months in the semiannual reporting
12 period to the higher amount and shall issue any increased benefit
13 amount as provided in subdivision (f).

14 (h) During the semiannual reporting period, a recipient may
15 report to the county, orally or in writing, any changes in income
16 and household circumstances that may increase the recipient's
17 grant. Except as provided in subdivision (i), counties shall act only
18 upon changes in household composition voluntarily reported by
19 the recipients during the semiannual reporting period that result
20 in an increase in benefits, after verification specified by the
21 department is received. If the reported change in household
22 composition is for the first through fifth month of the semiannual
23 reporting period and results in an increase in benefits, the county
24 shall ~~redetermine~~ *recalculate* the grant effective for the month
25 following the month in which the change was reported. If the
26 reported change in household composition is for the sixth month
27 of a semiannual reporting period, the county shall not redetermine
28 the grant for the current semiannual reporting period, but shall
29 redetermine the grant for the following reporting period as provided
30 in ~~Section~~ *Sections 11265.1 and 11265.2*.

31 (i) During the semiannual reporting period, a recipient may
32 request that the county discontinue the recipient's entire assistance
33 unit or any individual member of the assistance unit who is no
34 longer in the home or is an optional member of the assistance unit.
35 If the recipient's request ~~was~~ *is* verbal, the county shall provide a
36 10-day notice before discontinuing benefits. If the recipient's ~~report~~
37 ~~was~~ *request is* in writing, the county shall discontinue benefits
38 effective the end of the month in which the request is made, and
39 simultaneously issue a notice informing the recipient of the
40 discontinuance.

1 (j) (1) This section shall become operative on April 1, 2013. A
2 county shall implement the semiannual reporting requirements in
3 accordance with the act that added this section no later than October
4 1, 2013.

5 (2) Upon implementation described in paragraph (1), each
6 county shall provide a certificate to the director certifying that
7 semiannual reporting has been implemented in the county.

8 (3) Upon filing the certificate described in paragraph (2), a
9 county shall comply with the semiannual reporting provisions of
10 this section.

11 *SEC. 19. Section 11265.4 of the Welfare and Institutions Code*
12 *is amended to read:*

13 11265.4. (a) If a recipient submits a complete report form
14 within the month following the discontinuance for nonsubmission
15 of a report form pursuant to Section 11265.1, the county shall
16 restore benefits to the household, without requiring a new
17 application or interview, and shall prorate benefits from the date
18 that the household provides the completed report form. These
19 households shall be considered recipient cases and shall not be
20 subject to applicant eligibility criteria. A recipient of transitional
21 CalFresh benefits shall not receive prorated CalFresh benefits
22 during the same month.

23 (b) This section shall not be implemented until the department
24 has obtained all necessary federal approvals under the federal Food
25 and Nutrition Act of 2008 (7 U.S.C. Sec. 2011 et seq.).

26 ~~(e) This section shall become operative on July 1, 2012.~~

27 (c) (1) *A county shall comply with this section until the county*
28 *certifies to the director that semiannual reporting has been*
29 *implemented in the county.*

30 (2) *This section shall become inoperative on October 1, 2013,*
31 *and as of January 1, 2014, is repealed, unless a later enacted*
32 *statute that is enacted before January 1, 2014, deletes or extends*
33 *the dates on which it becomes inoperative and is repealed.*

34 *SEC. 20. Section 11265.4 is added to the Welfare and*
35 *Institutions Code, to read:*

36 11265.4. (a) *If a recipient submits a complete report form*
37 *within the month following the discontinuance for nonsubmission*
38 *of a semiannual report form required pursuant to subdivision (c)*
39 *of Section 11265.1, the county shall restore benefits to the*
40 *household, without requiring a new application or interview, and*

1 shall prorate benefits from the date that the household provides
2 the completed report form. These households shall be considered
3 recipient cases and shall not be subject to applicant eligibility
4 criteria. A recipient of transitional CalFresh benefits shall not
5 receive prorated CalFresh benefits during the same month. This
6 section shall not apply to the annual certificate of eligibility
7 required to be completed pursuant to Section 11265.

8 (b) This section shall not be implemented until the department
9 has obtained all necessary federal approvals under the federal
10 Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2011 et seq.).

11 (c) (1) This section shall become operative on April 1, 2013.
12 A county shall implement the requirements of this section no later
13 than October 1, 2013.

14 (2) Upon implementation described in paragraph (1), each
15 county shall provide a certificate to the director certifying that
16 semiannual reporting has been implemented in the county.

17 (3) Upon filing the certificate described in paragraph (2), a
18 county shall comply with this section.

19 SEC. 21. Section 11320.1 of the Welfare and Institutions Code
20 is amended to read:

21 11320.1. Subsequent to the commencement of the receipt of
22 aid under this chapter, the sequence of employment related
23 activities required of participants under this article, unless
24 exempted under Section 11320.3, shall be as follows:

25 (a) Job search. Recipients shall, and applicants may, at the
26 option of a county and with the consent of the applicant, receive
27 orientation to the welfare-to-work program provided under this
28 article, receive appraisal pursuant to Section 11325.2, and
29 participate in job search and job club activities provided pursuant
30 to Section 11325.22.

31 (b) Assessment. If employment is not found during the period
32 provided for pursuant to subdivision (a), or at any time the county
33 determines that participation in job search for the period specified
34 in subdivision (a) of Section 11325.22 is not likely to lead to
35 employment, the participant shall be referred to assessment, as
36 provided for in Section 11325.4. Following assessment, the county
37 and the participant shall develop a welfare-to-work plan, as
38 specified in Section 11325.21. The plan shall specify the activities
39 provided for in Section 11322.6 to which the participant shall be

1 assigned, and the supportive services, as provided for pursuant to
2 Section 11323.2, with which the recipient will be provided.

3 (c) Work activities. A participant who has signed a
4 welfare-to-work plan pursuant to Section 11325.21 shall participate
5 in work activities, as described in this article.

6 (d) *This section shall remain in effect only until January 1, 2014,*
7 *and as of that date is repealed, unless a later enacted statute, that*
8 *is enacted before January 1, 2014, deletes or extends that date.*

9 SEC. 22. *Section 11320.1 is added to the Welfare and*
10 *Institutions Code, to read:*

11 *11320.1. Subsequent to the commencement of the receipt of*
12 *aid under this chapter, the sequence of employment-related*
13 *activities required of recipients under this article, unless exempted*
14 *under Section 11320.3, shall be as follows:*

15 (a) *Orientation and appraisal. Recipients shall, and applicants*
16 *may, at the option of a county and with the consent of the applicant,*
17 *receive orientation to the welfare-to-work program provided under*
18 *this article and receive appraisal pursuant to Section 11325.2.*

19 (b) *After orientation and appraisal, recipients shall participate*
20 *in job search and job club pursuant to Section 11325.22, family*
21 *stabilization pursuant to Section 11325.24, or substance abuse,*
22 *mental health, or domestic violence services, unless the county*
23 *determines that the recipient should first go to assessment pursuant*
24 *to subdivision (c).*

25 (c) *Assessment. If employment is not found during the period*
26 *provided for pursuant to subdivision (b), or at any time the county*
27 *determines that participation in job search for the period specified*
28 *in subdivision (a) of Section 11325.22 is not likely to lead to*
29 *employment or that, based on information gathered during the*
30 *appraisal, further information is needed to make an effective*
31 *determination regarding the recipient's next welfare-to-work*
32 *activity, the recipient shall be referred to assessment, as provided*
33 *for in Section 11325.4. Following assessment, the county and the*
34 *recipient shall develop a welfare-to-work plan, as specified in*
35 *Section 11325.21. The plan shall specify the activities provided*
36 *for in Section 11322.6 to which the recipient shall be assigned,*
37 *and the supportive services, as provided for pursuant to Section*
38 *11323.2, with which the recipient will be provided.*

1 (d) *Work activities.* A recipient who has signed a
2 *welfare-to-work plan pursuant to Section 11325.21 shall*
3 *participate in work activities, as described in this article.*

4 (e) *This section shall become operative on January 1, 2014.*

5 SEC. 23. *Section 11322.63 of the Welfare and Institutions*
6 *Code, as amended by Section 13 of Chapter 47 of the Statutes of*
7 *2012, is amended to read:*

8 11322.63. (a) For counties that implement a welfare-to-work
9 plan that includes activities pursuant to subdivisions (b) and (c)
10 of Section 11322.6, the State Department of Social Services shall
11 pay the county 50 percent, less fifty-six dollars (\$56), of the total
12 wage costs of an employee for whom a wage subsidy is paid,
13 subject to all of the following conditions:

14 (1) (A) For participants receiving CalWORKs aid, the maximum
15 state contribution of the total wage cost shall not exceed 100
16 percent of the computed grant for the assistance unit in the month
17 prior to participation in subsidized employment.

18 (B) For participants who have received aid in excess of the time
19 limits provided in subdivision (a) of Section 11454, the maximum
20 state contribution of the total wage cost, shall not exceed 100
21 percent of the computed grant for the assistance unit in the month
22 prior to participation in subsidized employment.

23 (C) In the case of an individual who participates in subsidized
24 employment as a service provided by a county pursuant to Section
25 11323.25, the maximum state contribution of the total wage cost
26 shall not exceed 100 percent of the computed grant that the
27 assistance unit received in the month prior to participation in the
28 subsidized employment.

29 (D) The maximum state contribution, as defined in this
30 paragraph, shall remain in effect until the end of the subsidy period
31 as specified in paragraph (2), including with respect to subsidized
32 employment participants whose wage results in the assistance unit
33 no longer receiving a CalWORKs grant.

34 (E) State funding provided for total wage costs shall only be
35 used to fund wage and nonwage costs of the county's subsidized
36 employment program.

37 (2) State participation in the total wage costs pursuant to this
38 section shall be limited to a maximum of six months of wage
39 subsidies for each participant. If the county finds that a longer
40 subsidy period is necessary in order to mutually benefit the

1 employer and the participant, state participation in a subsidized
2 wage may be offered for up to 12 months.

3 (3) Eligibility for entry into subsidized employment funded
4 under this section shall be limited to individuals who are not
5 otherwise employed at the time of entry into the subsidized job,
6 and who are current CalWORKs recipients, sanctioned individuals,
7 or individuals described in Section 11320.15 who have exceeded
8 the time limits specified in subdivision (a) of Section 11454. A
9 county may continue to provide subsidized employment funded
10 under this section to individuals who become ineligible for
11 CalWORKs benefits in accordance with Section 11323.25.

12 (b) Upon application for CalWORKs after a participant's
13 subsidized employment ends, if an assistance unit is otherwise
14 eligible within three calendar months of the date that subsidized
15 employment ended, the income exemption requirements contained
16 in Section 11451.5 and the work requirements contained in
17 subdivision (c) of Section 11201 shall apply. If aid is restored after
18 the expiration of that three-month period, the income exemption
19 requirements contained in Section 11450.12 and the work
20 requirements contained in subdivision (b) of Section 11201 shall
21 apply.

22 (c) The department, in conjunction with representatives of
23 county welfare offices and their directors and the Legislative
24 Analyst's Office, shall assess the cost neutrality of the subsidized
25 employment program pursuant to this section and make
26 recommendations to the Legislature, if necessary, to ensure cost
27 neutrality. The department shall testify regarding the cost neutrality
28 of the subsidized employment program during the 2012–13 fiscal
29 year legislative budget hearings.

30 (d) No later than January 10, 2013, the State Department of
31 Social Services shall submit a report to the Legislature on the
32 outcomes of implementing this section that shall include, but need
33 not be limited to, all of the following:

34 (1) The number of CalWORKs recipients that entered subsidized
35 employment.

36 (2) The number of CalWORKs recipients who found
37 nonsubsidized employment after the subsidy ends.

38 (3) The earnings of the program participants before and after
39 the subsidy.

1 (4) The impact of this program on the state’s work participation
2 rate.

3 (e) Payment of the state’s share in total wage costs required by
4 this section shall be made in addition to, and independent of, the
5 county allocations made pursuant to Section 15204.2.

6 (f) (1) *Commencing July 1, 2013, a county that accepts*
7 *additional funding for expanded subsidized employment for*
8 *CalWORKs recipients in accordance with Section 11322.64 shall*
9 *continue to expend no less than the aggregate amount of funding*
10 *received by the county pursuant to Section 15204.2 that the county*
11 *expended on subsidized employment pursuant to this section in*
12 *the 2012–13 fiscal year.*

13 (2) *This subdivision shall not apply for any fiscal year in which*
14 *the total CalWORKs caseload is projected by the department to*
15 *increase more than 5 percent of the total actual CalWORKs*
16 *caseload in the 2012–13 fiscal year.*

17 ~~(f)~~

18 (g) For purposes of this section, “total wage costs” include the
19 actual wage paid directly to the participant that is allowable under
20 the Temporary Assistance for Needy Families program.

21 ~~(g)~~

22 (h) This section shall become inoperative on October 1, 2013,
23 and as of January 1, 2014, is repealed unless a later enacted statute
24 that is enacted before January 1, 2014, deletes or extends that date.

