

AMENDED IN ASSEMBLY AUGUST 4, 2014

**SENATE BILL**

**No. 1460**

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**Introduced by Committee on Human Services (Senators Beall  
(Chair), Berryhill, DeSaulnier, Liu, and Wyland)**

February 25, 2014

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An act to amend Sections 17212 and 17506 of, and to add Section 8707.1 to, the Family Code, to amend ~~Section~~ *Sections 1505 and 1515* of the Health and Safety Code, ~~and to amend Section 11170 of, and to add Section 11105.07 to, the Penal Code,~~ and to amend Sections 305.5, 361.2, 361.4, 362.04, 727, 10618.6, 11402, 11403.2, 16002, 16010.6, ~~and 16501.3, 16507.5, 16519.5, 17710, and 17732.2~~ of, and to add *Sections 381, 827.15, and 10553.12* to, the Welfare and Institutions Code, relating to child welfare.

LEGISLATIVE COUNSEL'S DIGEST

SB 1460, as amended, Committee on Human Services. Child welfare.

(1) Existing law requires the State Department of Social Services to, authorize a county welfare department to undertake comprehensive recruitment programs to ensure an adequate number of foster homes are available. Existing law regulates adoption services by the department, county adoption agencies, licensed adoption agencies, and other adoption service providers, and requires the department to adopt regulations pertaining to those services.

This bill would require that recruitment to include diligent efforts to recruit individuals who reflect the ethnic, racial, and cultural diversity of foster children and adoptive children, but would not affect the application of the federal Indian Child Welfare Act.

(2) Existing law requires a social worker to conduct, within 30 days of a child being removed from the custody of his or her parents or

guardians, an investigation in order to identify and locate all grandparents, adult siblings, and other adult relatives of the child.

This bill would authorize county child welfare and probation departments to request and receive from the California Parent Locator Service and Central Registry and the federal Parent Locator Service information to identify and locate those family members.

(3) Existing law requires the local child welfare agency to make a diligent effort in all out-of-home placements of dependent children, including those with relatives, to place siblings together in the same placement, and requires the social worker to explain why the siblings are not placed together and what efforts he or she is making to place the siblings together or why making those efforts would be contrary to the safety and well-being of any of the siblings.

This bill would also require a probation officer to provide that explanation.

(4) Existing law authorizes the State Department of Social Services, in consultation with specified groups, to implement a unified, family friendly, and child-centered resource family approval process relating to foster care and adoption placements.

This bill would make nonsubstantive, conforming changes.

*(5) Existing law requires a foster home to be licensed by State Department of Social Services, and authorizes up to five counties, selected by the department, to approve a resource family, as defined, for foster care placement.*

*This bill would exempt a resource family, as defined, from those licensure requirements, and would allow additional counties to volunteer to be selected by the department to also be authorized to approve a resource family.*

*(6) Existing law specifies the entities, that may receive criminal history information from the Department of Justice.*

*This bill would authorize a tribal child welfare agency to receive that information.*

*(7) Existing law provides for the transfer of custody proceedings including proceedings involving an Indian child from a county juvenile court to the jurisdiction of the child's tribe.*

*This bill would require a county juvenile court to transfer the entire child case file, as defined, to the tribe having jurisdiction, and would require both the county juvenile court and the tribe to document the finding of facts supporting jurisdiction over the child.*

(8) Existing law allows a court to remove a child from the home of one or both of his or her parents and to be placed under the supervision of a social worker who may place the child in the home of a noncustodial parent, relative, or approved nonrelative extended family.

This bill would additionally allow for the child to be placed in an approved home of a resource family, as defined, and would make conforming changes relating to this provision.

(9) The Federal Indian Child Welfare Act, authorizes a federally recognized tribe to approve a home for the purpose of foster or adoptive placement of an Indian child.

This bill would conform state law to that provision and would specify the duties of a tribal child welfare agency, as defined, in conducting related background checks.

(10) Existing law specifies the conditions under which a foster child or former foster child is eligible to receive transitional housing services, including Transitional Housing Program-Plus, as described. Existing law requires the department to establish the reimbursement rates that a county is required to pay a provider of that service.

This bill would require those reimbursement rates to be adjusted annually based on the California Necessities Index.

(11) Existing law requires the department to report specified information regarding provision of health care to children in foster care.

This bill would require a county child welfare agency to provide the department with information necessary for the department to meet those reporting responsibilities.

(5)

(12) Existing law authorizes state departments to adopt regulations in accordance with the rulemaking provisions of the Administrative Procedure Act.

This bill would authorize the State Department of Social Services, until emergency regulations are filed with the Secretary of State, to implement specified changes proposed by this bill, through all-county letters or similar instructions from the Director of Social Services.

(6)

(13) By expanding the duties of local agencies, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 8707.1 is added to the Family Code, to  
2 read:

3 8707.1. (a) The agency responsible for recruitment of potential  
4 adoptive parents shall make diligent efforts to recruit individuals  
5 who reflect the ethnic, racial, and cultural diversity of children for  
6 whom adoptive homes are needed.

7 (b) This section shall not be construed to affect the application  
8 of the federal Indian Child Welfare Act.

9 SEC. 2. Section 17212 of the Family Code is amended to read:

10 17212. (a) It is the intent of the Legislature to protect  
11 individual rights of privacy, and to facilitate and enhance the  
12 effectiveness of the child and spousal support enforcement  
13 program, by ensuring the confidentiality of support enforcement  
14 and child abduction records, and to thereby encourage the full and  
15 frank disclosure of information relevant to all of the following:

16 (1) The establishment or maintenance of parent and child  
17 relationships and support obligations.

18 (2) The enforcement of the child support liability of absent  
19 parents.

20 (3) The enforcement of spousal support liability of the spouse  
21 or former spouse to the extent required by the state plan under  
22 Section 17604 and Chapter 6 (commencing with Section 4900) of  
23 Part 5 of Division 9.

24 (4) The location of absent parents.

25 (5) The location of parents and children abducted, concealed,  
26 or detained by them.

27 (b) (1) Except as provided in subdivision (c), all files,  
28 applications, papers, documents, and records established or  
29 maintained by any public entity pursuant to the administration and  
30 implementation of the child and spousal support enforcement  
31 program established pursuant to Part D (commencing with Section

1 651) of Subchapter IV of Chapter 7 of Title 42 of the United States  
2 Code and this division, shall be confidential, and shall not be open  
3 to examination or released for disclosure for any purpose not  
4 directly connected with the administration of the child and spousal  
5 support enforcement program. No public entity shall disclose any  
6 file, application, paper, document, or record, or the information  
7 contained therein, except as expressly authorized by this section.

8 (2) In no case shall information be released or the whereabouts  
9 of one party or the child disclosed to another party, or to the  
10 attorney of any other party, if a protective order has been issued  
11 by a court or administrative agency with respect to the party, a  
12 good cause claim under Section 11477.04 of the Welfare and  
13 Institutions Code has been approved or is pending, or the public  
14 agency responsible for establishing paternity or enforcing support  
15 has reason to believe that the release of the information may result  
16 in physical or emotional harm to the party or the child. When a  
17 local child support agency is prohibited from releasing information  
18 pursuant to this subdivision, the information shall be omitted from  
19 any pleading or document to be submitted to the court and this  
20 subdivision shall be cited in the pleading or other document as the  
21 authority for the omission. The information shall be released only  
22 upon an order of the court pursuant to paragraph (6) of subdivision  
23 (c).

24 (3) Notwithstanding any other provision of law, a proof of  
25 service filed by the local child support agency shall not disclose  
26 the address where service of process was accomplished. Instead,  
27 the local child support agency shall keep the address in its own  
28 records. The proof of service shall specify that the address is on  
29 record at the local child support agency and that the address may  
30 be released only upon an order from the court pursuant to paragraph  
31 (6) of subdivision (c). The local child support agency shall, upon  
32 request by a party served, release to that person the address where  
33 service was effected.

34 (c) Disclosure of the information described in subdivision (b)  
35 is authorized as follows:

36 (1) All files, applications, papers, documents, and records as  
37 described in subdivision (b) shall be available and may be used  
38 by a public entity for all administrative, civil, or criminal  
39 investigations, actions, proceedings, or prosecutions conducted in  
40 connection with the administration of the child and spousal support

1 enforcement program approved under Part D (commencing with  
2 Section 651) of Subchapter IV of Chapter 7 of Title 42 of the  
3 United States Code and to the county welfare department  
4 responsible for administering a program operated under a state  
5 plan pursuant to Part A, Subpart 1 or 2 of Part B, or Part E of  
6 Subchapter IV of Chapter 7 of Title 42 of the United States Code.

7 (2) A document requested by a person who wrote, prepared, or  
8 furnished the document may be examined by or disclosed to that  
9 person or his or her designee.

10 (3) The payment history of an obligor pursuant to a support  
11 order may be examined by or released to the court, the obligor, or  
12 the person on whose behalf enforcement actions are being taken  
13 or that person's designee.

14 (4) Income and expense information of either parent may be  
15 released to the other parent for the purpose of establishing or  
16 modifying a support order.

17 (5) Public records subject to disclosure under the Public Records  
18 Act (Chapter 3.5 (commencing with Section 6250) of Division 7  
19 of the Government Code) may be released.

20 (6) After a noticed motion and a finding by the court, in a case  
21 in which establishment or enforcement actions are being taken,  
22 that release or disclosure to the obligor or obligee is required by  
23 due process of law, the court may order a public entity that  
24 possesses an application, paper, document, or record as described  
25 in subdivision (b) to make that item available to the obligor or  
26 obligee for examination or copying, or to disclose to the obligor  
27 or obligee the contents of that item. Article 9 (commencing with  
28 Section 1040) of Chapter 4 of Division 3 of the Evidence Code  
29 shall not be applicable to proceedings under this part. At any  
30 hearing of a motion filed pursuant to this section, the court shall  
31 inquire of the local child support agency and the parties appearing  
32 at the hearing if there is reason to believe that release of the  
33 requested information may result in physical or emotional harm  
34 to a party. If the court determines that harm may occur, the court  
35 shall issue any protective orders or injunctive orders restricting  
36 the use and disclosure of the information as are necessary to protect  
37 the individuals.

38 (7) To the extent not prohibited by federal law or regulation,  
39 information indicating the existence or imminent threat of a crime  
40 against a child, or location of a concealed, detained, or abducted

1 child or the location of the concealing, detaining, or abducting  
2 person, may be disclosed to any district attorney, any appropriate  
3 law enforcement agency, or to any state or county child protective  
4 agency, or may be used in any judicial proceedings to prosecute  
5 that crime or to protect the child.

6 (8) The social security number, most recent address, and the  
7 place of employment of the absent parent may be released to an  
8 authorized person as defined in Section 653(c) of Title 42 of the  
9 United States Code, only if the authorized person has filed a request  
10 for the information, and only if the information has been provided  
11 to the California Parent Locator Service by the federal Parent  
12 Locator Service pursuant to Section 653 of Title 42 of the United  
13 States Code.

14 (9) A parent’s or relative’s name, social security number, most  
15 recent address, telephone number, place of employment, or other  
16 contact information may be released to a county child welfare  
17 agency or county probation department pursuant to subdivision  
18 (c) of Section 17506.

19 (d) (1) “Administration and implementation of the child and  
20 spousal support enforcement program,” as used in this division,  
21 means the carrying out of the state and local plans for establishing,  
22 modifying, and enforcing child support obligations, enforcing  
23 spousal support orders, and determining paternity pursuant to Part  
24 D (commencing with Section 651) of Subchapter IV of Chapter 7  
25 of Title 42 of the United States Code and this article.

26 (2) For purposes of this division, “obligor” means any person  
27 owing a duty of support.

28 (3) As used in this division, “putative parent” shall refer to any  
29 person reasonably believed to be the parent of a child for whom  
30 the local child support agency is attempting to establish paternity  
31 or establish, modify, or enforce support pursuant to Section 17400.

32 (e) Any person who willfully, knowingly, and intentionally  
33 violates this section is guilty of a misdemeanor.

34 (f) Nothing in this section shall be construed to compel the  
35 disclosure of information relating to a deserting parent who is a  
36 recipient of aid under a public assistance program for which federal  
37 aid is paid to this state, if that information is required to be kept  
38 confidential by the federal law or regulations relating to the  
39 program.

40 SEC. 3. Section 17506 of the Family Code is amended to read:

1 17506. (a) There is in the department a California Parent  
2 Locator Service and Central Registry that shall collect and  
3 disseminate all of the following, with respect to any parent, putative  
4 parent, spouse, or former spouse:

5 (1) The full and true name of the parent together with any known  
6 aliases.

7 (2) Date and place of birth.

8 (3) Physical description.

9 (4) Social security number.

10 (5) Employment history and earnings.

11 (6) Military status and Veterans Administration or military  
12 service serial number.

13 (7) Last known address, telephone number, and date thereof.

14 (8) Driver's license number, driving record, and vehicle  
15 registration information.

16 (9) Criminal, licensing, and applicant records and information.

17 (10) (A) Any additional location, asset, and income information,  
18 including income tax return information obtained pursuant to  
19 Section 19285.1 of the Revenue and Taxation Code, and to the  
20 extent permitted by federal law, the address, telephone number,  
21 and social security number obtained from a public utility, cable  
22 television corporation, a provider of electronic digital pager  
23 communication, or a provider of mobile telephony services that  
24 may be of assistance in locating the parent, putative parent,  
25 abducting, concealing, or detaining parent, spouse, or former  
26 spouse, in establishing a parent and child relationship, in enforcing  
27 the child support liability of the absent parent, or enforcing the  
28 spousal support liability of the spouse or former spouse to the  
29 extent required by the state plan pursuant to Section 17604.

30 (B) For purposes of this subdivision, "income tax return  
31 information" means all of the following regarding the taxpayer:

32 (i) Assets.

33 (ii) Credits.

34 (iii) Deductions.

35 (iv) Exemptions.

36 (v) Identity.

37 (vi) Liabilities.

38 (vii) Nature, source, and amount of income.

39 (viii) Net worth.

40 (ix) Payments.

1 (x) Receipts.

2 (xi) Address.

3 (xii) Social security number.

4 (b) Pursuant to a letter of agreement entered into between the  
5 Department of Child Support Services and the Department of  
6 Justice, the Department of Child Support Services shall assume  
7 responsibility for the California Parent Locator Service and Central  
8 Registry. The letter of agreement shall, at a minimum, set forth all  
9 of the following:

10 (1) Contingent upon funding in the Budget Act, the Department  
11 of Child Support Services shall assume responsibility for leadership  
12 and staff of the California Parent Locator Service and Central  
13 Registry commencing July 1, 2003.

14 (2) All employees and other personnel who staff or provide  
15 support for the California Parent Locator Service and Central  
16 Registry shall, at the time of the transition, at their option, become  
17 the employees of the Department of Child Support Services at  
18 their existing or equivalent classification, salaries, and benefits.

19 (3) Until the department's automation system for the California  
20 Parent Locator Service and Central Registry functions is fully  
21 operational, the department shall use the automation system  
22 operated by the Department of Justice.

23 (4) Any other provisions necessary to ensure continuity of  
24 function and meet or exceed existing levels of service.

