

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 403**

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**Introduced by Assembly Member Mark Stone**  
*(Coauthor: Senator Beall)*

February 19, 2015

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An act to amend Sections 7911, 7911.1, and 7912 of the Family Code, to amend Section 6276.38 of the Government Code, to amend Sections 1502, 1507.25, 1520.1, 1522.2, 1522.4, 1522.41, 1522.43, 1524.6, 1530.7, 1530.8, 1531.1, 1531.15, 1534, 1536, 1538.3, 1538.5, 1538.6, 1538.7, 1548, 1562, 1562.35, 1563, and 1567.4 of, to amend, repeal, and add Sections 1502.4 and 1529.2 of, to add Sections 1506.1 and 1562.01 to, and to add and repeal Section 1502.45 of, the Health and Safety Code, to amend Sections 11105.2 and 11105.3 of the Penal Code, and to amend Sections 361.2, 706.6, 727, 727.1, 4094.2, 11400, 11403.2, 11460, 11461.2, 11465, 11466.21, 11466.22, 11466.25, 11466.3, 11466.31, 11466.32, 11466.33, 11466.34, 11466.35, 11466.36, 11466.5, 11466.6, 11468, 16000, 16501, 16501.1, 16519.5, and 18251 of, to amend and repeal Section 16003 of, to amend, repeal, and add Sections 4096, 4096.5, 11402, 11462, 11462.01, 11462.02, 11462.04, 11463, and 18254 of, to add Sections 827.11, 831, 11466, 16519.52, 16519.53, 16519.54, and 16519.55 to, and to add and repeal Sections 4096.1, 4096.55, 11402.01, 11462.001, 11462.015, 11462.021, 11463.01, and 11463.1 of, the Welfare and Institutions Code, relating to public social services.

## LEGISLATIVE COUNSEL'S DIGEST

AB 403, as amended, Mark Stone. Public social services: foster care placement: funding.

Existing law, the California Community Care Facilities Act, requires the State Department of Social Services to license and regulate various out-of-home facilities and entities responsible for children and nonminor dependents in foster care, including foster family homes, group homes, and out-of-state group homes, and imposes training requirements on foster parents. A violation of the act is a misdemeanor.

Existing law provides for the placement of certain children in foster care under the supervision of the department and county welfare departments. Existing law also 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.

This bill would provide for the reclassification of treatment facilities and the transition from the use of group homes for children in foster care to the use of short-term residential treatment centers, as defined. The bill would impose licensing requirements on those facilities, the violation of which would be a crime pursuant to the act, thereby imposing a state-mandated local program.

The bill would revise the foster parent training requirements imposed by the act. The bill would also provide for the development of child and family teams, as defined, to inform the process of placement and services to foster children and to children at risk of foster care placement. The bill would make conforming and related changes, including requiring the department to develop a new payment structure for funding placement options for children in foster care.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. It is the intent of the Legislature in adopting this  
2 act to improve California’s child welfare system and its outcomes  
3 by using comprehensive initial child assessments, increasing the  
4 use of home-based family care and the provision of services and  
5 supports to home-based family care, reducing the use of congregate  
6 care placement settings, and creating faster paths to permanency  
7 resulting in shorter durations of involvement in the child welfare  
8 and juvenile justice systems. These changes, along with other  
9 provisions in this act, require initial investments in the child welfare  
10 system. When implemented, the act will reduce overall costs to  
11 local agencies and allow local savings to be reinvested in child  
12 welfare. The Legislature therefore intends that funding beginning  
13 with the 2015–16 fiscal year for the initial implementation of this  
14 act be short term. Because the act will result in overall fiscal  
15 savings to local agencies, the act shall not have the overall effect  
16 of increasing the costs already borne by a local agency for programs  
17 or levels of service mandated by the 2011 Public Safety  
18 Realignment. The act therefore will not require the state to provide  
19 annual funding described in Section 36 of Article XIII of the  
20 California Constitution after the state provides short-term funding  
21 for local agencies’ initial implementation of the act.

22 SEC. 2. Section 7911 of the Family Code is amended to read:

23 7911. The Legislature finds and declares all of the following:

24 (a) The health and safety of California children placed by a  
25 county social services agency or probation department out of state  
26 pursuant to the provisions of the Interstate Compact on the  
27 Placement of Children are a matter of statewide concern.

28 (b) The Legislature therefore affirms its intention that the State  
29 Department of Social Services has full authority to require an  
30 assessment and placement recommendation by a county  
31 multidisciplinary team prior to placement of a child in an  
32 out-of-state group home, to investigate allegations of child abuse  
33 or neglect of minors so placed, and to ensure that out-of-state group  
34 homes, accepting California children, meet all California group  
35 home licensing standards.

1 (c) The Legislature also affirms its intention that, on and after  
2 January 1, 2017, the licensing standards applicable to out-of-state  
3 group homes certified by the department shall be those required  
4 of short-term residential treatment centers operated in this state.

5 (d) This section is declaratory of existing law with respect to  
6 the Governor’s designation of the State Department of Social  
7 Services to act as the compact administrator and of that department  
8 to act as the single state agency charged with supervision of public  
9 social services under Section 10600 of the Welfare and Institutions  
10 Code.

11 SEC. 3. Section 7911.1 of the Family Code is amended to read:

12 7911.1. (a) Notwithstanding any other law, the State  
13 Department of Social Services or its designee shall investigate any  
14 threat to the health and safety of children placed by a California  
15 county social services agency or probation department in an  
16 out-of-state group home pursuant to the provisions of the Interstate  
17 Compact on the Placement of Children. This authority shall include  
18 the authority to interview children or staff in private or review  
19 their file at the out-of-state facility or wherever the child or files  
20 may be at the time of the investigation. Notwithstanding any other  
21 law, the State Department of Social Services or its designee shall  
22 require certified out-of-state group homes to comply with the  
23 reporting requirements applicable to group homes licensed in  
24 California pursuant to Title 22 of the California Code of  
25 Regulations for each child in care regardless of whether he or she  
26 is a California placement, by submitting a copy of the required  
27 reports to the Compact Administrator within regulatory timeframes.  
28 The Compact Administrator within one business day of receiving  
29 a serious events report shall verbally notify the appropriate  
30 placement agencies and within five working days of receiving a  
31 written report from the out-of-state group home, forward a copy  
32 of the written report to the appropriate placement agencies.

33 (b) Any contract, memorandum of understanding, or agreement  
34 entered into pursuant to paragraph (b) of Article 5 of the Interstate  
35 Compact on the Placement of Children regarding the placement  
36 of a child out of state by a California county social services agency  
37 or probation department shall include the language set forth in  
38 subdivision (a).

39 (c) (1) The State Department of Social Services or its designee  
40 shall perform initial and continuing inspection of out-of-state group

1 homes in order to either certify that the out-of-state group home  
2 meets all licensure standards required of group homes operated in  
3 California or that the department has granted a waiver to a specific  
4 licensing standard upon a finding that there exists no adverse  
5 impact to health and safety.

6 (2) On and after January 1, 2017, the licensing standards  
7 applicable to out-of-state group homes certified by the department,  
8 as described in paragraph (1) shall be those required of short-term  
9 residential treatment centers operated in this state.

10 (3) (A) Except as provided in subparagraph (B), on and after  
11 January 1, 2017, an out-of-state group home program shall have  
12 both of the following credentials in order to receive an AFDC-FC  
13 rate:

14 (i) An accreditation from a nationally recognized accrediting  
15 entity identified by the State Department of Social Services  
16 pursuant to the process described in paragraph (4) of subdivision  
17 (b) of Section 11462 of the Welfare and Institutions Code.

18 (ii) A mental health certification equivalent to that required in  
19 Section 11462.01 of the Welfare and Institutions Code.