25 *SEC. 24. Section 11322.63 of the Welfare and Institutions*
26 *Code, as added by Section 14 of Chapter 47 of the Statutes of 2012,*
27 *is amended to read:*

28 11322.63. (a) For counties that implement a welfare-to-work
29 plan that includes subsidized private sector or public sector
30 employment activities, the State Department of Social Services
31 shall pay the county 50 percent, less one hundred thirteen dollars
32 (\$113), of the total wage costs of an employee for whom a wage
33 subsidy is paid, subject to all of the following conditions:

34 (1) (A) For participants receiving CalWORKs aid, the maximum
35 state contribution of the total wage cost shall not exceed 100
36 percent of the computed grant for the assistance unit in the month
37 prior to participation in subsidized employment.

38 (B) For participants who have received aid in excess of the time
39 limits provided in subdivision (a) of Section 11454, the maximum
40 state contribution of the total wage cost shall not exceed 100

1 percent of the computed grant for the assistance unit in the month
2 prior to participation in subsidized employment.

3 (C) In the case of an individual who participates in subsidized
4 employment as a service provided by a county pursuant to Section
5 11323.25, the maximum state contribution of the total wage cost
6 shall not exceed 100 percent of the computed grant that the
7 assistance unit received in the month prior to participation in the
8 subsidized employment.

9 (D) The maximum state contribution, as defined in this
10 paragraph, shall remain in effect until the end of the subsidy period
11 as specified in paragraph (2), including with respect to subsidized
12 employment participants whose wage results in the assistance unit
13 no longer receiving a CalWORKs grant.

14 (E) State funding provided for total wage costs shall only be
15 used to fund wage and nonwage costs of the county's subsidized
16 employment program.

17 (2) State participation in the total wage costs pursuant to this
18 section shall be limited to a maximum of six months of wage
19 subsidies for each participant. If the county finds that a longer
20 subsidy period is necessary in order to mutually benefit the
21 employer and the participant, state participation in a subsidized
22 wage may be offered for up to 12 months.

23 (3) Eligibility for entry into subsidized employment funded
24 under this section shall be limited to individuals who are not
25 otherwise employed at the time of entry into the subsidized job,
26 and who are current CalWORKs recipients, sanctioned individuals,
27 or individuals described in Section 11320.15 who have exceeded
28 the time limits specified in subdivision (a) of Section 11454. A
29 county may continue to provide subsidized employment funded
30 under this section to individuals who become ineligible for
31 CalWORKs benefits in accordance with Section 11323.25.

32 (b) Upon application for CalWORKs after a participant's
33 subsidized employment ends, if an assistance unit is otherwise
34 eligible within three calendar months of the date that subsidized
35 employment ended, the income exemption requirements contained
36 in Section 11451.5 and the work requirements contained in
37 subdivision (c) of Section 11201 shall apply. If aid is restored after
38 the expiration of that three-month period, the income exemption
39 requirements contained in Section 11450.12 and the work

1 requirements contained in subdivision (b) of Section 11201 shall
2 apply.

3 (c) The department, in conjunction with representatives of
4 county welfare offices and their directors and the Legislative
5 Analyst's Office, shall assess the cost neutrality of the subsidized
6 employment program pursuant to this section and make
7 recommendations to the Legislature, if necessary, to ensure cost
8 neutrality. The department shall testify regarding the cost neutrality
9 of the subsidized employment program during the 2012–13 fiscal
10 year legislative budget hearings.

11 (d) No later than January 10, 2013, the State Department of
12 Social Services shall submit a report to the Legislature on the
13 outcomes of implementing this section that shall include, but need
14 not be limited to, all of the following:

15 (1) The number of CalWORKs recipients that entered subsidized
16 employment.

17 (2) The number of CalWORKs recipients who found
18 nonsubsidized employment after the subsidy ends.

19 (3) The earnings of the program participants before and after
20 the subsidy.

21 (4) The impact of this program on the state's work participation
22 rate.

23 (e) Payment of the state's share in total wage costs required by
24 this section shall be made in addition to, and independent of, the
25 county allocations made pursuant to Section 15204.2.

26 (f) (1) *A county that accepts additional funding for expanded*
27 *subsidized employment for CalWORKs recipients in accordance*
28 *with Section 11322.64 shall continue to expend no less than the*
29 *aggregate amount of funding received by the county pursuant to*
30 *Section 15204.2 that the county expended on subsidized*
31 *employment pursuant to this section in the 2012–13 fiscal year.*

32 (2) *This subdivision shall not apply for any fiscal year in which*
33 *the total CalWORKs caseload is projected by the department to*
34 *increase more than 5 percent of the total actual CalWORKs*
35 *caseload in the 2012–13 fiscal year.*

36 ~~(f)~~

37 (g) For purposes of this section, "total wage costs" include the
38 actual wage paid directly to the participant that is allowable under
39 the Temporary Assistance for Needy Families program.

40 ~~(g)~~

1 (h) This section shall become operative on October 1, 2013.

2 SEC. 25. Section 11322.64 is added to the Welfare and
3 Institutions Code, to read:

4 11322.64. (a) (1) The department, in consultation with the
5 County Welfare Directors Association of California, shall develop
6 an allocation methodology to distribute additional funding for
7 expanded subsidized employment programs for CalWORKs
8 recipients.

9 (2) Funds allocated pursuant to this section may be utilized to
10 cover all expenditures related to the operational costs of the
11 expanded subsidized employment program, including the cost of
12 overseeing the program, developing work sites, and providing
13 training to participants, as well as wage and nonwage costs.

14 (3) The department, in consultation with the County Welfare
15 Directors Association of California, shall determine the amount
16 or proportion of funding allocated pursuant to this section that
17 may be utilized for operational costs, consistent with the number
18 of employment slots anticipated to be created and the funding
19 provided.

20 (b) Funds allocated for expanded subsidized employment shall
21 be in addition to, and independent of, the county allocations made
22 pursuant to Section 15204.2 and shall not be used by a county to
23 fund subsidized employment pursuant to Section 11322.63.

24 (c) Each county shall submit to the department a plan regarding
25 how it intends to utilize the funds allocated pursuant to this section.

26 (d) (1) Participation in subsidized employment pursuant to this
27 section shall be limited to a maximum of six months for each
28 participant.

29 (2) Notwithstanding paragraph (1), a county may extend
30 participation beyond the six-month limitation described in
31 paragraph (1) for up to an additional three months at a time, to a
32 maximum of no more than 12 total months. Extensions may be
33 granted pursuant to this paragraph if the county determines that
34 the additional time will increase the likelihood of either of the
35 following:

36 (A) The participant obtaining unsubsidized employment with
37 the participating employer.

38 (B) The participant obtaining specific skills and experiences
39 relevant for unsubsidized employment in a particular field.

1 (e) A county may continue to provide subsidized employment
2 funded under this section to individuals who become ineligible for
3 CalWORKs benefits in accordance with Section 11323.25.

4 (f) Upon application for CalWORKs assistance after a
5 participant's subsidized employment ends, if an assistance unit is
6 otherwise eligible within three calendar months of the date that
7 subsidized employment ended, the income exemption requirements
8 contained in Section 11451.5 and the work requirements contained
9 in subdivision (c) of Section 11201 shall apply. If aid is restored
10 after the expiration of that three-month period, the income
11 exemption requirements contained in Section 11450.12 and the
12 work requirements contained in subdivision (b) of Section 11201
13 shall apply.

14 (g) No later than April 1, 2015, the State Department of Social
15 Services shall submit at least the following information regarding
16 implementation of this section to the Legislature:

17 (1) The number of CalWORKs recipients that entered subsidized
18 employment.

19 (2) The number of CalWORKs recipients who found
20 nonsubsidized employment after the subsidy ends.

21 (3) The earnings of the program participants before and after
22 the subsidy.

23 (4) The impact of this program on the state's work participation
24 rate.

25 SEC. 26. Section 11322.85 of the Welfare and Institutions Code
26 is amended to read:

27 11322.85. (a) Unless otherwise exempt, an applicant or
28 recipient shall participate in welfare-to-work activities.

29 (1) For 24 cumulative months during a recipient's lifetime, these
30 activities may include the activities listed in Section 11322.6 that
31 are consistent with the assessment performed in accordance with
32 Section 11325.4 and that are included in the individual's
33 welfare-to-work plan, as described in Section 11325.21, to meet
34 the hours required in Section 11322.8. These 24 months need not
35 be consecutive.

36 (2) Any month in which the recipient meets the requirements
37 of Section 11322.8, through participation in an activity or activities
38 described in paragraph (3), shall not count as a month of activities
39 for purposes of the 24-month time limit described in paragraph
40 (1).

1 (3) After a total of 24 months of participation in welfare-to-work
2 activities pursuant to paragraph (1), an aided adult shall participate
3 in one or more of the following welfare-to-work activities, in
4 accordance with Section 607(c) and (d) of Title 42 of the United
5 States Code as of the operative date of this section, that are
6 consistent with the assessment performed in accordance with
7 Section 11325.4, and included in the individual's welfare-to-work
8 plan, described in Section 11325.21:

- 9 (A) Unsubsidized employment.
- 10 (B) Subsidized private sector employment.
- 11 (C) Subsidized public sector employment.
- 12 (D) Work experience, including work associated with the
13 refurbishing of publicly assisted housing, if sufficient private sector
14 employment is not available.
- 15 (E) On-the-job training.
- 16 (F) Job search and job readiness assistance.
- 17 (G) Community service programs.
- 18 (H) Vocational educational training (not to exceed 12 months
19 with respect to any individual).
- 20 (I) Job skills training directly related to employment.
- 21 (J) Education directly related to employment, in the case of a
22 recipient who has not received a high school diploma or a
23 certificate of high school equivalency.
- 24 (K) Satisfactory attendance at a secondary school or in a course
25 of study leading to a certificate of general equivalence, in the case
26 of a recipient who has not completed secondary school or received
27 such a certificate.
- 28 (L) The provision of child care services to an individual who is
29 participating in a community service program.

30 (b) Any month in which the following conditions exist shall not
31 be counted as one of the 24 months of participation allowed under
32 paragraph (1) of subdivision (a):

33 (1) The recipient is participating in job search or assessment
34 pursuant to subdivision (a) or (b) of Section 11320.1, is in the
35 process of appraisal as described in Section 11325.2, or is
36 participating in the development of a welfare-to-work plan, as
37 described in Section 11325.21.

38 (2) The recipient is no longer receiving aid, pursuant to Sections
39 11327.4 and 11327.5.

1 (3) The recipient has been excused from participation for good
2 cause, pursuant to Section 11320.3.

3 (4) The recipient is exempt from participation pursuant to
4 subdivision (b) of Section 11320.3.

5 (5) The recipient is only required to participate in accordance
6 with subdivision (d) of Section 11320.3.

7 (c) County welfare departments shall provide each recipient
8 who is subject to the requirements of paragraph (3) of subdivision
9 (a) written notice describing the 24-month time limitation described
10 in that paragraph and the process by which recipients may claim
11 exemptions from, and extensions to, those requirements.

12 (d) The notice described in subdivision (c) shall be provided at
13 the time the individual applies for aid, during the recipient's annual
14 redetermination, and at least once after the individual has
15 participated for a total of 18 months, and prior to the end of the
16 21st month, that count toward the 24-month time limit.

17 (e) The notice described in this section shall include, but shall
18 not be limited to, all of the following:

19 (1) The number of remaining months the adult recipient may
20 be eligible to receive aid.

21 (2) The requirements that the recipient must meet in accordance
22 with paragraph (3) of subdivision (a) and the action that the county
23 will take if the adult recipient does not meet those requirements.

24 (3) The manner in which the recipient may dispute the number
25 of months counted toward the 24-month time limit.

26 (4) The opportunity for the recipient to modify his or her
27 welfare-to-work plan to meet the requirements of paragraph (3)
28 of subdivision (a).

29 (5) The opportunity for an exemption to, or extension of, the
30 24-month time limitation.

31 (f) For an individual subject to the requirements of paragraph
32 (3) of subdivision (a), who is not exempt or granted an extension,
33 and who does not meet those requirements, the provisions of
34 Sections 11327.4, 11327.5, 11327.9, and 11328.2 shall apply to
35 the extent consistent with the requirements of this section. For
36 purposes of this section, the procedures referenced in this
37 subdivision shall not be described as sanctions.

38 (g) (1) The department, in consultation with stakeholders, shall
39 convene a workgroup to determine further details of the noticing
40 and engagement requirements for the 24-month time limit, and

1 shall instruct counties via an all-county letter, followed by
2 regulations, no later than 18 months after the effective date of the
3 act that added this section.

4 (2) The workgroup described in paragraph (1) may also make
5 recommendations to refine or differentiate the procedures and due
6 process requirements applicable to individuals as described in
7 subdivision (f).