25 (c) To effectuate the purposes of this section, the California  
26 Child Support Automation System, the California Parent Locator  
27 Service and Central Registry, and the Franchise Tax Board shall  
28 utilize the federal Parent Locator Service to the extent necessary,  
29 and may request and shall receive from all departments, boards,  
30 bureaus, or other agencies of the state, or any of its political  
31 subdivisions, and those entities shall provide, that assistance and  
32 data that will enable the Department of Child Support Services  
33 and other public agencies to carry out their powers and duties to  
34 locate parents, spouses, and former spouses, and to identify their  
35 assets, to establish parent-child relationships, and to enforce  
36 liability for child or spousal support, and for any other obligations  
37 incurred on behalf of children, and shall also provide that  
38 information to any local child support agency in fulfilling the duties  
39 prescribed in Section 270 of the Penal Code, and in Chapter 8  
40 (commencing with Section 3130) of Part 2 of Division 8 of this

1 code, relating to abducted, concealed, or detained children and to  
2 any county child welfare agency or county probation department  
3 in fulfilling the duties prescribed in Article 5.5 (commencing with  
4 Section 290.1) of Chapter 2 of Part 1 of Division 2 of the Welfare  
5 and Institutions Code, and prescribed in Article 6 (commencing  
6 with Section 300) of Chapter 2 of Part 1 of Division 2 of the  
7 Welfare and Institutions Code to identify, locate, and notify parents  
8 or relatives of children who are the subject of juvenile court  
9 proceedings, to establish parent and child relationships pursuant  
10 to Section 316.2 of the Welfare and Institutions Code, and to assess  
11 the appropriateness of placement of a child with a noncustodial  
12 parent pursuant to Section 361.2 of the Welfare and Institutions  
13 Code. Consistent with paragraph (1) of subdivision (e) of Section  
14 309 of, and paragraph (2) of subdivision (d) of Section 628 of, the  
15 Welfare and Institutions Code, in order for county child welfare  
16 and probation departments to carry out their duties to identify and  
17 locate all grandparents, adult siblings, and other adult relatives of  
18 the child as defined in paragraph (2) of subdivision (f) of Section  
19 319 of the Welfare and Institutions Code, including any other adult  
20 relatives suggested by the parents, county personnel are permitted  
21 to request and receive information from the California Parent  
22 Locator Service and Federal Parent Locator Service. County child  
23 welfare agencies and probation departments shall be entitled to  
24 the information described in this subdivision regardless of whether  
25 an all-county letter or similar instruction is issued pursuant to  
26 subparagraph (C) of paragraph (8) of subdivision (c) of Section  
27 11478.1 of the Welfare and Institutions Code. The California Child  
28 Support Automation System shall be entitled to the same  
29 cooperation and information as the California Parent Locator  
30 Service and Central Registry to the extent allowed by law. The  
31 California Child Support Automation System shall be allowed  
32 access to criminal record information only to the extent that access  
33 is allowed by state and federal law.

34 (d) (1) To effectuate the purposes of this section, and  
35 notwithstanding any other provision of California law, regulation,  
36 or tariff, and to the extent permitted by federal law, the California  
37 Parent Locator Service and Central Registry and the California  
38 Child Support Automation System may request and shall receive  
39 from public utilities, as defined in Section 216 of the Public  
40 Utilities Code, customer service information, including the full

1 name, address, telephone number, date of birth, employer name  
2 and address, and social security number of customers of the public  
3 utility, to the extent that this information is stored within the  
4 computer database of the public utility.

5 (2) To effectuate the purposes of this section, and  
6 notwithstanding any other provision of California law, regulation,  
7 or tariff, and to the extent permitted by federal law, the California  
8 Parent Locator Service and Central Registry and the California  
9 Child Support Automation System may request and shall receive  
10 from cable television corporations, as defined in Section 216.4 of  
11 the Public Utilities Code, the providers of electronic digital pager  
12 communication, as defined in Section 629.51 of the Penal Code,  
13 and the providers of mobile telephony services, as defined in  
14 Section 224.4 of the Public Utilities Code, customer service  
15 information, including the full name, address, telephone number,  
16 date of birth, employer name and address, and social security  
17 number of customers of the cable television corporation, customers  
18 of the providers of electronic digital pager communication, and  
19 customers of the providers of mobile telephony services.

20 (3) In order to protect the privacy of utility, cable television,  
21 electronic digital pager communication, and mobile telephony  
22 service customers, a request to a public utility, cable television  
23 corporation, provider of electronic digital pager communication,  
24 or provider of mobile telephony services for customer service  
25 information pursuant to this section shall meet the following  
26 requirements:

27 (A) Be submitted to the public utility, cable television  
28 corporation, provider of electronic digital pager communication,  
29 or provider of mobile telephony services in writing, on a transmittal  
30 document prepared by the California Parent Locator Service and  
31 Central Registry or the California Child Support Automation  
32 System and approved by all of the public utilities, cable television  
33 corporations, providers of electronic digital pager communication,  
34 and providers of mobile telephony services. The transmittal shall  
35 be deemed to be an administrative subpoena for customer service  
36 information.

37 (B) Have the signature of a representative authorized by the  
38 California Parent Locator Service and Central Registry or the  
39 California Child Support Automation System.

1 (C) Contain at least three of the following data elements  
2 regarding the person sought:

3 (i) First and last name, and middle initial, if known.

4 (ii) Social security number.

5 (iii) Driver's license number.

6 (iv) Birth date.

7 (v) Last known address.

8 (vi) Spouse's name.

9 (D) The California Parent Locator Service and Central Registry  
10 and the California Child Support Automation System shall ensure  
11 that each public utility, cable television corporation, provider of  
12 electronic digital pager communication services, and provider of  
13 mobile telephony services has at all times a current list of the names  
14 of persons authorized to request customer service information.

15 (E) The California Child Support Automation System and the  
16 California Parent Locator Service and Central Registry shall ensure  
17 that customer service information supplied by a public utility, cable  
18 television corporation, provider of electronic digital pager  
19 communication, or provider of mobile telephony services is  
20 applicable to the person who is being sought before releasing the  
21 information pursuant to subdivision (d).

22 (4) During the development of the California Child Support  
23 Automation System, the department shall determine the necessity  
24 of additional locate sources, including those specified in this  
25 section, based upon the cost-effectiveness of those sources.

26 (5) The public utility, cable television corporation, electronic  
27 digital pager communication provider, or mobile telephony service  
28 provider may charge a fee to the California Parent Locator Service  
29 and Central Registry or the California Child Support Automation  
30 System for each search performed pursuant to this subdivision to  
31 cover the actual costs to the public utility, cable television  
32 corporation, electronic digital pager communication provider, or  
33 mobile telephony service provider for providing this information.

34 (6) No public utility, cable television corporation, electronic  
35 digital pager communication provider, or mobile telephony service  
36 provider or official or employee thereof, shall be subject to criminal  
37 or civil liability for the release of customer service information as  
38 authorized by this subdivision.

39 (e) Notwithstanding Section 14202 of the Penal Code, any  
40 records established pursuant to this section shall be disseminated

1 only to the Department of Child Support Services, the California  
2 Child Support Automation System, the California Parent Locator  
3 Service and Central Registry, the parent locator services and central  
4 registries of other states as defined by federal statutes and  
5 regulations, a local child support agency of any county in this state,  
6 and the federal Parent Locator Service. The California Child  
7 Support Automation System shall be allowed access to criminal  
8 offender record information only to the extent that access is allowed  
9 by law.

10 (f) (1) At no time shall any information received by the  
11 California Parent Locator Service and Central Registry or by the  
12 California Child Support Automation System be disclosed to any  
13 person, agency, or other entity, other than those persons, agencies,  
14 and entities specified pursuant to Section 17505, this section, or  
15 any other provision of law.

16 (2) This subdivision shall not otherwise affect discovery between  
17 parties in any action to establish, modify, or enforce child, family,  
18 or spousal support, that relates to custody or visitation.

19 (g) (1) The Department of Justice, in consultation with the  
20 Department of Child Support Services, shall promulgate rules and  
21 regulations to facilitate maximum and efficient use of the California  
22 Parent Locator Service and Central Registry. Upon implementation  
23 of the California Child Support Automation System, the  
24 Department of Child Support Services shall assume all  
25 responsibility for promulgating rules and regulations for use of  
26 the California Parent Locator Service and Central Registry.

27 (2) The Department of Child Support Services, the Public  
28 Utilities Commission, the cable television corporations, providers  
29 of electronic digital pager communication, and the providers of  
30 mobile telephony services shall develop procedures for obtaining  
31 the information described in subdivision (c) from public utilities,  
32 cable television corporations, providers of electronic digital pager  
33 communication, and providers of mobile telephony services and  
34 for compensating the public utilities, cable television corporations,  
35 providers of electronic digital pager communication, and providers  
36 of mobile telephony services for providing that information.

37 (h) The California Parent Locator Service and Central Registry  
38 may charge a fee not to exceed eighteen dollars (\$18) for any  
39 service it provides pursuant to this section that is not performed

1 or funded pursuant to Section 651 and following of Title 42 of the  
2 United States Code.

3 (i) This section shall be construed in a manner consistent with  
4 the other provisions of this article.

5 *SEC. 4. Section 1505 of the Health and Safety Code is amended*  
6 *to read:*

7 1505. This chapter does not apply to any of the following:

8 (a) Any health facility, as defined by Section 1250.

9 (b) Any clinic, as defined by Section 1202.

10 (c) Any juvenile placement facility approved by the Department  
11 of Corrections and Rehabilitation, Division of Juvenile Justice, or  
12 any juvenile hall operated by a county.

13 (d) Any place in which a juvenile is judicially placed pursuant  
14 to subdivision (a) of Section 727 of the Welfare and Institutions  
15 Code.

16 (e) Any child day care facility, as defined in Section 1596.750.

17 (f) Any facility conducted by and for the adherents of any  
18 well-recognized church or religious denomination for the purpose  
19 of providing facilities for the care or treatment of the sick who  
20 depend upon prayer or spiritual means for healing in the practice  
21 of the religion of the church or denomination.

22 (g) Any school dormitory or similar facility determined by the  
23 department.

24 (h) Any house, institution, hotel, homeless shelter, or other  
25 similar place that supplies board and room only, or room only, or  
26 board only, provided that no resident thereof requires any element  
27 of care as determined by the director.

28 (i) Recovery houses or other similar facilities providing group  
29 living arrangements for persons recovering from alcoholism or  
30 drug addiction where the facility provides no care or supervision.

31 (j) Any alcoholism or drug abuse recovery or treatment facility  
32 as defined by Section 11834.11.

33 (k) Any arrangement for the receiving and care of persons by  
34 a relative or any arrangement for the receiving and care of persons  
35 from only one family by a close friend of the parent, guardian, or  
36 conservator, if the arrangement is not for financial profit and occurs  
37 only occasionally and irregularly, as defined by regulations of the  
38 department. For purposes of this chapter, arrangements for the  
39 receiving and care of persons by a relative shall include relatives  
40 of the child for the purpose of keeping sibling groups together.

1 (l) (1) Any home of a relative caregiver of children who are  
2 placed by a juvenile court, supervised by the county welfare or  
3 probation department, and the placement of whom is approved  
4 according to subdivision (d) of Section 309 of the Welfare and  
5 Institutions Code.

6 (2) Any home of a nonrelative extended family member, as  
7 described in Section 362.7 of the Welfare and Institutions Code,  
8 providing care to children who are placed by a juvenile court,  
9 supervised by the county welfare or probation department, and the  
10 placement of whom is approved according to subdivision (d) of  
11 Section 309 of the Welfare and Institutions Code.

12 (3) On and after January 1, 2012, any supervised independent  
13 living placement for nonminor dependents, as defined in  
14 subdivision (w) of Section 11400 of the Welfare and Institutions  
15 Code, who are placed by the juvenile court, supervised by the  
16 county welfare department, probation department, Indian tribe,  
17 consortium of tribes, or tribal organization that entered into an  
18 agreement pursuant to Section 10553.1 of the Welfare and  
19 Institutions Code, and whose placement is approved pursuant to  
20 subdivision (k) of Section 11400 of the Welfare and Institutions  
21 Code.

22 (4) A Transitional Housing Program-Plus, as defined in  
23 subdivision (s) of Section 11400 of the Welfare and Institutions  
24 Code, that serves only eligible former foster youth over 18 years  
25 of age who have exited from the foster care system on or after their  
26 18th birthday, and that has obtained certification from the  
27 applicable county in accordance with subdivision (c) of Section  
28 16522 of the Welfare and Institutions Code.

29 (m) Any supported living arrangement for individuals with  
30 developmental disabilities, as defined in Section 4689 of the  
31 Welfare and Institutions Code.

32 (n) (1) Any family home agency, family home, or family  
33 teaching home as defined in Section 4689.1 of the Welfare and  
34 Institutions Code, that is vendored by the State Department of  
35 Developmental Services and that does any of the following:

36 (A) As a family home approved by a family home agency,  
37 provides 24-hour care for one or two adults with developmental  
38 disabilities in the residence of the family home provider or  
39 providers and the family home provider or providers' family, and  
40 the provider is not licensed by the State Department of Social

1 Services or the State Department of Public Health or certified by  
2 a licensee of the State Department of Social Services or the State  
3 Department of Public Health.

4 (B) As a family teaching home approved by a family home  
5 agency, provides 24-hour care for a maximum of three adults with  
6 developmental disabilities in independent residences, whether  
7 contiguous or attached, and the provider is not licensed by the  
8 State Department of Social Services or the State Department of  
9 Public Health or certified by a licensee of the State Department of  
10 Social Services or the State Department of Public Health.

11 (C) As a family home agency, engages in recruiting, approving,  
12 and providing support to family homes.

13 (2) No part of this subdivision shall be construed as establishing  
14 by implication either a family home agency or family home  
15 licensing category.

16 (o) Any facility in which only Indian children who are eligible  
17 under the federal Indian Child Welfare Act (Chapter 21  
18 (commencing with Section 1901) of Title 25 of the United States  
19 Code) are placed and that is one of the following:

20 (1) An extended family member of the Indian child, as defined  
21 in Section 1903 of Title 25 of the United States Code.

22 (2) A foster home that is licensed, approved, or specified by the  
23 Indian child's tribe pursuant to Section 1915 of Title 25 of the  
24 United States Code.

25 (p) (1) (A) Any housing occupied by elderly or disabled  
26 persons, or both, that is initially approved and operated under a  
27 regulatory agreement pursuant to Section 202 of Public Law 86-372  
28 (12 U.S.C. Sec. 1701q), or Section 811 of Public Law 101-625  
29 (42 U.S.C. Sec. 8013), or whose mortgage is insured pursuant to  
30 Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or that  
31 receives mortgage assistance pursuant to Section 221d (3) of Public  
32 Law 87-70 (12 U.S.C. Sec. 1715l), where supportive services are  
33 made available to residents at their option, as long as the project  
34 owner or operator does not contract for or provide the supportive  
35 services.

36 (B) Any housing that qualifies for a low-income housing credit  
37 pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42)  
38 or that is subject to the requirements for rental dwellings for  
39 low-income families pursuant to Section 8 of Public Law 93-383  
40 (42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled

1 persons, or both, where supportive services are made available to  
2 residents at their option, as long as the project owner or operator  
3 does not contract for or provide the supportive services.

4 (2) The project owner or operator to which paragraph (1) applies  
5 may coordinate, or help residents gain access to, the supportive  
6 services, either directly, or through a service coordinator.

7 (q) *A resource family, as defined in Section 16519.5 of the*  
8 *Welfare and Institutions Code*

9 ~~(r)~~

10 (r) Any similar facility determined by the director.

11 ~~SEC. 4.~~

12 *SEC. 5.* Section 1515 of the Health and Safety Code is amended  
13 to read:

14 1515. (a) The department shall authorize county welfare  
15 departments to undertake comprehensive recruitment programs,  
16 including but not limited to media advertising, public awareness  
17 campaigns and public speaking engagements to ensure an adequate  
18 number of foster homes are available to meet the child welfare  
19 placement needs in each county.

20 (b) In counties in which the county has contracted with the state  
21 to license foster parents, if the county undertakes a recruitment  
22 program, it shall be done by the placement agency. The state shall  
23 not be required to perform any acts in connection with a  
24 recruitment program.

25 (c) The recruitment of potential foster parents shall include  
26 diligent efforts to recruit individuals who reflect the ethnic, racial,  
27 and cultural diversity of foster children.

