

AMENDED IN SENATE JUNE 17, 2015

AMENDED IN SENATE JUNE 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 106**

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**Introduced by Committee on Budget (Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams)**

January 9, 2015

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An act to amend Section 1040 of the Evidence Code, to amend Section 17706 of the Family Code, to amend Sections 1522 and 1596.871 of, and to amend, repeal, and add Sections 1534, 1569.33, 1597.09, and 1597.55a of, the Health and Safety Code, to amend Section 18726 of the Revenue and Taxation Code, to amend Section 1095 of the Unemployment Insurance Code, and to amend Sections 9305, 11265.3, 11265.47, 11330.5, 11461.3, 11477, 13302, 14124.93, 17600.10, 17600.15, 17601.25, 17604, 17605, 17605.051, 17605.07, 17606.10, 17608.05, 17608.10, 17609.05, 18910, and 18358.30 of, to amend the heading of Chapter 5.6 (commencing with Section 13300) of Part 3 of Division 9 of, to amend and repeal Sections 17603.05 and 17604.05 of, to amend, repeal, and add Sections 17600 and 17606.20 of, to add Sections 11253.4, 13303, 13304, 13305, 13306, 15753, and 18910.1 to, to repeal Sections 17605.05, 17605.08, 17606.05, 17606.15, and 17608.15 of, and to repeal and add Section 17605.10 of, the Welfare and Institutions Code, relating to human services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

## LEGISLATIVE COUNSEL'S DIGEST

AB 106, as amended, Committee on Budget. Human services.

(1) Under existing law, the parents of a minor child are responsible for supporting the child. Existing law establishes the Department of Child Support Services, which administers all federal and state laws and regulations relating to child support enforcement obligations. Existing law requires each county to maintain a local child support agency that has responsibility for promptly and effectively enforcing child support obligations. Existing law also establishes within the state's child support program a quality assurance and performance improvement program. Existing law provides that the 10 counties with the best performance standards shall receive an additional 5% of the state's share of those counties' collections that are used to reduce or repay aid that is paid under the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Existing law requires these additional funds received by a county to be used for specified child support-related activities. Existing law suspends the payment of this additional 5% for the 2002–03 to 2014–15 fiscal years, inclusive.

This bill would extend the suspension of the additional 5% payments through the 2016–17 fiscal year.

(2) Under existing law, the State Department of Social Services regulates the licensure and operation of community care facilities, residential care facilities for the elderly, child day care centers, and family day care homes. Existing law provides that these facilities, except for foster family homes, are subject to unannounced visits by the department at least once every 5 years. Existing law requires the department to conduct an annual unannounced visit under specified circumstances, including when a license is on probation, and to conduct annual unannounced visits of no less than 20% of the facilities, other than foster family homes, that are not subject to an inspection under those specified circumstances.

This bill would increase the frequency of inspections of those care facilities licensed by the State Department of Social Services, as specified. The bill would also require the department, as it implements the first stage of the multiyear proposal to increase the inspection frequency of facilities licensed, as specified, to update the Legislature frequently, and no later than April 1, 2016, for the first update, regarding the implementation of the multiyear proposal, as specified.

(3) Existing law requires the State Department of Social Services, before issuing a license or special permit to any person to operate or manage a community care facility or a day care facility, to secure from an appropriate law enforcement agency a criminal record regarding the applicant and specified other persons, including those who will reside in the facility and employees and volunteers who have contact with the clients or children, as specified. Existing law generally prohibits the Department of Justice or the State Department of Social Services from charging a fee for fingerprinting or obtaining the criminal record of an applicant for a license or special permit to operate a community care facility providing nonmedical board, room, and care for 6 or fewer children, an applicant to operate or manage a day care facility that will serve 6 or fewer children, or an applicant for a family day care license, as specified. Existing law suspends the operation of that prohibition against charging a fee, however, through the 2014–15 fiscal year.

This bill would extend through the 2016–17 fiscal year the suspension of the prohibition against charging a fee for fingerprinting or obtaining a criminal record pursuant to the provisions described above, thereby permitting those departments to charge a fee for those services.

(4) Under existing law, taxpayers are allowed to contribute amounts in excess of their personal income tax liability in support of the California Senior Legislature Fund, which is used to fund the sessions of the California Senior Legislature. Existing law, until January 1, 2015, authorized taxpayers to contribute amounts in excess of their tax liability in support of the California Fund for Senior Citizens, which was used to support those sessions. Existing law requires that funds for the California Senior Legislature be allocated from the now obsolete California Fund for Senior Citizens.

This bill would instead require that funds for the California Senior Legislature be allocated from the California Senior Legislature Fund, which the bill would designate as the successor fund of the California Fund for Senior Citizens. The bill would require that all assets, liabilities, revenues, and expenditures of the California Fund for Senior Citizens be transferred to the California Senior Legislature Fund, and that all references in state law to the California Fund for Senior Citizens be construed to refer to the California Senior Legislature Fund.

(5) Under existing law, the information obtained in the administration of the Unemployment Insurance Code is for the exclusive use and information of the Director of Employment Development in the discharge of his or her duties and is not open to the public. However,

existing law requires the director to permit the use of the information for specified purposes, including, among others, to enable federal, state, and local government agencies to verify or determine eligibility for an applicant or recipient of specified public social services, and allows the director to require reimbursement for direct costs incurred.

This bill would require the director to permit the use of any information in his or her possession to enable federal, state, or local government departments or agencies, or their contracted agencies, subject to federal law, to evaluate, research, or forecast the effectiveness of public social services programs, as specified, when the evaluation, research, or forecast is directly connected with, and limited to, the administration of those public social services programs. The bill would also make technical, nonsubstantive changes.

(6) Existing federal law provides for the allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the CalWORKs program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Under existing law, an otherwise qualified individual convicted of any of certain felonies that have as an element the possession, use, or distribution of a controlled substance, as defined, is eligible to receive CalWORKs benefits, except as specified.

This bill would make a conforming change by deleting certain reporting requirements regarding those types of convictions with respect to eligibility for the CalWORKs program.

(7) Existing law authorizes a county to provide housing supports, including financial assistance and housing stabilization and relocation services, to CalWORKs recipients who are experiencing homelessness or housing instability that would be a barrier to self-sufficiency or child well-being. Under existing law, the State Department of Social Services is required to allocate funds to a county that meets certain criteria for the purpose of funding these housing supports.

This bill would authorize a county to continue to provide housing supports to a person who has been discontinued from CalWORKs because he or she no longer meets specified income eligibility requirements.

(8) Existing law groups families into assistance units for purposes of determining eligibility and computing the amount of aid payment under CalWORKs. Existing law requires, as a condition of eligibility

for assistance under the CalWORKs program, the applicant or recipient to assign to the county any rights to support from any other person the applicant or recipient may have on his or her own behalf, or on behalf of any other family member for whom the applicant or recipient is applying for or receiving aid, only with respect to support that accrues during the period of time that the applicant is receiving assistance under the program, and to cooperate with efforts to establish paternity of a child of the applicant and to establish, modify, or enforce a support order, as specified. Existing law also requires sanctions to be imposed if an individual fails to comply with program requirements.

This bill would exempt applicants for or recipients of CalWORKs benefits from the requirements that they assign to the county any rights to support, and that they cooperate with efforts to establish paternity of a child of the applicant and to establish, modify, or enforce a support order, if all eligible adults in the assistance unit have been subject to sanctions for at least 12 consecutive months for failing to comply with CalWORKs requirements. By imposing additional administrative duties on local officers, the bill would impose a state-mandated local program.

(9) Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Under existing law, a child is eligible for AFDC-FC if he or she is placed in the approved home of a relative and is otherwise eligible for federal financial participation in the AFDC-FC payment, as specified. Existing law establishes the Approved Relative Caregiver Funding Option Program, in counties that choose to participate, for the purpose of making the amount paid to relative caregivers for the in-home care of children placed with them who are ineligible for AFDC-FC payments equal to the amount paid on behalf of children who are eligible for AFDC-FC payments. Existing law requires counties to pay an approved relative caregiver a per child per month rate in this case if the county has opted in and the child placed in the home meets specified requirements. Existing law appropriates for these purposes \$30,000,000 from the General Fund each calendar year, as cumulatively adjusted annually by the California Necessities Index (CNI), as specified.

This bill would provide that a child eligible for the Approved Relative Caregiver Funding Option Program shall not be subject to certain requirements of CalWORKs, except as specified. This bill would require, among other things, that any income or benefit received by an eligible child or an approved relative caregiver on behalf of the eligible child

that would be offset against the basic rate paid to a foster care provider, as specified, be offset from any funds, other than CalWORKs funds, paid to the approved relative caregiver, and would require counties to recoup overpayment in the program using the standards and processes for overpayment recoupment that are applicable to overpayments to an approved home of a relative, as specified. The bill would revise the funding provisions for the Approved Relative Caregiver Funding Option Program, including appropriating from the General Fund the sum of \$15,000,000 for the period of January 1, 2015, to June 30, 2015, inclusive, and the amount of \$30,000,000, with specified adjustments, for the period of July 1, 2015 to June 30, 2016, inclusive. For every 12-month period thereafter, the bill would require an amount calculated pursuant to a specified formula to be appropriated to fund the Approved Relative Caregiver Funding Option Program, as prescribed.

(10) Existing federal law, the Homeland Security Act of 2002, empowers the Director of the Office of Refugee Resettlement of the United States Department of Health and Human Services with functions under the immigration laws of the United States with respect to the care of unaccompanied alien children, as defined, including, but not limited to, coordinating and implementing the care and placement of unaccompanied alien children who are in federal custody by reason of their immigration status, including developing a plan to be submitted to Congress on how to ensure that qualified and independent legal counsel is timely appointed to represent the interests of each child, as provided. Existing law requires the State Department of Social Services, subject to the availability of funding, to contract with qualified nonprofit legal services organizations to provide legal services to unaccompanied undocumented minors, as defined, who are transferred to the care and custody of the federal Office of Refugee Resettlement and who are present in this state. Existing law requires that the contracts awarded meet certain conditions.

Existing policy of the United States Department of Homeland Security, Deferred Action for Childhood Arrivals (DACA), and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), provides that certain persons who do not have legal status in the United States and who meet specified guidelines may apply for deferred action on removal from the United States, as specified.

Commencing January 1, 2016, this bill would require the State Department of Social Services, subject to the availability of funding, to provide grants to qualified organizations, as specified, to be used to

provide persons living in California with specified services, including services to assist with the application process for initial or renewal requests of deferred action under the DACA and DAPA policies, and to provide legal training and technical assistance to other qualified organizations. The bill would also require the department, subject to the availability of funding, to provide grants to qualified organizations to provide free education and outreach information, services, and materials about DACA, DAPA, naturalization, or other immigration remedies. The bill would require the department to update the Legislature in the course of budget hearings on specified information, including the timelines for implementation of these provisions and the participating organizations awarded contracts or grants.

(11) Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income persons receive health care services. Existing law requires the Department of Child Support Services to provide payments to the local child support agency of \$50 per case for obtaining 3rd-party health coverage or insurance of Medi-Cal beneficiaries, to the extent that funds are appropriated in the Budget Act. Under existing law, these payments are suspended for the 2003–04 to 2014–15 fiscal years, inclusive.

This bill would extend the suspension of the above-described payments to local child support agencies through the 2016–17 fiscal year.

(12) Existing law requires each county welfare department to establish and support a system of protective services to elderly and dependent adults who may be subjected to neglect, abuse, or exploitation, or who are unable to protect their own interests.

This bill would require the State Department of Social Services to establish one full-time position that reports to the director to assist counties with specified functions in the operation of their adult protective services system, including developing recommended program goals, performance measures, and outcomes for the system.

(13) Existing law provides for the allocation of funds appropriated from the continuously appropriated Local Revenue Fund for the distribution of sales tax and motor vehicle license fee moneys to local agencies for the administration of various social service programs.

The Local Revenue Fund is divided into various accounts and subaccounts, including the Vehicle License Fee Growth Account, the Sales Tax Growth Account, and the Sales Tax Account, which includes

the Mental Health Subaccount, the Social Services Subaccount, and the Family Support Subaccount, among other subaccounts.

This bill would, on and after August 1, 2015, add the County Medical Services Program Subaccount to the Sales Tax Account. The bill would create various new subaccounts in the Vehicle License Fee Account. The bill would also create the County Medical Services Program Growth Subaccount and the General Growth Subaccount in the Vehicle License Fee Growth Account.

(14) Existing law provides for the deposit of sales tax proceeds from revenues deposited to the credit of the Local Revenue Fund into specified subaccounts of the Sales Tax Account. Existing law requires the Controller to deposit into the Sales Tax Growth Account certain remaining unallocated excess sales tax revenues. Existing law requires the Controller to transfer funds from the Social Services Subaccount to the Health Subaccount in an amount not to exceed one billion dollars in any fiscal year, as specified.

This bill would, for the 2015–16 fiscal year, and each fiscal year thereafter, include the County Medical Services Program Subaccount among those subaccounts for deposit of sales tax proceeds, as specified, and would provide for the remaining unallocated excess sales tax revenues to be deposited after that allocation. The bill would restrict the one-billion-dollar limit for fund transfers between the Social Services Subaccount and the Health Subaccount to the 2014–15 fiscal year.

The bill would also require the Controller to make monthly deposits of vehicle license fee proceeds, from revenues deposited to the credit of the Local Revenue Fund, to various subaccounts of the Vehicle License Fee Account. The bill would provide that any excess vehicle license fee revenues would be deposited in the Vehicle License Fee Growth Account of the Local Revenue Fund.

(15) Existing law requires the Controller to deposit specified amounts to the County Medical Services Subaccount in lieu of depositing those amounts into the County Medical Services Program Account of the County Health Services Fund, upon request of the County Medical Services Program Governing Board. Existing law also provides for the allocation of funds to eligible jurisdictions with a poverty-population shortfall if deposits into certain subaccounts in the Sales Tax Growth Account are not sufficient to eliminate poverty-population shortfalls, as calculated by the Department of Finance.

This bill would delete those provisions.

(16) Existing law requires the Controller to allocate funds from the General Growth Subaccount in the Sales Tax Growth Account to the Mental Health Account of each county, city, or city and county based on a schedule provided by the Department of Finance, to allocate a specified percentage of the total General Growth Subaccount to the Health Account, and to allocate the remaining funds to the Child Poverty and Family Supplemental Support Subaccount in the Sales Tax Account.

This bill would continue the allocation to the local Mental Health Accounts, but would instead require the Controller to allocate that specified percentage of the General Growth Subaccount to the health account of each county, city, or city and county based on a schedule provided by the Department of Finance, and to allocate the remaining funds to the family support account of each county or city and county, as specified.

(17) Existing law requires a county or city, as a condition of the deposit of funds from the Sales Tax Account of the Local Revenue Fund into the local health and welfare trust fund account of that county or city, to deposit general purpose revenues into that account pursuant to a specified schedule, and to take additional financial actions, as specified. Similarly, a county, city, or city and county is required, as a condition of the deposit of Sales Tax Growth Account funds into the local health and welfare trust fund account, to deposit local matching funds into that account, as specified.

This bill would delete those additional financial action and matching fund requirements.

This bill would make related, conforming, and other technical changes.

By revising the allocation of moneys that are continuously appropriated from the Local Revenue Fund, this bill would make an appropriation.

(18) Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law requires the State Department of Social Services to redetermine recipient eligibility and grant amounts under CalFresh on a semiannual basis, using prospective budgeting, and to prospectively determine the benefit amount that a recipient is entitled to receive for each month of the semiannual reporting period. Existing law requires counties, for individuals who are also Medi-Cal beneficiaries, to seek

to align the timing of the semiannual reports with the reports required by the Medi-Cal program.

This bill would make that requirement inapplicable to CalFresh households in which all adult members are elderly or disabled members, as defined, and in which the household has no earned income. This bill would also state the intent of the Legislature to eliminate change reporting, as defined, and to assign certification periods for CalFresh households that are the maximum allowed under federal law.

(19) Existing law requires the State Department of Social Services to implement an intensive treatment foster care program in each county that applies for and receives the department's approval for an intensive treatment foster care program rate. Existing law establishes a standard rate schedule of service and rate levels and, until June 30, 2015, an interim schedule of modified service and rate levels. Existing law requires counties and cities and counties to pay 100% of the nonfederal costs of these intensive foster care programs.

This bill would extend the operation of the interim schedule of modified service and rate levels until December 31, 2016. The bill would also require that the amount paid to a certified foster parent under an intensive treatment foster care program be adjusted on July 1, 2015, and on July 1, 2016, by an amount equal to the California Necessities Index. To the extent that this bill would increase the cost to counties and cities and counties of these intensive treatment foster care programs, this bill would impose a state-mandated local program.

(20) The bill would authorize the State Department of Social Services to implement specified provisions of the bill through all-county letters or similar instructions and would require the department to adopt emergency regulations implementing these provisions no later than January 1, 2017.

(21) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Section 1040 of the Evidence Code is amended  
2 to read:

3 1040. (a) As used in this section, “official information” means  
4 information acquired in confidence by a public employee in the  
5 course of his or her duty and not open, or officially disclosed, to  
6 the public prior to the time the claim of privilege is made.

7 (b) A public entity has a privilege to refuse to disclose official  
8 information, and to prevent another from disclosing official  
9 information, if the privilege is claimed by a person authorized by  
10 the public entity to do so and either of the following apply:

11 (1) Disclosure is forbidden by an act of the Congress of the  
12 United States or a statute of this state.

13 (2) Disclosure of the information is against the public interest  
14 because there is a necessity for preserving the confidentiality of  
15 the information that outweighs the necessity for disclosure in the  
16 interest of justice; but no privilege may be claimed under this  
17 paragraph if any person authorized to do so has consented that the  
18 information be disclosed in the proceeding. In determining whether  
19 disclosure of the information is against the public interest, the  
20 interest of the public entity as a party in the outcome of the  
21 proceeding may not be considered.

22 (c) Notwithstanding any other law, the Employment  
23 Development Department shall disclose to law enforcement  
24 agencies, in accordance with subdivision (i) of Section 1095 of  
25 the Unemployment Insurance Code, information in its possession  
26 relating to any person if an arrest warrant has been issued for the  
27 person for commission of a felony.

28 SEC. 2. Section 17706 of the Family Code is amended to read:

29 17706. (a) It is the intent of the Legislature to encourage  
30 counties to elevate the visibility and significance of the child  
31 support enforcement program in the county. To advance this goal,  
32 effective July 1, 2000, the counties with the 10 best performance  
33 standards pursuant to clause (ii) of subparagraph (B) of paragraph  
34 (2) of subdivision (b) of Section 17704 shall receive an additional  
35 5 percent of the state’s share of those counties’ collections that are

1 used to reduce or repay aid that is paid pursuant to Article 6  
2 (commencing with Section 11450) of Chapter 2 of Part 3 of  
3 Division 9 of the Welfare and Institutions Code. The counties shall  
4 use the increased recoupment for child support-related activities  
5 that may not be eligible for federal child support funding under  
6 Part D of Title IV of the Social Security Act, including, but not  
7 limited to, providing services to parents to help them better support  
8 their children financially, medically, and emotionally.

9 (b) The operation of subdivision (a) shall be suspended for the  
10 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08,  
11 2008–09, 2009–10, 2010–11, 2011–12, 2012–13, 2013–14,  
12 2014–15, 2015–16, and 2016–17 fiscal years.

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

15 1522. The Legislature recognizes the need to generate timely  
16 and accurate positive fingerprint identification of applicants as a  
17 condition of issuing licenses, permits, or certificates of approval  
18 for persons to operate or provide direct care services in a  
19 community care facility, foster family home, or a certified family  
20 home of a licensed foster family agency. Therefore, the Legislature  
21 supports the use of the fingerprint live-scan technology, as  
22 identified in the long-range plan of the Department of Justice for  
23 fully automating the processing of fingerprints and other data by  
24 the year 1999, otherwise known as the California Crime  
25 Information Intelligence System (CAL-CII), to be used for  
26 applicant fingerprints. It is the intent of the Legislature in enacting  
27 this section to require the fingerprints of those individuals whose  
28 contact with community care clients may pose a risk to the clients’  
29 health and safety. An individual shall be required to obtain either  
30 a criminal record clearance or a criminal record exemption from  
31 the State Department of Social Services before his or her initial  
32 presence in a community care facility or certified family home.

33 (a) (1) Before and, as applicable, subsequent to issuing a license  
34 or special permit to any person or persons to operate or manage a  
35 community care facility, the State Department of Social Services  
36 shall secure from an appropriate law enforcement agency a criminal  
37 record to determine whether the applicant or any other person  
38 specified in subdivision (b) has ever been convicted of a crime  
39 other than a minor traffic violation or arrested for any crime  
40 specified in Section 290 of the Penal Code, or for violating Section

1 245, 273ab, or 273.5 of the Penal Code, subdivision (b) of Section  
2 273a of the Penal Code, or, prior to January 1, 1994, paragraph  
3 (2) of Section 273a of the Penal Code, or for any crime for which  
4 the department is prohibited from granting a criminal record  
5 exemption pursuant to subdivision (g).

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

9 (3) Except during the 2003–04 to the 2016–17 fiscal years,  
10 inclusive, neither the Department of Justice nor the State  
11 Department of Social Services may charge a fee for the  
12 fingerprinting of an applicant for a license or special permit to  
13 operate a facility providing nonmedical board, room, and care for  
14 six or less children or for obtaining a criminal record of the  
15 applicant pursuant to this section.

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

17 (A) If the State Department of Social Services finds that the  
18 applicant, or any other person specified in subdivision (b), has  
19 been convicted of a crime other than a minor traffic violation, the  
20 application shall be denied, unless the director grants an exemption  
21 pursuant to subdivision (g).

22 (B) If the State Department of Social Services finds that the  
23 applicant, or any other person specified in subdivision (b), is  
24 awaiting trial for a crime other than a minor traffic violation, the  
25 State Department of Social Services may cease processing the  
26 criminal record information until the conclusion of the trial.

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

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

36 (E) An applicant and any other person specified in subdivision  
37 (b) shall submit fingerprint images and related information to the  
38 Department of Justice for the purpose of searching the criminal  
39 records of the Federal Bureau of Investigation, in addition to the  
40 criminal records search required by this subdivision. If an applicant

1 and all other persons described in subdivision (b) meet all of the  
2 conditions for licensure, except receipt of the Federal Bureau of  
3 Investigation's criminal offender record information search  
4 response for the applicant or any of the persons described in  
5 subdivision (b), the department may issue a license if the applicant  
6 and each person described in subdivision (b) has signed and  
7 submitted a statement that he or she has never been convicted of  
8 a crime in the United States, other than a traffic infraction, as  
9 prescribed in paragraph (1) of subdivision (a) of Section 42001 of  
10 the Vehicle Code. If, after licensure, or the issuance of a certificate  
11 of approval of a certified family home by a foster family agency,  
12 the department determines that the licensee or any other person  
13 specified in subdivision (b) has a criminal record, the department  
14 may revoke the license, or require a foster family agency to revoke  
15 the certificate of approval, pursuant to Section 1550. The  
16 department may also suspend the license or require a foster family  
17 agency to suspend the certificate of approval pending an  
18 administrative hearing pursuant to Section 1550.5.

19 (F) The State Department of Social Services shall develop  
20 procedures to provide the individual's state and federal criminal  
21 history information with the written notification of his or her  
22 exemption denial or revocation based on the criminal record.  
23 Receipt of the criminal history information shall be optional on  
24 the part of the individual, as set forth in the agency's procedures.  
25 The procedure shall protect the confidentiality and privacy of the  
26 individual's record, and the criminal history information shall not  
27 be made available to the employer.

28 (G) Notwithstanding any other law, the department is authorized  
29 to provide an individual with a copy of his or her state or federal  
30 level criminal offender record information search response as  
31 provided to that department by the Department of Justice if the  
32 department has denied a criminal background clearance based on  
33 this information and the individual makes a written request to the  
34 department for a copy specifying an address to which it is to be  
35 sent. The state or federal level criminal offender record information  
36 search response shall not be modified or altered from its form or  
37 content as provided by the Department of Justice and shall be  
38 provided to the address specified by the individual in his or her  
39 written request. The department shall retain a copy of the  
40 individual's written request and the response and date provided.

1 (b) (1) In addition to the applicant, this section shall be  
2 applicable to criminal record clearances and exemptions for the  
3 following persons:

4 (A) Adults responsible for administration or direct supervision  
5 of staff.

6 (B) Any person, other than a client, residing in the facility or  
7 certified family home.

8 (C) Any person who provides client assistance in dressing,  
9 grooming, bathing, or personal hygiene. Any nurse assistant or  
10 home health aide meeting the requirements of Section 1338.5 or  
11 1736.6, respectively, who is not employed, retained, or contracted  
12 by the licensee, and who has been certified or recertified on or  
13 after July 1, 1998, shall be deemed to meet the criminal record  
14 clearance requirements of this section. A certified nurse assistant  
15 and certified home health aide who will be providing client  
16 assistance and who falls under this exemption shall provide one  
17 copy of his or her current certification, prior to providing care, to  
18 the community care facility. The facility shall maintain the copy  
19 of the certification on file as long as care is being provided by the  
20 certified nurse assistant or certified home health aide at the facility  
21 or certified family home. Nothing in this paragraph restricts the  
22 right of the department to exclude a certified nurse assistant or  
23 certified home health aide from a licensed community care facility  
24 or certified family home pursuant to Section 1558.

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

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

30 (F) Additional officers of the governing body of the applicant,  
31 or other persons with a financial interest in the applicant, as  
32 determined necessary by the department by regulation. The criteria  
33 used in the development of these regulations shall be based on the  
34 person's capability to exercise substantial influence over the  
35 operation of the facility.