8 (h) (1) Notwithstanding paragraph (3) of subdivision (a) or any
9 other law, an assistance unit that contains an eligible adult who
10 has received assistance under this chapter, or from any state
11 pursuant to the Temporary Assistance for Needy Families program
12 (Part A (commencing with Section 401) of Title IV of the federal
13 Social Security Act (42 U.S.C. Sec. 601 et seq.)) prior to January
14 1, 2013, may continue in a welfare-to-work plan that meets the
15 requirements of Section 11322.6 for a cumulative period of 24
16 months commencing January 1, 2013, unless or until he or she
17 exceeds the 48-month time limitation described in Section 11454.

18 (2) All months of assistance described in paragraph (1) prior to
19 January 1, 2013, shall not be applied to the 24-month limitation
20 described in paragraph (1) of subdivision (a).

21 ~~(i) This section shall become operative on January 1, 2013.~~

22 (i) *This section shall remain in effect only until January 1, 2014,*
23 *and as of that date is repealed, unless a later enacted statute, that*
24 *is enacted before January 1, 2014, deletes or extends that date.*

25 *SEC. 27. Section 11322.85 is added to the Welfare and*
26 *Institutions Code, to read:*

27 *11322.85. (a) Unless otherwise exempt, an applicant or*
28 *recipient shall participate in welfare-to-work activities.*

29 *(1) For 24 cumulative months during a recipient's lifetime, these*
30 *activities may include the activities listed in Section 11322.6 that*
31 *are consistent with the assessment performed in accordance with*
32 *Section 11325.4 and that are included in the individual's*
33 *welfare-to-work plan, as described in Section 11325.21, to meet*
34 *the hours required in Section 11322.8. These 24 months need not*
35 *be consecutive.*

36 *(2) Any month in which the recipient meets the requirements of*
37 *Section 11322.8, through participation in an activity or activities*
38 *described in paragraph (3), shall not count as a month of activities*
39 *for purposes of the 24-month time limit described in paragraph*
40 *(1).*

1 (3) After a total of 24 months of participation in welfare-to-work
2 activities pursuant to paragraph (1), an aided adult shall
3 participate in one or more of the following welfare-to-work
4 activities, in accordance with Section 607(c) and (d) of Title 42 of
5 the United States Code as of the operative date of this section, that
6 are consistent with the assessment performed in accordance with
7 Section 11325.4, and included in the individual's welfare-to-work
8 plan, described in Section 11325.21:

- 9 (A) Unsubsidized employment.
10 (B) Subsidized private sector employment.
11 (C) Subsidized public sector employment.
12 (D) Work experience, including work associated with the
13 refurbishing of publicly assisted housing, if sufficient private sector
14 employment is not available.
15 (E) On-the-job training.
16 (F) Job search and job readiness assistance.
17 (G) Community service programs.
18 (H) Vocational educational training (not to exceed 12 months
19 with respect to any individual).
20 (I) Job skills training directly related to employment.
21 (J) Education directly related to employment, in the case of a
22 recipient who has not received a high school diploma or a
23 certificate of high school equivalency.
24 (K) Satisfactory attendance at a secondary school or in a course
25 of study leading to a certificate of general equivalence, in the case
26 of a recipient who has not completed secondary school or received
27 such a certificate.
28 (L) The provision of child care services to an individual who is
29 participating in a community service program.
30 (b) Any month in which the following conditions exist shall not
31 be counted as one of the 24 months of participation allowed under
32 paragraph (1) of subdivision (a):
33 (1) The recipient is participating in job search in accordance
34 with Section 11325.22, assessment pursuant to Section 11325.4,
35 is in the process of appraisal as described in Section 11325.2, or
36 is participating in the development of a welfare-to-work plan as
37 described in Section 11325.21.
38 (2) The recipient is no longer receiving aid, pursuant to Sections
39 11327.4 and 11327.5.

- 1 (3) *The recipient has been excused from participation for good*
2 *cause, pursuant to Section 11320.3.*
- 3 (4) *The recipient is exempt from participation pursuant to*
4 *subdivision (b) of Section 11320.3.*
- 5 (5) *The recipient is only required to participate in accordance*
6 *with subdivision (d) of Section 11320.3.*
- 7 (6) *The recipient is participating in family stabilization pursuant*
8 *to Section 11325.24, and the recipient would meet the criteria for*
9 *good cause pursuant to Section 11320.3. This paragraph may*
10 *apply to a recipient for no more than six cumulative months.*
- 11 (c) *County welfare departments shall provide each recipient*
12 *who is subject to the requirements of paragraph (3) of subdivision*
13 *(a) written notice describing the 24-month time limitation described*
14 *in that paragraph and the process by which recipients may claim*
15 *exemptions from, and extensions to, those requirements.*
- 16 (d) *The notice described in subdivision (c) shall be provided at*
17 *the time the individual applies for aid, during the recipient's annual*
18 *redetermination, and at least once after the individual has*
19 *participated for a total of 18 months, and prior to the end of the*
20 *21st month, that count toward the 24-month time limit.*
- 21 (e) *The notice described in this section shall include, but shall*
22 *not be limited to, all of the following:*
- 23 (1) *The number of remaining months the adult recipient may*
24 *be eligible to receive aid.*
- 25 (2) *The requirements that the recipient must meet in accordance*
26 *with paragraph (3) of subdivision (a) and the action that the county*
27 *will take if the adult recipient does not meet those requirements.*
- 28 (3) *The manner in which the recipient may dispute the number*
29 *of months counted toward the 24-month time limit.*
- 30 (4) *The opportunity for the recipient to modify his or her*
31 *welfare-to-work plan to meet the requirements of paragraph (3)*
32 *of subdivision (a).*
- 33 (5) *The opportunity for an exemption to, or extension of, the*
34 *24-month time limitation.*
- 35 (f) *For an individual subject to the requirements of paragraph*
36 *(3) of subdivision (a), who is not exempt or granted an extension,*
37 *and who does not meet those requirements, the provisions of*
38 *Sections 11327.4, 11327.5, 11327.9, and 11328.2 shall apply to*
39 *the extent consistent with the requirements of this section. For*

1 purposes of this section, the procedures referenced in this
2 subdivision shall not be described as sanctions.

3 (g) (1) The department, in consultation with stakeholders, shall
4 convene a workgroup to determine further details of the noticing
5 and engagement requirements for the 24-month time limit, and
6 shall instruct counties via an all-county letter, followed by
7 regulations, no later than 18 months after the effective date of the
8 act that added this section.

9 (2) The workgroup described in paragraph (1) may also make
10 recommendations to refine or differentiate the procedures and due
11 process requirements applicable to individuals as described in
12 subdivision (f).

13 (h) (1) Notwithstanding paragraph (3) of subdivision (a) or
14 any other law, an assistance unit that contains an eligible adult
15 who has received assistance under this chapter, or from any state
16 pursuant to the Temporary Assistance for Needy Families program
17 (Part A (commencing with Section 401) of Title IV of the federal
18 Social Security Act (42 U.S.C. Sec. 601 et seq.)) prior to January
19 1, 2013, may continue in a welfare-to-work plan that meets the
20 requirements of Section 11322.6 for a cumulative period of 24
21 months commencing January 1, 2013, unless or until he or she
22 exceeds the 48-month time limitation described in Section 11454.

23 (2) All months of assistance described in paragraph (1) prior
24 to January 1, 2013, shall not be applied to the 24-month limitation
25 described in paragraph (1) of subdivision (a).

26 (i) This section shall become operative on January 1, 2014.

27 SEC. 28. Section 11323.25 of the Welfare and Institutions Code
28 is amended to read:

29 11323.25. In addition to its authority under subdivision (b) of
30 Section 11323.2, if provided in a county plan, the county may
31 continue to provide welfare-to-work services to former participants
32 who became ineligible for CalWORKs benefits because they
33 became employed under Section 11322.63 or 11322.64. The county
34 may provide these services for up to the first 12 months of
35 employment, to the extent they are not available from other sources
36 and are needed for the individual to retain the subsidized
37 employment.

38 SEC. 29. Section 11325.2 of the Welfare and Institutions Code
39 is amended to read:

1 11325.2. (a) At the time a recipient enters the welfare-to-work
2 program, the county shall conduct an appraisal, pursuant to
3 regulations adopted by the department, during which the recipient
4 is informed of the requirement to participate in training
5 opportunities available to a participant, and available supportive
6 services. The appraisal shall provide information about the recipient
7 in the following areas:

- 8 (1) Employment history and skills.
- 9 (2) Need for supportive services as described in Section 11323.2.

10 (b) This section shall not apply to individuals subject to Article
11 3.5 (commencing with Section 11331) during the time that article
12 is operative.

13 (c) *This section shall remain in effect only until January 1, 2014,*
14 *and as of that date is repealed, unless a later enacted statute, that*
15 *is enacted before January 1, 2014, deletes or extends that date.*

16 *SEC. 30. Section 11325.2 is added to the Welfare and*
17 *Institutions Code, to read:*

18 *11325.2. (a) At the time a recipient enters the welfare-to-work*
19 *program, the county shall conduct an appraisal, pursuant to*
20 *regulations adopted by the department, during which the recipient*
21 *is informed of the requirement to participate in allowable*
22 *welfare-to-work activities and of the provision of supportive*
23 *services, pursuant to Section 11323.2. The appraisal shall gather*
24 *and provide information about the recipient in the following areas:*

- 25 (1) *Employment history, interests, and skills.*
- 26 (2) *Educational history and learning disabilities.*
- 27 (3) *Housing status and stability.*
- 28 (4) *Language barriers.*
- 29 (5) *Physical and behavioral health, including, but not limited*
30 *to, mental health and substance abuse issues.*
- 31 (6) *Child health and well-being.*
- 32 (7) *Criminal background that may present a barrier to*
33 *employment or housing stability.*
- 34 (8) *Domestic violence.*
- 35 (9) *Need for supportive services as described in Section 11323.2.*
- 36 (10) *Other information that may affect an individual's ability*
37 *to participate in work activities.*

38 (b) (1) *The county shall utilize a standardized appraisal tool*
39 *in order to assess strengths for and barriers to work activities.*
40 *This tool shall be developed or selected by the department, in*

1 *consultation with stakeholders, and shall be customized as needed*
2 *for statewide use.*

3 *(2) Concurrent with the development of the standardized*
4 *appraisal tool, mandatory training shall be developed for*
5 *administration of the tool and shall, in addition, include*
6 *skill-building components, including, at a minimum, rapport*
7 *building and interviewing techniques.*

8 *(c) (1) If the results of the appraisal indicate that the individual*
9 *may face barriers that impair his or her ability to participate in*
10 *work activities, the county shall refer the recipient for an*
11 *evaluation and services as described in Section 11325.25, 11325.5,*
12 *or 11325.8, or may refer the recipient to family stabilization*
13 *pursuant to Section 11325.24.*

14 *(2) If information obtained from the appraisal indicates that*
15 *the individual qualifies for an exemption from welfare-to-work*
16 *requirements, the county shall apply the exemption, pursuant to*
17 *subdivision (b) of Section 11320.3.*

18 *(d) This section shall not apply to individuals subject to Article*
19 *3.5 (commencing with Section 11331) during the time that article*
20 *is operative.*

21 *(e) This section shall become operative on January 1, 2014.*

22 *SEC. 31. Section 11325.21 of the Welfare and Institutions Code*
23 *is amended to read:*

24 11325.21. (a) Any individual who is required to participate in
25 welfare-to-work activities pursuant to this article shall enter into
26 a written welfare-to-work plan with the county welfare department
27 after assessment as required by subdivision (b) of Section 11320.1,
28 but no more than 90 days after the date that a recipient's eligibility
29 for aid is determined or the date the recipient is required to
30 participate in welfare-to-work activities pursuant to Section
31 11320.3. The recipient and the county may enter into a
32 welfare-to-work plan as late as 90 days after the completion of the
33 job search activity, as defined in subdivision (a) of Section 11320.1,
34 if the job search activity is initiated within 30 days after the
35 recipient's eligibility for aid is determined. The plan shall include
36 the activities and services that will move the individual into
37 employment.

38 (b) The county shall allow the participant three working days
39 after completion of the plan or subsequent amendments to the plan
40 in which to evaluate and request changes to the terms of the plan.

1 (c) The plan shall be written in clear and understandable
2 language, and have a simple and easy-to-read format.

3 (d) The plan shall contain at least all of the following general
4 information:

5 (1) A general description of the program provided for in this
6 article, including available program components and supportive
7 services.

8 (2) A general description of the rights, duties, and
9 responsibilities of program participants, including a list of the
10 exemptions from the required participation under this article, the
11 consequences of a refusal to participate in program components,
12 and criteria for successful completion of the program.

13 (3) A description of the grace period required in paragraph (5)
14 of subdivision (b) of Section 11325.22.

15 (e) The plan shall specify, and shall be amended to reflect
16 changes in, the participant's welfare-to-work activity, a description
17 of services to be provided in accordance with Sections 11322.6,
18 11322.8, and 11322.85, as needed, and specific requirements for
19 successful completion of assigned activities including required
20 hours of participation.

21 The plan shall also include a general description of supportive
22 services pursuant to Section 11323.2 that are to be provided as
23 necessary for the participant to complete assigned program
24 activities.

