

Introduced by Senator TorresFebruary 21, 2014

An act to amend Section 11463 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1320, as introduced, Torres. Social services.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds. Under existing law, AFDC-FC benefits are available, with specified exceptions, on behalf of qualified children under 18 years of age. Existing law requires the State Department of Social Services, with the advice, assistance, and cooperation of the counties and foster care providers, to develop, implement, and maintain a ratesetting system for foster family agencies. Existing law requires that the AFDC-FC basic rate payment made to a certified home of a foster family agency be equal to the basic rate paid for children placed in a licensed or approved foster home.

This bill would make technical, nonsubstantive changes to those provisions.

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

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

- 1 SECTION 1. Section 11463 of the Welfare and Institutions
- 2 Code is amended to read:

1 11463. (a) (1) The department, with the advice, assistance,
2 and cooperation of the counties and foster care providers, shall
3 develop, implement, and maintain a ratesetting system for foster
4 family agencies.

5 (2) ~~No~~A county shall *not* be reimbursed for any percentage
6 increases in payments, made on behalf of AFDC-FC funded
7 children who are placed with foster family agencies, that exceed
8 the percentage cost-of-living increase provided in any fiscal year
9 beginning on January 1, 1990, as specified in subdivision (c) of
10 Section 11461.

11 (b) The department shall develop regulations specifying the
12 purposes, types, and services of foster family agencies, including
13 the use of those agencies for the provision of emergency shelter
14 care. A distinction, for ratesetting purposes, shall be drawn between
15 foster family agencies that provide treatment of children in foster
16 families and those that provide nontreatment services.

17 (c) The department shall develop and maintain regulations
18 specifying the procedure for the appeal of department decisions
19 about the setting of an agency's rate.

20 (d) On and after July 1, 1998, the schedule of rates, and the
21 components used in the rate calculations specified in the
22 department's regulations, for foster family agencies shall be
23 increased by 6 percent, rounded to the nearest dollar. The resultant
24 amounts shall constitute the new schedule of rates for foster family
25 agencies.

26 (e) (1) On and after July 1, 1999, the schedule of rates and the
27 components used in the rate calculations specified in the
28 department's regulations for foster family agencies shall be
29 adjusted by an amount equal to the California Necessities Index
30 computed pursuant to Section 11453, rounded to the nearest dollar,
31 subject to the availability of funds. The resultant amounts shall
32 constitute the new schedule of rates for foster family agencies,
33 subject to further adjustment pursuant to paragraph (2).

34 (2) In addition to the adjustment specified in paragraph (1),
35 commencing January 1, 2000, the schedule of rates and the
36 components used in the rate calculations specified in the
37 department's regulations for foster family agencies shall be
38 increased by 2.36 percent, rounded to the nearest dollar. The
39 resultant amounts shall constitute the new schedule of rates for
40 foster family agencies.

1 (f) For the 1999–2000 fiscal year, foster family agency rates
2 that are not determined by the schedule of rates set forth in the
3 department’s regulations, shall be increased by the same percentage
4 as provided in subdivision (e).

5 (g) (1) For the 2000–01 fiscal year and each fiscal year
6 thereafter, the foster family agency rate shall be supplemented by
7 one hundred dollars (\$100) for clothing per year per child in care,
8 subject to the availability of funds. The supplemental payment
9 shall be used to supplement, and shall not be used to supplant, any
10 clothing allowance paid in addition to the foster family agency
11 rate.

12 (2) Notwithstanding paragraph (1), commencing with the
13 2012–13 fiscal year, and each fiscal year thereafter, no
14 supplemental clothing allowance shall be provided, because the
15 rate issued in accordance with paragraph (1) of subdivision (m)
16 takes the cost of clothing into account.

17 (h) In addition to the adjustment made pursuant to subdivision
18 (e), the component for social work activities in the rate calculation
19 specified in the department’s regulations for foster family agencies
20 shall be increased by 10 percent, effective January 1, 2001. This
21 additional funding shall be used by foster family agencies solely
22 to supplement staffing, salaries, wages, and benefit levels of staff
23 performing social work activities. The schedule of rates shall be
24 recomputed using the adjusted amount for social work activities.
25 The resultant amounts shall constitute the new schedule of rates
26 for foster family agencies. The department may require a foster
27 family agency receiving this additional funding to certify that the
28 funding was utilized in accordance with the provisions of this
29 section.