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

38 (A) A medical professional as defined in department regulations  
39 who holds a valid license or certification from the person's  
40 governing California medical care regulatory entity and who is

- 1 not employed, retained, or contracted by the licensee if all of the  
2 following apply:
- 3 (i) The criminal record of the person has been cleared as a  
4 condition of licensure or certification by the person's governing  
5 California medical care regulatory entity.
- 6 (ii) The person is providing time-limited specialized clinical  
7 care or services.
- 8 (iii) The person is providing care or services within the person's  
9 scope of practice.
- 10 (iv) The person is not a community care facility licensee or an  
11 employee of the facility.
- 12 (B) A third-party repair person or similar retained contractor if  
13 all of the following apply:
- 14 (i) The person is hired for a defined, time-limited job.
- 15 (ii) The person is not left alone with clients.
- 16 (iii) When clients are present in the room in which the repair  
17 person or contractor is working, a staff person who has a criminal  
18 record clearance or exemption is also present.
- 19 (C) Employees of a licensed home health agency and other  
20 members of licensed hospice interdisciplinary teams who have a  
21 contract with a client or resident of the facility and are in the  
22 facility at the request of that client or resident's legal  
23 decisionmaker. The exemption does not apply to a person who is  
24 a community care facility licensee or an employee of the facility.
- 25 (D) Clergy and other spiritual caregivers who are performing  
26 services in common areas of the community care facility or who  
27 are advising an individual client at the request of, or with the  
28 permission of, the client or legal decisionmaker, are exempt from  
29 fingerprint and criminal background check requirements imposed  
30 by community care licensing. This exemption does not apply to a  
31 person who is a community care licensee or employee of the  
32 facility.
- 33 (E) Members of fraternal, service, or similar organizations who  
34 conduct group activities for clients if all of the following apply:
- 35 (i) Members are not left alone with clients.
- 36 (ii) Members do not transport clients off the facility premises.
- 37 (iii) The same organization does not conduct group activities  
38 for clients more often than defined by the department's regulations.
- 39 (3) In addition to the exemptions in paragraph (2), the following  
40 persons in foster family homes, certified family homes, and small

1 family homes are exempt from the requirements applicable under  
2 paragraph (1):

3 (A) Adult friends and family of the licensed or certified foster  
4 parent, who come into the home to visit for a length of time no  
5 longer than defined by the department in regulations, provided  
6 that the adult friends and family of the licensee or certified parent  
7 are not left alone with the foster children. However, the licensee  
8 or certified parent, acting as a reasonable and prudent parent, as  
9 defined in paragraph (2) of subdivision (a) of Section 362.04 of  
10 the Welfare and Institutions Code, may allow his or her adult  
11 friends and family to provide short-term care to the foster child  
12 and act as an appropriate occasional short-term babysitter for the  
13 child.

14 (B) Parents of a foster child's friend when the foster child is  
15 visiting the friend's home and the friend, licensed or certified foster  
16 parent, or both are also present. However, the licensee or certified  
17 parent, acting as a reasonable and prudent parent, may allow the  
18 parent of the foster child's friend to act as an appropriate short-term  
19 babysitter for the child without the friend being present.

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

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

28 (A) Unless contraindicated by the client's individualized  
29 program plan (IPP) or needs and service plan, a spouse, significant  
30 other, relative, or close friend of a client, or an attendant or a  
31 facilitator for a client with a developmental disability if the  
32 attendant or facilitator is not employed, retained, or contracted by  
33 the licensee. This exemption applies only if the person is visiting  
34 the client or providing direct care and supervision to the client.

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

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

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

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

4 (5) (A) In addition to the exemptions specified in paragraph  
5 (2), the following persons in adult residential and social  
6 rehabilitation facilities, unless contraindicated by the client's  
7 individualized program plan (IPP) or needs and services plan, are  
8 exempt from the requirements applicable under paragraph (1): a  
9 spouse, significant other, relative, or close friend of a client, or an  
10 attendant or a facilitator for a client with a developmental disability  
11 if the attendant or facilitator is not employed, retained, or  
12 contracted by the licensee. This exemption applies only if the  
13 person is visiting the client or providing direct care and supervision  
14 to that client.

15 (B) Nothing in this subdivision shall prevent a licensee from  
16 requiring a criminal record clearance of any individual exempt  
17 from the requirements of this section, provided that the individual  
18 has client contact.

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

21 (c) (1) Subsequent to initial licensure, a person specified in  
22 subdivision (b) who is not exempted from fingerprinting shall  
23 obtain either a criminal record clearance or an exemption from  
24 disqualification pursuant to subdivision (g) from the State  
25 Department of Social Services prior to employment, residence, or  
26 initial presence in the facility. A person specified in subdivision  
27 (b) who is not exempt from fingerprinting shall be fingerprinted  
28 and shall sign a declaration under penalty of perjury regarding any  
29 prior criminal convictions. The licensee shall submit fingerprint  
30 images and related information to the Department of Justice and  
31 the Federal Bureau of Investigation, through the Department of  
32 Justice, for a state and federal level criminal offender record  
33 information search, or comply with paragraph (1) of subdivision  
34 (h). These fingerprint images and related information shall be sent  
35 by electronic transmission in a manner approved by the State  
36 Department of Social Services and the Department of Justice for  
37 the purpose of obtaining a permanent set of fingerprints, and shall  
38 be submitted to the Department of Justice by the licensee. A  
39 licensee's failure to prohibit the employment, residence, or initial  
40 presence of a person specified in subdivision (b) who is not exempt

1 from fingerprinting and who has not received either a criminal  
2 record clearance or an exemption from disqualification pursuant  
3 to subdivision (g) or to comply with paragraph (1) of subdivision  
4 (h), as required in this section, shall result in the citation of a  
5 deficiency and the immediate assessment of civil penalties in the  
6 amount of one hundred dollars (\$100) per violation per day for a  
7 maximum of five days, unless the violation is a second or  
8 subsequent violation within a 12-month period in which case the  
9 civil penalties shall be in the amount of one hundred dollars (\$100)  
10 per violation for a maximum of 30 days, and shall be grounds for  
11 disciplining the licensee pursuant to Section 1550. The department  
12 may assess civil penalties for continued violations as permitted by  
13 Section 1548. The fingerprint images and related information shall  
14 then be submitted to the Department of Justice for processing.  
15 Upon request of the licensee, who shall enclose a self-addressed  
16 stamped postcard for this purpose, the Department of Justice shall  
17 verify receipt of the fingerprints.

18 (2) Within 14 calendar days of the receipt of the fingerprint  
19 images, the Department of Justice shall notify the State Department  
20 of Social Services of the criminal record information, as provided  
21 for in subdivision (a). If no criminal record information has been  
22 recorded, the Department of Justice shall provide the licensee and  
23 the State Department of Social Services with a statement of that  
24 fact within 14 calendar days of receipt of the fingerprint images.  
25 Documentation of the individual's clearance or exemption from  
26 disqualification shall be maintained by the licensee and be available  
27 for inspection. If new fingerprint images are required for  
28 processing, the Department of Justice shall, within 14 calendar  
29 days from the date of receipt of the fingerprints, notify the licensee  
30 that the fingerprints were illegible, the Department of Justice shall  
31 notify the State Department of Social Services, as required by  
32 Section 1522.04, and shall also notify the licensee by mail, within  
33 14 days of electronic transmission of the fingerprints to the  
34 Department of Justice, if the person has no criminal history  
35 recorded. A violation of the regulations adopted pursuant to Section  
36 1522.04 shall result in the citation of a deficiency and an immediate  
37 assessment of civil penalties in the amount of one hundred dollars  
38 (\$100) per violation per day for a maximum of five days, unless  
39 the violation is a second or subsequent violation within a 12-month  
40 period in which case the civil penalties shall be in the amount of

1 one hundred dollars (\$100) per violation for a maximum of 30  
2 days, and shall be grounds for disciplining the licensee pursuant  
3 to Section 1550. The department may assess civil penalties for  
4 continued violations as permitted by Section 1548.

5 (3) Except for persons specified in subdivision (b) who are  
6 exempt from fingerprinting, the licensee shall endeavor to ascertain  
7 the previous employment history of persons required to be  
8 fingerprinted. If it is determined by the State Department of Social  
9 Services, on the basis of the fingerprint images and related  
10 information submitted to the Department of Justice, that subsequent  
11 to obtaining a criminal record clearance or exemption from  
12 disqualification pursuant to subdivision (g), the person has been  
13 convicted of, or is awaiting trial for, a sex offense against a minor,  
14 or has been convicted for an offense specified in Section 243.4,  
15 273a, 273ab, 273d, 273g, or 368 of the Penal Code, or a felony,  
16 the State Department of Social Services shall notify the licensee  
17 to act immediately to terminate the person's employment, remove  
18 the person from the community care facility, or bar the person  
19 from entering the community care facility. The State Department  
20 of Social Services may subsequently grant an exemption from  
21 disqualification pursuant to subdivision (g). If the conviction or  
22 arrest was for another crime, except a minor traffic violation, the  
23 licensee shall, upon notification by the State Department of Social  
24 Services, act immediately to either (A) terminate the person's  
25 employment, remove the person from the community care facility,  
26 or bar the person from entering the community care facility; or  
27 (B) seek an exemption from disqualification pursuant to subdivision  
28 (g). The State Department of Social Services shall determine if  
29 the person shall be allowed to remain in the facility until a decision  
30 on the exemption from disqualification is rendered. A licensee's  
31 failure to comply with the department's prohibition of employment,  
32 contact with clients, or presence in the facility as required by this  
33 paragraph shall result in a citation of deficiency and an immediate  
34 assessment of civil penalties in the amount of one hundred dollars  
35 (\$100) per violation per day and shall be grounds for disciplining  
36 the licensee pursuant to Section 1550.

37 (4) The department may issue an exemption from  
38 disqualification on its own motion pursuant to subdivision (g) if  
39 the person's criminal history indicates that the person is of good  
40 character based on the age, seriousness, and frequency of the

1 conviction or convictions. The department, in consultation with  
2 interested parties, shall develop regulations to establish the criteria  
3 to grant an exemption from disqualification pursuant to this  
4 paragraph.

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

12 (d) (1) Before and, as applicable, subsequent to issuing a license  
13 or certificate of approval to any person or persons to operate a  
14 foster family home or certified family home as described in Section  
15 1506, the State Department of Social Services or other approving  
16 authority shall secure California and Federal Bureau of  
17 Investigation criminal history information to determine whether  
18 the applicant or any person specified in subdivision (b) who is not  
19 exempt from fingerprinting has ever been convicted of a crime  
20 other than a minor traffic violation or arrested for any crime  
21 specified in subdivision (c) of Section 290 of the Penal Code, for  
22 violating Section 245, 273ab, or 273.5, subdivision (b) of Section  
23 273a, or, prior to January 1, 1994, paragraph (2) of Section 273a,  
24 of the Penal Code, or for any crime for which the department is  
25 prohibited from granting a criminal record exemption pursuant to  
26 subdivision (g). The State Department of Social Services or other  
27 approving authority shall not issue a license or certificate of  
28 approval to any foster family home or certified family home  
29 applicant who has not obtained both a California and Federal  
30 Bureau of Investigation criminal record clearance or exemption  
31 from disqualification pursuant to subdivision (g).

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

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

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

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

6 (B) If the State Department of Social Services finds that the  
7 applicant, or any person specified in subdivision (b) who is not  
8 exempt from fingerprinting is awaiting trial for a crime other than  
9 a minor traffic violation, the State Department of Social Services  
10 or other approving authority may cease processing the criminal  
11 record information until the conclusion of the trial.

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

15 (D) To the same extent required for federal funding, an applicant  
16 for a foster family home license or for certification as a family  
17 home, and any other person specified in subdivision (b) who is  
18 not exempt from fingerprinting, shall submit a set of fingerprint  
19 images and related information to the Department of Justice and  
20 the Federal Bureau of Investigation, through the Department of  
21 Justice, for a state and federal level criminal offender record  
22 information search, in addition to the criminal records search  
23 required by subdivision (a).

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

31 (6) (A) Subsequent to initial licensure or certification, a person  
32 specified in subdivision (b) who is not exempt from fingerprinting  
33 shall obtain both a California and Federal Bureau of Investigation  
34 criminal record clearance, or an exemption from disqualification  
35 pursuant to subdivision (g), prior to employment, residence, or  
36 initial presence in the foster family or certified family home. A  
37 foster family home licensee or foster family agency shall submit  
38 fingerprint images and related information of persons specified in  
39 subdivision (b) who are not exempt from fingerprinting to the  
40 Department of Justice and the Federal Bureau of Investigation,

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

29 (B) Upon request of the licensee, who shall enclose a  
30 self-addressed envelope for this purpose, the Department of Justice  
31 shall verify receipt of the fingerprints. Within five working days  
32 of the receipt of the criminal record or information regarding  
33 criminal convictions from the Department of Justice, the  
34 department shall notify the applicant of any criminal arrests or  
35 convictions. If no arrests or convictions are recorded, the  
36 Department of Justice shall provide the foster family home licensee  
37 or the foster family agency with a statement of that fact concurrent  
38 with providing the information to the State Department of Social  
39 Services.

1 (7) If the State Department of Social Services or other approving  
2 authority finds that the applicant, or any other person specified in  
3 subdivision (b) who is not exempt from fingerprinting, has been  
4 convicted of a crime other than a minor traffic violation, the  
5 application or presence shall be denied, unless the director grants  
6 an exemption from disqualification pursuant to subdivision (g).

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

20 (e) (1) The State Department of Social Services shall not use  
21 a record of arrest to deny, revoke, or terminate any application,  
22 license, employment, or residence unless the department  
23 investigates the incident and secures evidence, whether or not  
24 related to the incident of arrest, that is admissible in an  
25 administrative hearing to establish conduct by the person that may  
26 pose a risk to the health and safety of any person who is or may  
27 become a client.

28 (2) The department shall not issue a criminal record clearance  
29 to a person who has been arrested for any crime specified in Section  
30 290 of the Penal Code, or for violating Section 245, 273ab, or  
31 273.5, or subdivision (b) of Section 273a, of the Penal Code, or,  
32 prior to January 1, 1994, paragraph (2) of Section 273a of the Penal  
33 Code, or for any crime for which the department is prohibited from  
34 granting a criminal record exemption pursuant to subdivision (g),  
35 prior to the department's completion of an investigation pursuant  
36 to paragraph (1).

37 (3) The State Department of Social Services is authorized to  
38 obtain any arrest or conviction records or reports from any law  
39 enforcement agency as necessary to the performance of its duties

1 to inspect, license, and investigate community care facilities and  
2 individuals associated with a community care facility.

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

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

29 (g) (1) After review of the record, the director may grant an  
30 exemption from disqualification for a license or special permit as  
31 specified in paragraph (4) of subdivision (a), or for a license,  
32 special permit, or certificate of approval as specified in paragraphs  
33 (4), (7), and (8) of subdivision (d), or for employment, residence,  
34 or presence in a community care facility as specified in paragraphs  
35 (3), (4), and (5) of subdivision (c), if the director has substantial  
36 and convincing evidence to support a reasonable belief that the  
37 applicant and the person convicted of the crime, if other than the  
38 applicant, are of good character as to justify issuance of the license  
39 or special permit or granting an exemption for purposes of  
40 subdivision (c). Except as otherwise provided in this subdivision,

1 an exemption shall not be granted pursuant to this subdivision if  
2 the conviction was for any of the following offenses:

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

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

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

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

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

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

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

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

11 (2) The department shall not prohibit a person from being  
12 employed or having contact with clients in a facility on the basis  
13 of a denied criminal record exemption request or arrest information  
14 unless the department complies with the requirements of Section  
15 1558.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (5) (A) A county child welfare agency with authority to secure  
37 clearances pursuant to Section 16504.5 of the Welfare and  
38 Institutions Code and to grant exemptions pursuant to Section  
39 361.4 of the Welfare and Institutions Code may accept a clearance

1 or exemption from another county with criminal record and  
2 exemption authority pursuant to these sections.

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

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

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

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

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

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

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

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

38 SEC. 4. Section 1534 of the Health and Safety Code is amended  
39 to read:

1 1534. (a) (1) (A) Except for foster family homes, every  
2 licensed community care facility shall be subject to unannounced  
3 inspections by the department.

4 (B) Foster family homes shall be subject to announced  
5 inspections by the department, except that a foster family home  
6 shall be subject to unannounced inspections in response to a  
7 complaint, a plan of correction, or under any of the circumstances  
8 set forth in subparagraph (B) of paragraph (2).

9 (2) (A) The department may inspect these facilities as often as  
10 necessary to ensure the quality of care provided.

11 (B) The department shall conduct an annual unannounced  
12 inspection of a facility under any of the following circumstances:

13 (i) When a license is on probation.

14 (ii) When the terms of agreement in a facility compliance plan  
15 require an annual inspection.

16 (iii) When an accusation against a licensee is pending.

17 (iv) When a facility requires an annual inspection as a condition  
18 of receiving federal financial participation.

19 (v) In order to verify that a person who has been ordered out of  
20 a facility by the department is no longer at the facility.

21 (C) (i) The department shall conduct annual unannounced  
22 inspections of no less than 20 percent of facilities, except for foster  
23 family homes, not subject to an inspection under subparagraph  
24 (B).

25 (ii) The department shall conduct annual announced inspections  
26 of no less than 20 percent of foster family homes not subject to an  
27 inspection under subparagraph (B).

28 (iii) These inspections shall be conducted based on a random  
29 sampling methodology developed by the department.

30 (iv) If the total citations issued by the department to facilities  
31 exceed the previous year's total by 10 percent, the following year  
32 the department shall increase the random sample by an additional  
33 10 percent of the facilities not subject to an inspection under  
34 subparagraph (B). The department may request additional resources  
35 to increase the random sample by 10 percent.

36 (v) The department shall not inspect a licensed community care  
37 facility less often than once every five years.

38 (3) In order to facilitate direct contact with group home clients,  
39 the department may interview children who are clients of group  
40 homes at any public agency or private agency at which the client

1 may be found, including, but not limited to, a juvenile hall,  
2 recreation or vocational program, or a public or nonpublic school.  
3 The department shall respect the rights of the child while  
4 conducting the interview, including informing the child that he or  
5 she has the right not to be interviewed and the right to have another  
6 adult present during the interview.

7 (4) The department shall notify the community care facility in  
8 writing of all deficiencies in its compliance with the provisions of  
9 this chapter and the rules and regulations adopted pursuant to this  
10 chapter, and shall set a reasonable length of time for compliance  
11 by the facility.

12 (5) Reports on the results of each inspection, evaluation, or  
13 consultation shall be kept on file in the department, and all  
14 inspection reports, consultation reports, lists of deficiencies, and  
15 plans of correction shall be open to public inspection.

16 (b) (1) This section does not limit the authority of the  
17 department to inspect or evaluate a licensed foster family agency,  
18 a certified family home, or any aspect of a program in which a  
19 licensed community care facility is certifying compliance with  
20 licensing requirements.

21 (2) (A) A foster family agency shall conduct an announced  
22 inspection of a certified family home during the annual  
23 recertification described in Section 1506 in order to ensure that  
24 the certified family home meets all applicable licensing standards.  
25 A foster family agency may inspect a certified family home as  
26 often as necessary to ensure the quality of care provided.

27 (B) In addition to the inspections required pursuant to  
28 subparagraph (A), a foster family agency shall conduct an  
29 unannounced inspection of a certified family home under any of  
30 the following circumstances:

31 (i) When a certified family home is on probation.

32 (ii) When the terms of the agreement in a facility compliance  
33 plan require an annual inspection.

34 (iii) When an accusation against a certified family home is  
35 pending.

36 (iv) When a certified family home requires an annual inspection  
37 as a condition of receiving federal financial participation.

38 (v) In order to verify that a person who has been ordered out of  
39 a certified family home by the department is no longer at the home.

1 (3) Upon a finding of noncompliance by the department, the  
2 department may require a foster family agency to deny or revoke  
3 the certificate of approval of a certified family home, or take other  
4 action the department may deem necessary for the protection of a  
5 child placed with the certified family home. The certified parent  
6 or prospective foster parent shall be afforded the due process  
7 provided pursuant to this chapter.

8 (4) If the department requires a foster family agency to deny or  
9 revoke the certificate of approval, the department shall serve an  
10 order of denial or revocation upon the certified or prospective  
11 foster parent and foster family agency that shall notify the certified  
12 or prospective foster parent of the basis of the department's action  
13 and of the certified or prospective foster parent's right to a hearing.

14 (5) Within 15 days after the department serves an order of denial  
15 or revocation, the certified or prospective foster parent may file a  
16 written appeal of the department's decision with the department.  
17 The department's action shall be final if the certified or prospective  
18 foster parent does not file a written appeal within 15 days after the  
19 department serves the denial or revocation order.

20 (6) The department's order of the denial or revocation of the  
21 certificate of approval shall remain in effect until the hearing is  
22 completed and the director has made a final determination on the  
23 merits.

24 (7) A certified or prospective foster parent who files a written  
25 appeal of the department's order with the department pursuant to  
26 this section shall, as part of the written request, provide his or her  
27 current mailing address. The certified or prospective foster parent  
28 shall subsequently notify the department in writing of any change  
29 in mailing address, until the hearing process has been completed  
30 or terminated.

31 (8) Hearings held pursuant to this section shall be conducted in  
32 accordance with Chapter 5 (commencing with Section 11500) of  
33 Part 1 of Division 3 of Title 2 of the Government Code. In all  
34 proceedings conducted in accordance with this section the standard  
35 of proof shall be by a preponderance of the evidence.

36 (9) The department may institute or continue a disciplinary  
37 proceeding against a certified or prospective foster parent upon  
38 any ground provided by this section or Section 1550, enter an order  
39 denying or revoking the certificate of approval, or otherwise take  
40 disciplinary action against the certified or prospective foster parent,

1 notwithstanding any resignation, withdrawal of application,  
2 surrender of the certificate of approval, or denial or revocation of  
3 the certificate of approval by the foster family agency.

4 (10) A foster family agency's failure to comply with the  
5 department's order to deny or revoke the certificate of approval  
6 by placing or retaining children in care shall be grounds for  
7 disciplining the licensee pursuant to Section 1550.

8 (c) This section shall remain in effect only until January 1, 2017,  
9 and as of that date is repealed, unless a later enacted statute, that  
10 is enacted before January 1, 2017, deletes or extends that date.

11 SEC. 5. Section 1534 is added to the Health and Safety Code,  
12 to read:

13 1534. (a) (1) (A) Except for foster family homes, every  
14 licensed community care facility shall be subject to unannounced  
15 inspections by the department.

16 (B) Foster family homes shall be subject to announced  
17 inspections by the department, except that a foster family home  
18 shall be subject to unannounced inspections in response to a  
19 complaint, a plan of correction, or under any of the circumstances  
20 set forth in subparagraph (B) of paragraph (2).

21 (2) (A) The department may inspect these facilities as often as  
22 necessary to ensure the quality of care provided.

23 (B) The department shall conduct an annual unannounced  
24 inspection of a facility under any of the following circumstances:

25 (i) When a license is on probation.

26 (ii) When the terms of agreement in a facility compliance plan  
27 require an annual inspection.

28 (iii) When an accusation against a licensee is pending.

29 (iv) When a facility requires an annual inspection as a condition  
30 of receiving federal financial participation.

31 (v) In order to verify that a person who has been ordered out of  
32 a facility by the department is no longer at the facility.

33 (C) On and after January 1, 2017, and until January 1, 2018,  
34 the following shall apply:

35 (i) Except for foster family homes, the department shall conduct  
36 annual unannounced inspections of no less than 30 percent of every  
37 licensed community care facility not subject to an inspection under  
38 subparagraph (B).

1 (ii) The department shall conduct annual announced inspections  
2 of no less than 30 percent of foster family homes not subject to an  
3 inspection under subparagraph (B).

4 (iii) These inspections shall be conducted based on a random  
5 sampling methodology developed by the department.

6 (iv) The department shall inspect a licensed community care  
7 facility at least once every three years.

8 (D) On and after January 1, 2018, and until January 1, 2019,  
9 the following shall apply:

10 (i) The department shall conduct annual unannounced  
11 inspections of no less than 20 percent of adult residential facilities,  
12 adult day programs, social rehabilitation facilities, enhanced  
13 behavioral support homes for adults, and community crisis homes,  
14 as defined in Section 1502, which are not subject to an inspection  
15 under subparagraph (B).

16 (ii) These inspections shall be conducted based on a random  
17 sampling methodology developed by the department.

18 (iii) The department shall inspect an adult residential facility,  
19 adult day program, social rehabilitation facility, enhanced  
20 behavioral support home for adults, and community crisis home,  
21 as defined in Section 1502, at least once every two years.

22 (E) On and after January 1, 2019, the department shall conduct  
23 annual unannounced inspections of all adult residential facilities,  
24 adult day programs, social rehabilitation facilities, enhanced  
25 behavioral support homes for adults, and community crisis homes,  
26 as defined in Section 1502, and adult residential facilities for  
27 persons with special health care needs, as defined in Section  
28 4684.50 of the Welfare and Institutions Code.

29 (F) On and after January 1, 2018, the following shall apply:

30 (i) Except for foster family homes, the department shall conduct  
31 annual unannounced inspections of no less than 20 percent of  
32 residential care facilities for children, as defined in Section 1502,  
33 including enhanced behavioral support homes for children,  
34 transitional housing placement providers, and foster family  
35 agencies not subject to an inspection under subparagraph (B).

36 (ii) The department shall conduct annual announced inspections  
37 of no less than 20 percent of foster family homes, as defined in  
38 Section 1502, not subject to an inspection under subparagraph (B).

1 (iii) The inspections in clauses (i) and (ii) shall be conducted  
2 based on a random sampling methodology developed by the  
3 department.

4 (iv) The department shall conduct unannounced inspections of  
5 residential care facilities for children, as defined in Section 1502,  
6 including enhanced behavioral support homes for children,  
7 transitional housing placement providers, and foster family  
8 agencies, and announced inspections of foster family homes, at  
9 least once every two years.

10 (3) In order to facilitate direct contact with group home clients,  
11 the department may interview children who are clients of group  
12 homes at any public agency or private agency at which the client  
13 may be found, including, but not limited to, a juvenile hall,  
14 recreation or vocational program, or a public or nonpublic school.  
15 The department shall respect the rights of the child while  
16 conducting the interview, including informing the child that he or  
17 she has the right not to be interviewed and the right to have another  
18 adult present during the interview.

19 (4) The department shall notify the community care facility in  
20 writing of all deficiencies in its compliance with the provisions of  
21 this chapter and the rules and regulations adopted pursuant to this  
22 chapter, and shall set a reasonable length of time for compliance  
23 by the facility.

24 (5) Reports on the results of each inspection, evaluation, or  
25 consultation shall be kept on file in the department, and all  
26 inspection reports, consultation reports, lists of deficiencies, and  
27 plans of correction shall be open to public inspection.

28 (b) (1) This section does not limit the authority of the  
29 department to inspect or evaluate a licensed foster family agency,  
30 a certified family home, or any aspect of a program in which a  
31 licensed community care facility is certifying compliance with  
32 licensing requirements.

33 (2) (A) A foster family agency shall conduct an announced  
34 inspection of a certified family home during the annual  
35 recertification described in Section 1506 in order to ensure that  
36 the certified family home meets all applicable licensing standards.  
37 A foster family agency may inspect a certified family home as  
38 often as necessary to ensure the quality of care provided.