20 (B) If an out-of-state group home program is granted an  
21 extension pursuant to the exception process described in  
22 subdivision (d) of Section 11462.04 of the Welfare and Institutions  
23 Code, this paragraph shall apply to that group home on and after  
24 January 1, 2018.

25 (4) Any failure by an out-of-state group home facility to make  
26 children or staff available as required by subdivision (a) for a  
27 private interview or make files available for review shall be  
28 grounds to deny or discontinue the certification. The State  
29 Department of Social Services shall grant or deny an initial  
30 certification or a waiver under this subdivision to an out-of-state  
31 group home facility that has more than six California children  
32 placed by a county social services agency or probation department  
33 by August 19, 1999. The department shall grant or deny an initial  
34 certification or a waiver under this subdivision to an out-of-state  
35 group home facility that has six or fewer California children placed  
36 by a county social services agency or probation department by  
37 February 19, 2000. Certifications made pursuant to this subdivision  
38 shall be reviewed annually.

39 (d) Within six months of the effective date of this section, a  
40 county shall be required to obtain an assessment and placement

1 recommendation by a county multidisciplinary team for each child  
 2 in an out-of-state group home facility. On or after March 1, 1999,  
 3 a county shall be required to obtain an assessment and placement  
 4 recommendation by a county multidisciplinary team prior to  
 5 placement of a child in an out-of-state group home facility.

6 (e) Any failure by an out-of-state group home to obtain or  
 7 maintain its certification as required by subdivision (c) shall  
 8 preclude the use of any public funds, whether county, state, or  
 9 federal, in the payment for the placement of any child in that  
 10 out-of-state group home, pursuant to the Interstate Compact on  
 11 the Placement of Children.

12 (f) (1) A multidisciplinary team shall consist of participating  
 13 members from county social services, county mental health, county  
 14 probation, county superintendents of schools, and other members  
 15 as determined by the county.

16 (2) Participants shall have knowledge or experience in the  
 17 prevention, identification, and treatment of child abuse and neglect  
 18 cases, and shall be qualified to recommend a broad range of  
 19 services related to child abuse or neglect.

20 (g) (1) The department may deny, suspend, or discontinue the  
 21 certification of the out-of-state group home if the department makes  
 22 a finding that the group home is not operating in compliance with  
 23 the requirements of subdivision (c).

24 (2) Any judicial proceeding to contest the department's  
 25 determination as to the status of the out-of-state group home  
 26 certificate shall be held in California pursuant to Section 1085 of  
 27 the Code of Civil Procedure.

28 (h) The certification requirements of this section shall not impact  
 29 placements of emotionally disturbed children made pursuant to an  
 30 individualized education program developed pursuant to the federal  
 31 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400  
 32 et seq.) if the placement is not funded with federal or state foster  
 33 care funds.

34 (i) Only an out-of-state group home authorized by the Compact  
 35 Administrator to receive state funds for the placement by a county  
 36 social services agency or probation department of any child in that  
 37 out-of-state group home from the effective date of this section  
 38 shall be eligible for public funds pending the department's  
 39 certification under this section.

40 SEC. 4. Section 7912 of the Family Code is amended to read:

1 7912. (a) The Legislature finds and declares that the health  
2 and safety of children in out-of-state group home care pursuant to  
3 the Interstate Compact on the Placement of Children is a matter  
4 of statewide concern. The Legislature therefore affirms its intention  
5 that children placed by a county social services agency or probation  
6 department in out-of-state group homes be accorded the same  
7 personal rights and safeguards of a child placed in a California  
8 group home. This section is in clarification of existing law.

9 (b) (1) The Compact Administrator may temporarily suspend  
10 any new placements in an out-of-state group home, for a period  
11 not to exceed 100 days, pending the completion of an investigation,  
12 pursuant to subdivision (a) of Section 7911.1, regarding a threat  
13 to the health and safety of children in care. During any suspension  
14 period the department or its designee shall have staff daily onsite  
15 at the out-of-state group home.

16 (2) On and after January 1, 2017, the licensing standards  
17 applicable to out-of-state group homes certified by the State  
18 Department of Social Services shall be those required of short-term  
19 residential treatment centers operated in this state.

20 SEC. 5. Section 6276.38 of the Government Code is amended  
21 to read:

22 6276.38. Radioactive materials, dissemination of information  
23 about transportation of, Section 33002, Vehicle Code.

24 Railroad infrastructure protection program, disclosure not  
25 required for risk assessments filed with the Public Utilities  
26 Commission, the Director of Emergency Services, or the Office  
27 of Emergency Services, Section 6254.23.

28 Real estate broker, annual report to Bureau of Real Estate of  
29 financial information, confidentiality of, Section 10232.2, Business  
30 and Professions Code.

31 Real property, acquisition by state or local government,  
32 information relating to feasibility, subdivision (h), Section 6254.

33 Real property, change in ownership statement, confidentiality  
34 of, Section 27280.

35 Records described in Section 1620 of the Penal Code.

36 Records of contract purchasers, inspection by public prohibited,  
37 Section 85, Military and Veterans Code.

38 Records of persons committed to a state hospital pursuant to  
39 Section 4135 of the Welfare and Institutions Code.

- 1 Registered public obligations, inspection of records of security
- 2 interests in, Section 5060.
- 3 Registration of exempt vehicles, nondisclosure of name of person
- 4 involved in alleged violation, Section 5003, Vehicle Code.
- 5 Rehabilitation, Department of, confidential information, Section
- 6 19016, Welfare and Institutions Code.
- 7 Reinsurance intermediary-broker license information,
- 8 confidentiality of, Section 1781.3, Insurance Code.
- 9 Relocation assistance, confidential records submitted to a public
- 10 entity by a business or farm operation, Section 7262.
- 11 Rent control ordinance, confidentiality of information concerning
- 12 accommodations sought to be withdrawn from, Section 7060.4.
- 13 Report of probation officer, inspection, copies, Section 1203.05,
- 14 Penal Code.
- 15 Repossession agency licensee application, confidentiality of
- 16 information, Sections 7503, 7504, and 7506.5, Business and
- 17 Professions Code.
- 18 Reproductive health facilities, disclosure not required for
- 19 personal information regarding employees, volunteers, board
- 20 members, owners, partners, officers, and contractors of a
- 21 reproductive health services facility who have provided requisite
- 22 notification, Section 6254.18.
- 23 Residence address in any record of Department of Housing and
- 24 Community Development, confidentiality of, Section 6254.1.
- 25 Residence address in any record of Department of Motor
- 26 Vehicles, confidentiality of, Section 6254.1, Government Code,
- 27 and Section 1808.21, Vehicle Code.
- 28 Residence and mailing addresses in records of Department of
- 29 Motor Vehicles, confidentiality of, Section 1810.7, Vehicle Code.
- 30 Residential care facilities, confidentiality of resident information,
- 31 Section 1568.08, Health and Safety Code.
- 32 Residential care facilities for the elderly, confidentiality of client
- 33 information, Section 1569.315, Health and Safety Code.
- 34 Resource families, identifying information, Section 16519.55,
- 35 Welfare and Institutions Code.
- 36 Respiratory care practitioner, professional competency
- 37 examination reports, confidentiality of, Section 3756, Business
- 38 and Professions Code.
- 39 Restraint of trade, civil action by district attorney, confidential
- 40 memorandum, Section 16750, Business and Professions Code.

1 Reward by Governor for information leading to arrest and  
2 conviction, confidentiality of person supplying information, Section  
3 1547, Penal Code.

4 Safe surrender site, confidentiality of information pertaining to  
5 a parent or individual surrendering a child, Section 1255.7, Health  
6 and Safety Code.