28 *SEC. 6. Section 11105.07 is added to the Penal Code, to read:*

29 *11105.07. (a) Notwithstanding any other law, a tribal child*  
30 *welfare agency may request from the Department of Justice state*  
31 *and federal level summary criminal history information for the*  
32 *purpose of approving a tribal home for the placement of an Indian*  
33 *child into foster or adoptive care.*

34 *(b) A tribal child welfare agency shall submit to the Department*  
35 *of Justice fingerprint images and related information required by*  
36 *the Department of Justice of an individual applying with the tribal*  
37 *agency as a prospective foster parent, adoptive parent, any adult*  
38 *who resides or is employed in the home of an applicant, or*  
39 *employee of the child welfare agency who may have contact with*  
40 *a child, for the purposes of obtaining information as to the*

1 *existence and content of a record of state or federal convictions*  
2 *and state or federal arrests and also information as to the existence*  
3 *and content of a record of state or federal arrests for which the*  
4 *Department of Justice establishes that the person is released on*  
5 *bail or on his or her own recognizance pending trial or appeal.*

6 *(c) Upon receipt of a request for federal summary criminal*  
7 *history information received pursuant to this section, the*  
8 *Department of Justice shall forward the request to the Federal*  
9 *Bureau of Investigation. The Department of Justice shall review*  
10 *the information returned from the Federal Bureau of Investigation*  
11 *and compile and disseminate a response to the requesting tribal*  
12 *child welfare agency.*

13 *(d) The Department of Justice shall provide a state and federal*  
14 *level response to a tribal child welfare agency pursuant to*  
15 *subdivision (m) of Section 11105 of the Penal Code.*

16 *(e) A child welfare agency shall request from the Department*  
17 *of Justice subsequent notification service pursuant to Section*  
18 *11105.2 of the Penal Code for persons described in paragraph*  
19 *(b).*

20 *(f) The Department of Justice may charge a fee sufficient to*  
21 *cover the reasonable and appropriate costs of processing the*  
22 *request pursuant to this section.*

23 *(g) As used in this section a “tribal child welfare agency” means*  
24 *an entity designated by a federally recognized tribe as authorized*  
25 *to approve a home consistent with the federal Indian Child Welfare*  
26 *Act (25 U.S.C. 1903 et seq.), for the purpose of placement of an*  
27 *Indian child into foster or adoptive care, including the authority*  
28 *to conduct a criminal or child abuse background check of an*  
29 *individual who is a prospective foster parent or adoptive parent,*  
30 *an adult who resides or is employed in the home of an applicant*  
31 *for approval, or an employee of a tribal child welfare agency who*  
32 *may have contact with a child.*

33 *SEC. 7. Section 11170 of the Penal Code is amended to read:*  
34 *11170. (a) (1) The Department of Justice shall maintain an*  
35 *index of all reports of child abuse and severe neglect submitted*  
36 *pursuant to Section 11169. The index shall be continually updated*  
37 *by the department and shall not contain any reports that are*  
38 *determined to be not substantiated. The department may adopt*  
39 *rules governing recordkeeping and reporting pursuant to this article.*

1 (2) The department shall act only as a repository of reports of  
2 suspected child abuse and severe neglect to be maintained in the  
3 Child Abuse Central Index (CACI) pursuant to paragraph (1). The  
4 submitting agencies are responsible for the accuracy, completeness,  
5 and retention of the reports described in this section. The  
6 department shall be responsible for ensuring that the CACI  
7 accurately reflects the report it receives from the submitting agency.

8 (3) Only information from reports that are reported as  
9 substantiated shall be filed pursuant to paragraph (1), and all other  
10 determinations shall be removed from the central list. If a person  
11 listed in the CACI was under 18 years of age at the time of the  
12 report, the information shall be deleted from the CACI 10 years  
13 from the date of the incident resulting in the CACI listing, if no  
14 subsequent report concerning the same person is received during  
15 that time period.

16 (b) The provisions of subdivision (c) of Section 11169 apply to  
17 any information provided pursuant to this subdivision.

18 (1) The Department of Justice shall immediately notify an  
19 agency that submits a report pursuant to Section 11169, or a  
20 prosecutor who requests notification, of any information maintained  
21 pursuant to subdivision (a) that is relevant to the known or  
22 suspected instance of child abuse or severe neglect reported by the  
23 agency. The agency shall make that information available to the  
24 reporting health care practitioner who is treating a person reported  
25 as a possible victim of known or suspected child abuse. The agency  
26 shall make that information available to the reporting child  
27 custodian, Child Abuse Prevention and Treatment Act guardian  
28 ad litem appointed under Rule 5.662 of the California Rules of  
29 Court, or counsel appointed under Section 317 or 318 of the  
30 Welfare and Institutions Code, or the appropriate licensing agency,  
31 if he or she or the licensing agency is handling or investigating a  
32 case of known or suspected child abuse or severe neglect.

33 (2) When a report is made pursuant to subdivision (a) of Section  
34 11166, or Section 11166.05, the investigating agency, upon  
35 completion of the investigation or after there has been a final  
36 disposition in the matter, shall inform the person required or  
37 authorized to report of the results of the investigation and of any  
38 action the agency is taking with regard to the child or family.

39 (3) The Department of Justice shall make relevant information  
40 from the CACI available to a law enforcement agency, county

1 welfare department, or county probation department that is  
2 conducting a child abuse investigation.

3 (4) The department shall make available to the State Department  
4 of Social Services, or to any county licensing agency that has  
5 contracted with the state for the performance of licensing duties,  
6 or to a tribal court or tribal child welfare agency of a tribe,  
7 consortium of tribes, or tribal organization that has entered into  
8 an agreement with the state pursuant to Section 10553.1 of the  
9 Welfare and Institutions Code, information regarding a known or  
10 suspected child abuser maintained pursuant to this section and  
11 subdivision (a) of Section 11169 concerning any person who is an  
12 applicant for licensure or approval, or any adult who resides or is  
13 employed in the home of an applicant for licensure or approval,  
14 or who is an applicant for employment in a position having  
15 supervisory or disciplinary power over a child or children, or who  
16 will provide 24-hour care for a child or children in a residential  
17 home or facility, pursuant to Section 1522.1 or 1596.877 of the  
18 Health and Safety Code, or Section 8714, 8802, 8912, or 9000 of  
19 the Family Code, or Section 11403.2 of the Welfare and Institutions  
20 Code.

21 (5) The Department of Justice shall make available to a Court  
22 Appointed Special Advocate program that is conducting a  
23 background investigation of an applicant seeking employment  
24 with the program or a volunteer position as a Court Appointed  
25 Special Advocate, as defined in Section 101 of the Welfare and  
26 Institutions Code, information contained in the index regarding  
27 known or suspected child abuse by the applicant.

28 (6) For purposes of child death review, the Department of Justice  
29 shall make available to the chairperson, or the chairperson's  
30 designee, for each county child death review team, or the State  
31 Child Death Review Council, information for investigative  
32 purposes only that is maintained in the CACI pursuant to  
33 subdivision (a) relating to the death of one or more children and  
34 any prior child abuse or neglect investigation reports maintained  
35 involving the same victims, siblings, or suspects. Local child death  
36 review teams may share any relevant information regarding case  
37 reviews involving child death with other child death review teams.

38 (7) The department shall make available to investigative  
39 agencies or probation officers, or court investigators acting  
40 pursuant to Section 1513 of the Probate Code, responsible for

1 placing children or assessing the possible placement of children  
2 pursuant to Article 6 (commencing with Section 300), Article 7  
3 (commencing with Section 305), Article 10 (commencing with  
4 Section 360), or Article 14 (commencing with Section 601) of  
5 Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions  
6 Code, or Article 2 (commencing with Section 1510) or Article 3  
7 (commencing with Section 1540) of Chapter 1 of Part 2 of Division  
8 4 of the Probate Code, information regarding a known or suspected  
9 child abuser contained in the index concerning any adult residing  
10 in the home where the child may be placed, when this information  
11 is requested for purposes of ensuring that the placement is in the  
12 best interest of the child. Upon receipt of relevant information  
13 concerning child abuse or neglect investigation reports contained  
14 in the CACI from the Department of Justice pursuant to this  
15 subdivision, the agency or court investigator shall notify, in writing,  
16 the person listed in the CACI that he or she is in the index. The  
17 notification shall include the name of the reporting agency and the  
18 date of the report.

19 *(8) Pursuant to Section 10553.12 of the Welfare and Institutions*  
20 *Code, the department shall make available to a tribal child welfare*  
21 *agency information regarding a known or suspected child abuser*  
22 *maintained pursuant to this section or subdivision (a) of Section*  
23 *11169 who is being considered as a prospective foster parent or*  
24 *adoptive parent, an adult who resides or is employed in the home*  
25 *of an applicant for approval, or an employee of the tribal child*  
26 *welfare agency who may have contact with children.*

27 ~~(8)~~

28 (9) The Department of Justice shall make available to a  
29 government agency conducting a background investigation  
30 pursuant to Section 1031 of the Government Code of an applicant  
31 seeking employment as a peace officer, as defined in Section 830,  
32 information regarding a known or suspected child abuser  
33 maintained pursuant to this section concerning the applicant.

34 ~~(9)~~

35 (10) The Department of Justice shall make available to a county  
36 child welfare agency or delegated county adoption agency, as  
37 defined in Section 8515 of the Family Code, conducting a  
38 background investigation, or a government agency conducting a  
39 background investigation on behalf of one of those agencies,  
40 information regarding a known or suspected child abuser

1 maintained pursuant to this section and subdivision (a) of Section  
2 11169 concerning any applicant seeking employment or volunteer  
3 status with the agency who, in the course of his or her employment  
4 or volunteer work, will have direct contact with children who are  
5 alleged to have been, are at risk of, or have suffered, abuse or  
6 neglect.

7 ~~(10)~~

8 (11) (A) Persons or agencies, as specified in subdivision (b),  
9 if investigating a case of known or suspected child abuse or neglect,  
10 or the State Department of Social Services or any county licensing  
11 agency pursuant to paragraph (4), or a Court Appointed Special  
12 Advocate (CASA) program conducting a background investigation  
13 for employment or volunteer candidates pursuant to paragraph (5),  
14 or an investigative agency, probation officer, or court investigator  
15 responsible for placing children or assessing the possible placement  
16 of children pursuant to paragraph (7), or a government agency  
17 conducting a background investigation of an applicant seeking  
18 employment as a peace officer pursuant to paragraph ~~(8)~~ (9), or a  
19 county child welfare agency or delegated county adoption agency  
20 conducting a background investigation of an applicant seeking  
21 employment or volunteer status who, in the course of his or her  
22 employment or volunteer work, will have direct contact with  
23 children who are alleged to have been, are at risk of, or have  
24 suffered, abuse or neglect, pursuant to paragraph ~~(9)~~ (10), to whom  
25 disclosure of any information maintained pursuant to subdivision  
26 (a) is authorized, are responsible for obtaining the original  
27 investigative report from the reporting agency, and for drawing  
28 independent conclusions regarding the quality of the evidence  
29 disclosed, and its sufficiency for making decisions regarding  
30 investigation, prosecution, licensing, placement of a child,  
31 employment or volunteer positions with a CASA program, or  
32 employment as a peace officer.

33 (B) If CACI information is requested by an agency for the  
34 temporary placement of a child in an emergency situation pursuant  
35 to Article 7 (commencing with Section 305) of Chapter 2 of Part  
36 1 of Division 2 of the Welfare and Institutions Code, the  
37 department is exempt from the requirements of Section 1798.18  
38 of the Civil Code if compliance would cause a delay in providing  
39 an expedited response to the agency's inquiry and if further delay  
40 in placement may be detrimental to the child.

1     ~~(11)~~

2     (12) (A) Whenever information contained in the Department  
3 of Justice files is furnished as the result of an application for  
4 employment or licensing or volunteer status pursuant to paragraph  
5 (4), (5), ~~(8), or (9)~~, (8), (9), or (10), the Department of Justice may  
6 charge the person or entity making the request a fee. The fee shall  
7 not exceed the reasonable costs to the department of providing the  
8 information. The only increase shall be at a rate not to exceed the  
9 legislatively approved cost-of-living adjustment for the department.  
10 In no case shall the fee exceed fifteen dollars (\$15).

11     (B) All moneys received by the department pursuant to this  
12 section to process trustline applications for purposes of Chapter  
13 3.35 (commencing with Section 1596.60) of Division 2 of the  
14 Health and Safety Code shall be deposited in a special account in  
15 the General Fund that is hereby established and named the  
16 Department of Justice Child Abuse Fund. Moneys in the fund shall  
17 be available, upon appropriation by the Legislature, for expenditure  
18 by the department to offset the costs incurred to process trustline  
19 automated child abuse or neglect system checks pursuant to this  
20 section.

21     (C) All moneys, other than those described in subparagraph (B),  
22 received by the department pursuant to this paragraph shall be  
23 deposited in a special account in the General Fund which is hereby  
24 created and named the Department of Justice Sexual Habitual  
25 Offender Fund. The funds shall be available, upon appropriation  
26 by the Legislature, for expenditure by the department to offset the  
27 costs incurred pursuant to Chapter 9.5 (commencing with Section  
28 13885) and Chapter 10 (commencing with Section 13890) of Title  
29 6 of Part 4, and the DNA and Forensic Identification Data Base  
30 and Data Bank Act of 1998 (Chapter 6 (commencing with Section  
31 295) of Title 9 of Part 1), and for maintenance and improvements  
32 to the statewide Sexual Habitual Offender Program and the  
33 California DNA offender identification file (CAL-DNA) authorized  
34 by Chapter 9.5 (commencing with Section 13885) of Title 6 of  
35 Part 4 and the DNA and Forensic Identification Data Base and  
36 Data Bank Act of 1998 (Chapter 6 (commencing with Section 295)  
37 of Title 9 of Part 1).

38     (c) (1) The Department of Justice shall make available to any  
39 agency responsible for placing children pursuant to Article 7  
40 (commencing with Section 305) of Chapter 2 of Part 1 of Division

1 2 of the Welfare and Institutions Code, upon request, relevant  
2 information concerning child abuse or neglect reports contained  
3 in the index, when making a placement with a responsible relative  
4 pursuant to Sections 281.5, 305, and 361.3 of the Welfare and  
5 Institutions Code. Upon receipt of relevant information concerning  
6 child abuse or neglect reports contained in the index from the  
7 Department of Justice pursuant to this subdivision, the agency  
8 shall also notify in writing the person listed in the CACI that he  
9 or she is in the index. The notification shall include the location  
10 of the original investigative report and the submitting agency. The  
11 notification shall be submitted to the person listed at the same time  
12 that all other parties are notified of the information, and no later  
13 than the actual judicial proceeding that determines placement.

14 (2) If information is requested by an agency for the placement  
15 of a child with a responsible relative in an emergency situation  
16 pursuant to Article 7 (commencing with Section 305) of Chapter  
17 2 of Part 1 of Division 2 of the Welfare and Institutions Code, the  
18 department is exempt from the requirements of Section 1798.18  
19 of the Civil Code if compliance would cause a delay in providing  
20 an expedited response to the child protective agency's inquiry and  
21 if further delay in placement may be detrimental to the child.

22 (d) The department shall make available any information  
23 maintained pursuant to subdivision (a) to out-of-state law  
24 enforcement agencies conducting investigations of known or  
25 suspected child abuse or neglect only when an agency makes the  
26 request for information in writing and on official letterhead, or as  
27 designated by the department, identifying the suspected abuser or  
28 victim by name and date of birth or approximate age. The request  
29 shall be signed by the department supervisor of the requesting law  
30 enforcement agency. The written requests shall cite the out-of-state  
31 statute or interstate compact provision that requires that the  
32 information contained within these reports shall be disclosed only  
33 to law enforcement, prosecutorial entities, or multidisciplinary  
34 investigative teams, and shall cite the safeguards in place to prevent  
35 unlawful disclosure of any confidential information provided by  
36 the requesting state or the applicable interstate compact provision.

37 (e) (1) The department shall make available to an out-of-state  
38 agency, for purposes of approving a prospective foster or adoptive  
39 parent in compliance with the Adam Walsh Child Protection and  
40 Safety Act of 2006 (Public Law 109-248), information regarding

1 a known or suspected child abuser maintained pursuant to  
2 subdivision (a) concerning the prospective foster or adoptive  
3 parent, and any other adult living in the home of the prospective  
4 foster or adoptive parent. The department shall make that  
5 information available only when the out-of-state agency makes  
6 the request indicating that continual compliance will be maintained  
7 with the requirement in paragraph (20) of subsection (a) of Section  
8 671 of Title 42 of the United States Code that requires the state to  
9 have in place safeguards to prevent the unauthorized disclosure of  
10 information in any child abuse and neglect registry maintained by  
11 the state and prevent the information from being used for a purpose  
12 other than the conducting of background checks in foster or  
13 adoption placement cases.

14 (2) With respect to any information provided by the department  
15 in response to the out-of-state agency's request, the out-of-state  
16 agency is responsible for obtaining the original investigative report  
17 from the reporting agency, and for drawing independent  
18 conclusions regarding the quality of the evidence disclosed and  
19 its sufficiency for making decisions regarding the approval of  
20 prospective foster or adoptive parents.

21 (3) (A) Whenever information contained in the index is  
22 furnished pursuant to this subdivision, the department shall charge  
23 the out-of-state agency making the request a fee. The fee shall not  
24 exceed the reasonable costs to the department of providing the  
25 information. The only increase shall be at a rate not to exceed the  
26 legislatively approved cost-of-living adjustment for the department.  
27 In no case shall the fee exceed fifteen dollars (\$15).

28 (B) All moneys received by the department pursuant to this  
29 subdivision shall be deposited in the Department of Justice Child  
30 Abuse Fund, established under subparagraph (B) of paragraph ~~(11)~~  
31 *(12)* of subdivision (b). Moneys in the fund shall be available,  
32 upon appropriation by the Legislature, for expenditure by the  
33 department to offset the costs incurred to process requests for  
34 information pursuant to this subdivision.