39 (B) In addition to the inspections required pursuant to  
40 subparagraph (A), a foster family agency shall conduct an

- 1 unannounced inspection of a certified family home under any of  
2 the following circumstances:
- 3 (i) When a certified family home is on probation.
  - 4 (ii) When the terms of the agreement in a facility compliance  
5 plan require an annual inspection.
  - 6 (iii) When an accusation against a certified family home is  
7 pending.
  - 8 (iv) When a certified family home requires an annual inspection  
9 as a condition of receiving federal financial participation.
  - 10 (v) In order to verify that a person who has been ordered out of  
11 a certified family home by the department is no longer at the home.
- 12 (3) Upon a finding of noncompliance by the department, the  
13 department may require a foster family agency to deny or revoke  
14 the certificate of approval of a certified family home, or take other  
15 action the department may deem necessary for the protection of a  
16 child placed with the certified family home. The certified parent  
17 or prospective foster parent shall be afforded the due process  
18 provided pursuant to this chapter.
- 19 (4) If the department requires a foster family agency to deny or  
20 revoke the certificate of approval, the department shall serve an  
21 order of denial or revocation upon the certified or prospective  
22 foster parent and foster family agency that shall notify the certified  
23 or prospective foster parent of the basis of the department's action  
24 and of the certified or prospective foster parent's right to a hearing.
- 25 (5) Within 15 days after the department serves an order of denial  
26 or revocation, the certified or prospective foster parent may file a  
27 written appeal of the department's decision with the department.  
28 The department's action shall be final if the certified or prospective  
29 foster parent does not file a written appeal within 15 days after the  
30 department serves the denial or revocation order.
- 31 (6) The department's order of the denial or revocation of the  
32 certificate of approval shall remain in effect until the hearing is  
33 completed and the director has made a final determination on the  
34 merits.
- 35 (7) A certified or prospective foster parent who files a written  
36 appeal of the department's order with the department pursuant to  
37 this section shall, as part of the written request, provide his or her  
38 current mailing address. The certified or prospective foster parent  
39 shall subsequently notify the department in writing of any change

1 in mailing address, until the hearing process has been completed  
2 or terminated.

3 (8) Hearings held pursuant to this section shall be conducted in  
4 accordance with Chapter 5 (commencing with Section 11500) of  
5 Part 1 of Division 3 of Title 2 of the Government Code. In all  
6 proceedings conducted in accordance with this section the standard  
7 of proof shall be by a preponderance of the evidence.

8 (9) The department may institute or continue a disciplinary  
9 proceeding against a certified or prospective foster parent upon  
10 any ground provided by this section or Section 1550, enter an order  
11 denying or revoking the certificate of approval, or otherwise take  
12 disciplinary action against the certified or prospective foster parent,  
13 notwithstanding any resignation, withdrawal of application,  
14 surrender of the certificate of approval, or denial or revocation of  
15 the certificate of approval by the foster family agency.

16 (10) A foster family agency's failure to comply with the  
17 department's order to deny or revoke the certificate of approval  
18 by placing or retaining children in care shall be grounds for  
19 disciplining the licensee pursuant to Section 1550.

20 (c) This section shall become operative on January 1, 2017.

21 SEC. 6. Section 1569.33 of the Health and Safety Code is  
22 amended to read:

23 1569.33. (a) Every licensed residential care facility for the  
24 elderly shall be subject to unannounced inspections by the  
25 department. The department shall inspect these facilities as often  
26 as necessary to ensure the quality of care provided.

27 (b) The department shall conduct an annual unannounced  
28 inspection of a facility under any of the following circumstances:

29 (1) When a license is on probation.

30 (2) When the terms of agreement in a facility compliance plan  
31 require an annual inspection.

32 (3) When an accusation against a licensee is pending.

33 (4) When a facility requires an annual visit as a condition of  
34 receiving federal financial participation.

35 (5) In order to verify that a person who has been ordered out of  
36 the facility for the elderly by the department is no longer at the  
37 facility.

38 (c) (1) The department shall conduct annual unannounced  
39 inspections of no less than 20 percent of facilities not subject to  
40 an inspection under subdivision (b). These unannounced

1 inspections shall be conducted based on a random sampling  
2 methodology developed by the department.

3 (2) If the total citations issued by the department exceed the  
4 previous year's total by 10 percent, the following year the  
5 department shall increase the random sample by 10 percent of the  
6 facilities not subject to an inspection under subdivision (b). The  
7 department may request additional resources to increase the random  
8 sample by 10 percent.

9 (d) Under no circumstance shall the department inspect a  
10 residential care facility for the elderly less often than once every  
11 five years.

12 (e) (1) The department shall notify the residential care facility  
13 for the elderly in writing of all deficiencies in its compliance with  
14 the provisions of this chapter and the rules and regulations adopted  
15 pursuant to this chapter.

16 (2) Unless otherwise specified in the plan of correction, the  
17 residential care facility for the elderly shall remedy the deficiencies  
18 within 10 days of the notification.

19 (f) (1) Reports on the results of each inspection, evaluation, or  
20 consultation shall be kept on file in the department, and all  
21 inspection reports, consultation reports, lists of deficiencies, and  
22 plans of correction shall be open to public inspection.

23 (2) (A) The department shall post on its Internet Web site  
24 information on how to obtain an inspection report.

25 (B) It is the intent of the Legislature that the department shall  
26 make inspection reports available on its Internet Web site by  
27 January 1, 2020.

28 (g) As a part of the department's evaluation process, the  
29 department shall review the plan of operation, training logs, and  
30 marketing materials of any residential care facility for the elderly  
31 that advertises or promotes special care, special programming, or  
32 a special environment for persons with dementia to monitor  
33 compliance with Sections 1569.626 and 1569.627.

34 (h) (1) The department shall design, or cause to be designed,  
35 a poster that contains information on the appropriate reporting  
36 agency in case of a complaint or emergency.

37 (2) Each residential care facility for the elderly shall post this  
38 poster in the main entryway of its facility.

1 (i) This section shall remain in effect only until January 1, 2017,  
2 and as of that date is repealed, unless a later enacted statute, that  
3 is enacted before January 1, 2017, deletes or extends that date.

4 SEC. 7. Section 1569.33 is added to the Health and Safety  
5 Code, to read:

6 1569.33. (a) Every licensed residential care facility for the  
7 elderly shall be subject to unannounced inspections by the  
8 department. The department shall inspect these facilities as often  
9 as necessary to ensure the quality of care provided.

10 (b) The department shall conduct an annual unannounced  
11 inspection of a facility under any of the following circumstances:

- 12 (1) When a license is on probation.  
13 (2) When the terms of agreement in a facility compliance plan  
14 require an annual inspection.  
15 (3) When an accusation against a licensee is pending.  
16 (4) When a facility requires an annual inspection as a condition  
17 of receiving federal financial participation.  
18 (5) In order to verify that a person who has been ordered out of  
19 the facility for the elderly by the department is no longer at the  
20 facility.

21 (c) On and after January 1, 2017, and until January 1, 2018, the  
22 following shall apply:

- 23 (1) The department shall conduct annual unannounced  
24 inspections of no less than 30 percent of residential care facilities  
25 for the elderly not subject to an inspection under subdivision (b).  
26 (2) These unannounced inspections shall be conducted based  
27 on a random sampling methodology developed by the department.  
28 (3) The department shall inspect a residential care facility for  
29 the elderly at least once every three years.

30 (d) On and after January 1, 2018, and until January 1, 2019, the  
31 following shall apply:

- 32 (1) The department shall conduct annual unannounced  
33 inspections of no less than 20 percent of residential care facilities  
34 for the elderly not subject to an evaluation under subdivision (b).  
35 (2) These unannounced inspections shall be conducted based  
36 on a random sampling methodology developed by the department.  
37 (3) The department shall inspect a residential care facility for  
38 the elderly at least once every two years.

1 (e) On and after January 1, 2019, the department shall conduct  
2 annual unannounced inspections of all residential care facilities  
3 for the elderly.

4 (f) (1) The department shall notify the residential care facility  
5 for the elderly in writing of all deficiencies in its compliance with  
6 the provisions of this chapter and the rules and regulations adopted  
7 pursuant to this chapter.

8 (2) Unless otherwise specified in the plan of correction, the  
9 residential care facility for the elderly shall remedy the deficiencies  
10 within 10 days of the notification.

11 (g) (1) Reports on the results of each inspection, evaluation, or  
12 consultation shall be kept on file in the department, and all  
13 inspection reports, consultation reports, lists of deficiencies, and  
14 plans of correction shall be open to public inspection.

15 (2) (A) The department shall post on its Internet Web site  
16 information on how to obtain an inspection report.

17 (B) It is the intent of the Legislature that the department shall  
18 make inspection reports available on its Internet Web site by  
19 January 1, 2020.

20 (h) As a part of the department's evaluation process, the  
21 department shall review the plan of operation, training logs, and  
22 marketing materials of any residential care facility for the elderly  
23 that advertises or promotes special care, special programming, or  
24 a special environment for persons with dementia to monitor  
25 compliance with Sections 1569.626 and 1569.627.

26 (i) (1) The department shall design, or cause to be designed, a  
27 poster that contains information on the appropriate reporting agency  
28 in case of a complaint or emergency.

29 (2) Each residential care facility for the elderly shall post this  
30 poster in the main entryway of its facility.

31 (j) This section shall become operative on January 1, 2017.

32 SEC. 8. Section 1596.871 of the Health and Safety Code is  
33 amended to read:

34 1596.871. The Legislature recognizes the need to generate  
35 timely and accurate positive fingerprint identification of applicants  
36 as a condition of issuing licenses, permits, or certificates of  
37 approval for persons to operate or provide direct care services in  
38 a child care center or family child care home. It is the intent of the  
39 Legislature in enacting this section to require the fingerprints of  
40 those individuals whose contact with child day care facility clients

1 may pose a risk to the children’s health and safety. An individual  
2 shall be required to obtain either a criminal record clearance or a  
3 criminal record exemption from the State Department of Social  
4 Services before his or her initial presence in a child day care  
5 facility.

6 (a) (1) Before and, as applicable, subsequent to issuing a license  
7 or special permit to any person to operate or manage a day care  
8 facility, the department shall secure from an appropriate law  
9 enforcement agency a criminal record to determine whether the  
10 applicant or any other person specified in subdivision (b) has ever  
11 been convicted of a crime other than a minor traffic violation or  
12 arrested for any crime specified in subdivision (c) of Section 290  
13 of the Penal Code, or for violating Section 245, 273ab, or 273.5,  
14 subdivision (b) of Section 273a, or, prior to January 1, 1994,  
15 paragraph (2) of Section 273a, of the Penal Code, or for any crime  
16 for which the department is prohibited from granting a criminal  
17 record exemption pursuant to subdivision (f).

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

21 (3) Except during the 2003–04 to the 2016–17 fiscal years,  
22 inclusive, neither the Department of Justice nor the department  
23 may charge a fee for the fingerprinting of an applicant who will  
24 serve six or fewer children or any family day care applicant for a  
25 license, or for obtaining a criminal record of an applicant pursuant  
26 to this section.

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

28 (A) If the State Department of Social Services finds that the  
29 applicant or any other person specified in subdivision (b) has been  
30 convicted of a crime, other than a minor traffic violation, the  
31 application shall be denied, unless the director grants an exemption  
32 pursuant to subdivision (f).

33 (B) If the State Department of Social Services finds that the  
34 applicant, or any other person specified in subdivision (b), is  
35 awaiting trial for a crime other than a minor traffic violation, the  
36 State Department of Social Services may cease processing the  
37 criminal record information until the conclusion of the trial.

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

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

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

25 (b) (1) In addition to the applicant, this section shall be  
26 applicable to criminal record clearances and exemptions for the  
27 following persons:

28 (A) Adults responsible for administration or direct supervision  
29 of staff.

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

31 (C) Any person who provides care and supervision to the  
32 children.

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

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

1 (ii) A student enrolled or participating at an accredited  
2 educational institution shall be exempt from the requirements of  
3 this subdivision if the student is directly supervised by the licensee  
4 or a facility employee with a criminal record clearance or  
5 exemption, the facility has an agreement with the educational  
6 institution concerning the placement of the student, the student  
7 spends no more than 16 hours per week at the facility, and the  
8 student is not left alone with children in care.

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

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

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

17 (E) If the applicant is a firm, partnership, association, or  
18 corporation, the chief executive officer, other person serving in  
19 like capacity, or a person designated by the chief executive officer  
20 as responsible for the operation of the facility, as designated by  
21 the applicant agency.

22 (F) If the applicant is a local educational agency, the president  
23 of the governing board, the school district superintendent, or a  
24 person designated to administer the operation of the facility, as  
25 designated by the local educational agency.

26 (G) Additional officers of the governing body of the applicant,  
27 or other persons with a financial interest in the applicant, as  
28 determined necessary by the department by regulation. The criteria  
29 used in the development of these regulations shall be based on the  
30 person's capability to exercise substantial influence over the  
31 operation of the facility.

32 (H) This section does not apply to employees of child care and  
33 development programs under contract with the State Department  
34 of Education who have completed a criminal record clearance as  
35 part of an application to the Commission on Teacher Credentialing,  
36 and who possess a current credential or permit issued by the  
37 commission, including employees of child care and development  
38 programs that serve both children subsidized under, and children  
39 not subsidized under, a State Department of Education contract.  
40 The Commission on Teacher Credentialing shall notify the

1 department upon revocation of a current credential or permit issued  
2 to an employee of a child care and development program under  
3 contract with the State Department of Education.

4 (I) This section does not apply to employees of a child care and  
5 development program operated by a school district, county office  
6 of education, or community college district under contract with  
7 the State Department of Education who have completed a criminal  
8 record clearance as a condition of employment. The school district,  
9 county office of education, or community college district upon  
10 receiving information that the status of an employee's criminal  
11 record clearance has changed shall submit that information to the  
12 department.

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

16 (c) (1) (A) Subsequent to initial licensure, a person specified  
17 in subdivision (b) who is not exempt from fingerprinting shall  
18 obtain either a criminal record clearance or an exemption from  
19 disqualification, pursuant to subdivision (f), from the State  
20 Department of Social Services prior to employment, residence, or  
21 initial presence in the facility. A person specified in subdivision  
22 (b) who is not exempt from fingerprinting shall be fingerprinted  
23 and shall sign a declaration under penalty of perjury regarding any  
24 prior criminal convictions. The licensee shall submit fingerprint  
25 images and related information to the Department of Justice and  
26 the Federal Bureau of Investigation, through the Department of  
27 Justice, or comply with paragraph (1) of subdivision (h), prior to  
28 the person's employment, residence, or initial presence in the child  
29 day care facility.

30 (B) These fingerprint images and related information shall be  
31 electronically submitted to the Department of Justice in a manner  
32 approved by the State Department of Social Services and the  
33 Department of Justice for the purpose of obtaining a permanent  
34 set of fingerprints. A licensee's failure to submit fingerprint images  
35 and related information to the Department of Justice or to comply  
36 with paragraph (1) of subdivision (h), as required in this section,  
37 shall result in the citation of a deficiency, and an immediate  
38 assessment of civil penalties in the amount of one hundred dollars  
39 (\$100) per violation per day for a maximum of five days, unless  
40 the violation is a second or subsequent violation within a 12-month

1 period in which case the civil penalties shall be in the amount of  
2 one hundred dollars (\$100) per violation for a maximum of 30  
3 days, and shall be grounds for disciplining the licensee pursuant  
4 to Section 1596.885 or 1596.886. The State Department of Social  
5 Services may assess civil penalties for repeated or continued  
6 violations permitted by Sections 1596.99 and 1597.58. The  
7 fingerprint images and related information shall then be submitted  
8 to the department for processing. Within 14 calendar days of the  
9 receipt of the fingerprint images, the Department of Justice shall  
10 notify the State Department of Social Services of the criminal  
11 record information, as provided in this subdivision. If no criminal  
12 record information has been recorded, the Department of Justice  
13 shall provide the licensee and the State Department of Social  
14 Services with a statement of that fact within 14 calendar days of  
15 receipt of the fingerprint images. If new fingerprint images are  
16 required for processing, the Department of Justice shall, within 14  
17 calendar days from the date of receipt of the fingerprint images,  
18 notify the licensee that the fingerprints were illegible.

19 (C) Documentation of the individual's clearance or exemption  
20 shall be maintained by the licensee, and shall be available for  
21 inspection. When live-scan technology is operational, as defined  
22 in Section 1522.04, the Department of Justice shall notify the  
23 department, as required by that section, and notify the licensee by  
24 mail within 14 days of electronic transmission of the fingerprints  
25 to the Department of Justice, if the person has no criminal record.  
26 Any violation of the regulations adopted pursuant to Section  
27 1522.04 shall result in the citation of a deficiency and an immediate  
28 assessment of civil penalties in the amount of one hundred dollars  
29 (\$100) per violation per day for a maximum of five days, unless  
30 the violation is a second or subsequent violation within a 12-month  
31 period in which case the civil penalties shall be in the amount of  
32 one hundred dollars (\$100) per violation for a maximum of 30  
33 days, and shall be grounds for disciplining the licensee pursuant  
34 to Section 1596.885 or 1596.886. The department may assess civil  
35 penalties for repeated or continued violations, as permitted by  
36 Sections 1596.99 and 1597.58.

37 (2) Except for persons specified in paragraph (2) of subdivision  
38 (b), the licensee shall endeavor to ascertain the previous  
39 employment history of persons required to be fingerprinted under  
40 this subdivision. If it is determined by the department, on the basis

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

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

35 (4) Concurrently with notifying the licensee pursuant to  
36 paragraph (3), the department shall notify the affected individual  
37 of his or her right to seek an exemption pursuant to subdivision  
38 (f). The individual may seek an exemption only if the licensee  
39 terminates the person's employment or removes the person from

1 the facility after receiving notice from the department pursuant to  
2 paragraph (3).

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

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

29 (e) (1) The State Department of Social Services shall not use  
30 a record of arrest to deny, revoke, or terminate any application,  
31 license, employment, or residence unless the department  
32 investigates the incident and secures evidence, whether or not  
33 related to the incident of arrest, that is admissible in an  
34 administrative hearing to establish conduct by the person that may  
35 pose a risk to the health and safety of any person who is or may  
36 become a client.

37 (2) The department shall not issue a criminal record clearance  
38 to a person who has been arrested for any crime specified in Section  
39 290 of the Penal Code, or for violating Section 245, 273ab, or  
40 273.5, or subdivision (b) of Section 273a of the Penal Code, or,

1 prior to January 1, 1994, paragraph (2) of Section 273a of the Penal  
2 Code, or for any crime for which the department is prohibited from  
3 granting a criminal record exemption pursuant to subdivision (f),  
4 prior to the department's completion of an investigation pursuant  
5 to paragraph (1).

6 (3) The State Department of Social Services is authorized to  
7 obtain any arrest or conviction records or reports from any law  
8 enforcement agency as necessary to the performance of its duties  
9 to inspect, license, and investigate community care facilities and  
10 individuals associated with a community care facility.

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

23 (A) An offense specified in Section 220, 243.4, or 264.1,  
24 subdivision (a) of Section 273a, or, prior to January 1, 1994,  
25 paragraph (1) of Section 273a, Section 273ab, 273d, 288, or 289,  
26 subdivision (c) of Section 290, or Section 368, of the Penal Code,  
27 or was a conviction of another crime against an individual specified  
28 in subdivision (c) of Section 667.5 of the Penal Code.

29 (B) A felony offense specified in Section 729 of the Business  
30 and Professions Code or Section 206 or 215, subdivision (a) of  
31 Section 347, subdivision (b) of Section 417, or subdivision (a) or  
32 (b) of Section 451 of the Penal Code.

33 (2) The department shall not prohibit a person from being  
34 employed or having contact with clients in a facility on the basis  
35 of a denied criminal record exemption request or arrest information  
36 unless the department complies with the requirements of Section  
37 1596.8897.

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

1 (h) (1) For the purposes of compliance with this section, the  
2 department may permit an individual to transfer a current criminal  
3 record clearance, as defined in subdivision (a), from one facility  
4 to another, as long as the criminal record clearance has been  
5 processed through a state licensing district office, and is being  
6 transferred to another facility licensed by a state licensing district  
7 office. The request shall be in writing to the department, and shall  
8 include a copy of the person's driver's license or valid  
9 identification card issued by the Department of Motor Vehicles,  
10 or a valid photo identification issued by another state or the United  
11 States government if the person is not a California resident. Upon  
12 request of the licensee, who shall enclose a self-addressed stamped  
13 envelope for this purpose, the department shall verify whether the  
14 individual has a clearance that can be transferred.

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

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

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

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

27 (C) A county office with department-delegated licensing  
28 authority may accept a clearance or exemption from any other  
29 county office with department-delegated licensing authority.

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

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

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

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

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

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

11 (ii) The department shall notify the Department of Justice within  
12 15 calendar days of the date on which a new county office receives  
13 department-delegated licensing authority or a county's delegated  
14 licensing authority is rescinded.

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

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

33 SEC. 9. Section 1597.09 of the Health and Safety Code is  
34 amended to read:

35 1597.09. (a) Each licensed child day care center shall be  
36 subject to unannounced inspections by the department. The  
37 department shall inspect these facilities as often as necessary to  
38 ensure the quality of care provided.

1 (b) The department shall conduct an annual unannounced  
2 inspection of a licensed child day care center under any of the  
3 following circumstances:

4 (1) When a license is on probation.

5 (2) When the terms of agreement in a facility compliance plan  
6 require an annual inspection.

7 (3) When an accusation against a licensee is pending.

8 (4) In order to verify that a person who has been ordered out of  
9 a child day care center by the department is no longer at the facility.

10 (c) (1) The department shall conduct an annual unannounced  
11 inspection of no less than 20 percent of facilities not subject to an  
12 inspection under subdivision (b). These unannounced inspections  
13 shall be conducted based on a random sampling methodology  
14 developed by the department.

15 (2) If the total citations issued by the department exceed the  
16 previous year's total by 10 percent, the following year the  
17 department shall increase the random sample by 10 percent of  
18 facilities not subject to an inspection under subdivision (b). The  
19 department may request additional resources to increase the random  
20 sample by 10 percent.

21 (d) Under no circumstance shall the department inspect a  
22 licensed child day care center less often than once every five years.

23 (e) This section shall remain in effect only until January 1, 2017,  
24 and as of that date is repealed, unless a later enacted statute, that  
25 is enacted before January 1, 2017, deletes or extends that date.

26 SEC. 10. Section 1597.09 is added to the Health and Safety  
27 Code, to read:

28 1597.09. (a) Each licensed child day care center shall be  
29 subject to unannounced inspections by the department. The  
30 department shall inspect these facilities as often as necessary to  
31 ensure the quality of care provided.

32 (b) The department shall conduct an annual unannounced  
33 inspection of a licensed child day care center under any of the  
34 following circumstances:

35 (1) When a license is on probation.

36 (2) When the terms of agreement in a facility compliance plan  
37 require an annual inspection.

38 (3) When an accusation against a licensee is pending.

39 (4) In order to verify that a person who has been ordered out of  
40 a child day care center by the department is no longer at the facility.

1 (c) (1) The department shall conduct an annual unannounced  
 2 inspection of no less than 30 percent of facilities not subject to an  
 3 evaluation under subdivision (b).

4 (2) These unannounced inspections shall be conducted based  
 5 on a random sampling methodology developed by the department.

6 (d) The department shall inspect a licensed child day care center  
 7 at least once every three years.

8 (e) This section shall become operative on January 1, 2017.

9 SEC. 11. Section 1597.55a of the Health and Safety Code is  
 10 amended to read:

11 1597.55a. Every family day care home shall be subject to  
 12 unannounced inspections by the department as provided in this  
 13 section. The department shall inspect these facilities as often as  
 14 necessary to ensure the quality of care provided.

15 (a) The department shall conduct an announced site visit prior  
 16 to the initial licensing of the applicant.

17 (b) The department shall conduct an annual unannounced  
 18 inspection of a facility under any of the following circumstances:

19 (1) When a license is on probation.

20 (2) When the terms of agreement in a facility compliance plan  
 21 require an annual inspection.

22 (3) When an accusation against a licensee is pending.

23 (4) In order to verify that a person who has been ordered out of  
 24 a family day care home by the department is no longer at the  
 25 facility.

26 (c) (1) The department shall conduct annual unannounced  
 27 inspections of no less than 20 percent of facilities not subject to  
 28 an inspection under subdivision (b). These unannounced  
 29 inspections shall be conducted based on a random sampling  
 30 methodology developed by the department.

31 (2) If the total citations issued by the department exceed the  
 32 previous year's total by 10 percent, the following year the  
 33 department shall increase the random sample by 10 percent of the  
 34 facilities not subject to an inspection under subdivision (b). The  
 35 department may request additional resources to increase the random  
 36 sample by 10 percent.

37 (d) Under no circumstance shall the department inspect a  
 38 licensed family day care home less often than once every five  
 39 years.

1 (e) A public agency under contract with the department may  
2 make spot checks if it does not result in any cost to the state.  
3 However, spot checks shall not be required by the department.

4 (f) The department or licensing agency shall make an  
5 unannounced site inspection on the basis of a complaint and a  
6 followup inspection as provided in Section 1596.853.

7 (g) An unannounced site inspection shall adhere to both of the  
8 following conditions:

9 (1) The inspection shall take place only during the facility's  
10 normal business hours or at any time family day care services are  
11 being provided.

12 (2) The inspection of the facility shall be limited to those parts  
13 of the facility in which family day care services are provided or  
14 to which the children have access.

15 (h) The department shall implement this section during periods  
16 that Section 1597.55b is not being implemented in accordance  
17 with Section 18285.5 of the Welfare and Institutions Code.

18 (i) This section shall remain in effect only until January 1, 2017,  
19 and as of that date is repealed, unless a later enacted statute, that  
20 is enacted before January 1, 2017, deletes or extends that date.

21 SEC. 12. Section 1597.55a is added to the Health and Safety  
22 Code, to read:

23 1597.55a. Every family day care home shall be subject to  
24 unannounced inspections by the department as provided in this  
25 section. The department shall inspect these facilities as often as  
26 necessary to ensure the quality of care provided.

27 (a) The department shall conduct an announced site inspection  
28 prior to the initial licensing of the applicant.

29 (b) The department shall conduct an annual unannounced  
30 inspection of a facility under any of the following circumstances:

31 (1) When a license is on probation.

32 (2) When the terms of agreement in a facility compliance plan  
33 require an annual inspection.

34 (3) When an accusation against a licensee is pending.

35 (4) In order to verify that a person who has been ordered out of  
36 a family day care home by the department is no longer at the  
37 facility.

38 (c) (1) The department shall conduct annual unannounced  
39 inspections of no less than 30 percent of facilities not subject to  
40 an inspection under subdivision (b).

1 (2) These unannounced inspections shall be conducted based  
 2 on a random sampling methodology developed by the department.

3 (d) The department shall inspect a licensed family day care  
 4 home at least once every three years.

5 (e) A public agency under contract with the department may  
 6 make spot checks if it does not result in any cost to the state.  
 7 However, spot checks shall not be required by the department.

8 (f) The department or licensing agency shall make an  
 9 unannounced site inspection on the basis of a complaint and a  
 10 followup inspection as provided in Section 1596.853.