7 SEC. 6. Section 1502 of the Health and Safety Code is amended  
8 to read:

9 1502. As used in this chapter:

10 (a) "Community care facility" means any facility, place, or  
11 building that is maintained and operated to provide nonmedical  
12 residential care, day treatment, adult day care, or foster family  
13 agency services for children, adults, or children and adults,  
14 including, but not limited to, the physically handicapped, mentally  
15 impaired, incompetent persons, and abused or neglected children,  
16 and includes the following:

17 (1) "Residential facility" means any family home, group care  
18 facility, or similar facility determined by the director, for 24-hour  
19 nonmedical care of persons in need of personal services,  
20 supervision, or assistance essential for sustaining the activities of  
21 daily living or for the protection of the individual.

22 (2) "Adult day program" means any community-based facility  
23 or program that provides care to persons 18 years of age or older  
24 in need of personal services, supervision, or assistance essential  
25 for sustaining the activities of daily living or for the protection of  
26 these individuals on less than a 24-hour basis.

27 (3) "Therapeutic day services facility" means any facility that  
28 provides nonmedical care, counseling, educational or vocational  
29 support, or social rehabilitation services on less than a 24-hour  
30 basis to persons under 18 years of age who would otherwise be  
31 placed in foster care or who are returning to families from foster  
32 care. Program standards for these facilities shall be developed by  
33 the department, pursuant to Section 1530, in consultation with  
34 therapeutic day services and foster care providers.

35 (4) "Foster family agency" means any public agency or private  
36 organization engaged in the recruiting, certifying, and training of,  
37 and providing professional support to, foster parents, or in finding  
38 homes or other places for placement of children for temporary or  
39 permanent care who require that level of care as determined by a

1 ~~child and family team care.~~ Private foster family agencies shall  
2 be organized and operated on a nonprofit basis.

3 (5) “Foster family home” means any residential facility  
4 providing 24-hour care for six or fewer foster children that is  
5 owned, leased, or rented and is the residence of the foster parent  
6 or parents, including their family, in whose care the foster children  
7 have been placed. The placement may be by a public or private  
8 child placement agency or by a court order, or by voluntary  
9 placement by a parent, parents, or guardian. It also means a foster  
10 family home described in Section 1505.2.

11 (6) “Small family home” means any residential facility, in the  
12 licensee’s family residence, that provides 24-hour care for six or  
13 fewer foster children who have mental disorders or developmental  
14 or physical disabilities and who require special care and supervision  
15 as a result of their disabilities. A small family home may accept  
16 children with special health care needs, pursuant to subdivision  
17 (a) of Section 17710 of the Welfare and Institutions Code. In  
18 addition to placing children with special health care needs, the  
19 department may approve placement of children without special  
20 health care needs, up to the licensed capacity.

21 (7) “Social rehabilitation facility” means any residential facility  
22 that provides social rehabilitation services for no longer than 18  
23 months in a group setting to adults recovering from mental illness  
24 who temporarily need assistance, guidance, or counseling. Program  
25 components shall be subject to program standards pursuant to  
26 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part  
27 2 of Division 5 of the Welfare and Institutions Code.

28 (8) “Community treatment facility” means any residential  
29 facility that provides mental health treatment services to children  
30 in a group setting and that has the capacity to provide secure  
31 containment. Program components shall be subject to program  
32 standards developed and enforced by the State Department of  
33 Health Care Services pursuant to Section 4094 of the Welfare and  
34 Institutions Code.

35 Nothing in this section shall be construed to prohibit or  
36 discourage placement of persons who have mental or physical  
37 disabilities into any category of community care facility that meets  
38 the needs of the individual placed, if the placement is consistent  
39 with the licensing regulations of the department.

1 (9) “Full-service adoption agency” means any licensed entity  
2 engaged in the business of providing adoption services, that does  
3 all of the following:

4 (A) Assumes care, custody, and control of a child through  
5 relinquishment of the child to the agency or involuntary termination  
6 of parental rights to the child.

7 (B) Assesses the birth parents, prospective adoptive parents, or  
8 child.

9 (C) Places children for adoption.

10 (D) Supervises adoptive placements.

11 Private full-service adoption agencies shall be organized and  
12 operated on a nonprofit basis. As a condition of licensure to provide  
13 intercountry adoption services, a full-service adoption agency shall  
14 be accredited and in good standing according to Part 96 of Title  
15 22 of the Code of Federal Regulations, or supervised by an  
16 accredited primary provider, or acting as an exempted provider,  
17 in compliance with Subpart F (commencing with Section 96.29)  
18 of Part 96 of Title 22 of the Code of Federal Regulations.

19 (10) “Noncustodial adoption agency” means any licensed entity  
20 engaged in the business of providing adoption services, that does  
21 all of the following:

22 (A) Assesses the prospective adoptive parents.

23 (B) Cooperatively matches children freed for adoption, who are  
24 under the care, custody, and control of a licensed adoption agency,  
25 for adoption, with assessed and approved adoptive applicants.

26 (C) Cooperatively supervises adoptive placements with a  
27 full-service adoptive agency, but does not disrupt a placement or  
28 remove a child from a placement.

29 Private noncustodial adoption agencies shall be organized and  
30 operated on a nonprofit basis. As a condition of licensure to provide  
31 intercountry adoption services, a noncustodial adoption agency  
32 shall be accredited and in good standing according to Part 96 of  
33 Title 22 of the Code of Federal Regulations, or supervised by an  
34 accredited primary provider, or acting as an exempted provider,  
35 in compliance with Subpart F (commencing with Section 96.29)  
36 of Part 96 of Title 22 of the Code of Federal Regulations.

37 (11) “Transitional shelter care facility” means any group care  
38 facility that provides for 24-hour nonmedical care of persons in  
39 need of personal services, supervision, or assistance essential for  
40 sustaining the activities of daily living or for the protection of the

1 individual. Program components shall be subject to program  
2 standards developed by the State Department of Social Services  
3 pursuant to Section 1502.3.

4 (12) “Transitional housing placement provider” means an  
5 organization licensed by the department pursuant to Section  
6 1559.110 and Section 16522.1 of the Welfare and Institutions Code  
7 to provide transitional housing to foster children at least 16 years  
8 of age and not more than 18 years of age, and nonminor  
9 dependents, as defined in subdivision (v) of Section 11400 of the  
10 Welfare and Institutions Code, to promote their transition to  
11 adulthood. A transitional housing placement provider shall be  
12 privately operated and organized on a nonprofit basis.

13 (13) “Group home” means a residential facility that provides  
14 24-hour care and supervision to children, delivered at least in part  
15 by staff employed by the licensee in a structured environment. The  
16 care and supervision provided by a group home shall be  
17 nonmedical, except as otherwise permitted by law.

18 (14) “Runaway and homeless youth shelter” means a group  
19 home licensed by the department to operate a program pursuant  
20 to Section 1502.35 to provide voluntary, short-term, shelter and  
21 personal services to runaway youth or homeless youth, as defined  
22 in paragraph (2) of subdivision (a) of Section 1502.35.

23 (15) “Enhanced behavioral supports home” means a facility  
24 certified by the State Department of Developmental Services  
25 pursuant to Article 3.6 (commencing with Section 4684.80) of  
26 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,  
27 and licensed by the State Department of Social Services as an adult  
28 residential facility or a group home that provides 24-hour  
29 nonmedical care to individuals with developmental disabilities  
30 who require enhanced behavioral supports, staffing, and  
31 supervision in a homelike setting. An enhanced behavioral supports  
32 home shall have a maximum capacity of four consumers, shall  
33 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal  
34 Regulations, and shall be eligible for federal Medicaid home- and  
35 community-based services funding.