25 (f) Any assignment to a program component shall be reflected
26 in the plan or an amendment to the plan. The participant shall
27 maintain satisfactory progress toward employment through the
28 methods set forth in the plan, and the county shall provide the
29 services pursuant to Section 11323.2.

30 (g) This section shall not apply to individuals subject to Article
31 3.5 (commencing with Section 11331) during the time that article
32 is operative.

33 (h) *This section shall remain in effect only until January 1, 2014,*
34 *and as of that date is repealed, unless a later enacted statute, that*
35 *is enacted before January 1, 2014, deletes or extends that date.*

36 *SEC. 32. Section 11325.21 is added to the Welfare and*
37 *Institutions Code, to read:*

38 *11325.21. (a) Any individual who is required to participate*
39 *in welfare-to-work activities pursuant to this article shall enter*
40 *into a written welfare-to-work plan with the county welfare*

1 department after assessment as required by subdivision (c) of
2 Section 11320.1, but no more than 90 days after the date that a
3 recipient's eligibility for aid is determined or the date the recipient
4 is required to participate in welfare-to-work activities pursuant
5 to Section 11320.3. The recipient and the county may enter into a
6 welfare-to-work plan as late as 90 days after the completion of
7 the job search activity, as defined in subdivision (b) of Section
8 11320.1, if the job search activity is initiated within 30 days after
9 the recipient's eligibility for aid is determined. The plan shall
10 include the activities and services that will move the individual
11 into employment.

12 (b) The county shall allow the participant three working days
13 after completion of the plan or subsequent amendments to the plan
14 in which to evaluate and request changes to the terms of the plan.

15 (c) The plan shall be written in clear and understandable
16 language, and have a simple and easy-to-read format.

17 (d) The plan shall contain at least all of the following general
18 information:

19 (1) A general description of the program provided for in this
20 article, including available program components and supportive
21 services.

22 (2) A general description of the rights, duties, and
23 responsibilities of program participants, including a list of the
24 exemptions from the required participation under this article, the
25 consequences of a refusal to participate in program components,
26 and criteria for successful completion of the program.

27 (3) A description of the grace period required in paragraph (5)
28 of subdivision (b) of Section 11325.22.

29 (e) The plan shall specify, and shall be amended to reflect
30 changes in, the participant's welfare-to-work activity, a description
31 of services to be provided in accordance with Sections 11322.6,
32 11322.8, and 11322.85, as needed, and specific requirements for
33 successful completion of assigned activities including required
34 hours of participation.

35 The plan shall also include a general description of supportive
36 services pursuant to Section 11323.2 that are to be provided as
37 necessary for the participant to complete assigned program
38 activities.

39 (f) Any assignment to a program component shall be reflected
40 in the plan or an amendment to the plan. The participant shall

1 *maintain satisfactory progress toward employment through the*
2 *methods set forth in the plan, and the county shall provide the*
3 *services pursuant to Section 11323.2.*

4 *(g) This section shall not apply to individuals subject to Article*
5 *3.5 (commencing with Section 11331) during the time that article*
6 *is operative.*

7 *(h) This section shall become operative on January 1, 2014.*

8 *SEC. 33. Section 11325.22 of the Welfare and Institutions Code*
9 *is amended to read:*

10 11325.22. (a) (1) Following the appraisal required by Section
11 11325.2, all participants except those described in paragraph (4)
12 of this subdivision, shall be assigned to participate for a period of
13 up to four consecutive weeks in job search activities. These
14 activities may include the use of job clubs to identify the
15 participant's qualifications. The county shall consider the skills
16 and interests of the participants in developing a job search strategy.
17 The period of job search activities may be shortened if the
18 participant and the county agree that further activities would not
19 be beneficial. Job search activities may be shortened for a recipient
20 if the county determines that the recipient will not benefit because
21 he or she may suffer from an emotional or mental disability that
22 will limit or preclude the recipient's participation under this article.

23 (2) Nothing in this section shall require participation in job
24 search activities, the schedule for which interferes with
25 unsubsidized employment or participation pursuant to Section
26 11325.23.

27 (3) Job search activities may be required in excess of the limits
28 specified in paragraph (1) on the basis of a review by the county
29 of the recipient's performance during job search to determine
30 whether extending the job search period would result in
31 unsubsidized employment.

32 (4) A person subject to Article 3.5 (commencing with Section
33 11331) or subdivision (d) of Section 11320.3 shall not be required,
34 but may be permitted, to participate in job search activities as his
35 or her first program assignment following appraisal upon earning
36 a high school diploma or its equivalent, if she or he has not already
37 taken the option to complete these activities as the first program
38 assignment following appraisal.

39 (b) (1) Upon the completion of job search activities, or a
40 determination that those activities are not required in accordance

1 with paragraph (3) of subdivision (a), the participant shall be
2 assigned to one or more of the activities described in Section
3 11322.6 as needed to attain employment.

4 (2) (A) The assignment to one or more of the program activities
5 as required in paragraph (1) of this subdivision shall be based on
6 the welfare-to-work plan developed pursuant to an assessment as
7 described in Section 11325.4. The plan shall be based, at a
8 minimum, on consideration of the individual's existing education
9 level, employment experience and relevant employment skills,
10 available program resources, and local labor market opportunities.

11 (B) An assessment pursuant to Section 11325.4 shall be
12 performed upon completion of job search activities or at such time
13 as it is determined that job search will not be beneficial.

14 (C) Notwithstanding subparagraphs (A) and (B), an assessment
15 shall not be required to develop a welfare-to-work plan for a person
16 who is participating in an approved self-initiated program pursuant
17 to Section 11325.23 unless the county determines that an
18 assessment is necessary to meet the hours specified in Section
19 11325.23.

20 (3) A participant who lacks basic literacy or mathematics skills,
21 a high school diploma or general educational development
22 certificate, or English language skills, shall be assigned to
23 participate in adult basic education as described in subdivision (k)
24 of Section 11322.6, as appropriate and necessary for removal of
25 the individual's barriers to employment.

26 (4) Participation in activities assigned pursuant to this section
27 may be sequential or concurrent. The county may require
28 concurrent participation in the assigned activities if it is appropriate
29 to the participant's abilities, consistent with the participant's
30 welfare-to-work plan, and the activities can be concurrently
31 scheduled.

32 (5) The participant has 30 days from the beginning of the initial
33 training or education assignment in which to request a change or
34 reassignment to another component. The county shall grant the
35 participant's request for reassignment if another assignment is
36 available that is consistent with the participant's welfare-to-work
37 plan and the county determines the other assignment will readily
38 lead to employment. This grace period shall be available only once
39 to each participant.

1 (c) Any assignment or change in assignment to a program
2 activity pursuant to this section shall be included in the
3 welfare-to-work plan, or an amendment to the plan, as required in
4 Section 11325.21.

5 (d) A participant who has not obtained unsubsidized employment
6 upon completion of the activities in a welfare-to-work plan
7 developed pursuant to the job search activities required by
8 subdivision (a) and an assessment required by subdivision (b) shall
9 be referred to reappraisal as described in Section 11326.

10 (e) The criteria for successful completion of an assigned
11 education or training activity shall include regular attendance,
12 satisfactory progress, and completion of the assignment. A person
13 who fails or refuses to comply with program requirements for
14 participation in the activities assigned pursuant to this section shall
15 be subject to Sections 11327.4 and 11327.5.

16 (f) Except as provided in paragraph (4) of subdivision (a), this
17 section shall not apply to individuals subject to Article 3.5
18 (commencing with Section 11331) during the time that article is
19 operative.

20 (g) *This section shall remain in effect only until January 1, 2014,*
21 *and as of that date is repealed, unless a later enacted statute, that*
22 *is enacted before January 1, 2014, deletes or extends that date.*

23 SEC. 34. Section 11325.22 is added to the Welfare and
24 Institutions Code, to read:

25 11325.22. (a) (1) *Following the appraisal required by Section*
26 *11325.2, all participants except those described in paragraph (4)*
27 *of this subdivision or those who are participating in other activities*
28 *or assessment pursuant to Section 11320.1, shall be assigned to*
29 *participate for a period of up to four consecutive weeks in job*
30 *search activities. These activities may include the use of job clubs*
31 *to identify the participant's qualifications. The county shall*
32 *consider the skills and interests of the participants in developing*
33 *a job search strategy. The period of job search activities may be*
34 *shortened if the participant and the county agree that further*
35 *activities would not be beneficial. Job search activities may be*
36 *shortened for a recipient if the county determines that the recipient*
37 *will not benefit because he or she may suffer from an emotional*
38 *or mental disability that will limit or preclude the recipient's*
39 *participation under this article.*

1 (2) *Nothing in this section shall require participation in job*
2 *search activities, the schedule for which interferes with*
3 *unsubsidized employment or participation pursuant to Section*
4 *11325.23.*

5 (3) *Job search activities may be required in excess of the limits*
6 *specified in paragraph (1) on the basis of a review by the county*
7 *of the recipient's performance during job search to determine*
8 *whether extending the job search period would result in*
9 *unsubsidized employment.*

10 (4) *A person subject to Article 3.5 (commencing with Section*
11 *11331) or subdivision (d) of Section 11320.3 shall not be required,*
12 *but may be permitted, to participate in job search activities as his*
13 *or her first program assignment following appraisal upon earning*
14 *a high school diploma or its equivalent, if she or he has not already*
15 *taken the option to complete these activities as the first program*
16 *assignment following appraisal.*

17 (b) (1) *Upon the completion of job search activities, or a*
18 *determination that those activities are not required, the participant*
19 *shall be assigned to one or more of the activities described in*
20 *Section 11322.6 as needed to attain employment.*

21 (2) (A) *The assignment to one or more of the program activities*
22 *as required in paragraph (1) of this subdivision shall be based on*
23 *the welfare-to-work plan developed pursuant to an assessment as*
24 *described in Section 11325.4. The plan shall be based, at a*
25 *minimum, on consideration of the individual's existing education*
26 *level, employment experience and relevant employment skills,*
27 *available program resources, and local labor market opportunities.*

28 (B) *An assessment pursuant to Section 11325.4 shall be*
29 *performed upon completion of job search activities or at such time*
30 *as it is determined that job search will not be beneficial.*

31 (C) *Notwithstanding subparagraphs (A) and (B), an assessment*
32 *shall not be required to develop a welfare-to-work plan for a*
33 *person who is participating in an approved self-initiated program*
34 *pursuant to Section 11325.23 unless the county determines that*
35 *an assessment is necessary to meet the hours specified in Section*
36 *11325.23.*

37 (3) *A participant who lacks basic literacy or mathematics skills,*
38 *a high school diploma or general educational development*
39 *certificate, or English language skills, shall be assigned to*
40 *participate in adult basic education as described in subdivision*

1 *(k) of Section 11322.6, as appropriate and necessary for removal*
2 *of the individual's barriers to employment.*

3 *(4) Participation in activities assigned pursuant to this section*
4 *may be sequential or concurrent. The county may require*
5 *concurrent participation in the assigned activities if it is*
6 *appropriate to the participant's abilities, consistent with the*
7 *participant's welfare-to-work plan, and the activities can be*
8 *concurrently scheduled.*

9 *(5) The participant has 30 days from the beginning of the initial*
10 *training or education assignment in which to request a change or*
11 *reassignment to another component. The county shall grant the*
12 *participant's request for reassignment if another assignment is*
13 *available that is consistent with the participant's welfare-to-work*
14 *plan and the county determines the other assignment will readily*
15 *lead to employment. This grace period shall be available only once*
16 *to each participant.*

17 *(c) Any assignment or change in assignment to a program*
18 *activity pursuant to this section shall be included in the*
19 *welfare-to-work plan, or an amendment to the plan, as required*
20 *in Section 11325.21.*

21 *(d) A participant who has not obtained unsubsidized employment*
22 *upon completion of the activities in a welfare-to-work plan*
23 *developed pursuant to the job search activities required by*
24 *subdivision (a) and an assessment required by subdivision (b) shall*
25 *be referred to reappraisal as described in Section 11326.*

26 *(e) The criteria for successful completion of an assigned*
27 *education or training activity shall include regular attendance,*
28 *satisfactory progress, and completion of the assignment. A person*
29 *who fails or refuses to comply with program requirements for*
30 *participation in the activities assigned pursuant to this section*
31 *shall be subject to Sections 11327.4 and 11327.5.*

32 *(f) Except as provided in paragraph (4) of subdivision (a), this*
33 *section shall not apply to individuals subject to Article 3.5*
34 *(commencing with Section 11331) during the time that article is*
35 *operative.*

36 *(g) This section shall become operative on January 1, 2014.*

37 *SEC. 35. Section 11325.24 is added to the Welfare and*
38 *Institutions Code, to read:*

39 *11325.24. (a) If, in the course of appraisal pursuant to Section*
40 *11325.2 or at any point during an individual's participation in*

1 *welfare-to-work activities in accordance with paragraph (1) of*
2 *subdivision (a) of Section 11322.85, it is determined that a recipient*
3 *meets the criteria described in subdivision (b), the recipient shall*
4 *be eligible to participate in family stabilization.*