11 (g) An unannounced site inspection shall adhere to both of the  
 12 following conditions:

13 (1) The inspection shall take place only during the facility’s  
 14 normal business hours or at any time family day care services are  
 15 being provided.

16 (2) The inspection of the facility shall be limited to those parts  
 17 of the facility in which family day care services are provided or  
 18 to which the children have access.

19 (h) The department shall implement this section during periods  
 20 that Section 1597.55b is not being implemented in accordance  
 21 with Section 18285.5 of the Welfare and Institutions Code.

22 (i) This section shall become operative on January 1, 2017.

23 SEC. 13. Section 18726 of the Revenue and Taxation Code is  
 24 amended to read:

25 18726. (a) There is hereby established in the State Treasury  
 26 the California Senior Legislature Fund to receive contributions  
 27 made pursuant to Section 18725. The Franchise Tax Board shall  
 28 notify the Controller of both the amount of money paid by  
 29 taxpayers in excess of their tax liability and the amount of refund  
 30 money that taxpayers have designated pursuant to Section 18725  
 31 to be transferred to the California Senior Legislature Fund. The  
 32 Controller shall transfer from the Personal Income Tax Fund to  
 33 the California Senior Legislature Fund an amount not in excess of  
 34 the sum of the amounts designated by individuals pursuant to  
 35 Section 18725 for payment into that fund.

36 (b) The California Senior Legislature Fund is the successor fund  
 37 of the California Fund for Senior Citizens. All assets, liabilities,  
 38 revenues, and expenditures of the California Fund for Senior  
 39 Citizens shall be transferred to, and become a part of, the California  
 40 Senior Legislature Fund, as provided in Section 16346 of the

1 Government Code. Any references in state law to the California  
2 Fund for Senior Citizens shall be construed to refer to the  
3 California Senior Legislature Fund.

4 SEC. 14. Section 1095 of the Unemployment Insurance Code  
5 is amended to read:

6 1095. The director shall permit the use of any information in  
7 his or her possession to the extent necessary for any of the  
8 following purposes and may require reimbursement for all direct  
9 costs incurred in providing any and all information specified in  
10 this section, except information specified in subdivisions (a) to  
11 (e), inclusive:

12 (a) To enable the director or his or her representative to carry  
13 out his or her responsibilities under this code.

14 (b) To properly present a claim for benefits.

15 (c) To acquaint a worker or his or her authorized agent with his  
16 or her existing or prospective right to benefits.

17 (d) To furnish an employer or his or her authorized agent with  
18 information to enable him or her to fully discharge his or her  
19 obligations or safeguard his or her rights under this division or  
20 Division 3 (commencing with Section 9000).

21 (e) To enable an employer to receive a reduction in contribution  
22 rate.

23 (f) To enable federal, state, or local governmental departments  
24 or agencies, subject to federal law, to verify or determine the  
25 eligibility or entitlement of an applicant for, or a recipient of, public  
26 social services provided pursuant to Division 9 (commencing with  
27 Section 10000) of the Welfare and Institutions Code, or Part A of  
28 Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et  
29 seq.), when the verification or determination is directly connected  
30 with, and limited to, the administration of public social services.

31 (g) To enable county administrators of general relief or  
32 assistance, or their representatives, to determine entitlement to  
33 locally provided general relief or assistance, when the  
34 determination is directly connected with, and limited to, the  
35 administration of general relief or assistance.

36 (h) To enable state or local governmental departments or  
37 agencies to seek criminal, civil, or administrative remedies in  
38 connection with the unlawful application for, or receipt of, relief  
39 provided under Division 9 (commencing with Section 10000) of  
40 the Welfare and Institutions Code or to enable the collection of

1 expenditures for medical assistance services pursuant to Part 5  
2 (commencing with Section 17000) of Division 9 of the Welfare  
3 and Institutions Code.

4 (i) To provide any law enforcement agency with the name,  
5 address, telephone number, birth date, social security number,  
6 physical description, and names and addresses of present and past  
7 employers, of any victim, suspect, missing person, potential  
8 witness, or person for whom a felony arrest warrant has been  
9 issued, when a request for this information is made by any  
10 investigator or peace officer as defined by Sections 830.1 and  
11 830.2 of the Penal Code, or by any federal law enforcement officer  
12 to whom the Attorney General has delegated authority to enforce  
13 federal search warrants, as defined under Sections 60.2 and 60.3  
14 of Title 28 of the Code of Federal Regulations, as amended, and  
15 when the requesting officer has been designated by the head of  
16 the law enforcement agency and requests this information in the  
17 course of and as a part of an investigation into the commission of  
18 a crime when there is a reasonable suspicion that the crime is a  
19 felony and that the information would lead to relevant evidence.  
20 The information provided pursuant to this subdivision shall be  
21 provided to the extent permitted by federal law and regulations,  
22 and to the extent the information is available and accessible within  
23 the constraints and configurations of existing department records.  
24 Any person who receives any information under this subdivision  
25 shall make a written report of the information to the law  
26 enforcement agency that employs him or her, for filing under the  
27 normal procedures of that agency.

28 (1) This subdivision shall not be construed to authorize the  
29 release to any law enforcement agency of a general list identifying  
30 individuals applying for or receiving benefits.

31 (2) The department shall maintain records pursuant to this  
32 subdivision only for periods required under regulations or statutes  
33 enacted for the administration of its programs.

34 (3) This subdivision shall not be construed as limiting the  
35 information provided to law enforcement agencies to that pertaining  
36 only to applicants for, or recipients of, benefits.

37 (4) The department shall notify all applicants for benefits that  
38 release of confidential information from their records will not be  
39 protected should there be a felony arrest warrant issued against

1 the applicant or in the event of an investigation by a law  
2 enforcement agency into the commission of a felony.

3 (j) To provide public employee retirement systems in California  
4 with information relating to the earnings of any person who has  
5 applied for or is receiving a disability income, disability allowance,  
6 or disability retirement allowance, from a public employee  
7 retirement system. The earnings information shall be released only  
8 upon written request from the governing board specifying that the  
9 person has applied for or is receiving a disability allowance or  
10 disability retirement allowance from its retirement system. The  
11 request may be made by the chief executive officer of the system  
12 or by an employee of the system so authorized and identified by  
13 name and title by the chief executive officer in writing.

14 (k) To enable the Division of Labor Standards Enforcement in  
15 the Department of Industrial Relations to seek criminal, civil, or  
16 administrative remedies in connection with the failure to pay, or  
17 the unlawful payment of, wages pursuant to Chapter 1  
18 (commencing with Section 200) of Part 1 of Division 2 of, and  
19 Chapter 1 (commencing with Section 1720) of Part 7 of Division  
20 2 of, the Labor Code.

21 (l) To enable federal, state, or local governmental departments  
22 or agencies to administer child support enforcement programs  
23 under Part D of Title IV of the federal Social Security Act (42  
24 U.S.C. Sec. 651 et seq.).

25 (m) To provide federal, state, or local governmental departments  
26 or agencies with wage and claim information in its possession that  
27 will assist those departments and agencies in the administration  
28 of the Victims of Crime Program or in the location of victims of  
29 crime who, by state mandate or court order, are entitled to  
30 restitution that has been or can be recovered.

31 (n) To provide federal, state, or local governmental departments  
32 or agencies with information concerning any individuals who are  
33 or have been:

34 (1) Directed by state mandate or court order to pay restitution,  
35 fines, penalties, assessments, or fees as a result of a violation of  
36 law.

37 (2) Delinquent or in default on guaranteed student loans or who  
38 owe repayment of funds received through other financial assistance  
39 programs administered by those agencies. The information released

1 by the director for the purposes of this paragraph shall not include  
2 unemployment insurance benefit information.

3 (o) To provide an authorized governmental agency with any or  
4 all relevant information that relates to any specific workers'  
5 compensation insurance fraud investigation. The information shall  
6 be provided to the extent permitted by federal law and regulations.  
7 For the purposes of this subdivision, "authorized governmental  
8 agency" means the district attorney of any county, the office of  
9 the Attorney General, the Contractors' State License Board, the  
10 Department of Industrial Relations, and the Department of  
11 Insurance. An authorized governmental agency may disclose this  
12 information to the State Bar, the Medical Board of California, or  
13 any other licensing board or department whose licensee is the  
14 subject of a workers' compensation insurance fraud investigation.  
15 This subdivision shall not prevent any authorized governmental  
16 agency from reporting to any board or department the suspected  
17 misconduct of any licensee of that body.

18 (p) To enable the Director of Consumer Affairs, or his or her  
19 representatives, to access unemployment insurance quarterly wage  
20 data on a case-by-case basis to verify information on school  
21 administrators, school staff, and students provided by those schools  
22 who are being investigated for possible violations of Chapter 8  
23 (commencing with Section 94800) of Part 59 of Division 10 of  
24 Title 3 of the Education Code.

25 (q) To provide employment tax information to the tax officials  
26 of Mexico, if a reciprocal agreement exists. For purposes of this  
27 subdivision, "reciprocal agreement" means a formal agreement to  
28 exchange information between national taxing officials of Mexico  
29 and taxing authorities of the State Board of Equalization, the  
30 Franchise Tax Board, and the Employment Development  
31 Department. Furthermore, the reciprocal agreement shall be limited  
32 to the exchange of information that is essential for tax  
33 administration purposes only. Taxing authorities of the State of  
34 California shall be granted tax information only on California  
35 residents. Taxing authorities of Mexico shall be granted tax  
36 information only on Mexican nationals.

37 (r) To enable city and county planning agencies to develop  
38 economic forecasts for planning purposes. The information shall  
39 be limited to businesses within the jurisdiction of the city or county

1 whose planning agency is requesting the information, and shall  
2 not include information regarding individual employees.

3 (s) To provide the State Department of Developmental Services  
4 with wage and employer information that will assist in the  
5 collection of moneys owed by the recipient, parent, or any other  
6 legally liable individual for services and supports provided pursuant  
7 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,  
8 and Chapter 2 (commencing with Section 7200) and Chapter 3  
9 (commencing with Section 7500) of Division 7 of, the Welfare  
10 and Institutions Code.

11 (t) To provide the State Board of Equalization with employment  
12 tax information that will assist in the administration of tax  
13 programs. The information shall be limited to the exchange of  
14 employment tax information essential for tax administration  
15 purposes to the extent permitted by federal law and regulations.

16 (u) Nothing in this section shall be construed to authorize or  
17 permit the use of information obtained in the administration of this  
18 code by any private collection agency.

19 (v) The disclosure of the name and address of an individual or  
20 business entity that was issued an assessment that included  
21 penalties under Section 1128 or 1128.1 shall not be in violation  
22 of Section 1094 if the assessment is final. The disclosure may also  
23 include any of the following:

24 (1) The total amount of the assessment.

25 (2) The amount of the penalty imposed under Section 1128 or  
26 1128.1 that is included in the assessment.

27 (3) The facts that resulted in the charging of the penalty under  
28 Section 1128 or 1128.1.

29 (w) To enable the Contractors' State License Board to verify  
30 the employment history of an individual applying for licensure  
31 pursuant to Section 7068 of the Business and Professions Code.

32 (x) To provide any peace officer with the Division of  
33 Investigation in the Department of Consumer Affairs information  
34 pursuant to subdivision (i) when the requesting peace officer has  
35 been designated by the chief of the Division of Investigation and  
36 requests this information in the course of and as part of an  
37 investigation into the commission of a crime or other unlawful act  
38 when there is reasonable suspicion to believe that the crime or act  
39 may be connected to the information requested and would lead to  
40 relevant information regarding the crime or unlawful act.

1 (y) To enable the Labor Commissioner of the Division of Labor  
2 Standards Enforcement in the Department of Industrial Relations  
3 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully  
4 uninsured employers. The information shall be provided to the  
5 extent permitted by federal law and regulations.

6 (z) To enable the Chancellor of the California Community  
7 Colleges, in accordance with the requirements of Section 84754.5  
8 of the Education Code, to obtain quarterly wage data, commencing  
9 January 1, 1993, on students who have attended one or more  
10 community colleges, to assess the impact of education on the  
11 employment and earnings of students, to conduct the annual  
12 evaluation of district-level and individual college performance in  
13 achieving priority educational outcomes, and to submit the required  
14 reports to the Legislature and the Governor. The information shall  
15 be provided to the extent permitted by federal statutes and  
16 regulations.

17 (aa) To enable the Public Employees' Retirement System to  
18 seek criminal, civil, or administrative remedies in connection with  
19 the unlawful application for, or receipt of, benefits provided under  
20 Part 3 (commencing with Section 20000) of Division 5 of Title 2  
21 of the Government Code.

22 (ab) To enable the State Department of Education, the University  
23 of California, the California State University, and the Chancellor  
24 of the California Community Colleges, pursuant to the  
25 requirements prescribed by the federal American Recovery and  
26 Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly  
27 wage data, commencing July 1, 2010, on students who have  
28 attended their respective systems to assess the impact of education  
29 on the employment and earnings of those students, to conduct the  
30 annual analysis of district-level and individual district or  
31 postsecondary education system performance in achieving priority  
32 educational outcomes, and to submit the required reports to the  
33 Legislature and the Governor. The information shall be provided  
34 to the extent permitted by federal statutes and regulations.

35 (ac) To provide the Agricultural Labor Relations Board with  
36 employee, wage, and employer information, for use in the  
37 investigation or enforcement of the  
38 Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations  
39 Act of 1975 (Part 3.5 (commencing with Section 1140) of Division

1 2 of the Labor Code). The information shall be provided to the  
2 extent permitted by federal statutes and regulations.

3 (ad) (1) To enable the State Department of Health Care  
4 Services, the California Health Benefit Exchange, the Managed  
5 Risk Medical Insurance Board, and county departments and  
6 agencies to obtain information regarding employee wages,  
7 California employer names and account numbers, employer reports  
8 of wages and number of employees, and disability insurance and  
9 unemployment insurance claim information, for the purpose of:

10 (A) Verifying or determining the eligibility of an applicant for,  
11 or a recipient of, state health subsidy programs, limited to the  
12 Medi-Cal Program, provided pursuant to Chapter 7 (commencing  
13 with Section 14000) of Part 3 of Division 9 of the Welfare and  
14 Institutions Code, and the Access for Infants and Mothers Program,  
15 provided pursuant to Part 6.3 (commencing with Section 12695)  
16 of Division 2 of the Insurance Code, when the verification or  
17 determination is directly connected with, and limited to, the  
18 administration of the state health subsidy programs referenced in  
19 this subparagraph.

20 (B) Verifying or determining the eligibility of an applicant for,  
21 or a recipient of, federal subsidies offered through the California  
22 Health Benefit Exchange, provided pursuant to Title 22  
23 (commencing with Section 100500) of the Government Code,  
24 including federal tax credits and cost-sharing assistance pursuant  
25 to the federal Patient Protection and Affordable Care Act (Public  
26 Law 111-148), as amended by the federal Health Care and  
27 Education Reconciliation Act of 2010 (Public Law 111-152), when  
28 the verification or determination is directly connected with, and  
29 limited to, the administration of the California Health Benefit  
30 Exchange.

31 (C) Verifying or determining the eligibility of employees and  
32 employers for health coverage through the Small Business Health  
33 Options Program, provided pursuant to Section 100502 of the  
34 Government Code, when the verification or determination is  
35 directly connected with, and limited to, the administration of the  
36 Small Business Health Options Program.

37 (2) The information provided under this subdivision shall be  
38 subject to the requirements of, and provided to the extent permitted  
39 by, federal law and regulations, including Part 603 of Title 20 of  
40 the Code of Federal Regulations.

1 (ae) To provide any peace officer with the Investigations  
2 Division of the Department of Motor Vehicles with information  
3 pursuant to subdivision (i), when the requesting peace officer has  
4 been designated by the Chief of the Investigations Division and  
5 requests this information in the course of, and as part of, an  
6 investigation into identity theft, counterfeiting, document fraud,  
7 or consumer fraud, and there is reasonable suspicion that the crime  
8 is a felony and that the information would lead to relevant evidence  
9 regarding the identity theft, counterfeiting, document fraud, or  
10 consumer fraud. The information provided pursuant to this  
11 subdivision shall be provided to the extent permitted by federal  
12 law and regulations, and to the extent the information is available  
13 and accessible within the constraints and configurations of existing  
14 department records. Any person who receives any information  
15 under this subdivision shall make a written report of the  
16 information to the Investigations Division of the Department of  
17 Motor Vehicles, for filing under the normal procedures of that  
18 division.

19 (af) Until January 1, 2020, to enable the Department of Finance  
20 to prepare and submit the report required by Section 13084 of the  
21 Government Code that identifies all employers in California that  
22 employ 50 or more employees who receive benefits from the  
23 Medi-Cal program (Chapter 7 (commencing with Section 14000)  
24 of Part 3 of Division 9 of the Welfare and Institutions Code). The  
25 information used for this purpose shall be limited to information  
26 obtained pursuant to Section 11026.5 of the Welfare and  
27 Institutions Code and from the administration of personal income  
28 tax wage withholding pursuant to Division 6 (commencing with  
29 Section 13000) and the disability insurance program and may be  
30 disclosed to the Department of Finance only for the purpose of  
31 preparing and submitting the report and only to the extent not  
32 prohibited by federal law.

33 (ag) To provide, to the extent permitted by federal law and  
34 regulations, the Student Aid Commission with wage information  
35 in order to verify the employment status of an individual applying  
36 for a Cal Grant C award pursuant to subdivision (c) of Section  
37 69439 of the Education Code.

38 (ah) To enable the Department of Corrections and Rehabilitation  
39 to obtain quarterly wage data of former inmates who have been  
40 incarcerated within the prison system in order to assess the impact

1 of rehabilitation services or the lack of these services on the  
2 employment and earnings of these former inmates. Quarterly data  
3 for a former inmate's employment status and wage history shall  
4 be provided for a period of one year, three years, and five years  
5 following release. The data shall only be used for the purpose of  
6 tracking outcomes for former inmates in order to assess the  
7 effectiveness of rehabilitation strategies on the wages and  
8 employment histories of those formerly incarcerated. The  
9 information shall be provided to the department to the extent not  
10 prohibited by federal law.

11 (ai) To enable federal, state, or local government departments  
12 or agencies, or their contracted agencies, subject to federal law,  
13 including the confidentiality, disclosure, and other requirements  
14 set forth in Part 603 of Title 20 of the Code of Federal Regulations,  
15 to evaluate, research, or forecast the effectiveness of public social  
16 services programs administered pursuant to Division 9  
17 (commencing with Section 10000) of the Welfare and Institutions  
18 Code, or Part A of Subchapter IV of Chapter 7 of the federal Social  
19 Security Act (42 U.S.C. Sec. 601 et seq.), when the evaluation,  
20 research, or forecast is directly connected with, and limited to, the  
21 administration of the public social services programs.

22 SEC. 15. Section 9305 of the Welfare and Institutions Code is  
23 amended to read:

24 9305. (a) The funds for the California Senior Legislature shall  
25 be allocated from the California Senior Legislature Fund or from  
26 private funds directed to the Legislature for the purpose of funding  
27 activities of the California Senior Legislature.

28 (b) The California Senior Legislature may accept gifts and grants  
29 from any source, public or private, to help perform its functions,  
30 pursuant to Section 9304.

31 SEC. 16. Section 11253.4 is added to the Welfare and  
32 Institutions Code, to read:

33 11253.4. (a) (1) On and after January 1, 2015, a child eligible  
34 for the Approved Relative Caregiver Funding Option Program in  
35 accordance with Section 11461.3, is not subject to the provisions  
36 of this chapter relating to CalWORKs, including, but not limited  
37 to, the provisions that relate to CalWORKs eligibility,  
38 welfare-to-work, time limits, or grant computation.

39 (2) All of the following shall apply to a child specified in  
40 paragraph (1):

1 (A) He or she shall receive the applicable regional CalWORKs  
2 grant for recipient in an assistance unit of one, pursuant to the  
3 exempt maximum aid payment set forth in Section 11450, and any  
4 changes to the CalWORKs grant amount shall apply to the grant  
5 described in this subparagraph.

6 (B) Notwithstanding any other law, the CalWORKs grant of  
7 the child shall be paid by the county with payment responsibility  
8 as described in subdivision (b) of Section 11461.3, rather than the  
9 county of residence of the child, unless the child resides in the  
10 county with payment responsibility.

11 (C) For an assistance unit described in subparagraph (A),  
12 eligibility shall be determined in accordance with paragraph (3)  
13 of subdivision (a) of Section 672 of Title 42 of the United States  
14 Code and state law implementing those requirements for the  
15 purposes of Article 5 (commencing with Section 11400).

16 (b) (1) Except as provided in paragraph (2), a person who is an  
17 approved relative caregiver with whom a child eligible in  
18 accordance with Section 11461.3 is placed, shall be exempt from  
19 Chapter 4.6 (commencing with Section 10830) of Part 2 governing  
20 the statewide fingerprint imaging system.

21 (2) An approved relative caregiver who is also an applicant for  
22 or a recipient of benefits under this chapter shall comply with the  
23 statewide fingerprint imaging system requirements.

24 (c) Notwithstanding Sections 11004 and 11004.1 or any other  
25 law, overpayments to an assistance unit described in subparagraph  
26 (A) of paragraph (2) of subdivision (a) shall be collected in  
27 accordance with subdivision (d) of Section 11461.3.

28 (d) If an approved relative caregiver with whom a child eligible  
29 in accordance with 11461.3 is placed is also an applicant for or a  
30 recipient of benefits under this chapter all of the following shall  
31 apply:

32 (1) The applicant or recipient and each eligible child, excluding  
33 any child eligible in accordance with Section 11461.3, shall receive  
34 aid in an assistance unit separate from the assistance unit described  
35 in subparagraph (A) of paragraph (2) of subdivision (a), and the  
36 CalWORKs grant of the assistance unit shall be paid by the county  
37 of residence of the assistance unit.

38 (2) For purposes of calculating the grant of the assistance unit,  
39 the number of eligible needy persons on which the grant is based

1 pursuant to paragraph (1) of subdivision (a) of Section 11450 shall  
2 not include any child eligible in accordance with Section 11461.3.

3 (3) For purposes of calculating minimum basic standards of  
4 adequate care for the assistance unit, any child eligible in  
5 accordance with Section 11461.3 shall be included as an eligible  
6 needy person in the same family pursuant to paragraph (2) of  
7 subdivision (a) of Section 11452.

8 (e) This section shall apply retroactively to a child eligible for  
9 the Approved Relative Caregiver Funding Option Program and  
10 his or her approved relative caregiver as of January 1, 2015.

11 SEC. 17. Section 11265.3 of the Welfare and Institutions Code  
12 is amended to read:

13 11265.3. (a) In addition to submitting the semiannual report  
14 form as required in Section 11265.1, the department shall establish  
15 an income reporting threshold for recipients of CalWORKs.

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

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

21 (2) The amount likely to render the recipient ineligible for  
22 CalWORKs benefits.

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

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

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

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

32 (3) An incidence of an individual fleeing prosecution or custody  
33 or confinement, or violating a condition of probation or parole, as  
34 specified in Section 11486.5.

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

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

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

39 (3) The consequences of failing to report.

1 (e) When a recipient reports income exceeding the reporting  
2 threshold, the county shall redetermine eligibility and the grant  
3 amount as follows:

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

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

12 (B) If it is determined that the recipient's grant amount should  
13 decrease based on the increase in income, the county shall reduce  
14 the recipient's grant amount for the remainder of the semiannual  
15 reporting period with timely and adequate notice, effective the  
16 first of the month following the month in which the income was  
17 received.

18 (2) If the recipient reports an increase in income for the sixth  
19 month of a current semiannual reporting period, the county shall  
20 not redetermine eligibility for the current semiannual reporting  
21 period, but shall consider this income in redetermining eligibility  
22 and the grant amount for the following semiannual reporting period,  
23 as provided in Sections 11265.1 and 11265.2.

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

32 (g) (1) When a decrease in gross monthly income is voluntarily  
33 reported and verified, the county shall recalculate the grant for the  
34 current month and any remaining months in the semiannual  
35 reporting period pursuant to Sections 11265.1 and 11265.2 based  
36 on the actual gross monthly income reported and verified from the  
37 voluntary report for the current month and the gross monthly  
38 income that is reasonably anticipated for any future months  
39 remaining in the semiannual reporting period.

1 (2) When the anticipated income is determined pursuant to  
2 paragraph (1), and a grant amount is calculated based upon the  
3 new income, if the grant amount is higher than the grant currently  
4 in effect, the county shall revise the grant for the current month  
5 and any remaining months in the semiannual reporting period to  
6 the higher amount and shall issue any increased benefit amount  
7 as provided in subdivision (f).

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

25 (i) During the semiannual reporting period, a recipient may  
26 request that the county discontinue the recipient's entire assistance  
27 unit or any individual member of the assistance unit who is no  
28 longer in the home or is an optional member of the assistance unit.  
29 If the recipient's request is verbal, the county shall provide a 10-day  
30 notice before discontinuing benefits. If the recipient's request is  
31 in writing, the county shall discontinue benefits effective the end  
32 of the month in which the request is made, and simultaneously  
33 issue a notice informing the recipient of the discontinuance.

34 (j) (1) This section shall become operative on April 1, 2013. A  
35 county shall implement the semiannual reporting requirements in  
36 accordance with the act that added this section no later than October  
37 1, 2013.

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

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

4 SEC. 18. Section 11265.47 of the Welfare and Institutions  
5 Code is amended to read:

6 11265.47. (a) The department shall establish an income  
7 reporting threshold for CalWORKs assistance units described in  
8 subdivision (a) of Section 11265.45.

9 (b) The income reporting threshold described in subdivision (a)  
10 shall be the lesser of the following:

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

14 (2) The amount likely to render the recipient ineligible for  
15 federal Supplemental Nutrition Assistance Program benefits.

16 (3) The amount likely to render the recipient ineligible for  
17 CalWORKs benefits.

18 (c) A recipient described in subdivision (a) of Section 11265.45  
19 shall report to the county, orally or in writing, within 10 days,  
20 when any of the following occurs:

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

23 (2) Any change in household composition.

24 (3) The household address has changed.

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

28 (d) When a recipient described in subdivision (a) of Section  
29 11265.45 reports income or a household composition change  
30 pursuant to subdivision (c), the county shall redetermine eligibility  
31 and grant amounts as follows:

32 (1) If the recipient reports an increase in income or household  
33 composition change for the first through 11th months of a year,  
34 the county shall verify the report and determine the recipient's  
35 financial eligibility and grant amount.

36 (A) If the recipient is determined to be financially ineligible  
37 based on the increase in income or household composition change,  
38 the county shall discontinue the recipient with timely and adequate  
39 notice, effective at the end of the month in which the change  
40 occurred.