36 (16) “Community crisis home” means a facility certified by the  
37 State Department of Developmental Services pursuant to Article  
38 8 (commencing with Section 4698) of Chapter 6 of Division 4.5  
39 of the Welfare and Institutions Code, and licensed by the State  
40 Department of Social Services pursuant to Article 9.7 (commencing

1 with Section 1567.80), as an adult residential facility, providing  
2 24-hour nonmedical care to individuals with developmental  
3 disabilities receiving regional center service, in need of crisis  
4 intervention services, and who would otherwise be at risk of  
5 admission to the acute crisis center at Fairview Developmental  
6 Center, Sonoma Developmental Center, an acute general hospital,  
7 acute psychiatric hospital, an institution for mental disease, as  
8 described in Part 5 (commencing with Section 5900) of Division  
9 5 of the Welfare and Institutions Code, or an out-of-state  
10 placement. A community crisis home shall have a maximum  
11 capacity of eight consumers, as defined in subdivision (a) of  
12 Section 1567.80, shall conform to Section 441.530(a)(1) of Title  
13 42 of the Code of Federal Regulations, and shall be eligible for  
14 federal Medicaid home- and community-based services funding.

15 (17) “Crisis nursery” means a facility licensed by the department  
16 to operate a program pursuant to Section 1516 to provide short-term  
17 care and supervision for children under six years of age who are  
18 voluntarily placed for temporary care by a parent or legal guardian  
19 due to a family crisis or stressful situation.

20 (18) “Short-term residential treatment center” means a  
21 residential facility *licensed by the department pursuant to Section*  
22 *1562.01 and* operated by any public agency or private organization  
23 that provides short-term, specialized, and intensive treatment,  
24 including core services as set forth, on and after January 1, 2017,  
25 in paragraph (1) of subdivision (b) of Section 11462 of the Welfare  
26 and Institutions Code, and 24-hour care and supervision to ~~children,~~  
27 ~~delivered at least in part by staff employed by the licensee in a~~  
28 ~~structured environment pursuant to Section 1562.01 of the Health~~  
29 ~~and Safety Code: children.~~ The care and supervision provided by  
30 a short-term residential treatment center shall be nonmedical,  
31 except as otherwise permitted by law.

32 (b) “Department” or “state department” means the State  
33 Department of Social Services.

34 (c) “Director” means the Director of Social Services.

35 SEC. 7. Section 1502.4 of the Health and Safety Code is  
36 amended to read:

37 1502.4. (a) (1) A community care facility licensed as a group  
38 home for children pursuant to this chapter may accept for  
39 placement, and provide care and supervision to, a child assessed  
40 as ~~seriously emotionally disturbed~~ *having an emotional*

1 *disturbance*, as long as the child does not need inpatient care in a  
2 licensed health facility.

3 (2) For the purpose of this chapter, the following definitions  
4 shall apply:

5 (A) “Inpatient care in a licensed health facility” means care and  
6 supervision at a level greater than incidental medical services as  
7 specified in Section 1507.

8 ~~(B) “Seriously emotionally disturbed” means the same as~~  
9 ~~paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare~~  
10 ~~and Institutions Code.~~

11 (B) “*Emotional disturbance*” has the same meaning as that  
12 term is defined in Section 300.8(c)(4)(i) of Title 34 of the Code of  
13 Federal Regulations.

14 (b) If a child described in subdivision (a) is placed into a group  
15 home program classified at rate classification level 13 or rate  
16 classification level 14 pursuant to Section 11462.01 of the Welfare  
17 and Institutions Code, the licensee shall meet both of the following  
18 requirements:

19 (1) The licensee shall agree to accept, for placement into its  
20 group home program, only children who have been assessed as  
21 ~~seriously emotionally disturbed~~ *having an emotional disturbance*  
22 by either of the following:

23 (A) An interagency placement committee, as described in  
24 Section 4096 of the Welfare and Institutions Code or by a licensed  
25 mental health professional, as defined in Sections 629 to 633,  
26 inclusive, of Title 9 of the California Code of Regulations.

27 (B) A licensed mental health professional pursuant to paragraph  
28 (3) of subdivision (i), or subdivision (j), of Section 11462.01 of  
29 the Welfare and Institutions Code if the child is privately placed  
30 or only county funded.

31 (2) The program is certified by the State Department of Health  
32 Care Services, pursuant to Section 4096.5 of the Welfare and  
33 Institutions Code, as a program that provides mental health  
34 treatment services for ~~seriously emotionally disturbed children.~~  
35 *children assessed as having an emotional disturbance.*

36 (c) The department shall not evaluate, or have any responsibility  
37 or liability with regard to the evaluation of, the mental health  
38 treatment services provided pursuant to this section and paragraph  
39 (3) of subdivision (f) of Section 11462.01 of the Welfare and  
40 Institutions Code.

1 (d) 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. 8. Section 1502.4 is added to the Health and Safety Code,~~  
5 ~~to read:~~

6 ~~1502.4. (a) (1) A community care facility licensed as a~~  
7 ~~short-term residential treatment center or a foster family agency~~  
8 ~~that provides treatment services for children pursuant to this chapter~~  
9 ~~may accept for placement, and provide care and supervision to, a~~  
10 ~~child assessed as seriously emotionally disturbed as long as the~~  
11 ~~child does not need inpatient care in a licensed health facility.~~

12 ~~(2) For the purposes of this chapter, the following definitions~~  
13 ~~shall apply:~~

14 ~~(A) "Inpatient care in a licensed health facility" means care and~~  
15 ~~supervision at a level greater than incidental medical services as~~  
16 ~~specified in Section 1507.~~

17 ~~(B) "Seriously emotionally disturbed" means the same as~~  
18 ~~paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare~~  
19 ~~and Institutions Code.~~

20 ~~(b) If a child described in subdivision (a) is placed into a~~  
21 ~~short-term residential treatment center or a foster family agency~~  
22 ~~that provides treatment services pursuant to Section 11462.01 of~~  
23 ~~the Welfare and Institutions Code, the licensee shall meet both of~~  
24 ~~the following requirements:~~

25 ~~(1) The licensee shall agree to accept, for placement into a~~  
26 ~~short-term residential treatment center or a foster family agency~~  
27 ~~that provides treatment services, only children who have been~~  
28 ~~assessed as seriously emotionally disturbed by either of the~~  
29 ~~following:~~

30 ~~(A) An interagency placement committee or child and family~~  
31 ~~team, as described in Section 4096 of the Welfare and Institutions~~  
32 ~~Code, or by a licensed mental health professional.~~

33 ~~(B) A licensed mental health professional pursuant to paragraph~~  
34 ~~(3) of subdivision (i), or subdivision (j), of Section 11462.01 of~~  
35 ~~the Welfare and Institutions Code if the child is privately placed~~  
36 ~~or only county funded.~~

37 ~~(2) The program is certified by the State Department of Health~~  
38 ~~Care Services, or a county to which the department has delegated~~  
39 ~~certification authority pursuant to Section 4096.5 of the Welfare~~

1 and Institutions Code, as a program that provides mental health  
2 treatment services for seriously emotionally disturbed children.

3 (e) The department shall not evaluate, nor have any  
4 responsibility nor liability with regard to the evaluation of, the  
5 mental health treatment services provided pursuant to this section  
6 and paragraph (3) of subdivision (f) of Section 11462.01 of the  
7 Welfare and Institutions Code.

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

9 SEC. 8. Section 1502.4 is added to the Health and Safety Code,  
10 to read:

11 1502.4. (a) A licensed short-term residential treatment center,  
12 as defined in paragraph (18) of subdivision (a) of Section 1502,  
13 may accept for placement children who do not require inpatient  
14 care in a licensed health facility and who meet at least one of the  
15 following conditions:

16 (1) A child who has been assessed as meeting the medical  
17 necessity criteria for specialty mental health services under the  
18 Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment  
19 program, as the criteria are described in Section 1830.210 of Title  
20 9 of the California Code of Regulations.