35 (f) (1) Any person may determine if he or she is listed in the  
36 CACI by making a request in writing to the Department of Justice.  
37 The request shall be notarized and include the person's name,  
38 address, date of birth, and either a social security number or a  
39 California identification number. Upon receipt of a notarized  
40 request, the Department of Justice shall make available to the

1 requesting person information identifying the date of the report  
2 and the submitting agency. The requesting person is responsible  
3 for obtaining the investigative report from the submitting agency  
4 pursuant to paragraph (11) of subdivision (b) of Section 11167.5.

5 (2) No person or agency shall require or request another person  
6 to furnish a copy of a record concerning himself or herself, or  
7 notification that a record concerning himself or herself exists or  
8 does not exist, pursuant to paragraph (1).

9 (g) If a person is listed in the CACI only as a victim of child  
10 abuse or neglect, and that person is 18 years of age or older, that  
11 person may have his or her name removed from the index by  
12 making a written request to the Department of Justice. The request  
13 shall be notarized and include the person's name, address, social  
14 security number, and date of birth.

15 *SEC. 8. Section 305.5 of the Welfare and Institutions Code is*  
16 *amended to read:*

17 305.5. (a) If an Indian child, who is a ward of a tribal court or  
18 resides or is domiciled within a reservation of an Indian tribe that  
19 has exclusive jurisdiction over child custody proceedings as  
20 recognized in Section 1911 of Title 25 of the United States Code  
21 or reassumed exclusive jurisdiction over Indian child custody  
22 proceedings pursuant to Section 1918 of Title 25 of the United  
23 States Code, has been removed by a state or local authority from  
24 the custody of his or her parents or Indian custodian, the state or  
25 local authority shall provide notice of the removal to the tribe no  
26 later than the next working day following the removal and shall  
27 provide all relevant documentation to the tribe regarding the  
28 removal and the child's identity. If the tribe determines that the  
29 child is an Indian child, the state or local authority shall transfer  
30 the child custody proceeding to the tribe within 24 hours after  
31 receipt of written notice from the tribe of that determination.

32 (b) In the case of an Indian child who is not domiciled or  
33 residing within a reservation of an Indian tribe or who resides or  
34 is domiciled within a reservation of an Indian tribe that does not  
35 have exclusive jurisdiction over child custody proceedings pursuant  
36 to Section 1911 or 1918 of Title 25 of the United States Code, the  
37 court shall transfer the proceeding to the jurisdiction of the child's  
38 tribe upon petition of either parent, the Indian custodian, if any,  
39 or the child's tribe, unless the court finds good cause not to transfer.  
40 The court shall dismiss the proceeding or terminate jurisdiction

1 only after receiving proof that the tribal court has accepted the  
2 transfer of jurisdiction. At the time that the court dismisses the  
3 proceeding or terminates jurisdiction, the court shall also make an  
4 order transferring the physical custody of the child to the tribal  
5 court.

6 (c) (1) If a petition to transfer proceedings as described in  
7 subdivision (b) is filed, the court shall find good cause to deny the  
8 petition if one or more of the following circumstances are shown  
9 to exist:

10 (A) One or both of the child’s parents object to the transfer.

11 (B) The child’s tribe does not have a “tribal court” as defined  
12 in Section 1910 of Title 25 of the United States Code.

13 (C) The tribal court of the child’s tribe declines the transfer.

14 (2) Good cause not to transfer the proceeding may exist if:

15 (A) The evidence necessary to decide the case cannot be  
16 presented in the tribal court without undue hardship to the parties  
17 or the witnesses, and the tribal court is unable to mitigate the  
18 hardship by making arrangements to receive and consider the  
19 evidence or testimony by use of remote communication, by hearing  
20 the evidence or testimony at a location convenient to the parties  
21 or witnesses, or by use of other means permitted in the tribal court’s  
22 rules of evidence or discovery.

23 (B) The proceeding was at an advanced stage when the petition  
24 to transfer was received and the petitioner did not file the petition  
25 within a reasonable time after receiving notice of the proceeding,  
26 provided the notice complied with Section 224.2. It shall not, in  
27 and of itself, be considered an unreasonable delay for a party to  
28 wait until reunification efforts have failed and reunification services  
29 have been terminated before filing a petition to transfer.

30 (C) The Indian child is over 12 years of age and objects to the  
31 transfer.

32 (D) The parents of the child over five years of age are not  
33 available and the child has had little or no contact with the child’s  
34 tribe or members of the child’s tribe.

35 (3) Socioeconomic conditions and the perceived adequacy of  
36 tribal social services or judicial systems may not be considered in  
37 a determination that good cause exists.

38 (4) The burden of establishing good cause to the contrary shall  
39 be on the party opposing the transfer. If the court believes, or any  
40 party asserts, that good cause to the contrary exists, the reasons

1 for that belief or assertion shall be stated in writing and made  
2 available to all parties who are petitioning for the transfer, and the  
3 petitioner shall have the opportunity to provide information or  
4 evidence in rebuttal of the belief or assertion.

5 (5) Nothing in this section or Section 1911 or 1918 of Title 25  
6 of the United States Code shall be construed as requiring a tribe  
7 to petition the Secretary of the Interior to reassume exclusive  
8 jurisdiction pursuant to Section 1918 of Title 25 of the United  
9 States Code prior to exercising jurisdiction over a proceeding  
10 transferred under subdivision (b).

11 (d) An Indian child's domicile or place of residence is  
12 determined by that of the parent, guardian, or Indian custodian  
13 with whom the child maintained his or her primary place of abode  
14 at the time the Indian child custody proceedings were initiated.

15 (e) If any petitioner in an Indian child custody proceeding has  
16 improperly removed the child from the custody of the parent or  
17 Indian custodian or has improperly retained custody after a visit  
18 or other temporary relinquishment of custody, the court shall  
19 decline jurisdiction over the petition and shall immediately return  
20 the child to his or her parent or Indian custodian, unless returning  
21 the child to the parent or Indian custodian would subject the child  
22 to a substantial and immediate danger or threat of danger.

23 (f) Nothing in this section shall be construed to prevent the  
24 emergency removal of an Indian child who is a ward of a tribal  
25 court or resides or is domiciled within a reservation of an Indian  
26 tribe, but is temporarily located off the reservation, from a parent  
27 or Indian custodian or the emergency placement of the child in a  
28 foster home or institution in order to prevent imminent physical  
29 damage or harm to the child. The state or local authority shall  
30 ensure that the emergency removal or placement terminates  
31 immediately when the removal or placement is no longer necessary  
32 to prevent imminent physical damage or harm to the child and  
33 shall expeditiously initiate an Indian child custody proceeding,  
34 transfer the child to the jurisdiction of the Indian child's tribe, or  
35 restore the child to the parent or Indian custodian, as may be  
36 appropriate.

37 (g) *When an Indian child is transferred from a county juvenile*  
38 *court to an Indian tribe pursuant to subdivision (a), (b), or (f), the*  
39 *county shall, pursuant to Section 827.15, release the child case*  
40 *file to the tribe having jurisdiction.*

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

3     361.2. (a) When a court orders removal of a child pursuant to  
4 Section 361, the court shall first determine whether there is a parent  
5 of the child, with whom the child was not residing at the time that  
6 the events or conditions arose that brought the child within the  
7 provisions of Section 300, who desires to assume custody of the  
8 child. If that parent requests custody, the court shall place the child  
9 with the parent unless it finds that placement with that parent would  
10 be detrimental to the safety, protection, or physical or emotional  
11 well-being of the child.

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

14     (1) Order that the parent become legal and physical custodian  
15 of the child. The court may also provide reasonable visitation by  
16 the noncustodial parent. The court shall then terminate its  
17 jurisdiction over the child. The custody order shall continue unless  
18 modified by a subsequent order of the superior court. The order  
19 of the juvenile court shall be filed in any domestic relation  
20 proceeding between the parents.

21     (2) Order that the parent assume custody subject to the  
22 jurisdiction of the juvenile court and require that a home visit be  
23 conducted within three months. In determining whether to take  
24 the action described in this paragraph, the court shall consider any  
25 concerns that have been raised by the child's current caregiver  
26 regarding the parent. After the social worker conducts the home  
27 visit and files his or her report with the court, the court may then  
28 take the action described in paragraph (1), (3), or this paragraph.  
29 However, nothing in this paragraph shall be interpreted to imply  
30 that the court is required to take the action described in this  
31 paragraph as a prerequisite to the court taking the action described  
32 in either paragraph (1) or (3).

33     (3) Order that the parent assume custody subject to the  
34 supervision of the juvenile court. In that case the court may order  
35 that reunification services be provided to the parent or guardian  
36 from whom the child is being removed, or the court may order that  
37 services be provided solely to the parent who is assuming physical  
38 custody in order to allow that parent to retain later custody without  
39 court supervision, or that services be provided to both parents, in  
40 which case the court shall determine, at review hearings held

1 pursuant to Section 366, which parent, if either, shall have custody  
2 of the child.

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

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

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

13 (1) The home of a noncustodial parent as described in  
14 subdivision (a), regardless of the parent’s immigration status.

15 (2) The approved home of a relative, regardless of the relative’s  
16 immigration status.

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

19 (4) *The approved home of a resource family as defined in*  
20 *Section 16519.5.*

21 ~~(4)~~

22 (5) A foster home in which the child has been placed before an  
23 interruption in foster care, if that placement is in the best interest  
24 of the child and space is available.

25 ~~(5)~~

26 (6) A suitable licensed community care facility, except a  
27 runaway and homeless youth shelter licensed by the State  
28 Department of Social Services pursuant to Section 1502.35 of the  
29 Health and Safety Code.

30 ~~(6)~~

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

34 ~~(7)~~

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

37 ~~(8)~~

38 (9) A child under the age of six years may be placed in a  
39 community care facility licensed as a group home for children, or  
40 a temporary shelter care facility as defined in Section 1530.8 of

1 the Health and Safety Code, only under any of the following  
2 circumstances:

3 (A) (i) When a case plan indicates that placement is for purposes  
4 of providing short-term, specialized, and intensive treatment to  
5 the child, the case plan specifies the need for, nature of, and  
6 anticipated duration of this treatment, pursuant to paragraph (2)  
7 of subdivision (c) of Section 16501.1, the facility meets the  
8 applicable regulations adopted under Section 1530.8 of the Health  
9 and Safety Code and standards developed pursuant to Section  
10 11467.1, and the deputy director or director of the county child  
11 welfare department or an assistant chief probation officer or chief  
12 probation officer of the county probation department has approved  
13 the case plan.

14 (ii) The short term, specialized, and intensive treatment period  
15 shall not exceed 120 days, unless the county has made progress  
16 toward or is actively working toward implementing the case plan  
17 that identifies the services or supports necessary to transition the  
18 child to a family setting, circumstances beyond the county's control  
19 have prevented the county from obtaining those services or  
20 supports within the timeline documented in the case plan, and the  
21 need for additional time pursuant to the case plan is documented  
22 by the caseworker and approved by a 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.

26 (iii) To the extent that placements pursuant to this paragraph  
27 are extended beyond an initial 120 days, the requirements of  
28 clauses (i) and (ii) shall apply to each extension. In addition, the  
29 deputy director or director of the county child welfare department  
30 or an assistant chief probation officer or chief probation officer of  
31 the county probation department shall approve the continued  
32 placement no less frequently than every 60 days.

33 (B) When a case plan indicates that placement is for purposes  
34 of providing family reunification services. In addition, the facility  
35 offers family reunification services that meet the needs of the  
36 individual child and his or her family, permits parents to have  
37 reasonable access to their children 24 hours a day, encourages  
38 extensive parental involvement in meeting the daily needs of their  
39 children, and employs staff trained to provide family reunification  
40 services. In addition, one of the following conditions exists:

1 (i) The child’s parent is also a ward of the court and resides in  
2 the facility.

3 (ii) The child’s parent is participating in a treatment program  
4 affiliated with the facility and the child’s placement in the facility  
5 facilitates the coordination and provision of reunification services.

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

11 ~~(9)~~

12 (10) (A) A child who is 6 to 12 years of age, inclusive, may be  
13 placed in a community care facility licensed as a group home for  
14 children only when a case plan indicates that placement is for  
15 purposes of providing short-term, specialized, and intensive  
16 treatment for the child, the case plan specifies the need for, nature  
17 of, and anticipated duration of this treatment, pursuant to paragraph  
18 (2) of subdivision (c) of Section 16501.1, and is approved by the  
19 deputy director or director of the county child welfare department  
20 or an assistant chief probation officer or chief probation officer of  
21 the county probation department.

22 (B) The short-term, specialized, and intensive treatment period  
23 shall not exceed six months, unless the county has made progress  
24 or is actively working toward implementing the case plan that  
25 identifies the services or supports necessary to transition the child  
26 to a family setting, circumstances beyond the county’s control  
27 have prevented the county from obtaining those services or  
28 supports within the timeline documented in the case plan, and the  
29 need for additional time pursuant to the case plan is documented  
30 by the caseworker and approved by a deputy director or director  
31 of the county child welfare department or an assistant chief  
32 probation officer or chief probation officer of the county probation  
33 department.

34 (C) To the extent that placements pursuant to this paragraph are  
35 extended beyond an initial six months, the requirements of  
36 subparagraph (A) and (B) shall apply to each extension. In addition,  
37 the deputy director or director of the county child welfare  
38 department or an assistant chief probation officer or chief probation  
39 officer of the county probation department shall approve the  
40 continued placement no less frequently than every 60 days.

1     ~~(10)~~

2     (11) Nothing in this subdivision shall be construed to allow a  
3 social worker to place any dependent child outside the United  
4 States, except as specified in subdivision (f).

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

9     (2) The party or agency requesting placement of the child outside  
10 the United States shall carry the burden of proof and must show,  
11 by clear and convincing evidence, that placement outside the  
12 United States is in the best interest of the child.

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

15     (A) Placement with a relative.

16     (B) Placement of siblings in the same home.

17     (C) Amount and nature of any contact between the child and  
18 the potential guardian or caretaker.

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

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

21     (F) Social, cultural, and educational needs of the dependent  
22 child.

23     (G) Specific desires of any dependent child who is 12 years of  
24 age or older.

25     (4) If the court finds that a placement outside the United States  
26 is, by clear and convincing evidence, in the best interest of the  
27 child, the court may issue an order authorizing the social worker  
28 to make a placement outside the United States. A child subject to  
29 this subdivision shall not leave the United States prior to the  
30 issuance of the order described in this paragraph.

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

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

36     (g) (1) If the child is taken from the physical custody of the  
37 child’s parent or guardian and unless the child is placed with  
38 relatives, the child shall be placed in foster care in the county of  
39 residence of the child’s parent or guardian in order to facilitate  
40 reunification of the family.

1 (2) In the event that there are no appropriate placements  
2 available in the parent's or guardian's county of residence, a  
3 placement may be made in an appropriate place in another county,  
4 preferably a county located adjacent to the parent's or guardian's  
5 community of residence.

6 (3) Nothing in this section shall be interpreted as requiring  
7 multiple disruptions of the child's placement corresponding to  
8 frequent changes of residence by the parent or guardian. In  
9 determining whether the child should be moved, the social worker  
10 shall take into consideration the potential harmful effects of  
11 disrupting the placement of the child and the parent's or guardian's  
12 reason for the move.

13 (4) When it has been determined that it is necessary for a child  
14 to be placed in a county other than the child's parent's or guardian's  
15 county of residence, the specific reason the out-of-county  
16 placement is necessary shall be documented in the child's case  
17 plan. If the reason the out-of-county placement is necessary is the  
18 lack of resources in the sending county to meet the specific needs  
19 of the child, those specific resource needs shall be documented in  
20 the case plan.

21 (5) When it has been determined that a child is to be placed out  
22 of county either in a group home or with a foster family agency  
23 for subsequent placement in a certified foster family home, and  
24 the sending county is to maintain responsibility for supervision  
25 and visitation of the child, the sending county shall develop a plan  
26 of supervision and visitation that specifies the supervision and  
27 visitation activities to be performed and specifies that the sending  
28 county is responsible for performing those activities. In addition  
29 to the plan of supervision and visitation, the sending county shall  
30 document information regarding any known or suspected dangerous  
31 behavior of the child that indicates the child may pose a safety  
32 concern in the receiving county. Upon implementation of the Child  
33 Welfare Services Case Management System, the plan of  
34 supervision and visitation, as well as information regarding any  
35 known or suspected dangerous behavior of the child, shall be made  
36 available to the receiving county upon placement of the child in  
37 the receiving county. If placement occurs on a weekend or holiday,  
38 the information shall be made available to the receiving county on  
39 or before the end of the next business day.