1 (B) If it is determined that the recipient's grant amount should  
2 decrease based on the increase in income, or increase or decrease  
3 based on a change in household composition, the county shall  
4 increase or reduce the recipient's grant amount for the remainder  
5 of the year with timely and adequate notice, effective the first of  
6 the month following the month in which the change occurred.

7 (2) If the recipient reports an increase in income for the 12th  
8 month of a grant year, the county shall verify this report and  
9 consider this income in redetermining eligibility and the grant  
10 amount for the following year.

11 (e) During the year, a recipient described in subdivision (a) of  
12 Section 11265.45 may report to the county, orally or in writing,  
13 any changes in income that may increase the recipient's grant.  
14 Increases in the grant that result from reported changes in income  
15 shall be effective for the entire month in which the change is  
16 reported and any remaining months in the year. If the reported  
17 change in income results in an increase in benefits, the county shall  
18 issue the increased benefit amount within 10 days of receiving  
19 required verification.

20 (f) During the year, a recipient described in subdivision (a) of  
21 Section 11265.45 may request that the county discontinue the  
22 recipient's entire assistance unit or any individual member of the  
23 assistance unit who is no longer in the home or is an optional  
24 member of the assistance unit. If the recipient's request is verbal,  
25 the county shall provide a 10-day notice before discontinuing  
26 benefits. If the recipient's request is in writing, the county shall  
27 discontinue benefits effective the end of the month in which the  
28 request is made, and simultaneously shall issue a notice informing  
29 the recipient of the discontinuance.

30 (g) This section shall become operative on the first day of the  
31 first month following 90 days after the effective date of the act  
32 that added this section, or October 1, 2012, whichever is later.

33 SEC. 19. Section 11330.5 of the Welfare and Institutions Code  
34 is amended to read:

35 11330.5. (a) The department shall award funds in accordance  
36 with subdivision (e) to counties for the purpose of providing  
37 CalWORKs housing supports to CalWORKs recipients who are  
38 experiencing homelessness or housing instability that would be a  
39 barrier to self-sufficiency or child well-being.

1 (b) Notwithstanding subdivision (a), this section does not create  
2 an entitlement to housing supports, which are intended to be a  
3 service to CalWORKs families and not a form of assistance, to be  
4 provided to families at the discretion of the county.

5 (c) It is the intent of the Legislature that housing supports  
6 provided pursuant to this article utilize evidence-based models,  
7 including those established in the federal Department of Housing  
8 and Urban Development’s Homeless Prevention and Rapid  
9 Re-Housing Program. Supports provided may include, but shall  
10 not be limited to, all of the following:

11 (1) Financial assistance, including rental assistance, security  
12 deposits, utility payments, moving cost assistance, and motel and  
13 hotel vouchers.

14 (2) Housing stabilization and relocation, including outreach and  
15 engagement, landlord recruitment, case management, housing  
16 search and placement, legal services, and credit repair.

17 (d) The asset limit threshold specified in subdivision (f) of  
18 Section 11450 shall not be used to determine a family’s eligibility  
19 for receipt of housing supports provided pursuant to this article.

20 (e) Funds appropriated for purposes of this article shall be  
21 awarded to participating counties by the State Department of Social  
22 Services according to criteria developed by the department in  
23 consultation with the County Welfare Directors Association and  
24 Housing California.

25 (f) The department, in consultation with the County Welfare  
26 Directors Association and Housing California and other  
27 stakeholders, shall develop each of the following:

28 (1) The criteria by which counties may be awarded funds to  
29 provide housing supports to eligible CalWORKs recipients  
30 pursuant to this article.

31 (2) The proportion of funding to be expended on reasonable  
32 and appropriate administrative activities to minimize overhead  
33 and maximize services.

34 (3) Tracking and reporting procedures.

35 (g) The department, in consultation with appropriate legislative  
36 staff and the County Welfare Directors Association, shall  
37 determine, in a manner that reflects the legislative intent for the  
38 use of these funds and that is most beneficial to the overall  
39 CalWORKs program, whether housing supports provided with

1 this funding are considered to be assistance or nonassistance  
2 payments.

3 (h) Counties may continue to provide housing supports under  
4 this section to a recipient who is discontinued because he or she  
5 no longer meets the income eligibility requirements of Section  
6 11450.12.

7 SEC. 20. Section 11461.3 of the Welfare and Institutions Code  
8 is amended to read:

9 11461.3. (a) The Approved Relative Caregiver Funding Option  
10 Program is hereby established for the purpose of making the  
11 amount paid to approved relative caregivers for the in-home care  
12 of children placed with them who are ineligible for AFDC-FC  
13 payments equal to the amount paid on behalf of children who are  
14 eligible for AFDC-FC payments. This is an optional program for  
15 counties choosing to participate, and in so doing, participating  
16 counties agree to the terms of this section as a condition of their  
17 participation. It is the intent of the Legislature that the funding  
18 described in paragraph (1) of subdivision (g) for the Approved  
19 Relative Caregiver Funding Option Program be appropriated, and  
20 available for use from January through December of each year,  
21 unless otherwise specified.

22 (b) Subject to subdivision (e), effective January 1, 2015,  
23 participating counties shall pay an approved relative caregiver a  
24 per child per month rate in return for the care and supervision, as  
25 defined in subdivision (b) of Section 11460, of a child that is placed  
26 with the relative caregiver that is equal to the basic rate paid to  
27 foster care providers pursuant to subdivision (g) of Section 11461,  
28 if both of the following conditions are met:

29 (1) The county with payment responsibility has notified the  
30 department in writing by October 1 of the year before participation  
31 begins of its decision to participate in the Approved Relative  
32 Caregiver Funding Option Program.

33 (2) The related child placed in the home meets all of the  
34 following requirements:

35 (A) The child resides in California.

36 (B) The child is described by subdivision (b), (c), or (e) of  
37 Section 11401 and the county welfare department or the county  
38 probation department is responsible for the placement and care of  
39 the child.

1 (C) The child is not eligible for AFDC-FC while placed with  
2 the approved relative caregiver because the child is not eligible  
3 for federal financial participation in the AFDC-FC payment.

4 (c) Any income or benefits received by an eligible child or the  
5 approved relative caregiver on behalf of the eligible child that  
6 would be offset against the basic rate paid to a foster care provider  
7 pursuant to subdivision (g) of Section 11461, shall be offset from  
8 any funds that are not CalWORKs funds paid to the approved  
9 relative caregiver pursuant to this section.

10 (d) Participating counties shall recoup an overpayment in the  
11 Approved Relative Caregiver Funding Option Program received  
12 by an approved relative caregiver using the standards and processes  
13 for overpayment recoupment that are applicable to overpayments  
14 to an approved home of a relative, as specified in Section 11466.24.  
15 Recouped overpayments shall not be subject to remittance to the  
16 federal government. Any overpaid funds that are collected by the  
17 participating counties shall be remitted to the state after subtracting  
18 both of the following:

19 (1) An amount not to exceed the county share of the CalWORKs  
20 portion of the Approved Relative Caregiver Funding Option  
21 Program payment, if any.

22 (2) Any other county funds that were included in the Approved  
23 Relative Caregiver Funding Option Program payment.

24 (e) A county's election to participate in the Approved Relative  
25 Caregiver Funding Option Program shall affirmatively indicate  
26 that the county understands and agrees to all of the following  
27 conditions:

28 (1) Commencing October 1, 2014, the county shall notify the  
29 department in writing of its decision to participate in the Approved  
30 Relative Caregiver Funding Option Program. Failure to make  
31 timely notification, without good cause as determined by the  
32 department, shall preclude the county from participating in the  
33 program for the upcoming calendar year. Annually thereafter, any  
34 county not already participating who elects to do so shall notify  
35 the department in writing no later than October 1 of its decision  
36 to participate for the upcoming calendar year.

37 (2) The county shall confirm that it will make per child per  
38 month payments to all approved relative caregivers on behalf of  
39 eligible children in the amount specified in subdivision (b) for the  
40 duration of the participation of the county in this program.

1 (3) The county shall confirm that it will be solely responsible  
2 to pay any additional costs needed to make all payments pursuant  
3 to subdivision (b) if the state and federal funds allocated to the  
4 Approved Relative Caregiver Funding Option Program pursuant  
5 to paragraph (1) of subdivision(g) are insufficient to make all  
6 eligible payments.

7 (f) (1) A county deciding to opt out of the Approved Relative  
8 Caregiver Funding Option Program shall provide at least 120 days'  
9 prior written notice of that decision to the department. Additionally,  
10 the county shall provide at least 90 days' prior written notice to  
11 the approved relative caregiver or caregivers informing them that  
12 his or her per child per month payment will be reduced and the  
13 date that the reduction will occur.

14 (2) The department shall presume that all counties have opted  
15 out of the Approved Relative Caregiver Funding Option Program  
16 if the funding appropriated for the current 12-month period is  
17 reduced below the amount specified in subparagraph (B),  
18 subparagraph (C), or subparagraph (D) of paragraph(2) of  
19 subdivision (g) for that 12-month period, unless a county notifies  
20 the department in writing of its intent to opt in within 60 days of  
21 enactment of the State Budget. The counties shall provide at least  
22 90 days' prior written notice to the approved relative caregiver or  
23 caregivers informing them that his or her per child per month  
24 payment will be reduced, and the date that reduction will occur.

25 (3) Any reduction in payments received by an approved relative  
26 caregiver on behalf of a child under this section that results from  
27 a decision by a county, including the presumed opt-out pursuant  
28 to paragraph (2), to not participate in the Approved Relative  
29 Caregiver Funding Option Program shall be exempt from state  
30 hearing jurisdiction under Section 10950.

31 (g) (1) The following funding shall be used for the Approved  
32 Relative Caregiver Funding Option Program:

33 (A) The applicable regional per-child CalWORKs grant, in  
34 accordance with subdivision (a) of Section 11253.4.

35 (B) General Fund resources, as appropriated in paragraph (2).

36 (C) County funds only to the extent required under paragraph  
37 (3) of subdivision (e).

38 (D) Funding described in subparagraphs (A) and (B) is intended  
39 to fully fund the base caseload of approved relative caregivers,  
40 which is defined as the number of approved relative caregivers

1 caring for a child who is not eligible to receive AFDC-FC  
2 payments, as of July 1, 2014.

3 (2) The following amount is hereby appropriated from the  
4 General Fund as follows:

5 (A) The sum of fifteen million dollars (\$15,000,000), for the  
6 period of January 1, 2015, to June 30, 2015, inclusive.

7 (B) For the period of July 1, 2015 to June 30, 2016, inclusive,  
8 there shall be appropriated an amount equal to the sum of all of  
9 the following:

10 (i) Two times the amount appropriated pursuant to subparagraph  
11 (A), inclusive of any increase pursuant to paragraph (3).

12 (ii) The amount necessary to increase or decrease the  
13 CalWORKs funding associated with the base caseload described  
14 in subparagraph (D) of paragraph (1) to reflect any change from  
15 the prior fiscal year in the applicable regional per-child CalWORKs  
16 grant described in subparagraph (A) of paragraph (1).

17 (iii) The additional amount necessary to fully fund the base  
18 caseload described in subparagraph (D) of paragraph (1), reflective  
19 of the annual California Necessities Index increase to the basic  
20 rate paid to foster care providers.

21 (C) For every 12-month period thereafter, commencing with  
22 the period of July 1, 2016 to June 30, 2017, inclusive, the sum of  
23 all of the following shall be appropriated for purposes of this  
24 section:

25 (i) The total General Fund amount provided pursuant to this  
26 paragraph for the previous 12-month period.

27 (ii) The amount necessary to increase or decrease the  
28 CalWORKs funding associated with the base caseload described  
29 in subparagraph (D) of paragraph (1) to reflect any change from  
30 the prior fiscal year in the applicable regional per-child CalWORKs  
31 grant described in subparagraph (A) of paragraph (1).

32 (iii) The additional amount necessary to fully fund the base  
33 caseload described in subparagraph (D) of paragraph (1), reflective  
34 of the annual California Necessities Index increase to the basic  
35 rate paid to foster care providers.

36 (D) Notwithstanding clauses (ii) and (iii) of subparagraph (B)  
37 and clauses (ii) and (iii) of subparagraph (C), the total General  
38 Fund appropriation made pursuant to subparagraph (B) shall not  
39 be less than the greater of the following amounts:

40 (i) Thirty million dollars (\$30,000,000).

1 (ii) Two times the amount appropriated pursuant to subparagraph  
2 (A), inclusive of any increase pursuant to paragraph (3).

3 (3) To the extent that the appropriation made by subparagraph  
4 (A) of paragraph (2) is insufficient to fully fund the base caseload  
5 of approved relative caregivers as of July 1, 2014, as described in  
6 subparagraph (D) of paragraph (1), for the period of January 1,  
7 2015 to June 30, 2015, inclusive, as jointly determined by the  
8 department and the County Welfare Directors' Association and  
9 approved by the Department of Finance on or before October 1,  
10 2015, the amount specified in subparagraph (A) of paragraph (2)  
11 shall be increased by the amount necessary to fully fund that base  
12 caseload.

13 (4) Funds available pursuant to paragraph(2) shall be allocated  
14 to participating counties proportionate to the number of their  
15 approved relative caregiver placements, using a methodology and  
16 timing developed by the department, following consultation with  
17 county human services agencies and their representatives.

18 (5) Notwithstanding subdivision (e), if in any calendar year the  
19 entire amount of funding appropriated by the state for the Approved  
20 Relative Caregiver Funding Option Program has not been fully  
21 allocated to or utilized by participating counties, a participating  
22 county that has paid any funds pursuant to subparagraph (C) of  
23 paragraph (1) of subdivision(g) may request reimbursement for  
24 those funds from the department. The authority of the department  
25 to approve the requests shall be limited by the amount of available  
26 unallocated funds.

27 (h) An approved relative caregiver receiving payments on behalf  
28 of a child pursuant to this section shall not be eligible to receive  
29 additional CalWORKs payments on behalf of the same child under  
30 Section 11450.

31 (i) To the extent permitted by federal law, payments received  
32 by the approved relative caregiver from the Approved Relative  
33 Caregiver Funding Option Program shall not be considered income  
34 for the purpose of determining other public benefits.

35 (j) Prior to referral of any individual or recipient, or that person's  
36 case, to the local child support agency for child support services  
37 pursuant to Section 17415 of the Family Code, the county human  
38 services agency shall determine if an applicant or recipient has  
39 good cause for noncooperation, as set forth in Section 11477.04.  
40 If the applicant or recipient claims good cause exception at any

1 subsequent time to the county human services agency or the local  
 2 child support agency, the local child support agency shall suspend  
 3 child support services until the county social services agency  
 4 determines the good cause claim, as set forth in Section 11477.04.  
 5 If good cause is determined to exist, the local child support agency  
 6 shall suspend child support services until the applicant or recipient  
 7 requests their resumption, and shall take other measures that are  
 8 necessary to protect the applicant or recipient and the children. If  
 9 the applicant or recipient is the parent of the child for whom aid  
 10 is sought and the parent is found to have not cooperated without  
 11 good cause as provided in Section 11477.04, the applicant's or  
 12 recipient's family grant shall be reduced by 25 percent for the time  
 13 the failure to cooperate lasts.

14 (k) Consistent with Section 17552 of the Family Code, if aid is  
 15 paid under this chapter on behalf of a child who is under the  
 16 jurisdiction of the juvenile court and whose parent or guardian is  
 17 receiving reunification services, the county human services agency  
 18 shall determine, prior to referral of the case to the local child  
 19 support agency for child support services, whether the referral is  
 20 in the best interest of the child, taking into account both of the  
 21 following:

22 (1) Whether the payment of support by the parent will pose a  
 23 barrier to the proposed reunification in that the payment of support  
 24 will compromise the parent's ability to meet the requirements of  
 25 the parent's reunification plan.

26 (2) Whether the payment of support by the parent will pose a  
 27 barrier to the proposed reunification in that the payment of support  
 28 will compromise the parent's current or future ability to meet the  
 29 financial needs of the child.

30 SEC. 21. Section 11477 of the Welfare and Institutions Code  
 31 is amended to read:

32 11477. As a condition of eligibility for aid paid under this  
 33 chapter, each applicant or recipient shall do all of the following:

34 (a) (1) Do either of the following:

35 (i) For applications received before October 1, 2009, assign to  
 36 the county any rights to support from any other person the applicant  
 37 or recipient may have on his or her own behalf or on behalf of any  
 38 other family member for whom the applicant or recipient is  
 39 applying for or receiving aid, not exceeding the total amount of  
 40 cash assistance provided to the family under this chapter. Receipt

1 of public assistance under this chapter shall operate as an  
2 assignment by operation of law. An assignment of support rights  
3 to the county shall also constitute an assignment to the state. If  
4 support rights are assigned pursuant to this subdivision, the  
5 assignee may become an assignee of record by the local child  
6 support agency or other public official filing with the court clerk  
7 an affidavit showing that an assignment has been made or that  
8 there has been an assignment by operation of law. This procedure  
9 does not limit any other means by which the assignee may become  
10 an assignee of record.

11 (ii) For applications received on or after October 1, 2009, assign  
12 to the county any rights to support from any other person the  
13 applicant or recipient may have on his or her own behalf, or on  
14 behalf of any other family member for whom the applicant or  
15 recipient is applying for or receiving aid. The assignment shall  
16 apply only to support that accrues during the period of time that  
17 the applicant is receiving assistance under this chapter, and shall  
18 not exceed the total amount of cash assistance provided to the  
19 family under this chapter. Receipt of public assistance under this  
20 chapter shall operate as an assignment by operation of law. An  
21 assignment of support rights to the county shall also constitute an  
22 assignment to the state. If support rights are assigned pursuant to  
23 this subdivision, the assignee may become an assignee of record  
24 by the local child support agency or other public official filing  
25 with the court clerk an affidavit showing that an assignment has  
26 been made or that there has been an assignment by operation of  
27 law. This procedure does not limit any other means by which the  
28 assignee may become an assignee of record.

29 (2) Support that has been assigned pursuant to paragraph (1)  
30 and that accrues while the family is receiving aid under this chapter  
31 shall be permanently assigned until the entire amount of aid paid  
32 has been reimbursed.

33 (3) If the federal government does not permit states to adopt the  
34 same order of distribution for preassistance and postassistance  
35 child support arrears that are assigned on or after October 1, 1998,  
36 support arrears that accrue before the family receives aid under  
37 this chapter that are assigned pursuant to this subdivision shall be  
38 assigned as follows:

1 (A) Child support assigned prior to January 1, 1998, shall be  
2 permanently assigned until aid is no longer received and the entire  
3 amount of aid has been reimbursed.

4 (B) Child support assigned on or after January 1, 1998, but prior  
5 to October 1, 2000, shall be temporarily assigned until aid under  
6 this chapter is no longer received and the entire amount of aid paid  
7 has been reimbursed or until October 1, 2000, whichever comes  
8 first.

9 (C) On or after October 1, 2000, support assigned pursuant to  
10 this subdivision that was not otherwise permanently assigned shall  
11 be temporarily assigned to the county until aid is no longer  
12 received.

13 (D) On or after October 1, 2000, support that was temporarily  
14 assigned pursuant to this subdivision shall, when a payment is  
15 received from the federal tax intercept program, be temporarily  
16 assigned until the entire amount of aid paid has been reimbursed.

17 (4) If the federal government permits states to adopt the same  
18 order of distribution for preassistance and postassistance child  
19 support arrears, child support arrears shall be assigned, as follows:

20 (A) Child support assigned pursuant to this subdivision prior  
21 to October 1, 1998, shall be assigned until aid under this chapter  
22 is no longer received and the entire amount has been reimbursed.

23 (B) On or after October 1, 1998, child support assigned pursuant  
24 to this subdivision that accrued before the family receives aid under  
25 this chapter and that was not otherwise permanently assigned shall  
26 be temporarily assigned until aid under this chapter is no longer  
27 received.

28 (C) On or after October 1, 1998, support that was temporarily  
29 assigned pursuant to this subdivision shall, when a payment is  
30 received from the federal tax intercept program, be temporarily  
31 assigned until the entire amount of aid paid has been reimbursed.

32 (b) (1) Cooperate with the county welfare department and local  
33 child support agency in establishing the paternity of a child of the  
34 applicant or recipient born out of wedlock with respect to whom  
35 aid is claimed, and in establishing, modifying, or enforcing a  
36 support order with respect to a child of the individual for whom  
37 aid is requested or obtained, unless the applicant or recipient  
38 qualifies for a good cause exception pursuant to Section 11477.04.  
39 The granting of aid shall not be delayed or denied if the applicant  
40 is otherwise eligible, if the applicant completes the necessary forms

1 and agrees to cooperate with the local child support agency in  
2 securing support and determining paternity, if applicable. The local  
3 child support agency shall have staff available, in person or by  
4 telephone, at all county welfare offices and shall conduct an  
5 interview with each applicant to obtain information necessary to  
6 establish paternity and establish, modify, or enforce a support order  
7 at the time of the initial interview with the welfare office. The local  
8 child support agency shall make the determination of cooperation.  
9 If the applicant or recipient attests under penalty of perjury that  
10 he or she cannot provide the information required by this  
11 subdivision, the local child support agency shall make a finding  
12 regarding whether the individual could reasonably be expected to  
13 provide the information before the local child support agency  
14 determines whether the individual is cooperating. In making the  
15 finding, the local child support agency shall consider all of the  
16 following:

- 17 (A) The age of the child for whom support is sought.
  - 18 (B) The circumstances surrounding the conception of the child.
  - 19 (C) The age or mental capacity of the parent or caretaker of the  
20 child for whom aid is being sought.
  - 21 (D) The time that has elapsed since the parent or caretaker last  
22 had contact with the alleged father or obligor.
- 23 (2) Cooperation includes all of the following:
- 24 (A) Providing the name of the alleged parent or obligor and  
25 other information about that person if known to the applicant or  
26 recipient, such as address, social security number, telephone  
27 number, place of employment or school, and the names and  
28 addresses of relatives or associates.
  - 29 (B) Appearing at interviews, hearings, and legal proceedings  
30 provided the applicant or recipient is provided with reasonable  
31 advance notice of the interview, hearing, or legal proceeding and  
32 does not have good cause not to appear.
  - 33 (C) If paternity is at issue, submitting to genetic tests, including  
34 genetic testing of the child, if necessary.
  - 35 (D) Providing any additional information known to or reasonably  
36 obtainable by the applicant or recipient necessary to establish  
37 paternity or to establish, modify, or enforce a child support order.
- 38 (3) A recipient or applicant shall not be required to sign a  
39 voluntary declaration of paternity, as set forth in Chapter 3

1 (commencing with Section 7570) of Part 2 of Division 12 of the  
 2 Family Code, as a condition of cooperation.

3 (c) (1) This section shall not apply if all of the adults are  
 4 excluded from the assistance unit pursuant to Section 11251.3,  
 5 11454, or 11486.5, or if all eligible adults have been subject to  
 6 Section 11327.5 for at least 12 consecutive months.

7 (2) It is the intent of the Legislature that the regular receipt of  
 8 child support in the preceding reporting period be considered in  
 9 determining reasonably anticipated income for the following  
 10 reporting period.

11 (3) In accordance with Sections 11265.2 and 11265.46, if the  
 12 income of an assistance unit described in paragraph (1) includes  
 13 reasonably anticipated income derived from child support, the  
 14 amount established in Section 17504 of the Family Code and  
 15 Section 11475.3 of the Welfare and Institutions Code of any  
 16 amount of child support received each month shall not be  
 17 considered income or resources and shall not be deducted from  
 18 the amount of aid to which the assistance unit otherwise would be  
 19 eligible.

20 SEC. 22. The heading of Chapter 5.6 (commencing with  
 21 Section 13300) of Part 3 of Division 9 of the Welfare and  
 22 Institutions Code is amended to read:

23  
 24 CHAPTER 5.6. SERVICES FOR UNDOCUMENTED PERSONS  
 25

26 SEC. 23. Section 13302 of the Welfare and Institutions Code  
 27 is amended to read:

28 13302. Notwithstanding any other law:

29 (a) Contracts or grants awarded pursuant to this chapter shall  
 30 be exempt from the personal services contracting requirements of  
 31 Article 4 (commencing with Section 19130) of Chapter 5 of Part  
 32 2 of Division 5 of Title 2 of the Government Code.

33 (b) Contracts or grants awarded pursuant to this chapter shall  
 34 be exempt from the Public Contract Code and the State Contracting  
 35 Manual, and shall not be subject to the approval of the Department  
 36 of General Services.

37 (c) The client information and records of legal services provided  
 38 pursuant to this chapter shall be subject to the requirements of  
 39 Section 10850 and shall be exempt from inspection under the

1 California Public Records Act (Chapter 3.5 (commencing with  
2 Section 6250) of Division 7 of Part 1 of the Government Code).

3 (d) The state shall be immune from any liability resulting from  
4 the implementation of this chapter.

5 (e) Notwithstanding the rulemaking provisions of the  
6 Administrative Procedure Act (Chapter 3.5 (commencing with  
7 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
8 Code), the department may implement, interpret, or make specific  
9 this ~~subdivision~~ *chapter* without taking any regulatory action.

10 SEC. 24. Section 13303 is added to the Welfare and Institutions  
11 Code, to read:

12 13303. (a) Subject to the availability of funding in the act that  
13 added this section or the annual Budget Act, the department shall  
14 provide grants, as described in subdivision (b), to organizations  
15 qualified under Section 13304.

16 (b) Grants provided in accordance with subdivision (a) shall be  
17 for the purpose of providing one or more of the following services,  
18 as determined by the department:

19 (1) Services to persons living in California, including all of the  
20 following:

21 (A) Services to assist with the application process for initial or  
22 renewal requests of deferred action under the DACA policy with  
23 the United States Citizenship and Immigration Services.

24 (B) Services to assist with the application process for initial or  
25 renewal requests of deferred action under the DAPA policy with  
26 the United States Citizenship and Immigration Services, as  
27 federally established.

28 (C) Services to help obtain other immigration remedies for  
29 people receiving DACA or DAPA application assistance.

30 (D) Services to assist with the application process for  
31 naturalization and any appeals arising from the process.

32 (2) Services to provide legal training and technical assistance  
33 to other organizations qualified under Section 13304.

34 (c) For purposes of this chapter, the following terms shall have  
35 the following meanings:

36 (1) “DACA” refers to Deferred Action for Childhood Arrivals  
37 status as described in guidelines issued by the United States  
38 Department of Homeland Security.

39 (2) “DAPA” refers to Deferred Action for Parents of Americans  
40 and Lawful Permanent Residents or Deferred Action for Parental

1 Accountability status as described in guidelines issued by the  
 2 United States Department of Homeland Security.

3 (3) “Services to assist” includes, but is not limited to, outreach,  
 4 workshop presentations, document review, Freedom of Information  
 5 Act requests, and screening services that seek to assist individuals  
 6 with DACA, DAPA, naturalization, or other immigration remedies.