21 (2) A child assessed as having an emotional disturbance.

22 (3) A child who has been assessed as requiring the level of  
23 services provided to maintain the safety of the child or others due  
24 to behaviors that render the child or those around the child unsafe,  
25 or that prevent the effective delivery of needed services and  
26 supports provided in the children’s own homes or in other family  
27 settings, such as with a relative, guardian, foster family, resource  
28 family, or adoptive family. In certain circumstances, this may  
29 include the following children:

30 (A) A commercially or sexually exploited child.

31 (B) A private voluntary placement, if the youth exhibits status  
32 offender behavior and the parents or other relatives feel they  
33 cannot control the child’s behavior and short term intervention is  
34 needed to transition to the child back into the home.

35 (C) A juvenile sex offender.

36 (D) A child who is affiliated with or impacted by a gang.

37 (b) A licensed foster family agency, as defined in paragraph (4)  
38 of subdivision (a) of Section 1502, that provides treatment services  
39 may accept for placement children who do not require inpatient

1 care in a licensed health facility and who meet at least one of the  
2 following conditions:

3 (1) A child who has been assessed as meeting the medical  
4 necessity criteria for specialty mental health services under the  
5 Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment  
6 program, as the criteria are described in Section 1830.210 of Title  
7 9 of the California Code of Regulations.

8 (2) A child assessed as having an emotional disturbance.

9 (3) A child who has been assessed as requiring the level of  
10 services to meet his or her behavioral or therapeutic needs.

11 (c) An assessment described in paragraph (1) or (2) of  
12 subdivision (a) or paragraph (1) or (2) of subdivision (b) shall be  
13 made pursuant to subparagraphs (C) and (D) of paragraph (1) of  
14 subdivision (a) of Section 11462.01 of the Welfare and Institutions  
15 Code.

16 (d) For the purposes of this chapter, the following definitions  
17 shall apply:

18 (1) "Inpatient care in a licensed health facility" means care  
19 and supervision at a level greater than incidental medical services  
20 as specified in Section 1507.

21 (2) "Emotional disturbance" has the same meaning as that term  
22 is used in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal  
23 Regulations.

24 (e) The department shall not evaluate, nor have any  
25 responsibility or liability with regard to the evaluation of, the  
26 mental health treatment services provided pursuant to this section  
27 and paragraph (3) of subdivision (f) of Section 11462.01 of the  
28 Welfare and Institutions Code.

29 (f) This section shall become operative on January 1, 2017.

30 SEC. 9. Section 1502.45 is added to the Health and Safety  
31 Code, immediately following Section 1502.4, to read:

32 1502.45. (a) (1) Notwithstanding Section 1502.4, a community  
33 care facility licensed as a group home for children pursuant to this  
34 chapter may accept for placement, and provide care and supervision  
35 to, a child assessed as ~~seriously emotionally disturbed~~ *having an*  
36 *emotional disturbance* as long as the child does not need inpatient  
37 care in a licensed health facility.

38 (2) For the purpose of this section, the following definitions  
39 shall apply:

1 (A) “Inpatient care in a licensed health facility” means care and  
2 supervision at a level greater than incidental medical services as  
3 specified in Section 1507.

4 ~~(B) “Seriously emotionally disturbed” means the same as~~  
5 ~~paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare~~  
6 ~~and Institutions Code.~~

7 (B) “*Emotional disturbance*” has the same meaning as that  
8 term is defined in Section 300.8(c)(4)(i) of Title 34 of the Code of  
9 Federal Regulations.

10 (b) If a child described in subdivision (a) is placed into a group  
11 home program classified at rate classification level 13 or rate  
12 classification level 14 pursuant to Section 11462.015 of the Welfare  
13 and Institutions Code, the licensee shall meet both of the following  
14 requirements:

15 (1) The licensee shall agree to accept, for placement into its  
16 group home program, ~~only~~ children who have been assessed as  
17 ~~seriously emotionally disturbed~~ *having an emotional disturbance*  
18 by either of the following:

19 (A) An interagency placement committee, as described in  
20 Section 4096.1 of the Welfare and Institutions Code or by a  
21 licensed mental health professional, as defined in Sections 629 to  
22 633, inclusive, of Title 9 of the California Code of Regulations.

23 (B) A licensed mental health professional pursuant to paragraph  
24 (3) of subdivision (i), or subdivision (j), of Section 11462.015 of  
25 the Welfare and Institutions Code if the child is privately placed  
26 or only county funded.

27 (2) The program is certified by the State Department of Health  
28 Care Services, pursuant to Section 4096.55 of the Welfare and  
29 Institutions Code, as a program that provides mental health  
30 treatment services for ~~seriously emotionally disturbed children.~~  
31 *children who have been assessed as having an emotional*  
32 *disturbance.*

33 (c) The department shall not evaluate, or have any responsibility  
34 or liability with regard to the evaluation of, the mental health  
35 treatment services provided pursuant to this section and paragraph  
36 (3) of subdivision (f) of Section 11462.015 of the Welfare and  
37 Institutions Code.

38 (d) This section shall only apply to a group home that has been  
39 granted an extension pursuant to the exception process described

1 in subdivision (d) of Section 11462.04 of the Welfare and  
2 Institutions Code.

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

4 (f) This section shall remain in effect only until January 1, 2018,  
5 and as of that date is repealed, unless a later enacted statute, that  
6 is enacted before January 1, 2018, deletes or extends that date.

7 SEC. 10. Section 1506.1 is added to the Health and Safety  
8 Code, to read:

9 1506.1. (a) A foster family agency shall prepare and maintain  
10 a current, written plan of operation as required by the department.

11 (b) On and after January 1, 2017, a foster family agency's plan  
12 of operation shall demonstrate the foster family agency's ability  
13 to support the differing needs of children and their families.

14 (1) In addition to the rules and regulations adopted pursuant to  
15 this chapter, a foster family agency's plan of operation shall contain  
16 a description of the core services and supports, as set forth in  
17 paragraph (5) of subdivision (b) of Section 11463 of the Welfare  
18 and Institutions Code and as prescribed by the department, to be  
19 offered to children and their families, as appropriate or as  
20 necessary.

21 (2) *The plan of operation shall identify whether the foster family*  
22 *agency is providing treatment or nontreatment services, and shall*  
23 *specifically describe the treatment practices that will be used in*  
24 *servicing children and families in care.*

25 ~~(2)~~

26 (3) The plan of operation shall describe how the foster family  
27 agency will comply with the resource family approval standards  
28 and requirements, as set forth in Section 16519.5 of the Welfare  
29 and Institutions Code.

30 ~~(3)~~

31 (4) In addition to the rules and regulations adopted pursuant to  
32 this chapter, a county licensed to operate a foster family agency  
33 shall describe, in the plan of operation, its conflict of interest  
34 mitigation plan, on and after January 1, 2017, as set forth in  
35 subdivision (g) of Section 11462.02 of the Welfare and Institutions  
36 Code.

37 (c) The department shall have the authority to inspect a foster  
38 family agency pursuant to the system of governmental monitoring  
39 and oversight developed by the department on and after January

1 1, 2017, pursuant to subdivision (c) of Section 11463 of the  
 2 Welfare and Institutions Code.