1 (6) When it has been determined that a child is to be placed out  
2 of county and the sending county plans that the receiving county  
3 shall be responsible for the supervision and visitation of the child,  
4 the sending county shall develop a formal agreement between the  
5 sending and receiving counties. The formal agreement shall specify  
6 the supervision and visitation to be provided the child, and shall  
7 specify that the receiving county is responsible for providing the  
8 supervision and visitation. The formal agreement shall be approved  
9 and signed by the sending and receiving counties prior to placement  
10 of the child in the receiving county. In addition, upon completion  
11 of the case plan, the sending county shall provide a copy of the  
12 completed case plan to the receiving county. The case plan shall  
13 include information regarding any known or suspected dangerous  
14 behavior of the child that indicates the child may pose a safety  
15 concern to the receiving county.

16 (h) Whenever the social worker must change the placement of  
17 the child and is unable to find a suitable placement within the  
18 county and must place the child outside the county, the placement  
19 shall not be made until he or she has served written notice on the  
20 parent or guardian at least 14 days prior to the placement, unless  
21 the child's health or well-being is endangered by delaying the  
22 action or would be endangered if prior notice were given. The  
23 notice shall state the reasons which require placement outside the  
24 county. The parent or guardian may object to the placement not  
25 later than seven days after receipt of the notice and, upon objection,  
26 the court shall hold a hearing not later than five days after the  
27 objection and prior to the placement. The court shall order  
28 out-of-county placement if it finds that the child's particular needs  
29 require placement outside the county.

30 (i) Where the court has ordered removal of the child from the  
31 physical custody of his or her parents pursuant to Section 361, the  
32 court shall consider whether the family ties and best interest of the  
33 child will be served by granting visitation rights to the child's  
34 grandparents. The court shall clearly specify those rights to the  
35 social worker.

36 (j) Where the court has ordered removal of the child from the  
37 physical custody of his or her parents pursuant to Section 361, the  
38 court shall consider whether there are any siblings under the court's  
39 jurisdiction, the nature of the relationship between the child and  
40 his or her siblings, the appropriateness of developing or maintaining

1 the sibling relationships pursuant to Section 16002, and the impact  
 2 of the sibling relationships on the child’s placement and planning  
 3 for legal permanence.

4 (k) (1) ~~When an agency has placed a child with a relative~~  
 5 ~~caregiver, a nonrelative extended family member, a licensed foster~~  
 6 ~~family home, or a group home, the An~~ agency shall ensure  
 7 placement of ~~the a~~ child in a home that, to the fullest extent  
 8 possible, best meets the day-to-day needs of the child. A home  
 9 that best meets the day-to-day needs of the child shall satisfy all  
 10 of the following criteria:

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

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

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

19 (2) The foster child’s caregiver shall use a reasonable and  
 20 prudent parent standard, as defined in paragraph (2) of subdivision  
 21 (a) of Section 362.04, to determine day-to-day activities that are  
 22 age-appropriate to meet the needs of the child. Nothing in this  
 23 section shall be construed to permit a child’s caregiver to permit  
 24 the child to engage in day-to-day activities that carry an  
 25 unreasonable risk of harm, or subject the child to abuse or neglect.

26 *SEC. 10. Section 361.4 of the Welfare and Institutions Code*  
 27 *is amended to read:*

28 361.4. (a) Prior to placing a child in the home of a relative, or  
 29 the home of any prospective guardian or other person who is not  
 30 a licensed or certified foster parent, the county social worker shall  
 31 visit the home to ascertain the appropriateness of the placement.

32 (b) (1) Whenever a child may be placed in the home of a  
 33 relative, or the home of any prospective guardian or other person  
 34 who is not a licensed or certified foster parent, the court or county  
 35 social worker placing the child shall cause a state-level criminal  
 36 records check to be conducted by an appropriate government  
 37 agency through the California Law Enforcement  
 38 Telecommunications System (CLETS) pursuant to Section 16504.5.  
 39 The criminal records check shall be conducted with regard to all  
 40 persons over 18 years of age living in the home, and on any other

1 person over 18 years of age, other than professionals providing  
2 professional services to the child, known to the placing entity who  
3 may have significant contact with the child, including any person  
4 who has a familial or intimate relationship with any person living  
5 in the home. A criminal records check may be conducted pursuant  
6 to this section on any person over 14 years of age living in the  
7 home who the county social worker believes may have a criminal  
8 record. Within 10 calendar days following the criminal records  
9 check conducted through the California Law Enforcement  
10 Telecommunications System, the social worker shall ensure that  
11 a fingerprint clearance check of the relative and any other person  
12 whose criminal record was obtained pursuant to this subdivision  
13 is initiated through the Department of Justice to ensure the accuracy  
14 of the criminal records check conducted through the California  
15 Law Enforcement Telecommunications System and shall review  
16 the results of any criminal records check to assess the safety of the  
17 home. The Department of Justice shall forward fingerprint requests  
18 for federal-level criminal history information to the Federal Bureau  
19 of Investigation pursuant to this section.

20 (2) An identification card from a foreign consulate or foreign  
21 passport shall be considered a valid form of identification for  
22 conducting a criminal records check and fingerprint clearance  
23 check under this subdivision and under subdivision (c).

24 (c) Whenever a child may be placed in the home of a relative,  
25 or a prospective guardian or other person who is not a licensed or  
26 certified foster parent, the county social worker shall cause a check  
27 of the Child Abuse Central Index pursuant to subdivision (a) of  
28 Section 11170 of the Penal Code to be requested from the  
29 Department of Justice. The Child Abuse Central Index check shall  
30 be conducted on all persons over 18 years of age living in the  
31 home. For any application received on or after January 1, 2008, if  
32 any person in the household is 18 years of age or older and has  
33 lived in another state in the preceding five years, the county social  
34 worker shall check the other state's child abuse and neglect registry  
35 to the extent required by federal law.

36 (d) (1) If the results of the California and federal criminal  
37 records check indicates that the person has no criminal record, the  
38 county social worker and court may consider the home of the  
39 relative, prospective guardian, or other person who is not a licensed  
40 or certified foster parent for placement of a child.

1 (2) If the criminal records check indicates that the person has  
2 been convicted of a crime that the Director of Social Services  
3 cannot grant an exemption for under Section 1522 of the Health  
4 and Safety Code, the child shall not be placed in the home. If the  
5 criminal records check indicates that the person has been convicted  
6 of a crime that the Director of Social Services may grant an  
7 exemption for under Section 1522 of the Health and Safety Code,  
8 the child shall not be placed in the home unless a criminal records  
9 exemption has been granted by the county, based on substantial  
10 and convincing evidence to support a reasonable belief that the  
11 person with the criminal conviction is of such good character as  
12 to justify the placement and not present a risk of harm to the child  
13 pursuant to paragraph (3).

14 (3) (A) A county may issue a criminal records exemption only  
15 if that county has been granted permission by the Director of Social  
16 Services to issue criminal records exemptions. The county may  
17 file a request with the Director of Social Services seeking  
18 permission for the county to establish a procedure to evaluate and  
19 grant appropriate individual criminal records exemptions for  
20 persons described in subdivision (b). The director shall grant or  
21 deny the county's request within 14 days of receipt. The county  
22 shall evaluate individual criminal records in accordance with the  
23 standards and limitations set forth in paragraph (1) of subdivision  
24 (g) of Section 1522 of the Health and Safety Code, and in no event  
25 shall the county place a child in the home of a person who is  
26 ineligible for an exemption under that provision.

27 (B) The department shall monitor county implementation of the  
28 authority to grant an exemption under this paragraph to ensure that  
29 the county evaluates individual criminal records and allows or  
30 disallows placements according to the standards set forth in  
31 paragraph (1) of subdivision (g) of Section 1522 of the Health and  
32 Safety Code.

33 (4) The department shall conduct an evaluation of the  
34 implementation of paragraph (3) through random sampling of  
35 county exemption decisions.

36 (5) The State Department of Social Services shall not evaluate  
37 or grant criminal records exemption requests for persons described  
38 in subdivision (b), unless the exemption request is made by an  
39 Indian tribe pursuant to subdivision (f).

1 (6) If a county has not requested, or has not been granted,  
2 permission by the State Department of Social Services to establish  
3 a procedure to evaluate and grant criminal records exemptions,  
4 the county shall not place a child into the home of a person  
5 described in subdivision (b) if any person residing in the home has  
6 been convicted of a crime other than a minor traffic violation,  
7 except as provided in subdivision (f).

8 (e) Nothing in this section shall preclude a county from  
9 conducting a criminal background check that the county is  
10 otherwise authorized to conduct using fingerprints.

11 (f) ~~Upon request from an Indian tribe, the~~ The State Department  
12 of Social Services shall evaluate ~~an exemption~~ a request from an  
13 Indian tribe to exempt a crime that is exemptible under Section  
14 1522 of the Health and Safety Code, if needed, to allow placement  
15 into an Indian home that the tribe has designated for placement  
16 under the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901  
17 et seq.) that would otherwise be barred under this section seq.).  
18 However, if the county with jurisdiction over the child that is the  
19 subject of the tribe's request has established an approved procedure  
20 pursuant to paragraph (3) of subdivision (d), the tribe may request  
21 that the county evaluate the exemption request. Once a tribe has  
22 elected to have the exemption request reviewed by either the State  
23 Department of Social Services or the county, the exemption  
24 decision may only be made by that entity. Nothing in this  
25 subdivision limits the duty of a county social worker to evaluate  
26 the home for placement or to gather information needed to evaluate  
27 an exemption request.

28 *SEC. 11. Section 362.04 of the Welfare and Institutions Code*  
29 *is amended to read:*

30 362.04. (a) For purposes of this section:

31 (1) "Caregiver" means any licensed ~~or~~ certified foster parent,  
32 approved relative caregiver, or approved nonrelative extended  
33 family member, *or approved resource family.*

34 (2) "Reasonable and prudent parent" or "reasonable and prudent  
35 parent standard" means the standard characterized by careful and  
36 sensible parental decisions that maintain the child's health, safety,  
37 and best interest.

38 (3) "Short-term" means no more than 24 consecutive hours.

39 (b) Every caregiver may arrange for occasional short-term  
40 babysitting of their foster child and allow individuals to supervise

1 the foster child for the purposes set forth in Section 362.05, or on  
2 occasions, including, but not limited to, when the foster parent has  
3 a medical or other health care appointment, grocery or other  
4 shopping, personal grooming appointments, special occasions for  
5 the foster parents, foster parent training classes, school-related  
6 meetings (such as parent-teacher conferences), business meetings,  
7 adult social gatherings, or an occasional evening out by the foster  
8 parent.

9 (c) Caregivers shall use a reasonable and prudent parent standard  
10 in determining and selecting appropriate babysitters for occasional  
11 short-term use.

12 (d) The caregiver shall endeavor to provide the babysitter with  
13 the following information before leaving the child for purposes of  
14 short-term care:

15 (1) Information about the child's emotional, behavioral, medical  
16 or physical conditions, if any, necessary to provide care for the  
17 child during the time the foster child is being supervised by the  
18 babysitter.

19 (2) Any medication that should be administered to the foster  
20 child during the time the foster child is being supervised by the  
21 babysitter.

22 (3) Emergency contact information that is valid during the time  
23 the foster child is being supervised by the babysitter.

24 (e) Babysitters selected by the caregiver to provide occasional  
25 short-term care to a foster child under the provisions of this section  
26 shall be exempt from any department regulation requiring health  
27 screening or cardiopulmonary resuscitation certification or training.

28 (f) Each state and local entity shall ensure that private agencies  
29 that provide foster care services to dependent children have policies  
30 consistent with this section. Policies that are not consistent with  
31 this section include those that are incompatible with, contradictory  
32 to, or more restrictive than this section.

33 *SEC. 12. Section 381 is added to the Welfare and Institutions*  
34 *Code, to read:*

35 *381. (a) If a transfer is made from a juvenile court of a county*  
36 *to a tribe pursuant to Section 305.5, the case shall be transferred*  
37 *to the tribe after the court has made a determination that the*  
38 *transfer is required pursuant to subdivision (a), (b), or (f) of*  
39 *Section 305.5. The Juvenile court and the tribe shall each document*  
40 *the finding of the facts supporting jurisdiction over the minor.*

1 (b) *The juvenile court shall issue an order of transfer of the*  
2 *case that states all of the findings, orders, or modification of orders*  
3 *that have been made in the case, and the name and address of the*  
4 *tribe having jurisdiction. All papers contained in the file shall be*  
5 *transferred to the tribe having jurisdiction. The transferring county*  
6 *shall maintain a copy of the order of transfer and the findings of*  
7 *fact.*

8 (c) *If an order of transfer from a county to a tribe is filed with*  
9 *the clerk of a juvenile court, the clerk shall place the transfer order*  
10 *on the calendar of the court, and, notwithstanding Section 378,*  
11 *that matter shall have precedence over all actions and civil*  
12 *proceedings not specifically given precedence by any other law*  
13 *and shall be heard by the court at the earliest possible moment*  
14 *after the order is filed.*

15 *SEC. 13. Section 727 of the Welfare and Institutions Code is*  
16 *amended to read:*

17 727. (a) (1) *If a minor or nonminor is adjudged a ward of the*  
18 *court on the ground that he or she is a person described by Section*  
19 *601 or 602, the court may make any reasonable orders for the care,*  
20 *supervision, custody, conduct, maintenance, and support of the*  
21 *minor or nonminor, including medical treatment, subject to further*  
22 *order of the court.*

23 (2) *In the discretion of the court, a ward may be ordered to be*  
24 *on probation without supervision of the probation officer. The*  
25 *court, in so ordering, may impose on the ward any and all*  
26 *reasonable conditions of behavior as may be appropriate under*  
27 *this disposition. A minor or nonminor who has been adjudged a*  
28 *ward of the court on the basis of the commission of any of the*  
29 *offenses described in subdivision (b) or paragraph (2) of*  
30 *subdivision (d) of Section 707, Section 459 of the Penal Code, or*  
31 *subdivision (a) of Section 11350 of the Health and Safety Code,*  
32 *shall not be eligible for probation without supervision of the*  
33 *probation officer. A minor or nonminor who has been adjudged a*  
34 *ward of the court on the basis of the commission of any offense*  
35 *involving the sale or possession for sale of a controlled substance,*  
36 *except misdemeanor offenses involving marijuana, as specified in*  
37 *Chapter 2 (commencing with Section 11053) of Division 10 of the*  
38 *Health and Safety Code, or of an offense in violation of Section*  
39 *32625 of the Penal Code, shall be eligible for probation without*  
40 *supervision of the probation officer only when the court determines*

1 that the interests of justice would best be served and states reasons  
2 on the record for that determination.

3 (3) In all other cases, the court shall order the care, custody, and  
4 control of the minor or nonminor to be under the supervision of  
5 the probation officer who may place the minor or nonminor in any  
6 of the following:

7 (A) The approved home of a relative or the approved home of  
8 a nonrelative, extended family member, as defined in Section  
9 362.7. If a decision has been made to place the minor in the home  
10 of a relative, the court may authorize the relative to give legal  
11 consent for the minor's medical, surgical, and dental care and  
12 education as if the relative caretaker were the custodial parent of  
13 the minor.

14 (B) *The approved home of a resource family as defined in*  
15 *Section 16519.5*

16 ~~(B)~~

17 (C) A suitable licensed community care facility, except a  
18 runaway and homeless youth shelter licensed by the State  
19 Department of Social Services pursuant to Section 1502.35 of the  
20 Health and Safety Code.

21 ~~(C)~~

22 (D) With a foster family agency to be placed in a suitable  
23 licensed foster family home or certified family home which has  
24 been certified by the agency as meeting licensing standards.

25 ~~(D)~~

26 (E) (i) Every minor adjudged a ward of the juvenile court who  
27 is residing in a placement as defined in subparagraphs (A) to ~~(C)~~  
28 (D), inclusive, shall be entitled to participate in age-appropriate  
29 extracurricular, enrichment, and social activities. No state or local  
30 regulation or policy may prevent, or create barriers to, participation  
31 in those activities. Each state and local entity shall ensure that  
32 private agencies that provide foster care services to wards have  
33 policies consistent with this section and that those agencies promote  
34 and protect the ability of wards to participate in age-appropriate  
35 extracurricular, enrichment, and social activities. A group home  
36 administrator, a facility manager, or his or her responsible designee,  
37 and a caregiver, as defined in paragraph (1) of subdivision (a) of  
38 Section 362.04, shall use a reasonable and prudent parent standard,  
39 as defined in paragraph (2) of subdivision (a) of Section 362.04,  
40 in determining whether to give permission for a minor residing in

1 foster care to participate in extracurricular, enrichment, and social  
2 activities. A group home administrator, a facility manager, or his  
3 or her responsible designee, and a caregiver shall take reasonable  
4 steps to determine the appropriateness of the activity taking into  
5 consideration the minor’s age, maturity, and developmental level.