5 *(b) (1) A recipient shall be eligible to participate in family*
6 *stabilization if the county determines that his or her family is*
7 *experiencing an identified situation or crisis that is destabilizing*
8 *the family and would interfere with participation in welfare-to-work*
9 *activities and services.*

10 *(2) A situation or a crisis that is destabilizing the family in*
11 *accordance with paragraph (1) may include, but shall not be*
12 *limited to:*

13 *(A) Homelessness or imminent risk of homelessness.*

14 *(B) A lack of safety due to domestic violence.*

15 *(C) Untreated or undertreated behavioral needs, including*
16 *mental health or substance abuse-related needs.*

17 *(c) Family stabilization shall include intensive case management*
18 *and services designed to support the family in overcoming the*
19 *situation or crisis, which may include, but are not limited to,*
20 *welfare-to-work activities.*

21 *(d) Funds allocated for family stabilization in accordance with*
22 *this section shall be in addition to, and independent of, the county*
23 *allocations made pursuant to Section 15204.2.*

24 *(e) Each county shall submit to the department a plan, as defined*
25 *by the department, regarding how it intends to implement the*
26 *provisions of this section and shall report information to the*
27 *department, including, but not limited to, the number of recipients*
28 *served pursuant to this section, information regarding the services*
29 *provided, outcomes for the families served, and any lack of*
30 *availability of services. The department shall provide an update*
31 *regarding this information to the Legislature during the 2014–15*
32 *budget process.*

33 *(f) This section shall become operative on January 1, 2014.*

34 *SEC. 36. Section 11325.5 of the Welfare and Institutions Code*
35 *is amended to read:*

36 *11325.5. (a) If, pursuant to the appraisal conducted pursuant*
37 *to Section 11325.2 or assessment conducted pursuant to Section*
38 *11325.4, there is a concern that a mental disability exists that will*
39 *impair the ability of a recipient to obtain employment, he or she*
40 *shall be referred to the county mental health department.*

1 (b) Subject to appropriations in the Budget Act, the county
2 mental health department shall evaluate the recipient and determine
3 any treatment needs. The evaluation shall include the extent to
4 which the individual is capable of employment at the present time
5 and under what working and treatment conditions the individual
6 is capable of employment. The evaluation shall include prior
7 diagnoses, assessments, or evaluations that the recipient provides.

8 (c) Each county welfare department shall develop individual
9 welfare-to-work plans for recipients with mental or emotional
10 disorders based on the evaluation conducted by the mental health
11 department. The plan for the recipient shall include appropriate
12 employment accommodations or restrictions, supportive services,
13 and treatment requirements. Any prior diagnosis, evaluation, or
14 assessment provided by the recipient shall be considered in the
15 development of his or her individual welfare-to-work plan.

16 *SEC. 37. Section 11450 of the Welfare and Institutions Code,*
17 *as amended by Section 2 of Chapter 778 of the Statutes of 2012,*
18 *is amended to read:*

19 11450. (a) (1) Aid shall be paid for each needy family, which
20 shall include all eligible brothers and sisters of each eligible
21 applicant or recipient child and the parents of the children, but
22 shall not include unborn children, or recipients of aid under Chapter
23 3 (commencing with Section 12000), qualified for aid under this
24 chapter. In determining the amount of aid paid, and notwithstanding
25 the minimum basic standards of adequate care specified in Section
26 11452, the family's income, exclusive of any amounts considered
27 exempt as income or paid pursuant to subdivision (e) or Section
28 11453.1, determined for the prospective semiannual period
29 pursuant to Sections ~~11265.2~~ 11265.1, 11265.2, and 11265.3, and
30 then calculated pursuant to Section 11451.5, shall be deducted
31 from the sum specified in the following table, as adjusted for
32 cost-of-living increases pursuant to Section 11453 and paragraph
33 (2). In no case shall the amount of aid paid for each month exceed
34 the sum specified in the following table, as adjusted for
35 cost-of-living increases pursuant to Section 11453 and paragraph
36 (2), plus any special needs, as specified in subdivisions (c), (e),
37 and (f):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

16 If, when, and during those times that the United States
17 government increases or decreases its contributions in assistance
18 of needy children in this state above or below the amount paid on
19 July 1, 1972, the amounts specified in the above table shall be
20 increased or decreased by an amount equal to that increase or
21 decrease by the United States government, provided that no
22 increase or decrease shall be subject to subsequent adjustment
23 pursuant to Section 11453.

24 (2) The sums specified in paragraph (1) shall not be adjusted
25 for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94,
26 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through
27 October 31, 1998, nor shall that amount be included in the base
28 for calculating any cost-of-living increases for any fiscal year
29 thereafter. Elimination of the cost-of-living adjustment pursuant
30 to this paragraph shall satisfy the requirements of Section 11453.05,
31 and no further reduction shall be made pursuant to that section.

32 (b) (1) When the family does not include a needy child qualified
33 for aid under this chapter, aid shall be paid to a pregnant mother
34 who is 18 years of age or younger at any time after verification of
35 pregnancy, in the amount that would otherwise be paid to one
36 person, as specified in subdivision (a), if the mother, and child, if
37 born, would have qualified for aid under this chapter. Verification
38 of pregnancy shall be required as a condition of eligibility for aid
39 under this subdivision.

1 (2) Notwithstanding paragraph (1), when the family does not
2 include a needy child qualified for aid under this chapter, aid shall
3 be paid to a pregnant mother for the month in which the birth is
4 anticipated and for the three-month period immediately prior to
5 the month in which the birth is anticipated in the amount that would
6 otherwise be paid to one person, as specified in subdivision (a), if
7 the mother and child, if born, would have qualified for aid under
8 this chapter. Verification of pregnancy shall be required as a
9 condition of eligibility for aid under this subdivision.

10 (3) Paragraph (1) shall apply only when the Cal-Learn Program
11 is operative.

12 (c) The amount of forty-seven dollars (\$47) per month shall be
13 paid to pregnant mothers qualified for aid under subdivision (a)
14 or (b) to meet special needs resulting from pregnancy if the mother,
15 and child, if born, would have qualified for aid under this chapter.
16 County welfare departments shall refer all recipients of aid under
17 this subdivision to a local provider of the Women, Infants and
18 Children program. If that payment to pregnant mothers qualified
19 for aid under subdivision (a) is considered income under federal
20 law in the first five months of pregnancy, payments under this
21 subdivision shall not apply to persons eligible under subdivision
22 (a), except for the month in which birth is anticipated and for the
23 three-month period immediately prior to the month in which
24 delivery is anticipated, if the mother, and the child, if born, would
25 have qualified for aid under this chapter.

26 (d) For children receiving AFDC-FC under this chapter, there
27 shall be paid, exclusive of any amount considered exempt as
28 income, an amount of aid each month which, when added to the
29 child's income, is equal to the rate specified in Section 11460,
30 11461, 11462, 11462.1, or 11463. In addition, the child shall be
31 eligible for special needs, as specified in departmental regulations.

32 (e) In addition to the amounts payable under subdivision (a)
33 and Section 11453.1, a family shall be entitled to receive an
34 allowance for recurring special needs not common to a majority
35 of recipients. These recurring special needs shall include, but not
36 be limited to, special diets upon the recommendation of a physician
37 for circumstances other than pregnancy, and unusual costs of
38 transportation, laundry, housekeeping services, telephone, and
39 utilities. The recurring special needs allowance for each family
40 per month shall not exceed that amount resulting from multiplying

1 the sum of ten dollars (\$10) by the number of recipients in the
2 family who are eligible for assistance.

3 (f) After a family has used all available liquid resources, both
4 exempt and nonexempt, in excess of one hundred dollars (\$100),
5 with the exception of funds deposited in a restricted account
6 described in subdivision (a) of Section 11155.2, the family shall
7 also be entitled to receive an allowance for nonrecurring special
8 needs.

9 (1) An allowance for nonrecurring special needs shall be granted
10 for replacement of clothing and household equipment and for
11 emergency housing needs other than those needs addressed by
12 paragraph (2). These needs shall be caused by sudden and unusual
13 circumstances beyond the control of the needy family. The
14 department shall establish the allowance for each of the
15 nonrecurring special need items. The sum of all nonrecurring
16 special needs provided by this subdivision shall not exceed six
17 hundred dollars (\$600) per event.

18 (2) Homeless assistance is available to a homeless family
19 seeking shelter when the family is eligible for aid under this
20 chapter. Homeless assistance for temporary shelter is also available
21 to homeless families which are apparently eligible for aid under
22 this chapter. Apparent eligibility exists when evidence presented
23 by the applicant, or which is otherwise available to the county
24 welfare department, and the information provided on the
25 application documents indicate that there would be eligibility for
26 aid under this chapter if the evidence and information were verified.
27 However, an alien applicant who does not provide verification of
28 his or her eligible alien status, or a woman with no eligible children
29 who does not provide medical verification of pregnancy, is not
30 apparently eligible for purposes of this section.

31 A family is considered homeless, for the purpose of this section,
32 when the family lacks a fixed and regular nighttime residence; or
33 the family has a primary nighttime residence that is a supervised
34 publicly or privately operated shelter designed to provide temporary
35 living accommodations; or the family is residing in a public or
36 private place not designed for, or ordinarily used as, a regular
37 sleeping accommodation for human beings. A family is also
38 considered homeless for the purpose of this section if the family
39 has received a notice to pay rent or quit. The family shall
40 demonstrate that the eviction is the result of a verified financial

1 hardship as a result of extraordinary circumstances beyond their
2 control, and not other lease or rental violations, and that the family
3 is experiencing a financial crisis that could result in homelessness
4 if preventative assistance is not provided.

5 (A) (i) A nonrecurring special need of sixty-five dollars (\$65)
6 a day shall be available to families of up to four members for the
7 costs of temporary shelter, subject to the requirements of this
8 paragraph. The fifth and additional members of the family shall
9 each receive fifteen dollars (\$15) per day, up to a daily maximum
10 of one hundred twenty-five dollars (\$125). County welfare
11 departments may increase the daily amount available for temporary
12 shelter as necessary to secure the additional bedspace needed by
13 the family.

14 (ii) This special need shall be granted or denied immediately
15 upon the family's application for homeless assistance, and benefits
16 shall be available for up to three working days. The county welfare
17 department shall verify the family's homelessness within the first
18 three working days and if the family meets the criteria of
19 questionable homelessness established by the department, the
20 county welfare department shall refer the family to its early fraud
21 prevention and detection unit, if the county has such a unit, for
22 assistance in the verification of homelessness within this period.

23 (iii) After homelessness has been verified, the three-day limit
24 shall be extended for a period of time which, when added to the
25 initial benefits provided, does not exceed a total of 16 calendar
26 days. This extension of benefits shall be done in increments of one
27 week and shall be based upon searching for permanent housing
28 which shall be documented on a housing search form; good cause;
29 or other circumstances defined by the department. Documentation
30 of a housing search shall be required for the initial extension of
31 benefits beyond the three-day limit and on a weekly basis thereafter
32 as long as the family is receiving temporary shelter benefits. Good
33 cause shall include, but is not limited to, situations in which the
34 county welfare department has determined that the family, to the
35 extent it is capable, has made a good faith but unsuccessful effort
36 to secure permanent housing while receiving temporary shelter
37 benefits.

38 (B) A nonrecurring special need for permanent housing
39 assistance is available to pay for last month's rent and security
40 deposits when these payments are reasonable conditions of securing

1 a residence, or to pay for up to two months of rent arrearages, when
2 these payments are a reasonable condition of preventing eviction.

3 The last month's rent or monthly arrearage portion of the
4 payment (i) shall not exceed 80 percent of the family's total
5 monthly household income without the value of CalFresh benefits
6 or special needs for a family of that size and (ii) shall only be made
7 to families that have found permanent housing costing no more
8 than 80 percent of the family's total monthly household income
9 without the value of CalFresh benefits or special needs for a family
10 of that size.

11 However, if the county welfare department determines that a
12 family intends to reside with individuals who will be sharing
13 housing costs, the county welfare department shall, in appropriate
14 circumstances, set aside the condition specified in clause (ii) of
15 the preceding paragraph.

16 (C) The nonrecurring special need for permanent housing
17 assistance is also available to cover the standard costs of deposits
18 for utilities which are necessary for the health and safety of the
19 family.

20 (D) A payment for or denial of permanent housing assistance
21 shall be issued no later than one working day from the time that a
22 family presents evidence of the availability of permanent housing.
23 If an applicant family provides evidence of the availability of
24 permanent housing before the county welfare department has
25 established eligibility for aid under this chapter, the county welfare
26 department shall complete the eligibility determination so that the
27 denial of or payment for permanent housing assistance is issued
28 within one working day from the submission of evidence of the
29 availability of permanent housing, unless the family has failed to
30 provide all of the verification necessary to establish eligibility for
31 aid under this chapter.