3 (d) (1) *Upon request of a county, a foster family agency shall*  
 4 *submit its plan of operation to the county which it will primarily*  
 5 *serve. The county may review the plan of operation to determine*  
 6 *whether to issue a certification of all of the following:*

7 (A) *The program is needed by the county.*

8 (B) *The provider is capable of effectively and efficiently*  
 9 *operating the program.*

10 (C) *The provider is willing and able to accept placements who*  
 11 *need the level of care and services that will be provided by the*  
 12 *program.*

13 (D) *The plan of operation is suitable to meet the needs of the*  
 14 *identified population.*

15 (2) *In its decision regarding issuance of an AFDC-FC rate, the*  
 16 *department may consider whether the county has made the*  
 17 *certification in paragraph (1).*

18 (3) *The department shall establish procedures for certification*  
 19 *pursuant to paragraph (1), in consultation with the County Welfare*  
 20 *Directors Association, Chief Probation Officers of California, and*  
 21 *other stakeholders, as appropriate.*

22 SEC. 11. Section 1507.25 of the Health and Safety Code is  
 23 amended to read:

24 1507.25. (a) (1) Notwithstanding any other law, a person  
 25 described in paragraph (2), who is not a licensed health care  
 26 professional, but who is trained to administer injections by a  
 27 licensed health care professional practicing within his or her scope  
 28 of practice, may administer emergency medical assistance and  
 29 injections for severe diabetic hypoglycemia and anaphylactic shock  
 30 to a foster child in placement.

31 (2) The following individuals shall be authorized to administer  
 32 emergency medical assistance and injections in accordance with  
 33 this subdivision:

34 (A) A relative caregiver.

35 (B) A nonrelative extended family member.

36 (C) A foster family home parent.

37 (D) A member of a resource family, as defined in subdivision  
 38 (c) of Section 16519.5 of the Welfare and Institutions Code.

39 (E) A small family home parent.

40 (F) A certified parent of a foster family agency.

1 (G) A substitute caregiver of a foster family home or a certified  
2 family home.

3 (H) A staff member of a small family home or a group home  
4 who provides direct care and supervision to children and youth  
5 residing in the small family home or group home.

6 (I) A staff member of a short-term residential treatment center  
7 who provides direct care and supervision to children and youth  
8 residing in the short-term residential treatment center.

9 (3) The licensed health care professional shall periodically  
10 review, correct, or update training provided pursuant to this section  
11 as he or she deems necessary and appropriate.

12 (b) (1) Notwithstanding any other law, a person described in  
13 paragraph (2), who is not a licensed health care professional, but  
14 who is trained to administer injections by a licensed health care  
15 professional practicing within his or her scope of practice, may  
16 administer subcutaneous injections of other medications, including  
17 insulin, as prescribed by the child's physician, to a foster child in  
18 placement.

19 (2) The following individuals shall be authorized to give  
20 prescribed injections including insulin in accordance with this  
21 subdivision:

22 (A) A relative caregiver.

23 (B) A nonrelative extended family member.

24 (C) A foster family home parent.

25 (D) A member of a resource family, as defined in subdivision  
26 (c) of Section 16519.5 of the Welfare and Institutions Code.

27 (E) A small family home parent.

28 (F) A certified parent of a foster family agency.

29 (G) In the absence of a foster parent, a designated substitute  
30 caregiver in a foster family home or a certified family home.

31 (H) A direct care staff member of a short-term residential  
32 treatment center who provides direct care and supervision to  
33 children and youth residing in the short-term residential treatment  
34 center.

35 (3) The licensed health care professional shall periodically  
36 review, correct, or update training provided pursuant to this section  
37 as he or she deems necessary and appropriate.

38 (c) For purposes of this section, administration of an insulin  
39 injection shall include all necessary supportive activities related

1 to the preparation and administration of *the* injection, including  
2 glucose testing and monitoring.

3 (d) Notwithstanding Part 5.5 (commencing with Section 17700)  
4 of Division 9 of, and particularly subdivision (g) of Section 17710  
5 of, the Welfare and Institutions Code, a child's need to receive  
6 injections pursuant to this section shall not be the sole basis for  
7 determining that the child has a medical condition requiring  
8 specialized in-home health care.

9 (e) This section does not supersede the requirements of Section  
10 369.5 of the Welfare and Institutions Code, with respect to the  
11 administration of psychotropic medication to a dependent child of  
12 the court.

13 SEC. 12. Section 1520.1 of the Health and Safety Code is  
14 amended to read:

15 1520.1. In addition to Section 1520, applicants for a group  
16 home or short-term residential treatment center license shall meet  
17 the following requirements:

18 (a) (1) During the first 12 months of operation, the facility shall  
19 operate with a provisional license. After eight months of operation,  
20 the department shall conduct a comprehensive review of the facility  
21 for compliance with all applicable laws and regulations and help  
22 develop a plan of correction with the provisional licensee, if  
23 appropriate. By the end of the 12th month of operation, the  
24 department shall determine if the permanent license should be  
25 issued.

26 (2) If the department determines that the group home or  
27 short-term residential treatment center is in substantial compliance  
28 with licensing standards, notwithstanding Section 1525.5, the  
29 department may extend the provisional license for up to an  
30 additional six months for either of the following reasons:

31 (A) The group home or short-term residential treatment center  
32 requires additional time to be in full compliance with licensing  
33 standards.

34 (B) After 12 months of operation, the group home or short-term  
35 residential treatment center is not operating at 50 percent of its  
36 licensed capacity.

37 (3) By no later than the first business day of the 17th month of  
38 operation, the department shall conduct an additional review of a  
39 facility for which a provisional license is extended pursuant to

1 paragraph (2), in order to determine whether a permanent license  
2 should be issued.

3 (4) The department may deny a group home or short-term  
4 residential treatment center license application at any time during  
5 the term of the provisional license to protect the health and safety  
6 of clients. If the department denies the application, the group home  
7 or short-term residential treatment center shall cease operation  
8 immediately. Continued operation of the facility after the  
9 department denies the application or the provisional license expires  
10 shall constitute unlicensed operation.

11 (5) When the department notifies a city or county planning  
12 authority pursuant to subdivision (c) of Section 1520.5, the  
13 department shall briefly describe the provisional licensing process  
14 and the timelines provided for under that process, as well as provide  
15 the name, address, and telephone number of the district office  
16 licensing the facility where a complaint or comment about the  
17 group home's or short-term residential treatment center's operation  
18 may be filed.

19 (b) (1) After the production of the booklet provided for in  
20 paragraph (2), every member of the group home's board of  
21 directors or governing body and every member of a short-term  
22 residential treatment center's board of directors or governing body  
23 shall, prior to becoming a member of the board of directors or  
24 governing body sign a statement that he or she understands his or  
25 her legal duties and obligations as a member of the board of  
26 directors or governing body and that the group home's or  
27 short-term residential treatment center's operation is governed by  
28 laws and regulations that are enforced by the department, as set  
29 forth in the booklet. The applicant, provisional licensee, and  
30 licensee shall have this statement available for inspection by the  
31 department. For members of the board of directors or governing  
32 body when the booklet is produced, the licensee shall obtain this  
33 statement by the next scheduled meeting of the board of directors  
34 or governing body. Compliance with this paragraph shall be a  
35 condition of licensure.

36 (2) The department shall distribute to every group home provider  
37 and short-term residential treatment center provider, respectively,  
38 detailed information designed to educate members of the group  
39 home provider's or short-term residential treatment center  
40 provider's board of directors or governing body of their roles and

1 responsibilities as members of a public benefit corporation under  
 2 the laws of this state. The information shall be included in a  
 3 booklet, may be revised as deemed necessary by the department,  
 4 and shall include, but not be limited to, all of the following:

5 (A) The financial responsibilities of a member of the board of  
 6 directors or governing body.

7 (B) Disclosure requirements for self-dealing transactions.

8 (C) Legal requirements pertaining to articles of incorporation,  
 9 bylaws, length of member terms, voting procedures, board or  
 10 governing body meetings, quorums, minutes of meetings, and, as  
 11 provided for in subdivision (f), member duties.

12 (D) A general overview of the laws and regulations governing  
 13 the group home's or short-term residential treatment center's  
 14 operation that are enforced by the department.