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

11 ~~(E)~~

12 (F) For nonminors, an approved supervised independent living  
13 setting as defined in Section 11400, including a residential housing  
14 unit certified by a licensed transitional housing placement provider.

15 (b) (1) To facilitate coordination and cooperation among  
16 agencies, the court may, at any time after a petition has been filed,  
17 after giving notice and an opportunity to be heard, join in the  
18 juvenile court proceedings any agency that the court determines  
19 has failed to meet a legal obligation to provide services to a minor,  
20 for whom a petition has been filed under Section 601 or 602, to a  
21 nonminor, as described in Section 303, or to a nonminor dependent,  
22 as defined in subdivision (v) of Section 11400. In any proceeding  
23 in which an agency is joined, the court shall not impose duties  
24 upon the agency beyond those mandated by law. The purpose of  
25 joinder under this section is to ensure the delivery and coordination  
26 of legally mandated services to the minor. The joinder shall not  
27 be maintained for any other purpose. Nothing in this section shall  
28 prohibit agencies that have received notice of the hearing on joinder  
29 from meeting prior to the hearing to coordinate services.

30 (2) The court has no authority to order services unless it has  
31 been determined through the administrative process of an agency  
32 that has been joined as a party, that the minor, nonminor, or  
33 nonminor dependent is eligible for those services. With respect to  
34 mental health assessment, treatment, and case management services  
35 pursuant to Chapter 26.5 (commencing with Section 7570) of  
36 Division 7 of Title 1 of the Government Code, the court’s  
37 determination shall be limited to whether the agency has complied  
38 with that chapter.

39 (3) For the purposes of this subdivision, “agency” means any  
40 governmental agency or any private service provider or individual

1 that receives federal, state, or local governmental funding or  
2 reimbursement for providing services directly to a child, nonminor,  
3 or nonminor dependent.

4 (c) If a minor has been adjudged a ward of the court on the  
5 ground that he or she is a person described in Section 601 or 602,  
6 and the court finds that notice has been given in accordance with  
7 Section 661, and if the court orders that a parent or guardian shall  
8 retain custody of that minor either subject to or without the  
9 supervision of the probation officer, the parent or guardian may  
10 be required to participate with that minor in a counseling or  
11 education program, including, but not limited to, parent education  
12 and parenting programs operated by community colleges, school  
13 districts, or other appropriate agencies designated by the court.

14 (d) The juvenile court may direct any reasonable orders to the  
15 parents and guardians of the minor who is the subject of any  
16 proceedings under this chapter as the court deems necessary and  
17 proper to carry out subdivisions (a), (b), and (c) including orders  
18 to appear before a county financial evaluation officer, to ensure  
19 the minor's regular school attendance, and to make reasonable  
20 efforts to obtain appropriate educational services necessary to meet  
21 the needs of the minor.

22 If counseling or other treatment services are ordered for the  
23 minor, the parent, guardian, or foster parent shall be ordered to  
24 participate in those services, unless participation by the parent,  
25 guardian, or foster parent is deemed by the court to be inappropriate  
26 or potentially detrimental to the minor.

27 *SEC. 14. Section 827.15 is added to the Welfare and Institutions*  
28 *Code, to read:*

29 *827.15. (a) Notwithstanding Section 827, whenever the juvenile*  
30 *court of a county has made a determination pursuant to subdivision*  
31 *(a), (b), or (f) of Section 305.5 that a child custody proceeding of*  
32 *an Indian child is to be transferred to the jurisdiction of a tribal*  
33 *court the child case file shall be transferred to the tribe.*

34 *(b) If an Indian child is under the jurisdiction of a Title IV-E*  
35 *tribe or a Tribal Title IV-E agency, federal law requires the*  
36 *safeguarding of information as set forth in 45 C.F.R 205.50.*

37 *(c) In all other transfers, the juvenile court shall order the*  
38 *release of the child's case file provided that the tribe agrees to*  
39 *maintain the documentation confidential consistent with state and*  
40 *federal law.*

1 (d) As used in this section, a “child case file” means information  
2 including the juvenile case file retained by the juvenile court and  
3 the child welfare agency files or records retained by the county.  
4 For Title IV-E tribes or a Tribal Tile IV-E agency that information  
5 includes, but need not be limited to, the documentation set forth  
6 in 45 C.F.R. 1356.67.

7 SEC. 15. Section 10553.12 is added to the Welfare and  
8 Institutions Code, to read:

9 10553.12. (a) Notwithstanding any other law, a federally  
10 recognized tribe is authorized to approve a home for the purpose  
11 of foster or adoptive placement of an Indian child pursuant to the  
12 Federal Indian Child Welfare Act (25 U.S.C. Sec. 1915).

13 (b) An Indian child, as defined by Section 224(a) and (b) of that  
14 act, that has been removed pursuant to Section 361, from the  
15 custody or his or her parents or Indian custodian may be placed  
16 in a tribally approved home pursuant to Section 361.31 (b)(2) of  
17 that act.

18 (c) To facilitate the availability of tribally approved homes that  
19 have been fully approved in accord with federal law, including  
20 completion of required background checks, a tribal child welfare  
21 agency may request from the Department of Justice federal and  
22 state summary criminal history information regarding a  
23 prospective foster parent, adoptive parent, an adult who resides  
24 or is employed in the home of an applicant, or an employee of the  
25 child welfare agency who may have contact with children, in  
26 accord with subdivision (m) of Section 11105 of the Penal Code  
27 and Child Abuse Central Index Information pursuant to paragraph  
28 (8) of subdivision (b) of Section 11170 of the Penal Code.

29 (d) As used in this section, a “tribal child welfare agency”  
30 means an entity designated by a federally recognized tribe as  
31 authorized to approve homes consistent with the Indian Child  
32 Welfare Act for the purpose of placement of Indian children, into  
33 foster or adoptive care, including the authority to conduct criminal  
34 record and child abuse background checks of individuals who are  
35 prospective foster parents, adoptive parents, an adult who resides  
36 or is employed in the home of an applicant for approval, or an  
37 employee of the tribal child welfare agency who may have contact  
38 with children.

1 (e) A county social worker may place an Indian child in a  
2 tribally approved home without having to conduct a separate  
3 background check, upon certification of both of the following:

4 (1) The tribal child welfare agency has completed a criminal  
5 record background check pursuant to Section 1522 of the Health  
6 and Safety Code, and a Child Abuse Central Index Check pursuant  
7 to Section 1522.1 of the Health and Safety Code, with respect to  
8 each of the individuals described in subdivision (c).

9 (2) The tribal child welfare agency has agreed to report to a  
10 county child welfare agency responsible for a child placed in the  
11 tribally approved home, within 24 hours of notification to the tribal  
12 agency by the Department of Justice, of a subsequent state or  
13 federal arrest or disposition notification provided pursuant to  
14 Section 11105.2 of the Penal Code involving an individual  
15 associated with the tribally approved home where an Indian child  
16 is placed.

17 SEC. 16. Section 10618.6 of the Welfare and Institutions Code  
18 is amended to read:

19 10618.6. (a) (1) When a child in a foster care placement  
20 reaches his or her 16th birthday, and each year thereafter, while  
21 the child is under the jurisdiction of the juvenile court, the county  
22 welfare department, county probation department, or if an  
23 automated process is available, the State Department of Social  
24 Services, shall request a consumer credit disclosure from each of  
25 the three major credit reporting agencies, pursuant to the free  
26 annual disclosure provision of the federal Fair Credit Reporting  
27 Act, on the child's behalf, notwithstanding any other law.

28 (2) If the State Department of Social Services requests the  
29 consumer credit disclosure for a child in a foster care placement,  
30 it shall notify the county welfare department or county probation  
31 department in the county having jurisdiction over the child of the  
32 results of that request.

33 (3) Pursuant to paragraph (2), upon receiving notice from the  
34 State Department of Social Services that a child in foster care has  
35 a consumer credit report from a credit reporting agency, the county  
36 welfare department or county probation department shall request  
37 a consumer credit disclosure from that credit reporting agency  
38 for the child.

39 (b) For a nonminor dependent, the county welfare department  
40 or county probation department shall assist the young adult, on a

1 yearly basis while the nonminor dependent is under the jurisdiction  
2 of the juvenile court, with requesting the consumer credit disclosure  
3 from each of the three major credit reporting agencies, pursuant  
4 to the free annual disclosure provision of the federal Fair Credit  
5 Reporting Act.

6 (c) The county social worker or county probation officer shall  
7 ensure that the child or nonminor dependent receives assistance  
8 with interpreting the consumer credit disclosure and resolving any  
9 inaccuracies. The assistance may include, but is not limited to,  
10 referring the youth to a governmental or nonprofit agency that  
11 provides consumer credit services. Nothing in this section requires  
12 the social worker or probation officer to be the individual providing  
13 the direct assistance with interpreting the consumer credit  
14 disclosure or resolving the inaccuracies.

15 (d) Notwithstanding any other law, in order to request a  
16 consumer credit disclosure for youth described in subdivision (a),  
17 the county welfare department, county probation department, or  
18 if an automated process is available, the State Department of Social  
19 Services is authorized to release necessary information to a credit  
20 reporting agency.

21 *SEC. 17. Section 11402 of the Welfare and Institutions Code*  
22 *is amended to read:*

23 11402. In order to be eligible for AFDC-FC, a child or  
24 nonminor dependent shall be placed in one of the following:

25 (a) The approved home of a relative, provided the child is  
26 otherwise eligible for federal financial participation in the  
27 AFDC-FC payment.

28 (b) (1) The licensed family home of a nonrelative.

29 (2) The approved home of a nonrelative extended family  
30 member as described in Section 362.7.

31 (c) *The approved home of a resource family as defined in Section*  
32 *16519.5.*

33 (e)

34 (d) A licensed group home, as defined in subdivision (h) of  
35 Section 11400, excluding a runaway and homeless youth shelter  
36 as defined in subdivision (ab) of Section 11400, provided that the  
37 placement worker has documented that the placement is necessary  
38 to meet the treatment needs of the child and that the facility offers  
39 those treatment services.

40 (d)

1 (e) The home of a nonrelated legal guardian or the home of a  
2 former nonrelated legal guardian when the guardianship of a child  
3 who is otherwise eligible for AFDC-FC has been dismissed due  
4 to the child's attaining 18 years of age.

5 ~~(e)~~

6 (f) An exclusive-use home.

7 ~~(f)~~

8 (g) A housing model certified by a licensed transitional housing  
9 placement provider as described in Section 1559.110 of the Health  
10 and Safety Code and as defined in subdivision (r) of Section 11400.

11 ~~(g)~~

12 (h) An out-of-state group home, provided that the placement  
13 worker, in addition to complying with all other statutory  
14 requirements for placing a minor in an out-of-state group home,  
15 documents that the requirements of Section 7911.1 of the Family  
16 Code have been met.

17 ~~(h)~~

18 (i) An approved supervised independent living setting for  
19 nonminor dependents, as defined in subdivision (w) of Section  
20 11400.

21 ~~(i)~~

22 (j) This section shall become operative on July 1, 2012.

23 *SEC. 18. Section 11403.2 of the Welfare and Institutions Code*  
24 *is amended to read:*

25 11403.2. (a) The following persons shall be eligible for  
26 transitional housing provided pursuant to Article 4 (commencing  
27 with Section 16522) of Chapter 5 of Part 4:

28 (1) Any foster child at least 16 years of age and not more than  
29 18 years of age, and, on or after January 1, 2012, any nonminor  
30 dependent, as defined in subdivision (v) of Section 11400, who is  
31 eligible for AFDC-FC benefits as described in Section 11401. A  
32 foster child under 18 years of age shall be eligible for placement  
33 in the program certified as a "Transitional Housing Placement  
34 Program," pursuant to paragraph (1) of subdivision (a) of Section  
35 16522.2. A nonminor dependent shall be eligible for placement in  
36 the program certified as a "Transitional Housing Placement-Plus  
37 Foster Care Program" pursuant to paragraph (2) of subdivision (a)  
38 of Section 16522.2.

39 (2) Any former foster youth at least 18 years of age and not  
40 more than 24 years of age who has exited from the foster care

1 system on or after his or her 18th birthday and elects to participate  
2 in Transitional Housing Program-Plus, as defined in subdivision  
3 (s) of Section 11400, provided he or she has not received services  
4 under this paragraph for more than a total of 24 months, whether  
5 or not consecutive. If the person participating in a Transitional  
6 Housing Program-Plus is not receiving aid under Section 11403.1,  
7 he or she, as a condition of participation, shall enter into, and  
8 execute the provisions of, a transitional independent living plan  
9 that shall be mutually agreed upon, and annually reviewed, by the  
10 former foster youth and the applicable county welfare or probation  
11 department or independent living program coordinator. The person  
12 participating under this paragraph shall inform the county of any  
13 changes to conditions specified in the agreed-upon plan that affect  
14 eligibility, including changes in address, living circumstances, and  
15 the educational or training program.

16 (b) Payment on behalf of an eligible person receiving transitional  
17 housing services pursuant to paragraph (1) of subdivision (a) shall  
18 be made to the transitional housing placement provider pursuant  
19 to the conditions and limitations set forth in Section 11403.3.  
20 Notwithstanding Section 11403.3, the department, in consultation  
21 with concerned stakeholders, including, but not limited to,  
22 representatives of the Legislature, the County Welfare Directors  
23 Association, the Chief Probation Officers of California, the Judicial  
24 Council, representatives of Indian tribes, the California Youth  
25 Connection, former foster youth, child advocacy organizations,  
26 labor organizations, juvenile justice advocacy organizations, foster  
27 caregiver organizations, researchers, and transitional housing  
28 placement providers, shall convene a workgroup to establish a new  
29 rate structure for the Title IV-E funded THP-Plus-Foster Care  
30 placement option for nonminor dependents. The workgroup shall  
31 also consider application of this new rate structure to the  
32 Transitional Housing Program-Plus, as described in paragraph (2)  
33 of subdivision (a) of Section 11403.3. In developing the new rate  
34 structure pursuant to this subdivision, the department shall consider  
35 the average rates in effect and being paid by counties to current  
36 transitional housing placement providers.

37 (c) *THP-Plus-Foster Care rates are based on the type of*  
38 *housing site model, each of which is comprised of costs for*  
39 *personnel, program, direct client and indirect expenses as defined*  
40 *in department regulations. On July 1 of each fiscal year, direct*

1 *client expenses shall be adjusted, by the annual percentage change*  
2 *in the California Necessities Index. A county shall not be*  
3 *reimbursed for any increase in this rate that exceeds the*  
4 *adjustments made in accordance with this methodology.*

5 *(d) Funding and expenditures for programs and activities under*  
6 *this section shall be in accordance with the requirements provided*  
7 *in Sections 30025 and 30026.5 of the Government Code.*

8 *(e) 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, by means of all-county letters or similar*  
13 *instructions from the department until regulations are adopted.*

14 ~~SEC. 5.~~

15 *SEC. 19.* Section 16002 of the Welfare and Institutions Code  
16 is amended to read:

17 16002. (a) It is the intent of the Legislature to maintain the  
18 continuity of the family unit, and ensure the preservation and  
19 strengthening of the child's family ties by ensuring that when  
20 siblings have been removed from their home, either as a group on  
21 one occurrence or individually on separate occurrences, the siblings  
22 will be placed in foster care together, unless it has been determined  
23 that placement together is contrary to the safety or well-being of  
24 any sibling. The Legislature recognizes that in order to ensure the  
25 placement of a sibling group in the same foster care placement,  
26 placement resources need to be expanded.

27 (b) The responsible local agency shall make a diligent effort in  
28 all out-of-home placements of dependent children, including those  
29 with relatives, to place siblings together in the same placement,  
30 and to develop and maintain sibling relationships. If siblings are  
31 not placed together in the same home, the social worker or  
32 probation officer shall explain why the siblings are not placed  
33 together and what efforts he or she is making to place the siblings  
34 together or why making those efforts would be contrary to the  
35 safety and well-being of any of the siblings. When placement of  
36 siblings together in the same home is not possible, a diligent effort  
37 shall be made, and a case plan prepared, to provide for ongoing  
38 and frequent interaction among siblings until family reunification  
39 is achieved, or, if parental rights are terminated, as part of  
40 developing the permanent plan for the child. If the court determines

1 by clear and convincing evidence that sibling interaction is contrary  
2 to the safety and well-being of any of the siblings, the reasons for  
3 the determination shall be noted in the court order, and interaction  
4 shall be suspended.