32 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
33 for the temporary shelter assistance and the permanent housing
34 assistance pursuant to this paragraph shall be limited to one period
35 of up to 16 consecutive calendar days of temporary assistance and
36 one payment of permanent assistance. Any family that includes a
37 parent or nonparent caretaker relative living in the home who has
38 previously received temporary or permanent homeless assistance
39 at any time on behalf of an eligible child shall not be eligible for
40 further homeless assistance. Any person who applies for homeless

1 assistance benefits shall be informed that the temporary shelter
2 benefit of up to 16 consecutive days is available only once in a
3 lifetime, with certain exceptions, and that a break in the consecutive
4 use of the benefit constitutes permanent exhaustion of the
5 temporary benefit.

6 (ii) A family that becomes homeless as a direct and primary
7 result of a state or federally declared natural disaster shall be
8 eligible for temporary and permanent homeless assistance.

9 (iii) A family shall be eligible for temporary and permanent
10 homeless assistance when homelessness is a direct result of
11 domestic violence by a spouse, partner, or roommate; physical or
12 mental illness that is medically verified that shall not include a
13 diagnosis of alcoholism, drug addiction, or psychological stress;
14 or, the uninhabitability of the former residence caused by sudden
15 and unusual circumstances beyond the control of the family
16 including natural catastrophe, fire, or condemnation. These
17 circumstances shall be verified by a third-party governmental or
18 private health and human services agency, except that domestic
19 violence may also be verified by a sworn statement by the victim,
20 as provided under Section 11495.25. Homeless assistance payments
21 based on these specific circumstances may not be received more
22 often than once in any 12-month period. In addition, if the domestic
23 violence is verified by a sworn statement by the victim, the
24 homeless assistance payments shall be limited to two periods of
25 not more than 16 consecutive calendar days of temporary assistance
26 and two payments of permanent assistance. A county may require
27 that a recipient of homeless assistance benefits who qualifies under
28 this paragraph for a second time in a 24-month period participate
29 in a homelessness avoidance case plan as a condition of eligibility
30 for homeless assistance benefits. The county welfare department
31 shall immediately inform recipients who verify domestic violence
32 by a sworn statement pursuant to clause (iii) of the availability of
33 domestic violence counseling and services, and refer those
34 recipients to services upon request.

35 (iv) If a county requires a recipient who verifies domestic
36 violence by a sworn statement to participate in a homelessness
37 avoidance case plan pursuant to clause (iii), the plan shall include
38 the provision of domestic violence services, if appropriate.

39 (v) If a recipient seeking homeless assistance based on domestic
40 violence pursuant to clause (iii) has previously received homeless

1 avoidance services based on domestic violence, the county shall
2 review whether services were offered to the recipient and consider
3 what additional services would assist the recipient in leaving the
4 domestic violence situation.

5 (vi) The county welfare department shall report to the
6 department through a statewide homeless assistance payment
7 indicator system, necessary data, as requested by the department,
8 regarding all recipients of aid under this paragraph.

9 (F) The county welfare departments, and all other entities
10 participating in the costs of the ~~AFDC~~ *CalWORKs* program, have
11 the right in their share to any refunds resulting from payment of
12 the permanent housing. However, if an emergency requires the
13 family to move within the 12-month period specified in
14 subparagraph (E), the family shall be allowed to use any refunds
15 received from its deposits to meet the costs of moving to another
16 residence.

17 (G) Payments to providers for temporary shelter and permanent
18 housing and utilities shall be made on behalf of families requesting
19 these payments.

20 (H) The daily amount for the temporary shelter special need for
21 homeless assistance may be increased if authorized by the current
22 year's Budget Act by specifying a different daily allowance and
23 appropriating the funds therefor.

24 (I) No payment shall be made pursuant to this paragraph unless
25 the provider of housing is a commercial establishment, shelter, or
26 person in the business of renting properties who has a history of
27 renting properties.

28 (g) The department shall establish rules and regulations ensuring
29 the uniform application statewide of this ~~subdivision~~ *section*.

30 (h) The department shall notify all applicants and recipients of
31 aid through the standardized application form that these benefits
32 are available and shall provide an opportunity for recipients to
33 apply for the funds quickly and efficiently.

34 (i) Except for the purposes of Section 15200, the amounts
35 payable to recipients pursuant to Section 11453.1 shall not
36 constitute part of the payment schedule set forth in subdivision
37 (a).

38 The amounts payable to recipients pursuant to Section 11453.1
39 shall not constitute income to recipients of aid under this section.

1 (j) For children receiving Kin-GAP pursuant to Article 4.5
2 (commencing with Section 11360) or Article 4.7 (commencing
3 with Section 11385) there shall be paid, exclusive of any amount
4 considered exempt as income, an amount of aid each month, which,
5 when added to the child's income, is equal to the rate specified in
6 Sections 11364 and 11387.

7 (k) (1) This section shall become operative on April 1, 2013.
8 A county shall implement the semiannual reporting requirements
9 in accordance with the act that added this section no later than
10 October 1, 2013.

11 (2) Upon implementation described in paragraph (1), each
12 county shall provide a certificate to the director certifying that
13 semiannual reporting has been implemented in the county.

14 (3) Upon filing the certificate described in paragraph (2), a
15 county shall comply with the semiannual reporting provisions of
16 this section.

17 *SEC. 38. Section 11450.12 of the Welfare and Institutions*
18 *Code, as added by Section 16 of Chapter 501 of the Statutes of*
19 *2011, is amended to read:*

20 11450.12. (a) An applicant family shall not be eligible for aid
21 under this chapter unless the family's income, exclusive of the
22 first ninety dollars (\$90) of earned income for each employed
23 person, is less than the minimum basic standard of adequate care,
24 as specified in Section 11452.

25 (b) A recipient family shall not be eligible for further aid under
26 this chapter if reasonably anticipated income, less exempt income,
27 determined for the semiannual period pursuant to Sections ~~11265.2~~
28 *11265.1, 11265.2, and 11265.3*, and exclusive of amounts exempt
29 under Section 11451.5, equals or exceeds the maximum aid
30 payment specified in Section 11450.

31 (c) (1) This section shall become operative on April 1, 2013.
32 A county shall implement the semiannual reporting requirements
33 in accordance with the act that added this section no later than
34 October 1, 2013.

35 (2) Upon implementation described in paragraph (1), each
36 county shall provide a certificate to the director certifying that
37 semiannual reporting has been implemented in the county.

38 (3) Upon filing the certificate described in paragraph (2), a
39 county shall comply with the semiannual reporting provisions of
40 this section.

1 *SEC. 39. Section 11450.13 of the Welfare and Institutions*
2 *Code, as added by Section 18 of Chapter 501 of the Statutes of*
3 *2011, is amended to read:*

4 11450.13. (a) In calculating the amount of aid to which an
5 assistance unit is entitled in accordance with Section 11320.15,
6 the maximum aid payment, adjusted to reflect the removal of the
7 adult or adults from the assistance unit, shall be reduced by the
8 gross income of the adult or adults removed from the assistance
9 unit, determined for the semiannual period pursuant to Sections
10 ~~11265.2~~ 11265.1, 11265.2, and 11265.3, and less any amounts
11 exempted pursuant to Section 11451.5. Aid may be provided in
12 the form of cash or vouchers, at the option of the county.

13 (b) (1) This section shall become operative on April 1, 2013.
14 A county shall implement the semiannual reporting requirements
15 in accordance with the act that added this section no later than
16 October 1, 2013.

17 (2) Upon implementation described in paragraph (1), each
18 county shall provide a certificate to the director certifying that
19 semiannual reporting has been implemented in the county.

20 (3) Upon filing the certificate described in paragraph (2), a
21 county shall comply with the semiannual reporting provisions of
22 this section.

23 *SEC. 40. Section 11462.04 of the Welfare and Institutions Code*
24 *is amended to read:*

25 11462.04. (a) Notwithstanding any other law, no new group
26 home rate or change to an existing rate shall be established pursuant
27 to Section 11462. An application shall not be accepted or processed
28 for any of the following:

29 (1) A new program.

30 (2) A new provider.

31 (3) A program change, such as a rate classification level (RCL)
32 increase.

33 (4) A program capacity increase.

34 (5) A program reinstatement.

35 (b) Notwithstanding subdivision (a), the department may grant
36 exceptions as appropriate on a case-by-case basis, based upon a
37 written request and supporting documentation provided by county
38 placing agencies, including county welfare or probation directors.

39 (c) For the 2012–13 *and* 2013–14 fiscal—~~year~~, *years*,
40 notwithstanding subdivision (b), for any program below RCL 10,

1 the only exception that may be sought and granted pursuant to this
2 section is ~~one associated with~~ *for an application requesting a*
3 program change, such as an RCL increase. The *authority to grant*
4 other exceptions ~~shall does not be available~~ *apply* to programs
5 below RCL 10 during ~~this period~~. *these fiscal years.*

6 *SEC. 41. Section 16010.8 is added to the Welfare and*
7 *Institutions Code, to read:*

8 *16010.8. It is the intent of the Legislature that no child or youth*
9 *in foster care reside in group care for longer than one year. The*
10 *State Department of Social Services shall provide updates to the*
11 *Legislature, commencing no later than January 1, 2014, regarding*
12 *the outcomes of assessments of children and youth who have been*
13 *in group homes for longer than one year and the corresponding*
14 *outcomes of transitions, or plans to transition, them into family*
15 *settings.*

16 *SEC. 42. Section 16519.5 of the Welfare and Institutions Code*
17 *is amended to read:*

18 16519.5. (a) The State Department of Social Services, in
19 consultation with county child welfare agencies, foster parent
20 associations, and other interested community parties, shall
21 implement a unified, family friendly, and child-centered resource
22 family approval process to replace the existing multiple processes
23 for licensing foster family homes, approving relatives and
24 nonrelative extended family members as foster care providers, and
25 approving adoptive families.

26 (b) Up to five counties shall be selected to participate on a
27 voluntary basis as early implementation counties for the purpose
28 of participating in the initial development of the approval process.
29 Early implementation counties shall be selected according to
30 criteria developed by the department in consultation with the
31 County Welfare Directors Association. In selecting the five early
32 implementation counties, the department shall promote diversity
33 among the participating counties in terms of size and geographic
34 location.

35 (c) (1) For the purposes of this section, “resource family” means
36 an individual or couple that a participating county determines to
37 have successfully met both the home approval standards and the
38 permanency assessment criteria adopted pursuant to subdivision
39 (d) necessary for providing care for a related or unrelated child
40 who is under the jurisdiction of the juvenile court, or otherwise in

1 the care of a county child welfare agency or probation department.

2 A resource family shall demonstrate all of the following:

3 (A) An understanding of the safety, permanence, and well-being
4 needs of children who have been victims of child abuse and neglect,
5 and the capacity and willingness to meet those needs, including
6 the need for protection, and the willingness to make use of support
7 resources offered by the agency, or a support structure in place,
8 or both.

9 (B) An understanding of children's needs and development,
10 effective parenting skills or knowledge about parenting, and the
11 capacity to act as a reasonable, prudent parent in day-to-day
12 decisionmaking.

13 (C) An understanding of his or her role as a resource family and
14 the capacity to work cooperatively with the agency and other
15 service providers in implementing the child's case plan.

16 (D) The financial ability within the household to ensure the
17 stability and financial security of the family.

18 (E) An ability and willingness to maintain the least restrictive
19 and most familylike environment that serves the needs of the child.

20 (2) Subsequent to meeting the criteria set forth in this
21 subdivision and designation as a resource family, a resource family
22 shall be considered eligible to provide foster care for related and
23 unrelated children in out-of-home placement, shall be considered
24 approved for adoption or guardianship, and shall not have to
25 undergo any additional approval or licensure as long as the family
26 lives in a county participating in the ~~pilot~~ program.

27 (3) Resource family assessment and approval means that the
28 applicant meets the standard for home approval, and has
29 successfully completed a permanency assessment. This approval
30 is in lieu of the existing foster care license, relative or nonrelative
31 extended family member approval, and the adoption home study
32 approval.

33 (4) Approval of a resource family does not guarantee an initial
34 or continued placement of a child with a resource family.

35 (d) Prior to implementation of this ~~pilot~~ program, the department
36 shall adopt standards pertaining to home approval and permanency
37 assessment of a resource family.

38 (1) Resource family home approval standards shall include, but
39 not be limited to, all of the following:

1 (A) (i) Criminal records clearance of all adults residing in the
2 home, pursuant to Section 8712 of the Family Code, utilizing a
3 check of the Child Abuse Central Index (CACI), a check of the
4 Child Welfare Services/Case Management System (CWS/CMS),
5 receipt of a fingerprint-based state criminal offender record
6 information search response, and submission of a fingerprint-based
7 federal criminal offender record information search.

8 (ii) Consideration of any prior allegations of child abuse or
9 neglect against either the applicant or any other adult residing in
10 the home. An approval may not be granted to applicants whose
11 criminal record indicates a conviction for any of the offenses
12 specified in clause (i) of subparagraph (A) of paragraph (1) of
13 subdivision (g) of Section 1522 of the Health and Safety Code.