15 (c) All financial records submitted by a facility to the  
 16 department, or that are submitted as part of an audit of the facility,  
 17 including, but not limited to, employee timecards and timesheets,  
 18 shall be signed and dated by the employee and by the group home  
 19 representative or short-term residential treatment center  
 20 representative who is responsible for ensuring the accuracy of the  
 21 information contained in the record, and shall contain an  
 22 affirmative statement that the signatories understand that the  
 23 information contained in the document is correct to the best of  
 24 their knowledge and that submission of false or misleading  
 25 information may be prosecuted as a crime.

26 (d) An applicant, provisional licensee, or licensee shall maintain,  
 27 submit, and sign financial documents to verify the legitimacy and  
 28 accuracy of these documents. These documents include, but are  
 29 not limited to, the group home or short-term residential treatment  
 30 center application, any financial documents and plans of corrections  
 31 submitted to the department, and time sheets.

32 (e) (1) It is the intent of the Legislature that a group home or  
 33 short-term residential treatment center have either representatives  
 34 on its board of directors, as listed in paragraph (2), or a community  
 35 advisory board, that meets at least annually.

36 (2) The representatives on the board of directors or the  
 37 community advisory board members should consist of at least the  
 38 following persons:

39 (A) A member of the facility's board of directors.

40 (B) Members of the community where the facility is located.

- 1 (C) Neighbors of the facility.
- 2 (D) Current or former clients of the facility.
- 3 (E) A representative from a local law enforcement or other city
- 4 or county representative.
- 5 (f) Each group home or short-term residential treatment center
- 6 provider shall schedule and conduct quarterly meetings of its board
- 7 of directors or governing body. During these quarterly meetings,
- 8 the board of directors or governing body shall review and discuss
- 9 licensing reports, financial and program audit reports of its group
- 10 home or short-term residential treatment center operations, special
- 11 incident reports, and any administrative action against the licensee
- 12 or its employees. The minutes shall reflect the board's or governing
- 13 body's discussion of these documents and the group home's or
- 14 short-term residential treatment center's operation. The licensee
- 15 shall make available the minutes of group home's or short-term
- 16 residential treatment center's board of directors or governing body
- 17 meetings to the department.

18 SEC. 13. Section 1522.2 of the Health and Safety Code is

19 amended to read:

20 1522.2. If a local law enforcement agency, a probation officer,

21 or a local department or agency that provides social services

22 becomes aware that an employee of a community treatment facility,

23 a day treatment facility, a group home, a short-term residential

24 treatment center, or a foster family agency has been arrested for

25 child abuse, as defined in Section 11165.6 of the Penal Code, after

26 determining that the potential for abuse is present and that the

27 employee is free to return to the facility where children are present,

28 the local law enforcement agency, probation officer, or local

29 department or agency shall notify the licensee of the charge of

30 abuse.

31 SEC. 14. Section 1522.4 of the Health and Safety Code is

32 amended to read:

33 1522.4. (a) In addition to any other requirements of this chapter

34 and except for foster family homes, small family homes, and

35 certified family homes of foster family agencies, all of the

36 following apply to any community care facility providing 24-hour

37 care for children:

38 (1) The facility shall have one or more facility managers.

39 "Facility manager," as used in this section, means a person on the

40 premises with the authority and responsibility necessary to manage

1 and control the day-to-day operation of a community care facility  
2 and supervise the clients. The facility manager, licensee, and  
3 administrator, or any combination thereof, may be the same person  
4 provided he or she meets all applicable requirements. If the  
5 administrator is also the facility manager for the same facility, this  
6 person shall be limited to the administration and management of  
7 only one facility.

8 (2) The facility manager shall have at least one year of  
9 experience working with the client group served, or equivalent  
10 education or experience, as determined by the department.

11 (3) A facility manager shall be at the facility at all times when  
12 one or more clients are present. To ensure adequate supervision  
13 of clients when clients are at the facility outside of their normal  
14 schedule, a current telephone number where the facility manager  
15 can be reached shall be provided to the clients, licensing agency,  
16 school, and any other agency or person as the department  
17 determines is necessary. The facility manager shall instruct these  
18 agencies and individuals to notify him or her when clients will be  
19 returning to the facility outside of the normal hours.

20 (4) The Legislature intends to upgrade the quality of care in  
21 licensed facilities. For the purposes of Sections 1533 and 1534,  
22 the licensed facility shall be inspected and evaluated for quality  
23 of care at least once each year, without advance notice and as often  
24 as necessary, without advance notice, to ensure the quality of care  
25 being provided.

26 Paragraphs (1), (2), and (3) shall apply only to new facilities  
27 licensed for six or fewer children which apply for a license after  
28 January 1, 1985, and all other new facilities licensed for seven or  
29 more children which apply for a license after January 1, 1988.  
30 Existing facilities licensed for seven or more children shall comply  
31 by January 1, 1989.

32 (b) No employee of the state or county employed in the  
33 administration of this chapter or employed in a position that is in  
34 any way concerned with facilities licensed under this chapter shall  
35 hold a license or have a direct or indirect financial interest in a  
36 facility described in subdivision (a).

37 The department, by regulation, shall make the determination  
38 pursuant to the purposes of this section and chapter, as to what  
39 employment is in the administration of this chapter or in any way

1 concerned with facilities licensed under this chapter and what  
2 financial interest is direct or indirect.

3 This subdivision does not prohibit the state or county from  
4 securing a license for, or operating, a facility that is otherwise  
5 required to be licensed under this chapter.

6 (c) (1) No group home, short-term residential treatment center,  
7 or foster family agency licensee, or employee, member of the board  
8 of directors, or officer of a group home, short-term residential  
9 treatment center, or foster family agency licensee, shall offer gifts  
10 or other remuneration of any type to any employee of the State  
11 Department of Social Services or placement agency that exceeds  
12 the monetary limits for gifts to employees of the State of California  
13 pursuant to Title 9 (commencing with Section 81000) of the  
14 Government Code and regulations adopted thereunder by the Fair  
15 Political Practices Commission.

16 (2) No employee of the department or a placement agency shall  
17 accept any gift or other remuneration of any type from a group  
18 home, short-term residential treatment center, or foster family  
19 agency licensee or employee, member of the board of directors,  
20 or officer of a group home, short-term residential treatment center,  
21 or foster family agency licensee that exceeds the monetary limits  
22 for gifts to employees of the State of California in Title 9  
23 (commencing with Section 81000) of the Government Code and  
24 regulations adopted thereunder by the Fair Political Practices  
25 Commission.

26 (3) Violation of this subdivision is punishable as a misdemeanor.

27 SEC. 15. Section 1522.41 of the Health and Safety Code is  
28 amended to read:

29 1522.41. (a) (1) The department, in consultation and  
30 collaboration with county placement officials, group home provider  
31 organizations, the Director of Health Care Services, and the  
32 Director of Developmental Services, shall develop and establish  
33 an administrator certification training program to ensure that  
34 administrators of group home facilities have appropriate training  
35 to provide the care and services for which a license or certificate  
36 is issued.

37 (2) The department shall develop and establish an administrator  
38 certification training program to ensure that administrators of  
39 short-term residential treatment center facilities have appropriate

1 training to provide the care and services for which a license or  
2 certificate is issued.

3 (b) (1) In addition to any other requirements or qualifications  
4 required by the department, an administrator of a group home or  
5 short-term residential treatment center shall successfully complete  
6 a department-approved training certification program, pursuant to  
7 subdivision (c), prior to employment. An administrator employed  
8 in a group home or short-term residential treatment center shall  
9 meet the requirements of paragraph (2) of subdivision (c).

10 (2) In those cases where the individual is both the licensee and  
11 the administrator of a facility, the individual shall comply with all  
12 of the licensee and administrator requirements of this section.