5 (c) When there has been a judicial suspension of sibling  
6 interaction, the reasons for the suspension shall be reviewed at  
7 each periodic review hearing pursuant to Section 366. When the  
8 court determines that sibling interaction can be safely resumed,  
9 that determination shall be noted in the court order and the case  
10 plan shall be revised to provide for sibling interaction.

11 (d) If the case plan for the child has provisions for sibling  
12 interaction, the child, or his or her parent or legal guardian shall  
13 have the right to comment on those provisions. If a person wishes  
14 to assert a sibling relationship with a dependent child, he or she  
15 may file a petition in the juvenile court having jurisdiction over  
16 the dependent child pursuant to subdivision (b) of Section 388.

17 (e) If parental rights are terminated and the court orders a  
18 dependent child to be placed for adoption, the county adoption  
19 agency or the State Department of Social Services shall take all  
20 of the following steps to facilitate ongoing sibling contact, except  
21 in those cases provided in subdivision (b) where the court  
22 determines by clear and convincing evidence that sibling interaction  
23 is contrary to the safety or well-being of the child:

24 (1) Include in training provided to prospective adoptive parents  
25 information about the importance of sibling relationships to the  
26 adopted child and counseling on methods for maintaining sibling  
27 relationships.

28 (2) Provide prospective adoptive parents with information about  
29 siblings of the child, except the address where the siblings of the  
30 children reside. However, this address may be disclosed by court  
31 order for good cause shown.

32 (3) Encourage prospective adoptive parents to make a plan for  
33 facilitating postadoptive contact between the child who is the  
34 subject of a petition for adoption and any siblings of this child.

35 (f) Information regarding sibling interaction, contact, or  
36 visitation that has been authorized or ordered by the court shall be  
37 provided to the foster parent, relative caretaker, or legal guardian  
38 of the child as soon as possible after the court order is made, in  
39 order to facilitate the interaction, contact, or visitation.

1 (g) As used in this section, “sibling” means a child related to  
2 another person by blood, adoption, or affinity through a common  
3 legal or biological parent.

4 (h) The court documentation on sibling placements required  
5 under this section shall not require the modification of existing  
6 court order forms until the Child Welfare Services Case  
7 Management System is implemented on a statewide basis.

8 ~~SEC. 6.~~

9 *SEC. 20.* Section 16010.6 of the Welfare and Institutions Code  
10 is amended to read:

11 16010.6. (a) As soon as a placing agency makes a decision  
12 with respect to a placement or a change in placement of a  
13 dependent child, but not later than the close of the following  
14 business day, the placing agency shall notify the child’s attorney  
15 and provide to the child’s attorney information regarding the child’s  
16 address, telephone number, and caregiver.

17 (b) (1) A placing agency shall not make a placement or a change  
18 in placement of a child outside the United States prior to a judicial  
19 finding that the placement is in the best interest of the child, except  
20 as required by federal law or treaty.

21 (2) The placing agency shall carry the burden of proof and show,  
22 by clear and convincing evidence, that placement outside the  
23 United States is in the best interest of the child.

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

26 (A) Placement with a relative.

27 (B) Placement of siblings in the same home.

28 (C) Amount and nature of any contact between the child and  
29 the potential guardian or caretaker.

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

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

32 (F) Social, cultural, and educational needs of the dependent  
33 child.

34 (G) Specific desires of any dependent child who is 12 years of  
35 age or older.

36 (4) If the court finds that a placement outside the United States  
37 is, by clear and convincing evidence, in the best interest of the  
38 child, the court may issue an order authorizing the placing agency  
39 to make a placement outside the United States. A child subject to

1 this subdivision shall not leave the United States prior to the  
2 issuance of the order described in this paragraph.

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

6 (6) This section shall not apply to the placement of a dependent  
7 child with a parent.

8 (c) Absent exigent circumstances, as soon as a placing agency  
9 becomes aware of the need for a change in placement of a  
10 dependent child or ward that will result in the separation of siblings  
11 currently placed together, the placing agency shall notify the child’s  
12 attorney and the child’s siblings’ attorney of this proposed  
13 separation no less than 10 calendar days prior to the planned change  
14 of placement so that the attorneys may investigate the  
15 circumstances of the proposed separation. If the placing agency  
16 first becomes aware, by written notification from a foster family  
17 agency, group home, or other foster care provider, of the need for  
18 a change in placement for a dependent child or ward that will result  
19 in the separation of siblings currently placed together, and that the  
20 child or children shall be removed within seven days, then notice  
21 shall be provided to the attorneys by the end of the next business  
22 day after the receipt of notice from the provider. In an emergency,  
23 the placing agency shall provide notice as soon as possible, but no  
24 later than the close of the first business day following the change  
25 of placement. This notification shall be deemed sufficient notice  
26 for the purposes of subdivision (a).

27 (d) When the required notice is given prior to a change in  
28 placement, the notice shall include information regarding the  
29 child’s address, telephone number, and caregiver or any one or  
30 more of these items of information to the extent that this  
31 information is known at the time that the placing agency provides  
32 notice to the child’s attorney. When the required notice is given  
33 after the change in placement, notice shall include information  
34 regarding the child’s address, telephone number, and caregiver.

35 (e) The Judicial Council shall adopt a rule of court directing the  
36 attorney for a child for whom a dependency petition has been filed,  
37 upon receipt from the agency responsible for placing the child of  
38 the name, address, and telephone number of the child’s caregiver,  
39 to timely provide the attorney’s contact information to the caregiver  
40 and, if the child is 10 years of age or older, to the child. This rule

1 does not preclude an attorney from giving contact information to  
2 a child who is younger than 10 years of age.

3 *SEC. 21. Section 16501.3 of the Welfare and Institutions Code*  
4 *is amended to read:*

5 16501.3. (a) The State Department of Social Services shall  
6 establish *and maintain* a program of public health nursing in the  
7 child welfare services program *that meets the federal requirements*  
8 *for the provision of healthcare to minor and nonminor dependents*  
9 *in foster care consistent with Section 30026.5 of the Government*  
10 *Code*. The purpose of the public health nursing program shall be  
11 to identify, respond to, and enhance the physical, mental, dental,  
12 and developmental well-being of children in the child welfare  
13 system.

14 (b) (1) Under this program, counties shall use the services of  
15 a foster care public health nurse. The foster care public health  
16 nurse shall work with the appropriate child welfare services  
17 workers to coordinate health care services and serve as a liaison  
18 with health care professionals and other providers of health-related  
19 services. This shall include coordination with county mental health  
20 plans and local health jurisdictions, as appropriate.

21 (2) *Consistent with federal law and requirements, each county*  
22 *child welfare department shall provide to the State Department of*  
23 *Social Services information necessary for the department to meet*  
24 *its federal reporting requirements. In developing the requirements*  
25 *concerning the information to be provided by counties, the*  
26 *department shall consult with the County Welfare Directors*  
27 *Association.*

28 (c) The duties of a foster care public health nurse shall include,  
29 but need not be limited to, the following:

30 (1) Documenting that each child in foster care receives initial  
31 and followup health screenings that meet reasonable standards of  
32 medical practice.

33 (2) Collecting health information and other relevant data on  
34 each foster child as available, receiving all collected information  
35 to determine appropriate referral and services, and expediting  
36 referrals to providers in the community for early intervention  
37 services, specialty services, dental care, mental health services,  
38 and other health-related services necessary for the child.

39 (3) Participating in medical care planning and coordinating for  
40 the child. This may include, but is not limited to, assisting case

1 workers in arranging for comprehensive health and mental health  
2 assessments, interpreting the results of health assessments or  
3 evaluations for the purpose of case planning and coordination,  
4 facilitating the acquisition of any necessary court authorizations  
5 for procedures or medications, advocating for the health care needs  
6 of the child and ensuring the creation of linkage among various  
7 providers of care.

8 (4) Providing followup contact to assess the child's progress in  
9 meeting treatment goals.

10 (5) At the request of and under the direction of ~~the~~ a nonminor  
11 dependent, as described in subdivision (v) of Section 11400, assist  
12 the nonminor dependent in accessing *physical* health and mental  
13 health care, coordinating the delivery of health and mental health  
14 care services, advocating for the health and mental health care that  
15 meets the needs of the nonminor dependent, and to assist the  
16 nonminor dependent to assume responsibility for his or her ongoing  
17 *physical and mental* health care management.

18 (d) The services provided by foster care public health nurses  
19 under this section shall be limited to those for which reimbursement  
20 may be claimed under Title XIX at an enhanced rate for services  
21 delivered by skilled professional medical personnel.  
22 Notwithstanding any other provision of law, this section shall be  
23 implemented only if, and to the extent that, the department  
24 determines that federal financial participation, as provided under  
25 Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396  
26 et seq.), is available.

27 (e) (1) The State Department of Health Care Services shall seek  
28 any necessary federal approvals for child welfare agencies to  
29 appropriately claim enhanced federal Title XIX funds for services  
30 provided pursuant to this section.

31 (2) Commencing in the fiscal year immediately following the  
32 fiscal year in which the necessary federal approval pursuant to  
33 paragraph (1) is secured, county child welfare agencies shall  
34 provide health care oversight *and coordination* services pursuant  
35 to this section, and may accomplish this through agreements with  
36 local public health agencies.

37 (f) (1) Notwithstanding Section 10101, prior to the 2011–12  
38 fiscal year, there shall be no required county match of the  
39 nonfederal cost of this program.

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

6 *SEC. 22. Section 16507.5 of the Welfare and Institutions Code*  
7 *is amended to read:*

8 16507.5. (a) When a minor is separated or is in the process of  
9 being separated from the minor’s family under the provisions of  
10 a voluntary placement agreement, the county welfare department  
11 or a licensed private or public adoption agency social worker shall  
12 make any and all reasonable and necessary provisions for the care,  
13 supervision, custody, conduct, maintenance, and support of the  
14 minor, including medical treatment.

15 Responsibility for placement and care of the minor shall be with  
16 the social worker who may place the minor in any of the following:

17 (1) The approved home of a relative or the approved home of  
18 a nonrelative extended family member as described in Section  
19 362.7.

20 (2) *The approved home of a resource family as defined in*  
21 *Section 16519.5.*

22 ~~(2)~~

23 (3) A suitable licensed community care facility.

24 ~~(3)~~

25 (4) With a foster family agency to be placed in a suitable  
26 licensed home or other family home which has been certified by  
27 the agency as meeting licensing standards.

28 ~~(4)~~

29 (5) A home or facility in accordance with the federal Indian  
30 Child Welfare Act.

31 (b) The granting of a community care license or approval status  
32 does not entitle the caregiver to the placement of a specific child  
33 or children. Placement is based on the child’s needs and best  
34 interests.

35 ~~SEC. 7.~~

36 *SEC. 23. Section 16519.5 of the Welfare and Institutions Code*  
37 *is amended to read:*

38 16519.5. (a) The State Department of Social Services, in  
39 consultation with county child welfare agencies, foster parent  
40 associations, and other interested community parties, shall

1 implement a unified, family friendly, and child-centered resource  
2 family approval process to replace the existing multiple processes  
3 for licensing foster family homes, approving relatives and  
4 nonrelative extended family members as foster care providers, and  
5 approving adoptive families.

6 ~~Up to five counties~~ (1) *Counties* shall be selected to  
7 participate on a voluntary basis as early implementation counties  
8 for the purpose of participating in the initial development of the  
9 approval process. Early implementation counties shall be selected  
10 according to criteria developed by the department in consultation  
11 with the County Welfare Directors Association. In selecting the  
12 five early implementation counties, the department shall promote  
13 diversity among the participating counties in terms of size and  
14 geographic location.

15 (2) *Additional counties may participate in the early*  
16 *implementation of the program upon authorization by the*  
17 *department.*

18 (c) (1) For the purposes of this section, “resource family” means  
19 an individual or couple that a participating county determines to  
20 have successfully met both the home approval standards and the  
21 permanency assessment criteria adopted pursuant to subdivision  
22 (d) necessary for providing care for a related or unrelated child  
23 who is under the jurisdiction of the juvenile court, or otherwise in  
24 the care of a county child welfare agency or probation department.  
25 A resource family shall demonstrate all of the following:

26 (A) An understanding of the safety, permanence, and well-being  
27 needs of children who have been victims of child abuse and neglect,  
28 and the capacity and willingness to meet those needs, including  
29 the need for protection, and the willingness to make use of support  
30 resources offered by the agency, or a support structure in place,  
31 or both.

32 (B) An understanding of children’s needs and development,  
33 effective parenting skills or knowledge about parenting, and the  
34 capacity to act as a reasonable, prudent parent in day-to-day  
35 decisionmaking.

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

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

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

3 (2) Subsequent to meeting the criteria set forth in this  
 4 subdivision and designation as a resource family, a resource family  
 5 shall be considered eligible to provide foster care for related and  
 6 unrelated children in out-of-home placement, shall be considered  
 7 approved for adoption or guardianship, and shall not have to  
 8 undergo any additional approval or licensure as long as the family  
 9 lives in a county participating in the program.

10 (3) Resource family assessment and approval means that the  
 11 applicant meets the standard for home approval, and has  
 12 successfully completed a permanency assessment. This approval  
 13 is in lieu of the existing foster care license, relative or nonrelative  
 14 extended family member approval, and the adoption home study  
 15 approval.

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

18 (d) Prior to implementation of this program, the department  
 19 shall adopt standards pertaining to home approval and permanency  
 20 assessment of a resource family.

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

23 (A) (i) Criminal records clearance of all adults residing in the  
 24 home, pursuant to Section 8712 of the Family Code, utilizing a  
 25 check of the Child Abuse Central Index (CACI), a check of the  
 26 Child Welfare Services/Case Management System (CWS/CMS),  
 27 and receipt of a fingerprint-based state and federal criminal  
 28 offender record information search response . *The criminal history*  
 29 *information shall include subsequent state and federal arrest and*  
 30 *disposition notifications pursuant to Section 11105.2 of the Penal*  
 31 *Code.*

32 (ii) Consideration of any ~~prior~~ *substantiated* allegations of child  
 33 abuse or neglect against either the applicant or any other adult  
 34 residing in the home. An approval may not be granted to applicants  
 35 whose criminal record indicates a conviction for any of the offenses  
 36 specified in ~~clause (i) of subparagraph (A) of paragraph (1)~~  
 37 ~~of subdivision (g) of Section 1522 of the Health and Safety Code.~~

38 (iii) Exemptions from the criminal records clearance  
 39 requirements set forth in this section may be granted by the director  
 40 or the early implementation county, if that county has been granted

1 permission by the director to issue criminal records exemptions  
2 pursuant to Section 361.4, using the exemption criteria currently  
3 used for foster care licensing as specified in subdivision (g) of  
4 Section 1522 of the Health and Safety Code.

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

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

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

13 (ii) That the total number of children residing in the home of a  
14 resource family shall be no more than the total number of children  
15 the resource family can properly care for, regardless of status, and  
16 shall not exceed six children, unless exceptional circumstances  
17 that are documented in the foster child's case file exist to permit  
18 a resource family to care for more children, including, but not  
19 limited to, the need to place siblings together.

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

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

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

32 (A) The applicant shall complete caregiver training.

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

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

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

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

4 (3) If additional time is needed to complete the permanency  
5 assessment, the county shall document the extenuating  
6 circumstances for the delay and generate a timeframe for the  
7 completion of the permanency assessment.

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

12 (5) A child may be placed with a relative, as defined in Section  
13 319, or nonrelative extended family member, as defined in Section  
14 362.7, prior to home approval and completion of the permanency  
15 assessment only on an emergency basis if all of the following  
16 requirements are met:

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

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

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

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

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

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

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

37 (1) Selecting early implementation counties, based on criteria  
38 established by the department in consultation with the County  
39 Welfare Directors Association.

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

5 (3) Entering into terms and conditions for participation in the  
6 program by counties.

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

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

17 (6) Adopting and requiring the use of standardized  
18 documentation for the home approval and permanency assessment  
19 of resource families.

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

22 (A) Investigating complaints of resource families.

23 (B) Developing and monitoring resource family corrective action  
24 plans to correct identified deficiencies and to rescind resource  
25 family approval if compliance with corrective action plans is not  
26 achieved.

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

29 (A) Reviewing the county's implementation of the program.