14 (iii) Exemptions from the criminal records clearance
15 requirements set forth in this section may be granted by the director
16 or the ~~piñet~~ *early implementation* county, if that county has been
17 granted permission by the director to issue criminal records
18 exemptions pursuant to Section ~~316.4, 361.4~~, using the exemption
19 criteria currently used for foster care licensing as specified in
20 subdivision (g) of Section 1522 of the Health and Safety Code.

21 (B) Buildings and grounds, outdoor activity space, and storage
22 requirements set forth in Sections ~~89387, 89387.1, 89387~~ and
23 ~~89387.2~~ of Title 22 of the California Code of Regulations.

24 (C) In addition to the foregoing requirements, the resource
25 family home approval standards shall also require the following:

26 (i) That the applicant demonstrate an understanding about the
27 rights of children in care and his or her responsibility to safeguard
28 those rights.

29 (ii) That the total number of children residing in the home of a
30 resource family shall be no more than the total number of children
31 the resource family can properly care for, regardless of status, and
32 shall not exceed six children, unless exceptional circumstances
33 that are documented in the foster child's case file exist to permit
34 a resource family to care for more children, including, but not
35 limited to, the need to place siblings together.

36 (iii) That the applicant understands his or her responsibilities
37 with respect to acting as a reasonable and prudent parent, and
38 maintaining the least restrictive and most familylike environment
39 that serves the needs of the child.

1 (D) The results of a caregiver risk assessment are consistent
2 with the factors listed in subparagraphs (A) to (D), inclusive, of
3 paragraph (1) of subdivision (c). A caregiver risk assessment shall
4 include, but not be limited to, physical and mental health, alcohol
5 and other substance use and abuse, and family and domestic
6 violence.

7 (2) The resource family permanency assessment standards shall
8 include, but not be limited to, all of the following:

9 (A) The applicant shall complete caregiver training.

10 (B) The applicant shall complete a psychosocial evaluation.

11 (C) The applicant shall complete any other activities that relate
12 to a resource family's ability to achieve permanency with the child.

13 (e) (1) A child may be placed with a resource family that has
14 received home approval prior to completion of a permanency
15 assessment only if a compelling reason for the placement exists
16 based on the needs of the child.

17 (2) The permanency assessment shall be completed within 90
18 days of the child's placement in the approved home, unless good
19 cause exists based upon the needs of the child.

20 (3) If additional time is needed to complete the permanency
21 assessment, the county shall document the extenuating
22 circumstances for the delay and generate a timeframe for the
23 completion of the permanency assessment.

24 (4) The county shall report to the department on a quarterly
25 basis the number of families with a child in an approved home
26 whose permanency assessment goes beyond 90 days and
27 summarize the reasons for these delays.

28 (5) A child may be placed with a relative, as defined in Section
29 319, or nonrelative extended family member, as defined in Section
30 362.7, prior to home approval and completion of the permanency
31 assessment only on an emergency basis if all of the following
32 requirements are met:

33 (A) Consideration of the results of a criminal records check
34 conducted pursuant to Section 16504.5 of the relative or nonrelative
35 extended family member and of every other adult in the home.

36 (B) Consideration of the results of the Child Abuse Central
37 Index (CACI) consistent with Section 1522.1 of the Health and
38 Safety Code of the relative or nonrelative extended family member,
39 and of every other adult in the home.

1 (C) The home and grounds are free of conditions that pose undue
2 risk to the health and safety of the child.

3 (D) For any placement made pursuant to this paragraph, the
4 county shall initiate the home approval process no later than five
5 business days after the placement, which shall include a
6 face-to-face interview with the resource family applicant and child.

7 (E) For any placement made pursuant to this paragraph,
8 AFDC-FC funding shall not be available until the home has been
9 approved.

10 (F) Any child placed under this section shall be afforded all the
11 rights set forth in Section 16001.9.

12 (f) The State Department of Social Services shall be responsible
13 for all of the following:

14 (1) Selecting early implementation counties, based on criteria
15 established by the department in consultation with the County
16 Welfare Directors Association.

17 (2) Establishing timeframes for participating counties to submit
18 an implementation plan, enter into terms and conditions for
19 participation in the program, train appropriate staff, and accept
20 applications from resource families.

21 (3) Entering into terms and conditions for participation in the
22 ~~pilot~~ program by counties.

23 (4) Administering the program through the issuance of written
24 directives that shall have the same force and effect as regulations.
25 Any directive affecting Article 1 (commencing with Section 700)
26 of Chapter 7 of Title 11 of the California Code of Regulations shall
27 be approved by the Department of Justice. The directives shall be
28 exempt from the rulemaking provisions of the Administrative
29 Procedure Act (Chapter 3.5 (commencing with Section 11340))
30 of Part 1 of Division 3 of Title 2 of the Government Code.

31 (5) Approving and requiring the use of a single standard for
32 resource family home approval and permanency assessment.

33 (6) Adopting and requiring the use of standardized
34 documentation for the home approval and permanency assessment
35 of resource families.

36 (7) Requiring counties to monitor resource families including,
37 but not limited to, all of the following:

38 (A) Investigating complaints of resource families.

39 (B) Developing and monitoring resource family corrective action
40 plans to correct identified deficiencies and to rescind resource

1 family approval if compliance with corrective action plans is not
2 achieved.

3 (8) Ongoing oversight and monitoring of county systems and
4 operations including all of the following:

5 (A) Reviewing the county's implementation of the ~~pilot~~
6 program.

7 (B) Reviewing an adequate number of approved resource
8 families in each participating county to ensure that approval
9 standards are being properly applied. The review shall include
10 case file documentation, and may include onsite inspection of
11 individual resource families. The review shall occur on an annual
12 basis, and more frequently if the department becomes aware that
13 a participating county is experiencing a disproportionate number
14 of complaints against individual resource family homes.

15 (C) Reviewing county reports of serious complaints and
16 incidents involving approved resource families, as determined
17 necessary by the department. The department may conduct an
18 independent review of the complaint or incident and change the
19 findings depending on the results of its investigation.

20 (D) Investigating unresolved complaints against participating
21 counties.

22 (E) Requiring corrective action of counties that are not in full
23 compliance with the terms and conditions of the program.

24 (9) Preparing or having prepared, and submitting to the
25 Legislature, a report on the results of the initial phase of
26 implementation of the program. The report shall include all of the
27 following:

28 (A) An analysis, utilizing available data, of state and federal
29 data indicators related to the length of time to permanency
30 including reunification, guardianship and adoption, child safety
31 factors, and placement stability.

32 (B) An analysis of resource family recruitment and retention
33 elements, including resource family satisfaction with approval
34 processes and changes regarding the population of available
35 resource families.

36 (C) An analysis of cost, utilizing available data, including
37 funding sources.

38 (D) An analysis of regulatory or statutory barriers to
39 implementing the ~~pilot~~ program on a statewide basis.

- 1 (g) Counties participating in the ~~pilot~~ program shall be
2 responsible for all of the following:
- 3 (1) Submitting an implementation plan, entering into terms and
4 conditions for participation in the program, consulting with the
5 county probation department in the development of the
6 implementation plan, training appropriate staff, and accepting
7 applications from resource families within the timeframes
8 established by the department.
- 9 (2) Complying with the written directives pursuant to paragraph
10 (4) of subdivision (f).
- 11 (3) Implementing the requirements for resource family home
12 approval and permanency assessment and utilizing standardized
13 documentation established by the department.
- 14 (4) Ensuring staff have the education and experience necessary
15 to complete the home approval and permanency assessment
16 competently.
- 17 (5) Approving and denying resource family applications,
18 including all of the following:
- 19 (A) Rescinding home approvals and resource family approvals
20 where appropriate, consistent with the established standard.
- 21 (B) Providing disapproved resource families requesting review
22 of that decision due process by conducting county grievance
23 reviews pursuant to the department's regulations.
- 24 (C) Notifying the department of any decisions denying a
25 resource family's application or rescinding the approval of a
26 resource family.
- 27 (6) Updating resource family approval annually.
- 28 (7) Monitoring resource families through all of the following:
- 29 (A) Ensuring that social workers who identify a condition in
30 the home that may not meet the approval standards set forth in
31 subdivision (d) while in the course of a routine visit to children
32 placed with a resource family take appropriate action as needed.
- 33 (B) Requiring resource families to comply with corrective action
34 plans as necessary to correct identified deficiencies. If corrective
35 action is not completed as specified in the plan, the county may
36 rescind the resource family approval.
- 37 (C) Requiring resource families to report to the county child
38 welfare agency any incidents consistent with the reporting
39 requirements for licensed foster family homes.

1 (8) Investigating all complaints against a resource family and
2 taking action as necessary. This shall include investigating any
3 incidents reported about a resource family indicating that the
4 approval standard is not being maintained.

5 (A) The child's social worker shall not conduct the formal
6 investigation into the complaint received concerning a family
7 providing services under the standards required by subdivision
8 (d). To the extent that adequate resources are available, complaints
9 shall be investigated by a worker who did not initially perform the
10 home approval or permanency assessment.

11 (B) Upon conclusion of the complaint investigation, the final
12 disposition shall be reviewed and approved by a supervising staff
13 member.

14 (C) The department shall be notified of any serious incidents
15 or serious complaints or any incident that falls within the definition
16 of Section 11165.5 of the Penal Code. If those incidents or
17 complaints result in an investigation, the department shall also be
18 notified as to the status and disposition of that investigation.

19 (9) Performing corrective action as required by the department.

20 (10) Assessing county performance in related areas of the
21 California Child and Family Services Review System, and
22 remedying problems identified.

23 (11) Submitting information and data that the department
24 determines is necessary to study, monitor, and prepare the report
25 specified in paragraph ~~(10)~~ (9) of subdivision (f).

26 (h) Approved relatives and nonrelated extended family members,
27 licensed foster family homes, or approved adoptive homes that
28 have completed the license or approval process prior to full
29 implementation of the program shall not be considered part of the
30 program. The otherwise applicable assessment and oversight
31 processes shall continue to be administered for families and
32 facilities not included in the program.

33 (i) The department may waive regulations that pose a barrier to
34 implementation and operation of this program. The waiver of any
35 regulations by the department pursuant to this section shall apply
36 to only those counties participating in the program and only for
37 the duration of the program.

38 (j) Resource families approved under initial implementation of
39 the program, who move within ~~a participating~~ *an early*
40 *implementation* county or who move to another early

1 implementation-program county, shall retain their resource family
2 status if the new building and grounds, outdoor activity areas, and
3 storage areas meet home approval standards. The State Department
4 of Social Services or ~~pilot~~ *early implementation* county may allow
5 a program-affiliated individual to transfer his or her subsequent
6 arrest notification if the individual moves from one early
7 implementation county to another early implementation county,
8 as specified in subdivision (h) of Section 1522 of the Health and
9 Safety Code.

10 (k) (1) A resource family approved under this program that
11 moves to a nonparticipating county shall lose its status as a resource
12 family. The new county of residence shall deem the family
13 approved for licensing, relative and nonrelated extended family
14 member approval, guardianship, and adoption purposes, under the
15 following conditions:

16 (A) The new building and grounds, outdoor activity areas, and
17 storage areas meet applicable standards, unless the family is subject
18 to a corrective action plan.

19 (B) There has been a criminal records clearance of all adults
20 residing in the home and exemptions granted, using the exemption
21 criteria currently used for foster care licensing, as specified in
22 subdivision (g) of Section 1522 of the Health and Safety Code.

23 (2) A program-affiliated individual who moves to a
24 nonparticipating county may not transfer his or her subsequent
25 arrest notification from a participating county to the
26 nonparticipating county.

27 (l) Implementation of the program shall be contingent upon the
28 continued availability of federal Social Security Act Title IV-E
29 (42 U.S.C. Sec. 670) funds for costs associated with placement of
30 children with resource families assessed and approved under the
31 program.

32 (m) Notwithstanding Section 11402, a child placed with a
33 resource family shall be eligible for AFDC-FC payments. A
34 resource family shall be paid an AFDC-FC rate pursuant to
35 Sections 11460 and 11461. Sharing ratios for nonfederal
36 expenditures for all costs associated with activities related to the
37 approval of relatives and nonrelated extended family members
38 shall be in accordance with Section 10101.

39 (n) The Department of Justice shall charge fees sufficient to
40 cover the cost of initial or subsequent criminal offender record

1 information and Child Abuse Central Index searches, processing,
2 or responses, as specified in this section.

3 (o) Approved resource families under this program shall be
4 exempt from all of the following:

5 (1) Licensure requirements set forth under the Community Care
6 Facilities Act, commencing with Section 1500 of the Health and
7 Safety ~~Code~~ Code, and all regulations promulgated thereto.

8 (2) Relative and nonrelative extended family member approval
9 requirements set forth under Sections 309, 361.4, and 362.7, and
10 all regulations promulgated thereto.

11 (3) Adoptions approval and reporting requirements set forth
12 under Section 8712 of the Family Code, and all regulations
13 promulgated thereto.