7 (4) “Legal training and technical assistance” includes, but is not  
 8 limited to, webinars, in-person trainings, and technical assistance  
 9 in the form of answering questions via email, fax, or phone from  
 10 organizations qualified under Section 13304 and their staff and  
 11 volunteers that assist individuals with DACA, DAPA,  
 12 naturalization, or other immigration remedies.

13 (d) No more than 40 percent of grant funds awarded to an  
 14 organization qualified under Section 13304 shall be advanced to  
 15 that organization.

16 (e) The department shall update the Legislature on the following  
 17 information in the course of budget hearings:

- 18 (1) The timeline for implementation of this section.
- 19 (2) The participating organizations awarded contracts or grants.
- 20 (3) The number of applications submitted.
- 21 (4) The number of clients served.
- 22 (5) The types of services provided and in what language or  
 23 languages.
- 24 (6) The regions served.
- 25 (7) The ethnic communities served.
- 26 (8) The identification of further barriers and challenges to  
 27 education, outreach, immigration assistance, and legal services  
 28 related to naturalization and deferred action.

29 (f) This section shall become operative on January 1, 2016.

30 SEC. 25. Section 13304 is added to the Welfare and Institutions  
 31 Code, to read:

32 13304. (a) Grants awarded pursuant to Section 13303 shall  
 33 fulfill all of the following:

34 (1) Be executed only with nonprofit organizations that meet the  
 35 requirements set forth in Section 501(c)(3) or 501(c)(5) of the  
 36 Internal Revenue Code and that meet all of the following  
 37 requirements:

38 (A) Except as provided in subparagraph (D), have at least three  
 39 years of experience handling immigration cases.

1 (B) Have conducted trainings on immigration issues for persons  
2 beyond their staff.

3 (C) Are accredited by the Board of Immigration Appeals under  
4 the United States Department of Justice’s Executive Office for  
5 Immigration Review or meet the requirements to receive funding  
6 from the Trust Fund Program administered by the State Bar of  
7 California.

8 (D) For a legal services organization that provides legal training  
9 and technical assistance as defined in subdivision (c) of Section  
10 13303, have at least 10 years of experience conducting immigration  
11 legal services and technical assistance and meet the requirements  
12 to receive funding from the Trust Fund Program administered by  
13 the State Bar of California.

14 (2) Require reporting, monitoring, or audits of services provided,  
15 as determined by the department.

16 (3) Require grant recipients to maintain adequate legal  
17 malpractice insurance and to indemnify and hold the state harmless  
18 from any claims that arise from the legal services provided pursuant  
19 to this chapter.

20 (b) This section shall become operative on January 1, 2016.

21 SEC. 26. Section 13305 is added to the Welfare and Institutions  
22 Code, to read:

23 13305. (a) Subject to the availability of funding in the act that  
24 added this section or the annual Budget Act, the department shall  
25 provide grants to organizations qualified under Section 13306 to  
26 provide free education and outreach information, services, and  
27 materials about DACA, DAPA, naturalization, or other immigration  
28 remedies.

29 (b) For purposes of this section, “education and outreach”  
30 activities means the dissemination of information or activities that  
31 promote the benefits of citizenship or deferred action and explain  
32 eligibility to prospective United States citizens or prospective  
33 individuals eligible for deferred action.

34 (1) Education and outreach activities shall include referrals to  
35 educational or legal services that support the applicants’ eligibility  
36 for citizenship or deferred action and the importance of  
37 participating in civic engagement as a naturalized citizen.

38 (2) Education and outreach activities do not include  
39 representation as legal counsel that would assist in the application

1 process for a prospective citizen or prospective individual eligible  
2 for deferred action.

3 (c) No more than 40 percent of grant funds awarded to an  
4 organization qualified under Section 13306 shall be advanced to  
5 that organization.

6 (d) The department shall update the Legislature on the following  
7 information in the course of budget hearings:

- 8 (1) The timeline for implementation of this section.
- 9 (2) The participating organizations awarded contracts or grants.
- 10 (3) The number of applications submitted.
- 11 (4) The number of clients served.
- 12 (5) The types of services provided and in what language or  
13 languages.
- 14 (6) The regions served.
- 15 (7) The ethnic communities served.
- 16 (8) The identification of further barriers and challenges to  
17 education, outreach, immigration assistance, and legal services  
18 related to naturalization and deferred action.

19 (e) This section shall become operative on January 1, 2016.

20 SEC. 27. Section 13306 is added to the Welfare and Institutions  
21 Code, to read:

22 13306. (a) Grants awarded pursuant to Section 13305 shall be  
23 provided only to nonprofit organizations that meet the requirements  
24 set forth in Section 501(c)(3) or 501(c)(5) of the Internal Revenue  
25 Code and have at least three years of experience with both of the  
26 following:

- 27 (1) Conducting education and outreach with immigrant  
28 populations.
- 29 (2) Conducting outreach for government benefits and programs.

30 (b) This section shall become operative on January 1, 2016.

31 SEC. 28. Section 14124.93 of the Welfare and Institutions  
32 Code is amended to read:

33 14124.93. (a) The Department of Child Support Services shall  
34 provide payments to the local child support agency of fifty dollars  
35 (\$50) per case for obtaining third-party health coverage or  
36 insurance of beneficiaries, to the extent that funds are appropriated  
37 in the annual Budget Act.

38 (b) A county shall be eligible for a payment if the county obtains  
39 third-party health coverage or insurance for applicants or recipients  
40 of Title IV-D services not previously covered, or for whom

1 coverage has lapsed, and the county provides all required  
2 information on a form approved by both the Department of Child  
3 Support Services and the State Department of Health Care Services.

4 (c) Payments to the local child support agency under this section  
5 shall be suspended for the 2003–04, 2004–05, 2005–06, 2006–07,  
6 2007–08, 2008–09, 2009–10, 2010–11, 2011–12, 2012–13,  
7 2013–14, 2014–15, 2015–16, and 2016–17 fiscal years.

8 SEC. 29. Section 15753 is added to the Welfare and Institutions  
9 Code, to read:

10 15753. The department shall, to the extent funding for this  
11 purpose remains with the department, establish one full-time  
12 position that reports to the director to assist counties with the  
13 following functions in their operation of the adult protective  
14 services system:

15 (a) Facilitating the review and update of state policies and  
16 procedures to promote best casework practices throughout the  
17 state, and providing technical assistance to local programs to  
18 promote consistent statewide adherence to these policies.

19 (b) Developing recommended program goals, performance  
20 measures, and outcomes for the adult protective services system,  
21 and a strategic plan to accomplish these recommended goals,  
22 performance measures, and outcomes.

23 (c) Collaborating with other state departments and local  
24 communities that provide or oversee elder justice services to  
25 address the needs of elders and adults with disabilities and improve  
26 coordination and effectiveness of adult protective services.

27 (d) Exploring the development of a state data collection system  
28 that builds on existing statewide data and additionally tracks  
29 outcomes that will align with national data collection efforts.

30 (e) Participating in national, statewide, and regional discussions  
31 on adult protective services and elder justice issues and providing  
32 information on California’s adult protective services programs.

33 (f) Participating in the development of federal and state policy  
34 that responds to new and emergent needs and develops suggested  
35 quality assurance measures to be implemented at the local level.

36 (g) Facilitating the development of a regionally based, ongoing,  
37 comprehensive and consistent statewide adult protective services  
38 training program that responds to new and emerging trends.

1 (h) In collaboration with experts in the field, developing  
2 guidelines for local adult protective services programs that will  
3 make recommendations for local practice in following areas:

- 4 (1) Caseload levels for adult protective services workers.
- 5 (2) Availability of tangible services for local programs.
- 6 (3) Educational and professional development of adult protective  
7 services workers.
- 8 (4) Structure for 24 hour adult protective services response.

9 SEC. 30. Section 17600 of the Welfare and Institutions Code  
10 is amended to read:

11 17600. (a) There is hereby created the Local Revenue Fund,  
12 which shall consist of the following accounts:

- 13 (1) The Sales Tax Account.
- 14 (2) The Vehicle License Fee Account.
- 15 (3) The Vehicle License Collection Account.
- 16 (4) The Sales Tax Growth Account.
- 17 (5) The Vehicle License Fee Growth Account.

18 (b) The Sales Tax Account shall have all of the following  
19 subaccounts:

- 20 (1) The Mental Health Subaccount.
- 21 (2) The Social Services Subaccount.
- 22 (3) The Health Subaccount.
- 23 (4) The CalWORKs Maintenance of Effort Subaccount.
- 24 (5) The Family Support Subaccount.
- 25 (6) The Child Poverty and Family Supplemental Support  
26 Subaccount.

27 (c) The Sales Tax Growth Account shall have all of the  
28 following subaccounts:

- 29 (1) The Caseload Subaccount.
- 30 (2) The County Medical Services Program Subaccount.
- 31 (3) The General Growth Subaccount.

32 (d) Notwithstanding Section 13340 of the Government Code,  
33 the Local Revenue Fund is hereby continuously appropriated,  
34 without regard to fiscal years, for the purpose of this chapter.

35 (e) Moneys in the Local Revenue Fund shall be invested in the  
36 Surplus Money Investment Fund and all interest earned shall be  
37 distributed in January and July among the accounts and  
38 subaccounts in proportion to the amounts deposited into each  
39 subaccount.

1 (f) This section shall become inoperative on August 1, 2015,  
2 and, as of January 1, 2016, is repealed, unless a later enacted  
3 statute, that becomes operative on or before January 1, 2016,  
4 deletes or extends the dates on which it becomes inoperative and  
5 is repealed.

6 SEC. 31. Section 17600 is added to the Welfare and Institutions  
7 Code, to read:

8 17600. (a) There is hereby created the Local Revenue Fund,  
9 which shall consist of the following accounts:

- 10 (1) The Sales Tax Account.
- 11 (2) The Vehicle License Fee Account.
- 12 (3) The Vehicle License Collection Account.
- 13 (4) The Sales Tax Growth Account.
- 14 (5) The Vehicle License Fee Growth Account.

15 (b) The Sales Tax Account shall have all of the following  
16 subaccounts:

- 17 (1) The Mental Health Subaccount.
- 18 (2) The Social Services Subaccount.
- 19 (3) The Health Subaccount.
- 20 (4) The CalWORKs Maintenance of Effort Subaccount.
- 21 (5) The Family Support Subaccount.
- 22 (6) The Child Poverty and Family Supplemental Support  
23 Subaccount.
- 24 (7) The County Medical Services Program Subaccount.

25 (c) The Vehicle License Fee Account shall have all of the  
26 following subaccounts:

- 27 (1) The Mental Health Subaccount.
- 28 (2) The Social Services Subaccount.
- 29 (3) The Health Subaccount.
- 30 (4) The CalWORKs Maintenance of Effort Subaccount.
- 31 (5) The Family Support Subaccount.
- 32 (6) The Child Poverty and Family Supplemental Support  
33 Subaccount.
- 34 (7) The County Medical Services Program Subaccount.

35 (d) The Sales Tax Growth Account shall have all of the  
36 following subaccounts:

- 37 (1) The Caseload Subaccount.
- 38 (2) The County Medical Services Program Growth Subaccount.
- 39 (3) The General Growth Subaccount.

1 (e) The Vehicle License Fee Growth Account shall have all of  
2 the following subaccounts:

3 (1) The County Medical Services Program Growth Subaccount.

4 (2) The General Growth Subaccount.

5 (f) Notwithstanding Section 13340 of the Government Code,  
6 the Local Revenue Fund is hereby continuously appropriated,  
7 without regard to fiscal years, for the purpose of this chapter.

8 (g) Moneys in the Local Revenue Fund shall be invested in the  
9 Surplus Money Investment Fund and all interest earned shall be  
10 distributed in January and July among the accounts and  
11 subaccounts in proportion to the amounts deposited into each  
12 subaccount.

13 (h) This section shall be operative on August 1, 2015.

14 SEC. 32. Section 17600.10 of the Welfare and Institutions  
15 Code is amended to read:

16 17600.10. (a) Each county and city and county receiving sales  
17 tax and vehicle license fee funds in accordance with this chapter  
18 shall establish and maintain a local health and welfare trust fund  
19 comprised of the following accounts:

20 (1) The mental health account.

21 (2) The social services account.

22 (3) The health account.

23 (4) The CalWORKs Maintenance of Effort Subaccount.

24 (5) The family support account.

25 (b) Each city receiving funds in accordance with this chapter  
26 shall establish and maintain a local health and welfare trust fund  
27 comprised of a health account and a mental health account.

28 SEC. 33. Section 17600.15 of the Welfare and Institutions  
29 Code is amended to read:

30 17600.15. (a) Of the sales tax proceeds from revenues collected  
31 in the 1991–92 fiscal year which are deposited to the credit of the  
32 Local Revenue Fund, 51.91 percent shall be credited to the Mental  
33 Health Subaccount, 36.17 percent shall be credited to the Social  
34 Services Subaccount, and 11.92 percent shall be credited to the  
35 Health Subaccount of the Sales Tax Account.

36 (b) For the 1992–93 fiscal year to the 2011–12 fiscal year,  
37 inclusive, of the sales tax proceeds from revenues deposited to the  
38 credit of the Local Revenue Fund, the Controller shall make  
39 monthly deposits to the Mental Health Subaccount, the Social  
40 Services Subaccount, and the Health Subaccount of the Sales Tax

1 Account until the deposits equal the amounts that were allocated  
2 to counties', cities', and cities and counties' mental health accounts,  
3 social services accounts, and health accounts, respectively, of the  
4 local health and welfare trust funds in the prior fiscal year pursuant  
5 to this chapter from the Sales Tax Account and the Sales Tax  
6 Growth Account. Any excess sales tax revenues received pursuant  
7 to Sections 6051.2 and 6201.2 of the Revenue and Taxation Code  
8 shall be deposited in the Sales Tax Growth Account of the Local  
9 Revenue Fund.

10 (c) (1) For the 2012–13 fiscal year, of the sales tax proceeds  
11 from revenues deposited to the credit of the Local Revenue Fund,  
12 the Controller shall make monthly deposits to the Social Services  
13 Subaccount and the Health Subaccount of the Sales Tax Account  
14 until the deposits equal the amounts that were allocated to  
15 counties', cities', and cities and counties' social services accounts  
16 and health accounts, respectively, of the local health and welfare  
17 trust funds in the prior fiscal year pursuant to this chapter from the  
18 Sales Tax Account and the Sales Tax Growth Account.

19 (2) For the 2012–13 fiscal year, of the sales tax proceeds from  
20 revenues deposited to the credit of the Local Revenue Fund, the  
21 Controller shall make monthly deposits to the Mental Health  
22 Subaccount of the Sales Tax Account until the deposits equal the  
23 amounts that were allocated to counties', cities', and cities and  
24 counties' CalWORKs Maintenance of Effort Subaccounts pursuant  
25 to subdivision (a) of Section 17601.25, and any additional amounts  
26 above the amount specified in subdivision (a) of Section 17601.25,  
27 of the local health and welfare trust funds in the prior fiscal year  
28 pursuant to this chapter from the Sales Tax Account and the Sales  
29 Tax Growth Account. The Controller shall not include in this  
30 calculation any funding deposited in the Mental Health Subaccount  
31 from the Support Services Growth Subaccount pursuant to Section  
32 30027.9 of the Government Code or funds described in subdivision  
33 (c) of Section 17601.25.

34 (3) Any excess sales tax revenues received pursuant to Sections  
35 6051.2 and 6201.2 of the Revenue and Taxation Code after the  
36 allocations required by paragraphs (1) and (2) are made shall be  
37 deposited in the Sales Tax Growth Account of the Local Revenue  
38 Fund.

39 (d) (1) For the 2013–14 fiscal year, of the sales tax proceeds  
40 from revenues deposited to the credit of the Local Revenue Fund,

1 the Controller shall make monthly deposits pursuant to a schedule  
2 provided by the Department of Finance, which shall provide  
3 deposits to the Social Services Subaccount and the Health  
4 Subaccount of the Sales Tax Account until the deposits equal the  
5 amounts that were allocated to counties', cities', and cities and  
6 counties' social services accounts and health accounts, respectively,  
7 of the local health and welfare trust funds in the prior fiscal year  
8 pursuant to this chapter from the Sales Tax Account and the Sales  
9 Tax Growth Account.

10 (2) For the 2013–14 fiscal year, of the sales tax proceeds from  
11 revenues deposited to the credit of the Local Revenue Fund, the  
12 Controller shall make monthly deposits to the Mental Health  
13 Subaccount of the Sales Tax Account until the deposits equal the  
14 amounts that were allocated to counties', cities', and cities and  
15 counties' CalWORKs Maintenance of Effort Subaccounts pursuant  
16 to subdivision (a) of Section 17601.25, and any additional amounts  
17 above the amount specified in subdivision (a) of Section 17601.25,  
18 of the local health and welfare trust funds in the prior fiscal year  
19 pursuant to this chapter from the Sales Tax Account and the Sales  
20 Tax Growth Account. The Controller shall not include in this  
21 calculation any funding deposited in the Mental Health Subaccount  
22 from the Support Services Growth Subaccount pursuant to Section  
23 30027.9 of the Government Code or funds described in subdivision  
24 (c) of Section 17601.25.

25 (3) Any excess sales tax revenues received pursuant to Sections  
26 6051.2 and 6201.2 of the Revenue and Taxation Code after the  
27 allocations required by paragraphs (1) and (2) are made shall be  
28 deposited in the Sales Tax Growth Account of the Local Revenue  
29 Fund.

30 (4) On a monthly basis, pursuant to a schedule provided by the  
31 Department of Finance, the Controller shall transfer funds from  
32 the Social Services Subaccount to the Health Subaccount in an  
33 amount that shall not exceed three hundred million dollars  
34 (\$300,000,000) for the 2013–14 fiscal year. The funds so  
35 transferred shall not be used in calculating future year deposits to  
36 the Social Services Subaccount or the Health Subaccount.

37 (e) For the 2014–15 fiscal year and fiscal years thereafter, except  
38 as specified in paragraph (5), of the sales tax proceeds from  
39 revenues deposited to the credit of the Local Revenue Fund, the  
40 Controller shall make the following monthly deposits:

1 (1) To the Social Services Subaccount of the Sales Tax Account,  
2 until the deposits equal the total amount that was deposited to the  
3 Social Services Subaccount in the prior fiscal year pursuant to this  
4 section, in addition to the amounts that were allocated to the social  
5 services accounts of the local health and welfare trust funds in the  
6 prior fiscal year pursuant to this chapter from the Sales Tax Growth  
7 Account.

8 (2) To the Health Subaccount of the Sales Tax Account, until  
9 the deposits equal the total amount that was deposited to the Health  
10 Subaccount in the prior year from the Sales Tax Account in  
11 addition to the amounts that were allocated to the health accounts  
12 of the local health and welfare trust funds in the prior fiscal year  
13 pursuant to this chapter from the Sales Tax Growth Account.

14 (3) To the Child Poverty and Family Supplemental Support  
15 Subaccount until the deposits equal the amounts that were  
16 deposited in the prior fiscal year from the Sales Tax Account and  
17 the Sales Tax Growth Account.

18 (4) To the Mental Health Subaccount of the Sales Tax Account  
19 until the deposits equal the amounts that were allocated to  
20 counties', cities', and cities and counties' CalWORKs Maintenance  
21 of Effort Subaccounts pursuant to subdivision (a) of Section  
22 17601.25, and any additional amounts above the amount specified  
23 in subdivision (a) of Section 17601.25 of the local health and  
24 welfare trust funds in the prior fiscal year pursuant to this chapter  
25 from the Sales Tax Account and the Sales Tax Growth Account.  
26 The Controller shall not include in this calculation any funding  
27 deposited in the Mental Health Subaccount from the Support  
28 Services Growth Subaccount pursuant to Section 30027.9 of the  
29 Government Code or funds described in subdivision (c) of Section  
30 17601.25.

31 (5) (A) Any excess sales tax revenues received pursuant to  
32 Sections 6051.2 and 6201.2 of the Revenue and Taxation Code  
33 after the allocations required by paragraphs (1) to (4), inclusive,  
34 are made shall be deposited in the Sales Tax Growth Account of  
35 the Local Revenue Fund. This subparagraph shall only apply to  
36 allocations made for the 2014–15 fiscal year.

37 (B) For the 2015–16 fiscal year and for every fiscal year  
38 thereafter, any excess sales tax revenues received pursuant to  
39 Sections 6051.2 and 6201.2 of the Revenue and Taxation Code  
40 after the allocations required by paragraphs (1) to (4), inclusive,

1 and subdivision (f) are made shall be deposited in the Sales Tax  
2 Growth Account of the Local Revenue Fund.

3 (6) For the 2014–15 fiscal year, on a monthly basis, pursuant  
4 to a schedule provided by the Department of Finance, the  
5 Controller shall transfer funds from the Social Services Subaccount  
6 to the Health Subaccount in an amount that shall not exceed one  
7 billion dollars (\$1,000,000,000). The transfer schedule shall be  
8 based on the amounts that each county is receiving in vehicle  
9 license fees pursuant to this chapter. The funds so transferred shall  
10 not be used in calculating future year deposits to the Social Services  
11 Subaccount or the Health Subaccount.

12 (f) (1) For the 2015–16 fiscal year, the allocations to the County  
13 Medical Services Program Subaccount shall equal the amounts  
14 received in the prior fiscal year by the County Medical Services  
15 Program from the Sales Tax Account and the County Medical  
16 Services Program Subaccount of the Sales Tax Growth Account  
17 of the Local Revenue Fund, as adjusted by the calculations required  
18 under subdivision (a) of Section 17600.50.

19 (2) For the 2016–17 fiscal year and for every fiscal year  
20 thereafter, the allocations to the County Medical Services Program  
21 Subaccount shall equal the amounts received in the prior fiscal  
22 year by the County Medical Services Program Subaccount of the  
23 Sales Tax Account and the County Medical Services Program  
24 Growth Subaccount of the Sales Tax Growth Account of the Local  
25 Revenue Fund, as adjusted by the calculations required under  
26 subdivision (a) of Section 17600.50.

27 SEC. 34. Section 17601.25 of the Welfare and Institutions  
28 Code is amended to read:

29 17601.25. (a) Notwithstanding any other law, beginning in  
30 the 2012–13 fiscal year, except for funds deposited in the Mental  
31 Health Subaccount from the Support Services Growth Subaccount  
32 pursuant to Section 30027.9 of the Government Code and the funds  
33 described in subdivision (c), any funds under this chapter or any  
34 other provision of Chapter 89 of the Statutes of 1991 that would  
35 otherwise have been deposited into each county's or city and  
36 county's mental health account subsequent to July 15 shall instead  
37 be deposited in the CalWORKs Maintenance of Effort Subaccount.  
38 However, in each fiscal year, the amount deposited in the  
39 CalWORKs Maintenance of Effort Subaccount shall not exceed

1 one billion one hundred twenty million five hundred fifty-one  
2 thousand dollars (\$1,120,551,000).

3 (b) All of the funds deposited in the CalWORKs Maintenance  
4 of Effort Subaccount pursuant to subdivision (a) shall be allocated  
5 by the Controller to counties or a city and county based on  
6 schedules developed by the Department of Finance in consultation  
7 with the California State Association of Counties. Each county or  
8 city and county that receives an allocation shall use those funds  
9 to pay an increased county contribution toward the costs of  
10 CalWORKs grants. Each county's total annual contribution  
11 pursuant to this section shall equal the total amount of funds  
12 deposited in the county's CalWORKs Maintenance of Effort  
13 Subaccount during that fiscal year. The CalWORKs Maintenance  
14 of Effort Subaccount shall not be subject to the transferability  
15 provisions of Section 17600.20 and shall not be factored into the  
16 calculation of growth allocations pursuant to Article 7  
17 (commencing with Section 17606.10). Each county's contribution  
18 pursuant to this section and Section 17601.75 shall be in addition  
19 to the share of cost required pursuant to Section 15200.

20 (c) There shall be a monthly allocation of ninety-three million  
21 three hundred seventy-nine thousand two hundred fifty-two dollars  
22 (\$93,379,252) from the Mental Health Account in the Local  
23 Revenue Fund 2011 to the Mental Health Subaccount pursuant to  
24 subdivision (a) of Sections 30027.5, 30027.6, 30027.7, and 30027.8  
25 of the Government Code.

26 SEC. 35. Section 17603.05 of the Welfare and Institutions  
27 Code is amended to read:

28 17603.05. (a) Upon request of a county, the Controller may  
29 deposit all or a portion of the county's allocation under this article  
30 into the County Medical Services Program Account of the County  
31 Health Services Fund.

32 (b) Any deposit or transfer the Controller makes to the County  
33 Medical Services Program Account shall be deemed to be a deposit  
34 to the local health and welfare fund.

35 (c) This section shall become inoperative on July 1, 2015, and,  
36 as of January 1, 2016, is repealed, unless a later enacted statute,  
37 that becomes operative on or before January 1, 2016, deletes or  
38 extends the dates on which it becomes inoperative and is repealed.

39 SEC. 36. Section 17604 of the Welfare and Institutions Code  
40 is amended to read:

1 17604. (a) All motor vehicle license fee revenues collected in  
 2 the 1991–92 fiscal year that are deposited to the credit of the Local  
 3 Revenue Fund shall be credited to the Vehicle License Fee Account  
 4 of that fund.

5 (b) (1) For the 1992–93 fiscal year through the 2014–15 fiscal  
 6 year, inclusive, from vehicle license fee proceeds from revenues  
 7 deposited to the credit of the Local Revenue Fund, the Controller  
 8 shall make monthly deposits to the Vehicle License Fee Account  
 9 of the Local Revenue Fund until the deposits equal the amounts  
 10 that were allocated to counties, cities, and cities and counties in  
 11 the prior fiscal year pursuant to this chapter from the Vehicle  
 12 License Fee Account in the Local Revenue Fund and the Vehicle  
 13 License Fee Account and the Vehicle License Fee Growth Account  
 14 in the Local Revenue Fund.

15 (2) Any excess vehicle fee revenues deposited into the Local  
 16 Revenue Fund pursuant to Section 11001.5 of the Revenue and  
 17 Taxation Code shall be deposited in the Vehicle License Fee  
 18 Growth Account of the Local Revenue Fund.

19 (3) The Controller shall calculate the difference between the  
 20 total amount of vehicle license fee proceeds deposited to the credit  
 21 of the Local Revenue Fund, pursuant to paragraph (1) of  
 22 subdivision (a) of Section 11001.5 of the Revenue and Taxation  
 23 Code, and deposited into the Vehicle License Fee Account for the  
 24 period of July 16, 2009, to July 15, 2010, inclusive, and the amount  
 25 deposited for the period of July 16, 2010, to July 15, 2011,  
 26 inclusive.