30 (B) Reviewing an adequate number of approved resource  
31 families in each participating county to ensure that approval  
32 standards are being properly applied. The review shall include  
33 case file documentation, and may include onsite inspection of  
34 individual resource families. The review shall occur on an annual  
35 basis, and more frequently if the department becomes aware that  
36 a participating county is experiencing a disproportionate number  
37 of complaints against individual resource family homes.

38 (C) Reviewing county reports of serious complaints and  
39 incidents involving approved resource families, as determined  
40 necessary by the department. The department may conduct an

1 independent review of the complaint or incident and change the  
2 findings depending on the results of its investigation.

3 (D) Investigating unresolved complaints against participating  
4 counties.

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

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

11 (A) An analysis, utilizing available data, of state and federal  
12 data indicators related to the length of time to permanency  
13 including reunification, guardianship and adoption, child safety  
14 factors, and placement stability.

15 (B) An analysis of resource family recruitment and retention  
16 elements, including resource family satisfaction with approval  
17 processes and changes regarding the population of available  
18 resource families.

19 (C) An analysis of cost, utilizing available data, including  
20 funding sources.

21 (D) An analysis of regulatory or statutory barriers to  
22 implementing the program on a statewide basis.

23 (g) Counties participating in the program shall be responsible  
24 for all of the following:

25 (1) Submitting an implementation plan, entering into terms and  
26 conditions for participation in the program, consulting with the  
27 county probation department in the development of the  
28 implementation plan, training appropriate staff, and accepting  
29 applications from resource families within the timeframes  
30 established by the department.

31 (2) Complying with the written directives pursuant to paragraph  
32 (4) of subdivision (f).

33 (3) Implementing the requirements for resource family home  
34 approval and permanency assessment and utilizing standardized  
35 documentation established by the department.

36 (4) (A) Ensuring staff have the education and experience  
37 necessary to complete the home approval and permanency  
38 assessment competently.

39 (B) *A county may contract with a licensed adoption agency to*  
40 *complete the permanency assessment. A permanency assessment*

1 *completed by a licensed adoption agency shall be reviewed and*  
2 *approved by the county.*

3 (5) Approving and denying resource family applications,  
4 including all of the following:

5 (A) Rescinding home approvals and resource family approvals  
6 where appropriate, consistent with the established standard.

7 (B) Providing *an applicant and* disapproved resource ~~families~~  
8 *family* requesting review of that decision *with due process* ~~by~~  
9 ~~conducting county grievance reviews~~ pursuant to the department's  
10 regulations.

11 (C) Notifying the department of any decisions denying a  
12 resource family's application or rescinding the approval of a  
13 resource family.

14 (6) Updating resource family approval annually.

15 (7) Monitoring resource families through all of the following:

16 (A) Ensuring that social workers who identify a condition in  
17 the home that may not meet the approval standards set forth in  
18 subdivision (d) while in the course of a routine visit to children  
19 placed with a resource family take appropriate action as needed.

20 (B) Requiring resource families to comply with corrective action  
21 plans as necessary to correct identified deficiencies. If corrective  
22 action is not completed as specified in the plan, the county may  
23 rescind the resource family approval.

24 (C) Requiring resource families to report to the county child  
25 welfare agency any incidents consistent with the reporting  
26 requirements for licensed foster family homes.

27 (8) Investigating all complaints against a resource family and  
28 taking action as necessary. This shall include investigating any  
29 incidents reported about a resource family indicating that the  
30 approval standard is not being maintained.

31 (A) The child's social worker shall not conduct the formal  
32 investigation into the complaint received concerning a family  
33 providing services under the standards required by subdivision  
34 (d). To the extent that adequate resources are available, complaints  
35 shall be investigated by a worker who did not initially perform the  
36 home approval or permanency assessment.

37 (B) Upon conclusion of the complaint investigation, the final  
38 disposition shall be reviewed and approved by a supervising staff  
39 member.

1 (C) The department shall be notified of any serious incidents  
2 or serious complaints or any incident that falls within the definition  
3 of Section 11165.5 of the Penal Code. If those incidents or  
4 complaints result in an investigation, the department shall also be  
5 notified as to the status and disposition of that investigation.

6 (9) Performing corrective action as required by the department.

7 (10) Assessing county performance in related areas of the  
8 California Child and Family Services Review System, and  
9 remedying problems identified.

10 (11) Submitting information and data that the department  
11 determines is necessary to study, monitor, and prepare the report  
12 specified in paragraph (9) of subdivision (f).

13 (h) (1) Approved relatives and ~~nonrelated~~ *nonrelative* extended  
14 family members, licensed foster family homes, or approved  
15 adoptive homes that have completed the license or approval process  
16 prior to full implementation of the program shall not be considered  
17 part of the program. The otherwise applicable assessment and  
18 oversight processes shall continue to be administered for families  
19 and facilities not included in the program.

20 (2) *Upon implementation of the program in a county, that*  
21 *county may not accept new applications for the licensure of foster*  
22 *family homes, the approval of relative and nonrelative extended*  
23 *family members, or the approval of prospective adoptive homes.*

24 (i) The department may waive regulations that pose a barrier to  
25 implementation and operation of this program. The waiver of any  
26 regulations by the department pursuant to this section shall apply  
27 to only those counties participating in the program and only for  
28 the duration of the program.

29 (j) Resource families approved under initial implementation of  
30 the program, who move within an early implementation county or  
31 who move to another early implementation county, shall retain  
32 their resource family status if the new building and grounds,  
33 outdoor activity areas, and storage areas meet home approval  
34 standards. The State Department of Social Services or early  
35 implementation county may allow a program-affiliated individual  
36 to transfer his or her subsequent arrest notification if the individual  
37 moves from one early implementation county to another early  
38 implementation county, as specified in subdivision (h) of Section  
39 1522 of the Health and Safety Code.

1 (k) (1) ~~A~~ *The approval of a resource family approved under*  
2 ~~this program that moves~~ *who moves to a nonparticipating county*  
3 ~~shall lose its status as a resource family. The new county of~~  
4 ~~residence shall deem the family approved for licensing, relative~~  
5 ~~and nonrelated extended family member approval, guardianship,~~  
6 ~~and adoption purposes, under the following conditions:~~ *remains*  
7 *in full force and effect pending a determination by the county*  
8 *approval agency or the department, as appropriate, whether the*  
9 *new building and grounds and storage areas meet applicable*  
10 *standards, and whether all adults residing in the home have a*  
11 *criminal records clearance or exemptions granted, using the*  
12 *exemption criteria used for foster care licensing, as specified in*  
13 *subdivision (g) of Section 1522 of the Health and Safety Code.*  
14 *Upon this determination, the nonparticipating county shall either*  
15 *approve the family as a relative or nonrelative extended family*  
16 *member, as applicable, or the department shall license the family*  
17 *as a foster family home.*

18 ~~(A) The new building and grounds, outdoor activity areas, and~~  
19 ~~storage areas meet applicable standards, unless the family is subject~~  
20 ~~to a corrective action plan.~~

21 ~~(B) There has been a criminal records clearance of all adults~~  
22 ~~residing in the home and exemptions granted, using the exemption~~  
23 ~~criteria currently used for foster care licensing, as specified in~~  
24 ~~subdivision (g) of Section 1522 of the Health and Safety Code.~~

25 (2) *Subject to the requirements in paragraph (1), the family*  
26 *shall continue to be approved for guardianship and adoption.*  
27 *Nothing in this subdivision shall limit a county or adoption agency*  
28 *from determining that the family is not approved for guardianship*  
29 *or adoption based on changes in the family's circumstances or*  
30 *permanency assessment.*

31 ~~(2)~~

32 (3) *A program-affiliated individual who moves to a*  
33 *nonparticipating county may not transfer his or her subsequent*  
34 *arrest notification from a participating county to the*  
35 *nonparticipating county.*

36 (l) *Implementation of the program shall be contingent upon the*  
37 *continued availability of federal Social Security Act Title IV-E*  
38 *(42 U.S.C. Sec. 670) funds for costs associated with placement of*  
39 *children with resource families assessed and approved under the*  
40 *program.*

1 (m) ~~Notwithstanding Section 11402, a~~ A child placed with a  
 2 resource family shall be eligible for AFDC-FC payments. A  
 3 resource family shall be paid an AFDC-FC rate pursuant to  
 4 Sections 11460 and 11461. Sharing ratios for nonfederal  
 5 expenditures for all costs associated with activities related to the  
 6 approval of relatives and ~~nonrelated~~ *nonrelative* extended family  
 7 members shall be in accordance with Section 10101.

8 (n) The Department of Justice shall charge fees sufficient to  
 9 cover the cost of initial or subsequent criminal offender record  
 10 information and Child Abuse Central Index searches, processing,  
 11 or responses, as specified in this section.

12 (o) Approved resource families under this program shall be  
 13 exempt from all of the following:

14 (1) Licensure requirements set forth under the Community Care  
 15 Facilities Act, commencing with Section 1500 of the Health and  
 16 Safety Code, and all regulations promulgated thereto.

17 (2) Relative and nonrelative extended family member approval  
 18 requirements set forth under Sections 309, 361.4, and 362.7, and  
 19 all regulations promulgated thereto.

20 (3) Adoptions approval and reporting requirements set forth  
 21 under Section 8712 of the Family Code, and all regulations  
 22 promulgated thereto.

23 (p) Early implementation counties shall be authorized to  
 24 continue through the end of the ~~2010-11~~ *2016-17* fiscal year, or  
 25 through the end of the third full fiscal year following the date that  
 26 counties commence implementation, whichever of these dates is  
 27 ~~later, at which time the program shall be authorized in all counties~~  
 28 *later. The program is authorized in all counties effective July 1,*  
 29 *2017. The program shall be implemented by each county on or*  
 30 *before July 1, 2019.*

31 ~~(q) Notwithstanding subdivision (p), this section shall not be~~  
 32 ~~implemented until January 1, 2013.~~

33 *(q) Notwithstanding any other law, on and after July 1, 2017,*  
 34 *a licensed foster family agency shall require a certified family*  
 35 *home applicant to meet the resource family approval standards*  
 36 *and requirements set forth in this article and in the written*  
 37 *directives adopted pursuant to paragraph (4) of subdivision (f),*  
 38 *prior to certification.*

39 *SEC. 24. Section 17710 of the Welfare and Institutions Code*  
 40 *is amended to read:*

1 17710. Unless otherwise specified in this part:

2 (a) “Child with special health care needs” means a child, or a  
3 person who is 22 years of age or younger who is completing a  
4 publicly funded education program, who has a condition that can  
5 rapidly deteriorate resulting in permanent injury or death or who  
6 has a medical condition that requires specialized in-home health  
7 care, and who either has been adjudged a dependent of the court  
8 pursuant to Section 300, has not been adjudged a dependent of the  
9 court pursuant to Section 300 but is in the custody of the county  
10 welfare department, or has a developmental disability and is  
11 receiving services and case management from a regional center.

12 (b) “County” means ~~the~~ a county welfare department.

13 (c) “Department” means the State Department of Social  
14 Services.

15 (d) “Individualized health care plan team” means those  
16 individuals who develop a health care plan for a child with special  
17 health care needs in a specialized foster care home, as defined in  
18 subdivision (i), or group home, which shall include the child’s  
19 primary care physician or other health care professional designated  
20 by the physician, any involved medical team, and the county social  
21 worker or regional center worker, and any health care professional  
22 designated to monitor the child’s individualized health care plan  
23 pursuant to paragraph (8) of subdivision (c) of Section 17731,  
24 including, if the child is in a certified home, the registered nurse  
25 employed by or under contract with the certifying agency to  
26 supervise and monitor the child. The child’s individualized health  
27 care plan team may also include, but shall not be limited to, a  
28 public health nurse, representatives from the California Children’s  
29 Services Program or the Child Health and Disability Prevention  
30 Program, regional centers, the county mental health department,  
31 and where reunification is the goal, the parent or parents, if  
32 available. In addition, if the child is in a specialized foster care  
33 home, the individualized health care plan team may include the  
34 prospective specialized foster parents, who shall not participate in  
35 any team decision pursuant to paragraph (6) of subdivision (c) of  
36 Section 17731 or pursuant to subparagraph (C) of paragraph (1)  
37 of subdivision (a), or clause (i) of subparagraph (B) of paragraph  
38 (2) of subdivision (a), of Section 17732.

39 (e) “Director” means the Director of Social Services.

1 (f) “Level of care” means a description of the specialized  
2 in-home health care to be provided to a child with special health  
3 care needs by the foster family.

4 (g) Medical conditions requiring specialized in-home health  
5 care require dependency upon one or more of the following: enteral  
6 feeding tube, total parenteral feeding, a cardiorespiratory monitor,  
7 intravenous therapy, a ventilator, oxygen support, urinary  
8 catheterization, renal dialysis, ministrations imposed by  
9 tracheostomy, colostomy, ileostomy, or other medical or surgical  
10 procedures or special medication regimens, including injection,  
11 and intravenous medication.

12 (h) “Specialized in-home health care” includes, but is not limited  
13 to, those services identified by the child’s primary physician as  
14 appropriately administered in the home by any one of the  
15 following:

16 (1) A *foster* parent trained by health care professionals where  
17 the child is being placed in, or is currently in, a specialized foster  
18 care home.

19 (2) Group home staff trained by health care professionals  
20 pursuant to the discharge plan of the facility releasing the child  
21 where the child was placed in the home as of November 1, 1993,  
22 and who is currently in the home.

23 (3) A health care professional, where the child is placed in a  
24 group home after November 1, 1993. The health care services  
25 provided pursuant to this paragraph shall not be reimbursable costs  
26 for the purpose of determining the group home rate under Section  
27 11462.

28 (i) “Specialized foster care home” means any of the following  
29 foster homes where the foster parents reside in the home and have  
30 been trained to provide specialized in-home health care to foster  
31 children:

32 (1) Licensed foster family homes, as defined in paragraph (5)  
33 of subdivision (a) of Section 1502 of the Health and Safety Code.

34 (2) Licensed small family homes, as defined in paragraph (6)  
35 of subdivision (a) of Section 1502 of the Health and Safety Code.

36 (3) Certified family homes, as defined in subdivision (d) of  
37 Section 1506 of the Health and Safety Code, that have accepted  
38 placement of a child with special health care needs who is under  
39 the supervision and monitoring of a registered nurse employed by,

1 or on contract with, the certifying agency, and who is either of the  
2 following:

3 (A) A dependent of the court under Section 300.

4 (B) Developmentally disabled and receiving services and case  
5 management from a regional center.

6 (4) *Approved resource families, as defined in Section 16519.5.*

7 *SEC. 25. Section 17732.2 of the Welfare and Institutions Code*  
8 *is amended to read:*

9 17732.2. (a) In determining the licensed capacity of a  
10 specialized foster family ~~home or home~~, a specialized certified  
11 family home, *or specialized resource family*, the department *or*  
12 *county* shall consider all adoptive, biological, and foster children,  
13 and children in guardianship living in the home, in order not to  
14 exceed a total of six children living in the home.

15 (b) The Legislature finds and declares that this section is  
16 declaratory of existing law.

17 ~~SEC. 8.~~

18 *SEC. 26.* (a) Notwithstanding the rulemaking provisions of  
19 the Administrative Procedure Act, Chapter 3.5 (commencing with  
20 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
21 Code, until emergency regulations are filed with the Secretary of  
22 State, the State Department of Social Services may implement the  
23 changes made to ~~Section 8707.1~~ *Sections 8707.1 and 17212* of the  
24 Family Code, Section 1515 of the Health and Safety Code, and  
25 Sections ~~10850.4, 16002, 16010.6, 16519.5, and 17212~~ *and*  
26 *16519.5* of the Welfare and Institutions Code by this act through  
27 all-county letters or similar instructions from the director. The  
28 department shall adopt emergency regulations, as necessary to  
29 implement those amendments no later than January 1, 2016.

30 (b) The adoption of regulations pursuant to subdivision (a) shall  
31 be deemed to be an emergency and necessary for the immediate  
32 preservation of the public peace, health, safety, or general welfare.  
33 The emergency regulations authorized by this section shall be  
34 exempt from review by the Office of Administrative Law. The  
35 emergency regulations authorized by this section shall be submitted  
36 to the Office of Administrative Law for filing with the Secretary  
37 of State and shall remain in effect for no more than 180 days, by  
38 which time the final regulations shall be adopted.

1     ~~SEC. 9.~~

2     *SEC. 27.* If the Commission on State Mandates determines that  
3 this act contains costs mandated by the state, reimbursement to  
4 local agencies and school districts for those costs shall be made  
5 pursuant to Part 7 (commencing with Section 17500) of Division  
6 4 of Title 2 of the Government Code.

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