14 (p) Early implementation counties shall be authorized to
15 continue through the end of the 2010–11 fiscal year, or through
16 the end of the third full fiscal year following the date that counties
17 commence implementation, whichever of these dates is later, at
18 which time the program shall be authorized in all counties.

19 (q) Notwithstanding subdivision (p), this section shall not be
20 implemented until January 1, 2013.

21 *SEC. 43. Section 18901.2 of the Welfare and Institutions Code*
22 *is amended to read:*

23 18901.2. (a) It is the intent of the Legislature to create a
24 program in California that provides a nominal Low-Income Home
25 Energy Assistance Program (LIHEAP) service benefit, through
26 the LIHEAP block grant, to all recipient households of CalFresh
27 so that they are made aware of services available under LIHEAP
28 and so that some households may experience an increase in federal
29 Supplemental Nutrition Assistance Program benefits, as well as
30 benefit from paperwork reduction.

31 (b) To the extent permitted by federal law, the State Department
32 of Social Services (DSS) shall, in conjunction with the Department
33 of Community Services and Development (CSD), design,
34 implement, and maintain a utility assistance initiative: the “Heat
35 and Eat” program.

36 (1) The nominal LIHEAP service benefit shall be funded through
37 the LIHEAP block grant provided by the CSD to the DSS upon
38 receipt by the CSD of the LIHEAP block grant funds from the
39 federal funding authorities.

1 (2) The total amount transferred shall be the product of the
2 nominal LIHEAP service benefit established by the CSD in the
3 LIHEAP state plan multiplied by the number of CalFresh recipient
4 households as agreed upon annually by the CSD and the DSS.

5 (3) The total amount transferred shall be reduced by any
6 unexpended or reinvested amounts remaining from prior transfers
7 for the nominal LIHEAP service benefits as provided in
8 subparagraph (C) of paragraph (1) of subdivision (c).

9 (4) *Should the demand for the nominal LIHEAP service benefit*
10 *exceed allocated funding, established by the CSD in the LIHEAP*
11 *state plan, the CSD and DSS shall report that information to the*
12 *Legislature and develop a plan to maintain the program as*
13 *intended.*

14 (c) In implementing and maintaining the utility assistance
15 initiative, the State Department of Social Services shall do all of
16 the following:

17 (1) (A) Grant ~~all~~ recipient households of CalFresh benefits
18 pursuant to this chapter a nominal LIHEAP service benefit out of
19 the federal LIHEAP block grant (42 U.S.C. Sec. ~~8261~~ 8621 et
20 seq.).

21 (B) In establishing the nominal LIHEAP service benefit amount,
22 the department shall take into consideration that the benefit level
23 need not provide significant utility assistance.

24 (C) Any funds allocated for this purpose not expended by
25 CalFresh recipient households shall be recouped through the “Heat
26 and Eat” program and reinvested into the program on an annual
27 basis as determined by both departments.

28 (2) Provide the nominal LIHEAP service benefit without
29 requiring the applicant or recipient to provide additional paperwork
30 or verification.

31 (3) To the extent permitted by federal law and to the extent
32 federal funds are available, provide the nominal LIHEAP service
33 benefit annually to each recipient of CalFresh benefits.

34 (4) (A) Deliver the nominal LIHEAP service benefit using the
35 Electronic Benefit Transfer (EBT) system or other nonpaper
36 delivery system.

37 (B) *Notification of a recipient’s impending EBT dormant account*
38 *status shall not be required when the remaining balance in a*
39 *recipient’s account at the time the account becomes inactive is*
40 *ninety-nine cents (\$0.99) or less of LIHEAP service benefits.*

1 (5) Ensure that receipt of the nominal LIHEAP service benefit
2 pursuant to this section shall not *adversely affect a CalFresh*
3 *recipient household's eligibility, reduce a household's CalFresh*
4 *benefits, or* disqualify the applicant or recipient of CalFresh
5 benefits from receiving other nominal LIHEAP service benefits
6 or other utility benefits for which they *may* qualify.

7 (d) Recipients of the nominal LIHEAP service benefit pursuant
8 to this section shall remain subject to the additional eligibility
9 requirements for LIHEAP assistance as outlined in the California
10 LIHEAP state plan, developed by the CSD.

11 (e) (1) To the extent permitted by federal law, a CalFresh
12 household receiving or anticipating receipt of nominal LIHEAP
13 service benefits pursuant to the utility assistance initiative or any
14 other law shall be entitled to use the full standard utility allowance
15 (SUA) for the purposes of calculating CalFresh benefits. A
16 CalFresh household shall be entitled to use the full SUA regardless
17 of whether the nominal LIHEAP service benefit is actually
18 redeemed.

19 (2) *If use of the full SUA, instead of the homeless shelter*
20 *deduction, results in a lower amount of CalFresh benefits for a*
21 *homeless household, the homeless household shall be entitled to*
22 *use the homeless shelter deduction instead of the full SUA.*

23 (f) The department shall implement the initiative by January 1,
24 2013.

25 *SEC. 44. Section 18906.55 of the Welfare and Institutions Code*
26 *is amended to read:*

27 18906.55. (a) Notwithstanding Section 18906.5 or any other
28 law, as a result of the substantial fiscal pressures on counties
29 created by the unprecedented and unanticipated CalFresh caseload
30 growth associated with the economic downturn beginning in 2008,
31 and in order to provide fiscal relief to counties as a result of this
32 growth, a county that meets the maintenance of effort requirement
33 pursuant to Section 15204.4 entirely through expenditures for the
34 administration of CalFresh ~~in state fiscal years~~ *the 2010–11,*
35 *2011–12, 2012–13, and 2012–13 2013–14 fiscal years* shall receive
36 the full General Fund allocation for administration of CalFresh
37 without paying the county's share of the nonfederal costs for the
38 amount above the maintenance of effort required by Section
39 15204.4.

1 (b) The full General Fund allocation for administration of
2 CalFresh pursuant to subdivision (a) shall equal 35 percent of the
3 total federal and nonfederal projected funding need for
4 administration of CalFresh. The methodology used for calculating
5 those projections shall remain the same as it was for the 2009–10
6 fiscal year for as long as this section remains in effect.

7 (c) No relief to the county share of administrative costs
8 authorized by this section shall result in any increased cost to the
9 General Fund as determined in subdivision (b).

10 (d) Subdivision (a) shall not be interpreted to prevent a county
11 from expending funds in excess of the amount required to meet
12 the maintenance of effort required by Section 15204.4.

13 (e) This section shall become inoperative on July 1, ~~2013~~, 2014,
14 and, as of January 1, ~~2014~~, 2015, is repealed, unless a later enacted
15 statute, that becomes operative on or before January 1, ~~2014~~, 2015,
16 deletes or extends the dates on which it becomes inoperative and
17 is repealed.

18 *SEC. 45. Section 18910 of the Welfare and Institutions Code,*
19 *as added by Section 24 of Chapter 501 of the Statutes of 2011, is*
20 *amended to read:*

21 18910. (a) To the extent permitted by federal law, regulations,
22 waivers, and directives, the department shall implement the
23 prospective budgeting, semiannual reporting system provided in
24 Sections 11265.1, 11265.2, and 11265.3, and related provisions,
25 regarding CalFresh, in a cost-effective manner that promotes
26 compatibility between the CalWORKs program and CalFresh, and
27 minimizes the potential for payment errors.

28 (b) For CalFresh recipients who also are Medi-Cal beneficiaries
29 and who are subject to the Medi-Cal midyear status reporting
30 requirements, counties shall seek to align the timing of reports
31 required under this section with midyear status reports required
32 by the Medi-Cal program.

33 (c) The department shall seek all necessary waivers from the
34 United States Department of Agriculture to implement subdivision
35 (a).

36 (d) Counties may establish staggered, semiannual reporting
37 cycles for individual households, based on factors established or
38 approved by the department, ~~including, but not limited to,~~
39 ~~application date or case number;~~ *provided the semiannual reporting*
40 *cycle is aligned with the certification period;* however, all

1 households within a county must be transitioned to a semiannual
2 reporting system simultaneously. Up to and until the establishment
3 of a countywide semiannual reporting system, a county shall
4 operate a quarterly system, as established by law and regulation.

5 (e) The requirement of subdivision ~~(h)~~ (e) of Section 11265.1
6 shall apply to the implementation of this section.

7 (f) (1) This section shall become operative on April 1, 2013. A
8 county shall implement the semiannual reporting requirements in
9 accordance with the act that added this section no later than October
10 1, 2013.

11 (2) Upon implementation described in paragraph (1), each
12 county shall provide a certificate to the director certifying that
13 semiannual reporting has been implemented in the county.

14 (3) Upon filing the certificate described in paragraph (2), a
15 county shall comply with the semiannual reporting provisions of
16 this section.

17 *SEC. 46. Section 72 of Chapter 32 of the Statutes of 2011, as*
18 *amended by Section 51 of Chapter 47 of the Statutes of 2012, is*
19 *amended to read:*

20 *Sec. 72. The State Department of Social Services, in*
21 *consultation with stakeholders including, but not limited to,*
22 *counties and public authorities, including representatives of the*
23 *California Association of Public Authorities, shall develop a new*
24 *ratesetting methodology for public authority administrative costs,*
25 *to go into effect commencing with the 2013–14 fiscal year costs.*

26 *SEC. 47. The Legislature finds and declares that Section 2 of*
27 *this act, which adds Section 110034.5 to the Government Code,*
28 *imposes a limitation on the public's right to access the meetings*
29 *of public bodies within the meaning of Section 3 of Article I of the*
30 *California Constitution. Pursuant to that constitutional provision,*
31 *the Legislature finds that Section 2 of this act is necessary to*
32 *preserve the confidentiality of the collective bargaining activities*
33 *conducted by the California In-Home Supportive Services*
34 *Authority.*

35 *SEC. 48. The provisions of this act are severable. If any*
36 *provision of this act or its application is held invalid, that invalidity*
37 *shall not affect other provisions or applications that can be given*
38 *effect without the invalid provision or application.*

39 *SEC. 49. (a) Notwithstanding the rulemaking provisions of*
40 *the Administrative Procedure Act (Chapter 3.5 (commencing with*

1 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
2 Code), the department may implement and administer the changes
3 made to Section 1562 of the Health and Safety Code and to Sections
4 319.2, 319.3, 361.2, 626, 727, 11155, 11265, 11265.1, 11265.2,
5 11265.3, 11265.4, 11320.1, 11322.63, 11322.64, 11322.85,
6 11323.25, 11325.2, 11325.21, 11325.22, 11325.24, 11325.5, 11450,
7 11450.12, 11450.13, 16010.8, 18901.2, and 18910 of the Welfare
8 and Institutions Code, as amended or added by this act, through
9 all-county letters or similar instructions from the director until
10 regulations are adopted. The department shall adopt emergency
11 regulations implementing these provisions no later than July 1,
12 2015. The State Department of Social Services may readopt any
13 emergency regulation authorized by this section that is the same
14 as, or substantially equivalent to, any emergency regulation
15 previously adopted under this section.

16 (b) The initial adoption of regulations pursuant to this section
17 and one readoption of emergency regulations shall be deemed to
18 be an emergency and necessary for the immediate preservation of
19 the public peace, health, safety, or general welfare. Initial
20 emergency regulations and the one readoption of emergency
21 regulations authorized by this section shall be exempt from review
22 by the Office of Administrative Law. The initial emergency
23 regulations and the one readoption of emergency regulations
24 authorized by this section shall be submitted to the Office of
25 Administrative Law for filing with the Secretary of State and each
26 shall remain in effect for no more than 180 days, by which time
27 final regulations shall be adopted.

28 SEC. 50. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.

33 SEC. 51. (a) The balance of the appropriations provided in
34 the following paragraphs are reappropriated to the State
35 Department of Social Services for the purposes provided for in
36 those appropriations and shall be available for encumbrance and
37 expenditure until June 30, 2014:

38 (1) Item 5180-153-0001 of the Budget Act of 2012 (Chapters
39 21 and 29 of the Statutes of 2012).

1 (2) *Item 5180-153-0001 of the Budget Act of 2011 (Chapter 33*
2 *of the Statutes of 2011).*

3 (3) *Item 5180-153-0890 of the Budget Act of 2012 (Chapters*
4 *21 and 29 of the Statutes of 2012).*

5 (4) *Item 5180-153-0890 of the Budget Act of 2011 (Chapter 33*
6 *of the Statutes of 2011).*

7 (b) *Funds allocated to counties for the Title IV-E Child Welfare*
8 *Waiver Demonstration Project in accordance with Section 18260*
9 *of the Welfare and Institutions Code, but unexpended as of June*
10 *30, 2013, are reappropriated for transfer to and augmentation of*
11 *the corresponding items in the Budget Act of 2013.*

12 SEC. 52. *This act is a bill providing for appropriations related*
13 *to the Budget Bill within the meaning of subdivision (e) of Section*
14 *12 of Article IV of the California Constitution, has been identified*
15 *as related to the budget in the Budget Bill, and shall take effect*
16 *immediately.*

17 SECTION 1. ~~It is the intent of the Legislature to enact the~~
18 ~~Budget Act of 2013.~~