27 (4) Of vehicle license fee proceeds deposited to the Vehicle  
 28 License Fee Account after July 15, 2011, an amount equal to the  
 29 difference calculated in paragraph (3) shall be deemed to have  
 30 been deposited during the period of July 16, 2010, to July 15, 2011,  
 31 inclusive, and allocated to cities, counties, and a city and county  
 32 as if those proceeds had been received during the 2010–11 fiscal  
 33 year.

34 (c) (1) On or before the 27th day of each month, the Controller  
 35 shall allocate to each county, city, or city and county, the amounts  
 36 deposited and remaining unexpended and unreserved on the 15th  
 37 day of the month in the Vehicle License Fee Account of the Local  
 38 Revenue Fund, in accordance with paragraphs (2) and (3).

39 (2) For the 1991–92 fiscal year, allocations shall be made in  
 40 accordance with the following schedule:

		Allocation
	Jurisdiction	Percentage
1		
2	Jurisdiction	
3	Alameda .....	4.5046
4	Alpine .....	0.0137
5	Amador .....	0.1512
6	Butte .....	0.8131
7	Calaveras .....	0.1367
8	Colusa.....	0.1195
9	Contra Costa .....	2.2386
10	Del Norte .....	0.1340
11	El Dorado .....	0.5228
12	Fresno .....	2.3531
13	Glenn .....	0.1391
14	Humboldt .....	0.8929
15	Imperial .....	0.8237
16	Inyo .....	0.1869
17	Kern .....	1.6362
18	Kings .....	0.4084
19	Lake .....	0.1752
20	Lassen .....	0.1525
21	Los Angeles .....	37.2606
22	Madera .....	0.3656
23	Marin.....	1.0785
24	Mariposa .....	0.0815
25	Mendocino .....	0.2586
26	Merced .....	0.4094
27	Modoc .....	0.0923
28	Mono .....	0.1342
29	Monterey .....	0.8975
30	Napa .....	0.4466
31	Nevada .....	0.2734
32	Orange .....	5.4304
33	Placer .....	0.2806
34	Plumas .....	0.1145
35	Riverside .....	2.7867
36	Sacramento .....	2.7497
37	San Benito .....	0.1701
38	San Bernardino.....	2.4709
39	San Diego .....	4.7771
40	San Francisco .....	7.1450

1	San Joaquin .....	1.0810
2	San Luis Obispo .....	0.4811
3	San Mateo .....	1.5937
4	Santa Barbara .....	0.9418
5	Santa Clara .....	3.6238
6	Santa Cruz .....	0.6714
7	Shasta .....	0.6732
8	Sierra .....	0.0340
9	Siskiyou.....	0.2246
10	Solano .....	0.9377
11	Sonoma .....	1.6687
12	Stanislaus .....	1.0509
13	Sutter .....	0.4460
14	Tehama .....	0.2986
15	Trinity .....	0.1388
16	Tulare .....	0.7485
17	Tuolumne .....	0.2357
18	Ventura .....	1.3658
19	Yolo .....	0.3522
20	Yuba .....	0.3076
21	Berkeley .....	0.0692
22	Long Beach .....	0.2918
23	Pasadena .....	0.1385

24  
25 (3) For the 1992–93, 1993–94, and 1994–95 fiscal years and  
26 fiscal years thereafter, allocations shall be made in the same  
27 amounts as were distributed from the Vehicle License Fee Account  
28 and the Vehicle License Fee Growth Account in the prior fiscal  
29 year.

30 (4) For the 1995–96 fiscal year, allocations shall be made in the  
31 same amounts as distributed in the 1994–95 fiscal year from the  
32 Vehicle License Fee Account and the Vehicle License Fee Growth  
33 Account after adjusting the allocation amounts by the amounts  
34 specified for the following counties:

35		
36	Alpine .....	\$(11,296)
37	Amador .....	25,417
38	Calaveras .....	49,892
39	Del Norte .....	39,537
40	Glenn .....	(12,238)

1	Lassen .....	17,886
2	Mariposa .....	(6,950)
3	Modoc .....	(29,182)
4	Mono .....	(6,950)
5	San Benito .....	20,710
6	Sierra .....	(39,537)
7	Trinity .....	(48,009)

8

9 (5) (A) For the 1996–97 fiscal year and fiscal years thereafter,  
10 allocations shall be made in the same amounts as were distributed  
11 from the Vehicle License Fee Account and the Vehicle License  
12 Fee Growth Account in the prior fiscal year.

13 (B) Initial proceeds deposited in the Vehicle License Fee  
14 Account in the 2003–04 fiscal year in the amount that would  
15 otherwise have been transferred pursuant to former Section 10754  
16 of the Revenue and Taxation Code for the period June 20, 2003,  
17 to July 15, 2003, inclusive, shall be deemed to have been deposited  
18 during the period June 16, 2003, to July 15, 2003, inclusive, and  
19 allocated to cities, counties, and a city and county during the  
20 2002–03 fiscal year.

21 (d) The Controller shall make monthly allocations from the  
22 amount deposited in the Vehicle License Collection Account of  
23 the Local Revenue Fund to each county in accordance with a  
24 schedule to be developed by the State Department of Health Care  
25 Services in consultation with the County Behavioral Health  
26 Directors Association of California, which is compatible with the  
27 intent of the Legislature expressed in the act adding this  
28 subdivision.

29 (e) For the 2013–14 and 2014–15 fiscal years, before making  
30 the monthly allocations in accordance with paragraph (5) of  
31 subdivision (c) and subdivision (d), and pursuant to a schedule  
32 provided by the Department of Finance, the Controller shall adjust  
33 the monthly distributions from the Vehicle License Fee Account  
34 to reflect an equal exchange of sales and use tax funds from the  
35 Social Services Subaccount to the Health Subaccount, as required  
36 by subdivisions (d) and (e) of Section 17600.15, and of Vehicle  
37 License Fee funds from the Health Account to the Social Services  
38 Account. Adjustments made to the Vehicle License Fee  
39 distributions pursuant to this subdivision shall not be used in

1 calculating future year allocations to the Vehicle License Fee  
2 Account.

3 (f) For the 2015–16 fiscal year, of the vehicle license fee  
4 proceeds from revenues deposited to the credit of the Local  
5 Revenue Fund, the Controller shall make the following monthly  
6 deposits:

7 (1) To the Social Services Subaccount of the Vehicle License  
8 Fee Account, until the deposits equal the total amount that was  
9 allocated to the social services accounts of the local health and  
10 welfare trust funds in the prior fiscal year pursuant to this chapter  
11 from the Vehicle License Fee Account.

12 (2) To the Health Subaccount of the Vehicle License Fee  
13 Account, until the deposits equal the total amount that was  
14 allocated to the health accounts of the local health and welfare  
15 trust funds in the prior fiscal year pursuant to this chapter from the  
16 Vehicle License Fee Account and the Vehicle License Fee Growth  
17 Account.

18 (3) To the County Medical Services Program Subaccount of the  
19 Vehicle License Fee Account, until the deposits equal the total  
20 amount that was allocated to the County Medical Services Program  
21 in the prior fiscal year pursuant to this chapter from the Vehicle  
22 License Fee Account and the Vehicle License Fee Growth Account.

23 (4) To the Child Poverty and Family Supplemental Support  
24 Subaccount until the deposits equal the amounts that were  
25 deposited in the prior fiscal year from the Vehicle License Fee  
26 Account and the Vehicle License Fee Growth Account.

27 (5) To the Mental Health Subaccount of the Vehicle License  
28 Fee Account until the deposits equal the amounts that were  
29 allocated to counties', cities', and cities and counties' CalWORKs  
30 Maintenance of Effort Subaccounts pursuant to subdivision (a) of  
31 Section 17601.25, and any additional amounts above the amount  
32 specified in subdivision (a) of Section 17601.25 of the local health  
33 and welfare trust funds in the prior fiscal year pursuant to this  
34 chapter from the Vehicle License Fee Account and the Vehicle  
35 License Fee Growth Account. The Controller shall not include in  
36 this calculation any funding deposited in the Mental Health  
37 Subaccount from the Support Services Growth Subaccount  
38 pursuant to Section 30027.9 of the Government Code or funds  
39 described in subdivision (c) of Section 17601.25.

1 (6) Any excess vehicle license fee revenues received pursuant  
2 to Section 11001.5 of the Revenue and Taxation Code after the  
3 allocations required by paragraphs (1) to (5), inclusive, are made  
4 shall be deposited in the Vehicle License Fee Growth Account of  
5 the Local Revenue Fund.

6 (g) For the 2016–17 fiscal year and fiscal years thereafter, of  
7 the vehicle license fee proceeds from revenues deposited to the  
8 credit of the Local Revenue Fund, the Controller shall make the  
9 following monthly deposits:

10 (1) To the Social Services Subaccount until the deposits equal  
11 the amount that was deposited to the Social Services Subaccount  
12 in the prior fiscal year from the Vehicle License Fee Account.

13 (2) To the Health Subaccount until the deposits equal the total  
14 amounts that were deposited to the Health Subaccount in the prior  
15 fiscal year from the Vehicle License Fee Account and the Vehicle  
16 License Fee Growth Account.

17 (3) To the County Medical Services Program Subaccount until  
18 the deposits equal the total amounts that were deposited in the  
19 prior fiscal year to the County Medical Services Program  
20 Subaccount of the Vehicle License Fee Account and the County  
21 Medical Services Program Growth Subaccount of the Vehicle  
22 License Fee Growth Account.

23 (4) To the Child Poverty and Family Supplemental Support  
24 Subaccount until the deposits equal the amounts that were  
25 deposited to the Child Poverty and Family Supplemental Support  
26 Subaccount in the prior fiscal year from the Vehicle License Fee  
27 Account and the Vehicle License Fee Growth Account.

28 (5) To the Mental Health Subaccount of the Vehicle License  
29 Fee Account until the deposits equal the amounts that were  
30 allocated to counties', cities', and cities and counties' CalWORKs  
31 Maintenance of Effort Subaccounts pursuant to subdivision (a) of  
32 Section 17601.25, and any additional amounts above the amount  
33 specified in subdivision (a) of Section 17601.25 of the local health  
34 and welfare trust funds in the prior fiscal year pursuant to this  
35 chapter from the Vehicle License Fee Account and the Vehicle  
36 License Fee Growth Account. The Controller shall not include in  
37 this calculation any funding deposited in the Mental Health  
38 Subaccount from the Support Services Growth Subaccount  
39 pursuant to Section 30027.9 of the Government Code or funds  
40 described in subdivision (c) of Section 17601.25.

1 (6) Any excess vehicle license fee revenues received pursuant  
 2 to Section 11001.5 of the Revenue and Taxation Code after the  
 3 allocations required by paragraphs (1) to (5), inclusive, are made  
 4 shall be deposited in the Vehicle License Fee Growth Account of  
 5 the Local Revenue Fund.

6 SEC. 37. Section 17604.05 of the Welfare and Institutions  
 7 Code is amended to read:

8 17604.05. (a) With the exception of the deposits made into  
 9 the Vehicle License Collection Account, upon request of a county,  
 10 the Controller may deposit all or any portion of the county's  
 11 allocation under this article into the County Medical Services  
 12 Program Account of the County Health Services Fund.

13 (b) Deposits made pursuant to subdivision (a) shall be deemed  
 14 to be deposits into a county's or city's local health and welfare  
 15 trust fund pursuant to Section 17608.10.

16 (c) This section shall become inoperative on July 1, 2015, and,  
 17 as of January 1, 2016, is repealed, unless a later enacted statute,  
 18 that becomes operative on or before January 1, 2016, deletes or  
 19 extends the dates on which it becomes inoperative and is repealed.

20 SEC. 38. Section 17605 of the Welfare and Institutions Code  
 21 is amended to read:

22 17605. (a) For the 1992–93 fiscal year, the Controller shall  
 23 deposit into the Caseload Subaccount of the Sales Tax Growth  
 24 Account of the Local Revenue Fund, from revenues deposited into  
 25 the Sales Tax Growth Account, an amount to be determined by  
 26 the Department of Finance, that represents the sum of the shortfalls  
 27 between the actual realignment revenues received by each county  
 28 and each city and county from the Social Services Subaccount of  
 29 the Local Revenue Fund in the 1991–92 fiscal year and the net  
 30 costs incurred by each of those counties and cities and counties in  
 31 the fiscal year for the programs described in Sections 10101,  
 32 10101.1, 11322, 11322.2, and 12306, subdivisions (a), (b), (c),  
 33 and (d) of Section 15200, and Sections 15204.2 and 18906.5. The  
 34 Department of Finance shall provide the Controller with an  
 35 allocation schedule on or before August 15, 1993, that shall be  
 36 used by the Controller to allocate funds deposited to the Caseload  
 37 Subaccount under this subdivision. The Controller shall allocate  
 38 these funds no later than August 27, 1993.

39 (b) (1) (A) For the 1993–94 fiscal year and fiscal years  
 40 thereafter, the Controller shall deposit into the Caseload

1 Subaccount of the Sales Tax Growth Account of the Local Revenue  
2 Fund, from revenues deposited into the Sales Tax Growth Account,  
3 an amount determined by the Department of Finance, in  
4 consultation with the appropriate state departments and the  
5 California State Association of Counties, that is sufficient to fund  
6 the net cost for the realigned portion of the county or city and  
7 county share of growth in social services caseloads, as specified  
8 in paragraph (2), and any share of growth from the previous year  
9 or years for which sufficient revenues were not available in the  
10 Caseload Subaccount. The Department of Finance shall provide  
11 the Controller with an allocations schedule on or before March 15  
12 of each year. The schedule shall be used by the Controller to  
13 allocate funds deposited into the Caseload Subaccount under this  
14 subdivision.

15 (B) It is the intent of the Legislature that counties shall receive  
16 allocations from the Caseload Subaccount as soon as possible after  
17 funds are received in the Sales Tax Growth Account. The  
18 Department of Finance shall recommend to the Legislature, by  
19 January 10, 2005, a procedure to expedite the preparation and  
20 provision of the allocations schedule described in subparagraph  
21 (A) and the allocation of funds by the Controller.

22 (2) For purposes of this subdivision, “growth” means the  
23 increase in the actual caseload expenditures for the prior fiscal  
24 year over the actual caseload expenditures for the fiscal year  
25 preceding the prior fiscal year for the programs described in Section  
26 12306, subdivisions (a), (b), (c), and (d) of Section 15200, and  
27 Sections 10101, 15204.2 and 18906.5 of this code, and for which  
28 funds are allocated pursuant to subdivision (b) of Section 123940  
29 of the Health and Safety Code.

30 (3) The difference in caseload expenditures between the fiscal  
31 years shall be multiplied by the factors that represent the change  
32 in county or city and county shares of the realigned programs.  
33 These products shall then be added or subtracted, taking into  
34 account whether the county’s or city and county’s share of costs  
35 was increased or decreased as a result of realignment, to yield each  
36 county’s or city and county’s allocation for caseload growth.  
37 Allocations for counties or cities and counties with allocations of  
38 less than zero shall be set at zero.

39 (c) Annually, the Controller shall allocate, to the local health  
40 and welfare trust fund social services account, the amounts

1 deposited and remaining unexpended and unreserved in the  
2 Caseload Subaccount, pursuant to the schedules of allocations of  
3 caseload growth described in subdivision (b), within 45 days of  
4 receiving those schedules from the Department of Finance. If there  
5 are insufficient funds to fully satisfy all caseload growth  
6 obligations, each county's or city and county's allocation for each  
7 program specified in subdivision (d) shall be prorated.

8 (d) Prior to allocating funds pursuant to subdivision (b), to the  
9 extent that funds are available from funds deposited in the Caseload  
10 Subaccount in the Sales Tax Growth Account in the Local Revenue  
11 Fund, the Controller shall allocate moneys to counties or cities  
12 and counties to correct any inequity or inequities in the computation  
13 of the child welfare services portion of the schedule required by  
14 subdivision (a) of Section 17602.

15 (e) (1) For the 2003–04 fiscal year, no Sales Tax Growth  
16 Account funds shall be allocated pursuant to this chapter until the  
17 caseload portion of the base of each county's social services  
18 account in the county's health and welfare trust fund is funded to  
19 the level of the 2001–02 fiscal year. Funds to meet this requirement  
20 shall be allocated from the Sales Tax Account of the Local Revenue  
21 Fund. If sufficient funds are not available in the Sales Tax Account  
22 of the Local Revenue Fund to achieve that funding level in the  
23 2003–04 fiscal year, this requirement shall be funded in each  
24 succeeding fiscal year in which there are sufficient funds in the  
25 Sales Tax Account of the Local Revenue Fund until the caseload  
26 base funding level for which each county would have otherwise  
27 been eligible in accordance with subdivision (e) of Section 17602  
28 for that year.

29 (2) The caseload portion of each county's social services account  
30 base shall be determined by subtracting its noncaseload portion of  
31 the base, as determined by the Department of Finance in its annual  
32 calculation of General Growth Account allocations, from the total  
33 base of each county's social services account for the 2001–02  
34 fiscal year.

35 SEC. 39. Section 17605.05 of the Welfare and Institutions  
36 Code is repealed.

37 SEC. 40. Section 17605.051 of the Welfare and Institutions  
38 Code is amended to read:

39 17605.051. Upon request of the County Medical Services  
40 Program Governing Board, the Controller shall transfer amounts

1 deposited into the County Medical Services Program Subaccount  
2 to the County Medical Services Program Governing Board for the  
3 purposes described in subdivision (f) of Section 16809.

4 SEC. 41. Section 17605.07 of the Welfare and Institutions  
5 Code is amended to read:

6 17605.07. (a) (1) For the 1992–93 fiscal year through the  
7 2014–15 fiscal year, inclusive, after satisfying the obligations set  
8 forth in Section 17605, the Controller shall deposit into the County  
9 Medical Services Program Subaccount 4.027 percent of the  
10 amounts remaining and unexpended in the Sales Tax Growth  
11 Account of the Local Revenue Fund.

12 (2) If the amount deposited to the Caseload Subaccount of the  
13 Sales Tax Growth Account pursuant to subdivision (b) of Section  
14 17605 exceeds twenty million dollars (\$20,000,000) for any fiscal  
15 year, then an additional amount equal to 4.027 percent of the  
16 amount deposited to the Caseload Subaccount shall be deposited  
17 to the County Medical Services Program Subaccount of the Sales  
18 Tax Growth Account.

19 (b) (1) For the 2015–16 fiscal year and fiscal years thereafter,  
20 after satisfying the obligations set forth in Section 17605, the  
21 Controller shall deposit into the County Medical Services Program  
22 Growth Subaccount 4.027 percent of the amounts remaining and  
23 unexpended in the Sales Tax Growth Account of the Local Revenue  
24 Fund.

25 (2) If the amount deposited to the Caseload Subaccount of the  
26 Sales Tax Growth Account pursuant to subdivision (b) of Section  
27 17605 exceeds twenty million dollars (\$20,000,000) for any fiscal  
28 year, then an additional amount equal to 4.027 percent of the  
29 amount deposited to the Caseload Subaccount shall be deposited  
30 to the County Medical Services Program Growth Subaccount of  
31 the Sales Tax Growth Account.

32 SEC. 42. Section 17605.08 of the Welfare and Institutions  
33 Code is repealed.

34 SEC. 43. Section 17605.10 of the Welfare and Institutions  
35 Code is repealed.

36 SEC. 44. Section 17605.10 is added to the Welfare and  
37 Institutions Code, to read:

38 17605.10. For the 2014–15 fiscal year and fiscal years  
39 thereafter, after satisfying the obligations set forth in Sections  
40 17605 and 17605.07, the Controller shall deposit any funds

1 remaining in the Sales Tax Growth Account of the Local Revenue  
2 Fund into the General Growth Subaccount.

3 SEC. 45. Section 17606.05 of the Welfare and Institutions  
4 Code is repealed.

5 SEC. 46. Section 17606.10 of the Welfare and Institutions  
6 Code is amended to read:

7 17606.10. (a) For the 1992–93 fiscal year and subsequent  
8 fiscal years, the Controller shall allocate funds, on an annual basis  
9 from the General Growth Subaccount in the Sales Tax Growth  
10 Account to the appropriate accounts in the local health and welfare  
11 trust fund of each county, city, and city and county in accordance  
12 with a schedule setting forth the percentage of total state resources  
13 received in the 1990–91 fiscal year, including State Legalization  
14 Impact Assistance Grants distributed by the state under former  
15 Part 4.5 (commencing with Section 16700), funding provided for  
16 purposes of implementation of Division 5 (commencing with  
17 Section 5000), for the organization and financing of community  
18 mental health services, including the Cigarette and Tobacco  
19 Products Surtax proceeds that are allocated to county mental health  
20 programs pursuant to Chapter 1331 of the Statutes of 1989, Chapter  
21 51 of the Statutes of 1990, and Chapter 1323 of the Statutes of  
22 1990, and state hospital funding and funding distributed for  
23 programs administered under Sections 1794, 10101.1, and 11322.2,  
24 as annually adjusted by the Department of Finance, in conjunction  
25 with the appropriate state department to reflect changes in equity  
26 status from the base percentages. However, for the 1992–93 fiscal  
27 year, the allocation for community mental health services shall be  
28 based on the following schedule:

29		
30	Percentage	
31	of Statewide	
32	Jurisdiction	Resource Base
33	Alameda .....	4.3693
34	Alpine .....	0.0128
35	Amador .....	0.0941
36	Butte .....	0.7797
37	Calaveras .....	0.1157
38	Colusa .....	0.0847
39	Contra Costa .....	2.3115
40	Del Norte .....	0.1237

1	El Dorado .....	0.3966
2	Fresno .....	3.1419
3	Glenn .....	0.1304
4	Humboldt .....	0.6175
5	Imperial .....	0.5425
6	Inyo .....	0.1217
7	Kern .....	1.8574
8	Kings .....	0.4229
9	Lake .....	0.2362
10	Lassen .....	0.1183
11	Los Angeles.....	27.9666
12	Madera .....	0.3552
13	Marin .....	0.9180
14	Mariposa .....	0.0792
15	Mendocino .....	0.4099
16	Merced .....	0.8831
17	Modoc .....	0.0561
18	Mono .....	0.0511
19	Monterey .....	1.1663
20	Napa .....	0.3856
21	Nevada .....	0.2129
22	Orange .....	5.3423
23	Placer .....	0.5034
24	Plumas .....	0.1134
25	Riverside .....	3.6179
26	Sacramento .....	4.1872
27	San Benito .....	0.1010
28	San Bernardino .....	4.5494
29	San Diego .....	7.8773
30	San Francisco .....	3.5335
31	San Joaquin .....	2.4690
32	San Luis Obispo .....	0.6652
33	San Mateo .....	2.5169
34	Santa Barbara .....	1.0745
35	Santa Clara .....	5.0488
36	Santa Cruz .....	0.7960
37	Shasta .....	0.5493
38	Sierra .....	0.0345
39	Siskiyou .....	0.2051
40	Solano .....	0.6694

1	Sonoma .....	1.1486
2	Stanislaus .....	1.4701
3	Sutter/Yuba .....	0.6294
4	Tehama .....	0.2384
5	Trinity .....	0.0826
6	Tulare .....	1.4704
7	Tuolumne .....	0.1666
8	Ventura .....	1.9311
9	Yolo .....	0.5443
10	Berkeley .....	0.2688
11	Tri-City .....	0.2347

12

13 (b) The Department of Finance shall recalculate the resource  
14 base used in determining the General Growth Subaccount  
15 allocations to the Health Account, Mental Health Account, and  
16 Social Services Account of the local health and welfare trust fund  
17 of each city, county, and city and county for the 1994–95 fiscal  
18 year general growth allocations according to subdivisions (c) and  
19 (d). For the 1995–96 fiscal year and annually until the end of the  
20 2012–13 fiscal year, the Department of Finance shall prepare the  
21 schedule of allocations of growth based upon the recalculation of  
22 the resource base as provided by subdivision (c).

23 (c) For the Mental Health Account, the Department of Finance  
24 shall do all of the following:

25 (1) Use the following sources as reported by the State  
26 Department of Health Care Services:

27 (A) The final December 1992 distribution of resources  
28 associated with Institutes for Mental Disease.

29 (B) The 1990–91 fiscal year state hospitals and community  
30 mental health allocations.

31 (C) Allocations for services provided for under Chapter 1294  
32 of the Statutes of 1989.

33 (2) Expand the resource base with the following nonrealigned  
34 funding sources as allocated among the counties:

35 (A) Tobacco surtax allocations made under Chapter 1331 of the  
36 Statutes of 1989 and Chapter 51 of the Statutes of 1990.

37 (B) For the 1994–95 allocation year only, Chapter 1323 of the  
38 Statutes of 1990.

39 (C) 1993–94 fiscal year federal homeless block grant allocation.

1 (D) 1993–94 fiscal year Mental Health Special Education  
2 allocations.

3 (E) 1993–94 fiscal year allocations for the system of care for  
4 children, in accordance with Chapter 1229 of the Statutes of 1992.

5 (F) 1993–94 fiscal year federal Substance Abuse and Mental  
6 Health Services Administration block grant allocations pursuant  
7 to Subchapter 1 (commencing with Section 10801) of Chapter 114  
8 of Title 42 of the United States Code.

9 (d) For the Health Account, the Department of Finance shall  
10 use the historical resource base of state funds as allocated among  
11 the counties, cities, and city and county as reported by the former  
12 State Department of Health Services in a September 17, 1991,  
13 report of Indigent and Community Health Resources.

14 (e) The Department of Finance shall use these adjusted resource  
15 bases for the Health Account and Mental Health Account to  
16 calculate what the 1994–95 fiscal year General Growth Subaccount  
17 allocations would have been, and together with 1994–95 fiscal  
18 year Base Restoration Subaccount allocations, CMSP subaccount  
19 allocations, equity allocations to the Health Account and Mental  
20 Health Account as adjusted by subparagraph (E) of paragraph (2)  
21 of subdivision (c) of Section 17606.05, as that subparagraph read  
22 on January 1, 2015, and special equity allocations to the Health  
23 Account and Mental Health Account as adjusted by subdivision  
24 (e) of Section 17606.15 reconstruct the 1994–95 fiscal year General  
25 Growth Subaccount resource base for the 1995–96 allocation year  
26 for each county, city, and city and county. Notwithstanding any  
27 other law, the actual 1994–95 general growth allocations shall not  
28 become part of the realignment base allocations to each county,  
29 city, and city and county. The total amounts distributed by the  
30 Controller for general growth for the 1994–95 allocation year shall  
31 be reallocated among the counties, cities, and city and county in  
32 the 1995–96 allocation year according to this paragraph, and shall  
33 be included in the general growth resource base for the 1996–97  
34 allocation year and each fiscal year thereafter. For the 1996–97  
35 allocation year and fiscal years thereafter, the Department of  
36 Finance shall update the base with actual growth allocations to the  
37 Health Account, Mental Health Account, and Social Services  
38 Account of each county, city, and city and county local health and  
39 welfare trust fund in the prior year, and adjust for actual changes

1 in nonrealigned funds specified in subdivision (c) in the year prior  
2 to the allocation year.