30 (i) The increased rate provided by subparagraph (C) of paragraph
31 (1) of subdivision (d) of Section 11461 shall not be used to compute
32 the monthly amount that may be paid to licensed foster family
33 agencies for the placement of children in certified foster homes.

34 (j) The total foster family agency rate by age group in effect as
35 of January 1, 2008, paid to licensed foster family agencies for the
36 placement of children in certified foster family homes, shall be
37 reduced by 10 percent, effective October 1, 2009. The foster family
38 agency shall have flexibility in applying the reduction, however,
39 nothing shall be deducted from the child base rate, as defined in
40 departmental regulations. When the rate is restored to at least the

1 rate in effect on September 1, 2009, the director shall issue the
2 declaration described in Section 1506.3 of the Health and Safety
3 Code.

4 (k) Effective October 1, 2009, the total foster family agency
5 rate by age group, in effect for those agency rates that are not
6 determined by the schedule of rates set forth in the department's
7 regulations, shall be reduced by the same percentage and in the
8 same manner as provided for in subdivision (j).

9 (l) (1) The department shall determine, consistent with the
10 requirements of this section and other relevant requirements under
11 law, the rate category for each foster family agency on a biennial
12 basis. Submission of the biennial rate application shall be according
13 to a schedule determined by the department.

14 (2) The department shall adopt regulations to implement this
15 subdivision. The adoption, amendment, repeal, or readoption of a
16 regulation authorized by this subdivision is deemed to be necessary
17 for the immediate preservation of the public peace, health and
18 safety, or general welfare, for purposes of Sections 11346.1 and
19 11349.6 of the Government Code, and the department is hereby
20 exempted from the requirement to describe specific facts showing
21 the need for immediate action.

22 (m) (1) On and after July 1, 2012, the basic rate payment that
23 shall be made to ~~the~~ *a* certified parent pursuant to this section for
24 *the* care and supervision of a child who is living in a certified home
25 of a foster family agency, as defined in Section 11400, shall *be*
26 equal *to* the basic rate for children based in a licensed or approved
27 home, as specified in paragraph (1) of subdivision (g) of Section
28 11461.

29 (2) The basic rate payment to the certified parent made pursuant
30 to paragraph (1) shall be adjusted annually on July 1, by the annual
31 percentage change in the California Necessities Index, in
32 accordance with paragraph (2) of subdivision (g) of Section 11461.
33 The adjustment in this paragraph shall be in lieu of any adjustment
34 pursuant to subdivision (e).

35 (n) Notwithstanding any other law, the changes to the basic rate
36 payment specified in subdivision (m) shall not change the
37 remaining components of the foster family agency rate. The new
38 foster family agency rate shall be increased only by the amounts
39 specified pursuant to subdivision (m). The resulting amounts shall
40 constitute the new schedule of rates for foster family agencies,

1 which shall be issued by all-county letters or similar instructions
2 from the department.

3 (o) Beginning in the 2011–12 fiscal year, and for each fiscal
4 year thereafter, funding and expenditures for programs and
5 activities under this section shall be in accordance with the
6 requirements provided in Sections 30025 and 30026.5 of the
7 Government Code.

8 (p) (1) Notwithstanding the rulemaking provisions of the
9 Administrative Procedure Act (Chapter 3.5 (commencing with
10 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
11 Code), the department may implement, interpret, or make specific
12 the changes to this section made by ~~the act that added this section,~~
13 *Chapter 35 of the Statutes of 2012*, and amend and repeal
14 regulations and orders subject to this section and adopted by the
15 department by means of all-county letters or similar instructions
16 from the department until regulations are adopted. The department
17 shall adopt emergency regulations no later than July 1, 2014. The
18 department may readopt any emergency regulation authorized by
19 this section that is the same as, or substantially equivalent to, an
20 emergency regulation previously adopted under this section.

21 (2) The initial adoption of emergency regulations pursuant to
22 this section and one readoption of emergency regulations shall be
23 deemed an emergency and necessary for the immediate
24 preservation of the public peace, health, safety, or general welfare.
25 Initial emergency regulations and the one readoption of emergency
26 regulations authorized by this section shall be exempt from review
27 by the Office of Administrative Law. The initial emergency
28 regulations and the one readoption of emergency regulations
29 authorized by this section shall be submitted to the Office of
30 Administrative Law for filing with the Secretary of State and each
31 shall remain in effect for no more than 180 days, by which time
32 final regulations may be adopted.