3 (f) For the 2013–14 fiscal year and every fiscal year thereafter,  
4 the Controller shall do all of the following:

5 (1) Allocate to the Mental Health Account of each county, city,  
6 or city and county based on a schedule provided by the Department  
7 of Finance. The Department of Finance shall recalculate the  
8 resource base used in determining the General Growth Subaccount  
9 allocations to the Mental Health Account in accordance with  
10 subdivision (c) and allocate based on that recalculation.

11 (2) Allocate 18.4545 percent of the total General Growth  
12 Subaccount to the health account of each county, city, or city and  
13 county based on a schedule provided by the Department of Finance  
14 in accordance with subdivision (d).

15 (3) Allocate the remainder of the funds in the General Growth  
16 Subaccount to the family support account of each county or city  
17 and county based on a schedule provided by the Department of  
18 Finance. These funds shall be expended in accordance with Section  
19 17601.50.

20 (g) The amounts deposited and remaining unexpended and  
21 unreserved in the General Growth Subaccount shall be allocated  
22 on an annual basis by the Controller, as described in subdivision  
23 (f), within 45 days of receiving the General Growth Subaccount  
24 allocation schedule from the Department of Finance.

25 SEC. 47. Section 17606.15 of the Welfare and Institutions  
26 Code is repealed.

27 SEC. 48. Section 17606.20 of the Welfare and Institutions  
28 Code is amended to read:

29 17606.20. (a) On or before the 27th day of each month, the  
30 Controller shall allocate money to each county, city, and city and  
31 county, as general purpose revenues, from revenues deposited in  
32 the Vehicle License Fee Growth Account in the Local Revenue  
33 Fund in amounts that are proportional to each county's, city's, or  
34 city and county's total allocation from the Sales Tax Growth  
35 Account, except amounts provided pursuant to Section 17605.

36 (b) Notwithstanding subdivision (a), for the 1998–99 fiscal year  
37 and fiscal years thereafter, if, after meeting the requirements of  
38 Section 17605, there are no funds remaining in the Sales Tax  
39 Growth Account to allocate to each county, city, and city and  
40 county pursuant to subdivision (a) of Section 17605.07, Section

1 17605.08, or Section 17605.10, the Controller shall allocate the  
2 revenues deposited in the Vehicle License Fee Growth Account  
3 to each county, city, and city and county, as general purpose  
4 revenues, in the following manner:

5 (1) The Controller shall determine the amount of sales tax  
6 growth in the 1996–97 fiscal year which exceeded the requirements  
7 of Section 17605 in the 1996–97 fiscal year.

8 (2) The Controller shall determine the amount of sales tax  
9 growth allocated in the 1996–97 fiscal year to the County Medical  
10 Services Program Subaccount pursuant to subdivision (a) of Section  
11 17605.07 and to the Indigent Health Equity, Community Health  
12 Equity, Mental Health Equity, State Hospital Mental Health Equity,  
13 General Growth, and Special Equity Subaccounts pursuant to  
14 Section 17605.10.

15 (3) The Controller shall compute percentages by dividing the  
16 amounts determined in paragraph (2) by the amount determined  
17 in paragraph (1).

18 (4) For calculation purposes related to paragraph (5), the  
19 Controller shall apply the percentages determined in paragraph  
20 (3) to revenues in the Vehicle License Fee Growth Account to  
21 determine the amount of vehicle license fee growth revenues  
22 attributable to the County Medical Services, Indigent Health  
23 Equity, Community Health Equity, Mental Health Equity, State  
24 Hospital Mental Health Equity, General Growth, and Special  
25 Equity Subaccounts. This paragraph shall not require the Controller  
26 to deposit vehicle license fee growth revenues into the subaccounts  
27 specified in this paragraph, and is solely for determining the  
28 distribution of vehicle license growth revenues to each county,  
29 city, and city and county.

30 (5) On or before the 27th day of each month, the Controller  
31 shall allocate money to each county, city, and city and county, as  
32 general purpose revenues, from revenues deposited in the Vehicle  
33 License Fee Growth Account in the Local Revenue Fund. These  
34 allocations shall be determined based on schedules developed by  
35 the Department of Finance pursuant to Section 17606.10, in  
36 consultation with the California State Association of Counties.

37 (c) This section shall become inoperative on August 1, 2015,  
38 and, as of January 1, 2016, is repealed, unless a later enacted  
39 statute, that becomes operative on or before January 1, 2016,

1 deletes or extends the dates on which it becomes inoperative and  
2 is repealed.

3 SEC. 49. Section 17606.20 is added to the Welfare and  
4 Institutions Code, to read:

5 17606.20. (a) Annually, the Controller shall allocate money  
6 to each county, city, and city and county, from revenues deposited  
7 in the Vehicle License Fee Growth Account in the Local Revenue  
8 Fund in amounts that are proportional to each county's, city's, or  
9 city and county's total allocation from the Sales Tax Growth  
10 Account, except amounts provided pursuant to Section 17605.

11 (b) Notwithstanding subdivision (a), for the 1998–99 fiscal year  
12 and fiscal years thereafter, if, after meeting the requirements of  
13 Section 17605, there are no funds remaining in the Sales Tax  
14 Growth Account to allocate to each county, city, and city and  
15 county pursuant to paragraph (1) of subdivision (a) of, or paragraph  
16 (1) of subdivision (b) of, Section 17605.07, or Section 17605.10,  
17 the Controller shall allocate the revenues deposited in the Vehicle  
18 License Fee Growth Account to each county, city, and city and  
19 county, in the following manner:

20 (1) The Controller shall determine the amount of sales tax  
21 growth in the 1996–97 fiscal year which exceeded the requirements  
22 of Section 17605 in the 1996–97 fiscal year.

23 (2) The Controller shall determine the amount of sales tax  
24 growth allocated in the 1996–97 fiscal year to the County Medical  
25 Services Program Subaccount pursuant to paragraph (1) of  
26 subdivision (a) of Section 17605.07, and to the Indigent Health  
27 Equity, Community Health Equity, Mental Health Equity, State  
28 Hospital Mental Health Equity, General Growth, and Special  
29 Equity Subaccounts pursuant to Section 17605.10, as that section  
30 read on January 1, 2015.

31 (3) The Controller shall compute percentages by dividing the  
32 amounts determined in paragraph (2) by the amount determined  
33 in paragraph (1).

34 (4) For calculation purposes related to paragraph (5), the  
35 Controller shall apply the percentages determined in paragraph  
36 (3) to revenues in the Vehicle License Fee Growth Account to  
37 determine the amount of vehicle license fee growth revenues  
38 attributable to the County Medical Services Program Growth,  
39 Indigent Health Equity, Community Health Equity, Mental Health  
40 Equity, State Hospital Mental Health Equity, General Growth, and

1 Special Equity Subaccounts. This paragraph shall not require the  
2 Controller to deposit vehicle license fee growth revenues into the  
3 subaccounts specified in this paragraph, and is solely for  
4 determining the distribution of vehicle license growth revenues to  
5 each county, city, and city and county.

6 (5) Annually, the Controller shall allocate money to each county,  
7 city, and city and county, from revenues deposited in the Vehicle  
8 License Fee Growth Account in the Local Revenue Fund. These  
9 allocations shall be determined based on schedules developed by  
10 the Department of Finance pursuant to Section 17606.10, in  
11 consultation with the California State Association of Counties.  
12 The Controller shall allocate these funds within 45 days of  
13 receiving the schedules from the Department of Finance.

14 (c) This section shall become operative on August 1, 2015.

15 SEC. 50. Section 17608.05 of the Welfare and Institutions  
16 Code is amended to read:

17 17608.05. (a) As a condition of deposit of funds from the Sales  
18 Tax Account of the Local Revenue Fund into a county's local  
19 health and welfare trust fund mental health account, the county or  
20 city shall deposit each month local matching funds in accordance  
21 with a schedule developed by the State Department of Mental  
22 Health based on county or city standard matching obligations for  
23 the 1990–91 fiscal year for mental health programs.

24 (b) A county, city, or city and county may limit its deposit of  
25 matching funds to the amount necessary to meet minimum federal  
26 maintenance of effort requirements, as calculated by the State  
27 Department of Health Care Services, subject to the approval of  
28 the Department of Finance. However, the amount of the reduction  
29 permitted by the limitation provided for by this subdivision shall  
30 not exceed twenty-five million dollars (\$25,000,000) per fiscal  
31 year on a statewide basis.

32 (c) Any county, city, or city and county that elects not to apply  
33 maintenance of effort funds for community mental health programs  
34 shall not use the loss of these expenditures from local mental health  
35 programs for realignment purposes.

36 SEC. 51. Section 17608.10 of the Welfare and Institutions  
37 Code is amended to read:

38 17608.10. As a condition of deposit of funds from the Sales  
39 Tax Account of the Local Revenue Fund into a county's or city's  
40 local health and welfare trust fund account, a county or city shall

1 deposit county or city general purpose revenues into the health  
 2 account each month equal to one-twelfth of the amounts set forth  
 3 in the following schedule:

4	Jurisdiction	Amount
5	Alameda .....	\$ 20,545,579
6	Alpine .....	21,465
7	Amador .....	278,460
8	Butte .....	724,304
9	Calaveras .....	0
10	Colusa .....	237,754
11	Contra Costa .....	10,114,331
12	Del Norte .....	44,324
13	El Dorado .....	704,192
14	Fresno .....	10,404,113
15	Glenn .....	58,501
16	Humboldt .....	589,711
17	Imperial .....	772,088
18	Inyo .....	561,262
19	Kern .....	7,623,407
20	Kings .....	466,273
21	Lake .....	118,222
22	Lassen .....	119,938
23	Los Angeles .....	159,324,707
24	Madera .....	81,788
25	Marin .....	1,196,515
26	Mariposa .....	0
27	Mendocino .....	347,945
28	Merced .....	858,484
29	Modoc .....	70,462
30	Mono .....	409,928
31	Monterey .....	3,367,970
32	Napa .....	546,957
33	Nevada .....	96,375
34	Orange .....	15,727,317
35	Placer .....	368,490
36	Plumas .....	66,295
37	Riverside .....	7,365,244
38	Sacramento .....	7,128,508
39	San Benito .....	0
40		

1	San Bernardino .....	4,316,679
2	San Diego .....	4,403,290
3	San Francisco .....	39,363,076
4	San Joaquin .....	2,469,934
5	San Luis Obispo .....	1,359,837
6	San Mateo .....	6,786,043
7	Santa Barbara .....	3,794,166
8	Santa Clara .....	13,203,375
9	Santa Cruz .....	2,053,729
10	Shasta .....	184,049
11	Sierra .....	7,330
12	Siskiyou .....	287,627
13	Solano .....	115,800
14	Sonoma .....	438,234
15	Stanislaus .....	3,510,803
16	Sutter .....	674,240
17	Tehama .....	446,992
18	Trinity .....	292,662
19	Tulare .....	1,547,481
20	Tuolumne .....	305,830
21	Ventura .....	4,185,070
22	Yolo .....	1,081,388
23	Yuba .....	187,701
24	Berkeley .....	1,953,018
25	Long Beach .....	0
26	Pasadena .....	0

27  
28 SEC. 52. Section 17608.15 of the Welfare and Institutions  
29 Code is repealed.

30 SEC. 53. Section 17609.05 of the Welfare and Institutions  
31 Code is amended to read:

32 17609.05. (a) Each county, city, or city and county shall file  
33 with the Controller annual reports of trust fund deposits and  
34 disbursements within 60 days after the end of the year.

35 (b) The Controller shall verify deposits and notify appropriate  
36 state agencies upon request of deficits in deposits. The next  
37 scheduled allocations shall not be made until deposits are made  
38 accordingly. Reports shall be forwarded to the appropriate state  
39 department for expenditure verification.

1 SEC. 54. Section 18910 of the Welfare and Institutions Code  
2 is amended to read:

3 18910. (a) To the extent permitted by federal law, regulations,  
4 waivers, and directives, the department shall implement the  
5 prospective budgeting, semiannual reporting system provided in  
6 Sections 11265.1, 11265.2, and 11265.3, and related provisions,  
7 regarding CalFresh, in a cost-effective manner that promotes  
8 compatibility between the CalWORKs program and CalFresh, and  
9 minimizes the potential for payment errors.

10 (b) For CalFresh recipients who also are Medi-Cal beneficiaries  
11 and who are subject to the Medi-Cal midyear status reporting  
12 requirements, counties shall seek to align the timing of reports  
13 required under this section with midyear status reports required  
14 by the Medi-Cal program. This subdivision does not apply to  
15 CalFresh households in which all adult members are elderly or  
16 disabled members, as defined in Section 271.2 of Title 7 of the  
17 Code of Federal Regulations, and in which the household has no  
18 earned income.

19 (c) The department shall seek all necessary waivers from the  
20 United States Department of Agriculture to implement subdivision  
21 (a).

22 (d) Counties may establish staggered, semiannual reporting  
23 cycles for individual households, based on factors established or  
24 approved by the department, provided the semiannual reporting  
25 cycle is aligned with the certification period; however, all  
26 households within a county must be transitioned to a semiannual  
27 reporting system simultaneously. Up to and until the establishment  
28 of a countywide semiannual reporting system, a county shall  
29 operate a quarterly system, as established by law and regulation.

30 (e) The requirement of subdivision (e) of Section 11265.1 shall  
31 apply to the implementation of this section.

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

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

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

4 (g) (1) It is the intent of the Legislature that, due to the  
5 establishment of a semiannual reporting cycle, change reporting  
6 no longer be imposed on certain households that were exempt from  
7 quarterly reporting pursuant to federal law. To that end, the  
8 department shall work with county human services agencies, client  
9 advocates, and the Statewide Automated Welfare System to  
10 eliminate change reporting for all households no later than January  
11 1, 2017.

12 (2) For the purposes of this subdivision, “change reporting”  
13 means the reporting requirements imposed on households  
14 designated as certified change reporting households pursuant to  
15 Section 273.12(a) of Title 7 of the Code of Federal Regulations.

16 SEC. 55. Section 18910.1 is added to the Welfare and  
17 Institutions Code, to read:

18 18910.1. It is the intent of the Legislature that all CalFresh  
19 households shall be assigned certification periods that are the  
20 maximum number of months allowable under federal law based  
21 on the household’s circumstances, unless a county is complying  
22 with subdivision (b) of Section 18910.

23 SEC. 56. Section 18358.30 of the Welfare and Institutions  
24 Code is amended to read:

25 18358.30. (a) Rates for foster family agency programs  
26 participating under this chapter shall be exempt from the current  
27 AFDC-FC foster family agency ratesetting system.

28 (b) Rates for foster family agency programs participating under  
29 this chapter shall be set according to the appropriate service and  
30 rate level based on the level of services provided to the eligible  
31 child and the certified foster family. For an eligible child placed  
32 from a group home program, the service and rate level shall not  
33 exceed the rate paid for group home placement. For an eligible  
34 child assessed by the county interagency review team or county  
35 placing agency as at imminent risk of group home placement or  
36 psychiatric hospitalization, the appropriate service and rate level  
37 for the child shall be determined by the interagency review team  
38 or county placing agency at time of placement. In all of the service  
39 and rate levels, the foster family agency programs shall:

1 (1) Provide social work services with average caseloads not to  
2 exceed eight children per worker, except that social worker average  
3 caseloads for children in Service and Rate Level E shall not exceed  
4 12 children per worker.

5 (2) Pay an amount not less than two thousand one hundred  
6 dollars (\$2,100) per child per month to the certified foster parent  
7 or parents.

8 (3) Perform activities necessary for the administration of the  
9 programs, including, but not limited to, training, recruitment,  
10 certification, and monitoring of the certified foster parents.

11 (4) (A) (i) Provide a minimum average range of service per  
12 month for children in each service and rate level in a participating  
13 foster family agency, represented by paid employee hours incurred  
14 by the participating foster family agency, by the in-home support  
15 counselor to the eligible child and the certified foster parents  
16 depending on the needs of the child and according to the following  
17 schedule:

18		
19	Service	In-Home Support
20	and	Counselor Hours
21	Rate Level	Per Month
22	A	98-114 hours
23	B	81-97 hours
24	C	64-80 hours
25	D	47-63 hours
26		

27 (ii) Children placed at Service and Rate Level E shall receive  
28 behavior deescalation and other support services on a flexible, as  
29 needed, basis from an in-home support counselor. The foster family  
30 agency shall provide one full-time in-home support counselor for  
31 every 20 children placed at this level.

32 (B) (i) For the interim period beginning July 1, 2012, through  
33 December 31, 2016, inclusive, only the following modified service  
34 and rate levels to support modified in-home support counselor  
35 hours per month shall apply:

36		
37	Service	In-Home Support
38	and	Counselor Hours
39	Rate Level	Per Month
40	Level I	81-114 hours

1	Service	In-Home Support
2	and	Counselor Hours
3	Rate Level	Per Month
4	Level II	47-80 hours
5	Level III	Less than 47 hours

6  
7 (ii) Children placed at Service and Rate Level III shall receive  
8 behavior deescalation and other support services on a flexible, as  
9 needed, basis from an in-home support counselor. The foster family  
10 agency shall provide one full-time in-home support counselor for  
11 every 20 children placed at this level.

12 (C) When the interagency review team or county placing agency  
13 and the foster family agency agree that alternative services are in  
14 the best interests of the child, the foster family agency may provide  
15 or arrange for services and supports allowable under California’s  
16 foster care program in lieu of in-home support services required  
17 by subparagraphs (A) and (B). These services and supports may  
18 include, but need not be limited to, activities in the  
19 Multidimensional Treatment Foster Care (MTFC) program.

20 (c) The department or placing county, or both, may review the  
21 level of services provided by the foster family agency program. If  
22 the level of services actually provided are less than those required  
23 by subdivision (b) for the child’s service and rate level, the rate  
24 shall be adjusted to reflect the level of service actually provided,  
25 and an overpayment may be established and recovered by the  
26 department.

27 (d) (1) On and after July 1, 1998, the standard rate schedule of  
28 service and rate levels shall be:

29		
30	Service	Fiscal Year
31	and	1998-99
32	Rate Level	Standard Rate
33	A	\$3,957
34	B	\$3,628
35	C	\$3,290
36	D	\$2,970
37	E	\$2,639

38  
39 (2) For the interim period beginning July 1, 2012, through  
40 December 31, 2016, inclusive, only the following modified service

1 and rate levels to support the modified standard rate schedule shall  
2 apply:

3  
4  
5  
6  
7  
8  
9

Service	
and	
Rate Level	Standard Rate
Level I	\$5,581
Level II	\$4,798
Level III	\$4,034

10  
11  
12

13 (3) (A) On and after July 1, 1999, the standardized schedule of  
14 rates shall be adjusted by an amount equal to the California  
15 Necessities Index computed pursuant to Section 11453, rounded  
16 to the nearest dollar. The resultant amounts shall constitute the  
17 new standardized rate schedule, subject to further adjustment  
18 pursuant to subparagraph (B), for foster family agency programs  
19 participating under this chapter.

20 (B) In addition to the adjustment in subparagraph (A),  
21 commencing January 1, 2000, the standardized schedule of rates  
22 shall be increased by 2.36 percent, rounded to the nearest dollar.  
23 The resultant amounts shall constitute the new standardized rate  
24 schedule for foster family agency programs participating under  
25 this chapter.

26 (4) (A) Beginning with the 2000–01 fiscal year, the standardized  
27 schedule of rates shall be adjusted annually by an amount equal  
28 to the California Necessities Index computed pursuant to Section  
29 11453, subject to the availability of funds. The resultant amounts,  
30 rounded to the nearest dollar, shall constitute the new standard rate  
31 schedule for foster family agency programs participating under  
32 this chapter.

33 (B) Effective October 1, 2009, the rates identified in this  
34 subdivision shall be reduced by 10 percent. The resulting amounts  
35 shall constitute the new standardized schedule of rates.

36 (5) Notwithstanding paragraphs (3) and (4), the rate identified  
37 in paragraph (2) of subdivision (b) shall be adjusted on July 1,  
38 2013, and each July 1 thereafter through July 1, 2016, inclusive,  
39 by an amount equal to the California Necessities Index computed  
40 pursuant to Section 11453.

1 (e) (1) Rates for foster family agency programs participating  
2 under paragraph (1) of subdivision (d) shall not exceed Service  
3 and Rate Level A at any time during an eligible child's placement.  
4 An eligible child may be initially placed in a participating intensive  
5 foster care program at any one of the five Service and Rate Levels  
6 A to E, inclusive, and thereafter placed at any level, either higher  
7 or lower, not to exceed a total of six months at any level other than  
8 Service and Rate Level E, unless it is determined to be in the best  
9 interests of the child by the child's county interagency review team  
10 or county placing agency and the child's certified foster parents.  
11 The child's county interagency placement review team or county  
12 placement agency may, through a formal review of the child's  
13 placement, extend the placement of an eligible child in a service  
14 and rate level higher than Service and Rate Level E for additional  
15 periods of up to six months each.

16 (2) Rates for foster family agency programs participating under  
17 paragraph (2) of subdivision (d) shall not exceed Service and Rate  
18 Level I at any time during an eligible child's placement. An eligible  
19 child may be initially placed in a participating intensive foster care  
20 program at any one of the three Service and Rate Levels I to III,  
21 inclusive, and thereafter placed at any level, either higher or lower,  
22 not to exceed a total of six months at any level other than Service  
23 and Rate Level III, unless it is determined to be in the best interests  
24 of the child by the child's county interagency review team or  
25 county placing agency, foster family agency, and the child's  
26 certified foster parents. The child's county interagency placement  
27 review team or county placement agency, through a formal review  
28 of the child's placement, may extend the placement of an eligible  
29 child in a service and rate level higher than Service and Rate Level  
30 III for additional periods of up to six months each.

31 (f) It is the intent of the Legislature that the rate paid to  
32 participating foster family agency programs shall decrease as the  
33 child's need for services from the foster family agency decreases.  
34 The foster family agency shall notify the placing county and the  
35 department of the reduced services and the pilot classification  
36 model, and the rate shall be reduced accordingly.

37 (g) It is the intent of the Legislature to prohibit any duplication  
38 of public funding. Therefore, social worker services, payments to  
39 certified foster parents, administrative activities, and the services  
40 of in-home support counselors that are funded by another public

1 source shall not be counted in determining whether the foster  
2 family agency program has met its obligations to provide the items  
3 listed in paragraphs (1), (2), (3), and (4) of subdivision (b). The  
4 department shall work with other potentially affected state  
5 departments to ensure that duplication of payment or services does  
6 not occur.

7 (h) It is the intent of the Legislature that the State Department  
8 of Social Services and the State Department of Health Care  
9 Services, in collaboration with county placing agencies and ITFC  
10 providers and other stakeholders, develop and implement an  
11 integrated system that provides for the appropriate level of  
12 placement and care, support services, and mental health treatment  
13 services to foster children served in these programs.

14 (i) Beginning in the 2011–12 fiscal year, and for each fiscal  
15 year thereafter, funding and expenditures for programs and  
16 activities under this section shall be in accordance with the  
17 requirements provided in Sections 30025 and 30026.5 of the  
18 Government Code.

19 SEC. 57. As the State Department of Social Services  
20 implements the first stage of the multiyear proposal to increase  
21 the inspection frequency of facilities licensed by the Community  
22 Care Licensing Division pursuant to the quality enhancement and  
23 program improvement reforms, pursuant to Sections 1534, 1569.33,  
24 1597.09 and 1597.55a, of the Health and Safety Code, the  
25 department shall update the Legislature frequently, and no later  
26 than April 1, 2016, for the first update, regarding the  
27 implementation of the multiyear proposal. These updates shall be  
28 based on the most recent workload analysis and shall include, but  
29 not be limited to, an analysis of the policy and fiscal implications  
30 of implementing annual inspections for all facilities, an update of  
31 the number of filled and authorized positions within the division,  
32 an analysis of the fiscal and policy implications of any federal  
33 licensing requirements, and the data necessary to assess whether  
34 the department is in compliance with statutorily required inspection  
35 frequencies.

36 SEC. 58. (a) Notwithstanding the rulemaking provisions of  
37 the Administrative Procedure Act (Chapter 3.5 (commencing with  
38 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
39 Code), the State Department of Social Services may implement  
40 and administer the changes made in this act to Sections 11253.4,

1 11330.5, 11461.3, and 11477 of the Welfare and Institutions Code  
2 through all-county letters or similar instructions until regulations  
3 are adopted.

4 (b) The department shall adopt emergency regulations  
5 implementing the sections specified in subdivision (a) no later than  
6 January 1, 2017. The department may readopt any emergency  
7 regulation authorized by this section that is the same as, or  
8 substantially equivalent to, any emergency regulation previously  
9 adopted pursuant to this section. The initial adoption of regulations  
10 pursuant to this section and one readoption of emergency  
11 regulations shall be deemed to be an emergency and necessary for  
12 the immediate preservation of the public peace, health, safety, or  
13 general welfare. Initial emergency regulations and the one  
14 readoption of emergency regulations authorized by this section  
15 shall be exempt from review by the Office of Administrative Law.  
16 The initial emergency regulations and the one readoption of  
17 emergency regulations authorized by this section shall be submitted  
18 to the Office of Administrative Law for filing with the Secretary  
19 of State and each shall remain in effect for no more than 180 days,  
20 by which time final regulations shall be adopted.

21 SEC. 59. To the extent that any provision of this act has an  
22 overall effect of increasing the costs already borne by a local  
23 agency for programs or levels of service mandated by the 2011  
24 Realignment Legislation within the meaning of Section 36 of  
25 Article XIII of the California Constitution, it shall apply to local  
26 agencies only to the extent that the state provides annual funding  
27 for the cost increase. Any new program or higher level of service  
28 provided by a local agency pursuant to any provision of this act  
29 for programs or levels of service mandated by the 2011  
30 Realignment Legislation above the level for which funding has  
31 been provided shall not require a subvention of funds by the state  
32 nor otherwise be subject to Section 6 of Article XIII B of the  
33 California Constitution.

34 Provisions of this act addressing programs or levels of service  
35 not included in the 2011 Realignment Legislation may be subject  
36 to Section 6 of Article XIII B of the California Constitution. If the  
37 Commission on State Mandates determines that any provision  
38 contains costs mandated by the state, reimbursement to local  
39 agencies and school districts for those costs shall be made pursuant

1 to Part 7 (commencing with Section 17500) of Division 4 of Title  
2 2 of the Government Code.  
3 SEC. 60. This act is a bill providing for appropriations related  
4 to the Budget Bill within the meaning of subdivision (e) of Section  
5 12 of Article IV of the California Constitution, has been identified  
6 as related to the budget in the Budget Bill, and shall take effect  
7 immediately.

O