13 (3) Failure to comply with this section shall constitute cause for  
14 revocation of the license of the facility.

15 (4) The licensee shall notify the department within 10 days of  
16 any change in administrators.

17 (c) (1) The administrator certification programs shall require  
18 a minimum of 40 hours of classroom instruction that provides  
19 training on a uniform core of knowledge in each of the following  
20 areas:

21 (A) Laws, regulations, and policies and procedural standards  
22 that impact the operations of the type of facility for which the  
23 applicant will be an administrator.

24 (B) Business operations.

25 (C) Management and supervision of staff.

26 (D) Psychosocial and educational needs of the facility residents.

27 (E) Community and support services.

28 (F) Physical needs for facility residents.

29 (G) Administration, storage, misuse, and interaction of  
30 medication used by facility residents.

31 (H) Resident admission, retention, and assessment procedures,  
32 including the right of a foster child to have fair and equal access  
33 to all available services, placement, care, treatment, and benefits,  
34 and to not be subjected to discrimination or harassment on the  
35 basis of actual or perceived race, ethnic group identification,  
36 ancestry, national origin, color, religion, sex, sexual orientation,  
37 gender identity, mental or physical disability, or HIV status.

38 (I) Instruction on cultural competency and sensitivity relating  
39 to, and best practices for, providing adequate care to lesbian, gay,  
40 bisexual, and transgender youth in out-of-home care.

1 (J) Nonviolent emergency intervention and reporting  
2 requirements.

3 (K) Basic instruction on the existing laws and procedures  
4 regarding the safety of foster youth at school and the ensuring of  
5 a harassment- and violence-free school environment contained in  
6 the School Safety and Violence Prevention Act (Article 3.6  
7 (commencing with Section 32228) of Chapter 2 of Part 19 of  
8 Division 1 of Title 1 of the Education Code).

9 (2) The department shall adopt separate program requirements  
10 for initial certification for persons who are employed as group  
11 home administrators on the effective date of this section. A person  
12 employed as an administrator of a group home facility on the  
13 effective date of this section shall obtain a certificate by completing  
14 the training and testing requirements imposed by the department  
15 within 12 months of the effective date of the regulations  
16 implementing this section. After the effective date of this section,  
17 these administrators shall meet the requirements imposed by the  
18 department on all other group home administrators for certificate  
19 renewal.

20 (3) The department shall adopt a separate administrator  
21 certification training program for group home administrators who  
22 desire to become short-term residential treatment center  
23 administrators.

24 (4) Individuals applying for administrator certification under  
25 this section shall successfully complete an approved administrator  
26 certification training program, pass a written test administered by  
27 the department within 60 days of completing the program, and  
28 submit to the department the documentation required by  
29 subdivision (d) within 30 days after being notified of having passed  
30 the test. The department may extend these time deadlines for good  
31 cause. The department shall notify the applicant of his or her test  
32 results within 30 days of administering the test.

33 (d) The department shall not begin the process of issuing a  
34 certificate until receipt of all of the following:

35 (1) A certificate of completion of the administrator training  
36 required pursuant to this chapter.

37 (2) The fee required for issuance of the certificate. A fee of one  
38 hundred dollars (\$100) shall be charged by the department to cover  
39 the costs of processing the application for certification.

1 (3) Documentation from the applicant that he or she has passed  
2 the written test.

3 (4) Submission of fingerprints pursuant to Section 1522. The  
4 department may waive the submission for those persons who have  
5 a current clearance on file.

6 (5) That person is at least 21 years of age.

7 (e) It shall be unlawful for any person not certified under this  
8 section to hold himself or herself out as a certified administrator  
9 of a group home or short-term residential treatment center. Any  
10 person willfully making any false representation as being a certified  
11 administrator or facility manager is guilty of a misdemeanor.

12 (f) (1) Certificates issued under this section shall be renewed  
13 every two years and renewal shall be conditional upon the  
14 certificate holder submitting documentation of completion of 40  
15 hours of continuing education related to the core of knowledge  
16 specified in subdivision (c). No more than one-half of the required  
17 40 hours of continuing education necessary to renew the certificate  
18 may be satisfied through online courses. All other continuing  
19 education hours shall be completed in a classroom setting. For  
20 purposes of this section, an individual who is a group home or  
21 short-term residential treatment center administrator and who is  
22 required to complete the continuing education hours required by  
23 the regulations of the State Department of Developmental Services,  
24 and approved by the regional center, may have up to 24 of the  
25 required continuing education course hours credited toward the  
26 40-hour continuing education requirement of this section. The  
27 department shall accept for certification, community college course  
28 hours approved by the regional centers.

29 (2) Every administrator of a group home or short-term residential  
30 treatment center shall complete the continuing education  
31 requirements of this subdivision.

32 (3) Certificates issued under this section shall expire every two  
33 years on the anniversary date of the initial issuance of the  
34 certificate, except that any administrator receiving his or her initial  
35 certification on or after July 1, 1999, shall make an irrevocable  
36 election to have his or her recertification date for any subsequent  
37 recertification either on the date two years from the date of issuance  
38 of the certificate or on the individual's birthday during the second  
39 calendar year following certification. The department shall send  
40 a renewal notice to the certificate holder 90 days prior to the

1 expiration date of the certificate. If the certificate is not renewed  
2 prior to its expiration date, reinstatement shall only be permitted  
3 after the certificate holder has paid a delinquency fee equal to three  
4 times the renewal fee and has provided evidence of completion of  
5 the continuing education required.

6 (4) To renew a certificate, the certificate holder shall, on or  
7 before the certificate expiration date, request renewal by submitting  
8 to the department documentation of completion of the required  
9 continuing education courses and pay the renewal fee of one  
10 hundred dollars (\$100), irrespective of receipt of the department's  
11 notification of the renewal. A renewal request postmarked on or  
12 before the expiration of the certificate shall be proof of compliance  
13 with this paragraph.

14 (5) A suspended or revoked certificate shall be subject to  
15 expiration as provided for in this section. If reinstatement of the  
16 certificate is approved by the department, the certificate holder,  
17 as a condition precedent to reinstatement, shall submit proof of  
18 compliance with paragraphs (1) and (2) of this subdivision, and  
19 shall pay a fee in an amount equal to the renewal fee, plus the  
20 delinquency fee, if any, accrued at the time of its revocation or  
21 suspension. Delinquency fees, if any, accrued subsequent to the  
22 time of its revocation or suspension and prior to an order for  
23 reinstatement, shall be waived for a period of 12 months to allow  
24 the individual sufficient time to complete the required continuing  
25 education units and to submit the required documentation.  
26 Individuals whose certificates will expire within 90 days after the  
27 order for reinstatement may be granted a three-month extension  
28 to renew their certificates during which time the delinquency fees  
29 shall not accrue.

30 (6) A certificate that is not renewed within four years after its  
31 expiration shall not be renewed, restored, reissued, or reinstated  
32 except upon completion of a certification training program, passing  
33 any test that may be required of an applicant for a new certificate  
34 at that time, and paying the appropriate fees provided for in this  
35 section.

36 (7) A fee of twenty-five dollars (\$25) shall be charged for the  
37 reissuance of a lost certificate.

38 (8) A certificate holder shall inform the department of his or  
39 her employment status and change of mailing address within 30  
40 days of any change.

1 (g) Unless otherwise ordered by the department, the certificate  
2 shall be considered forfeited under either of the following  
3 conditions:

4 (1) The department has revoked any license held by the  
5 administrator after the department issued the certificate.

6 (2) The department has issued an exclusion order against the  
7 administrator pursuant to Section 1558, 1568.092, 1569.58, or  
8 1596.8897, after the department issued the certificate, and the  
9 administrator did not appeal the exclusion order or, after the appeal,  
10 the department issued a decision and order that upheld the  
11 exclusion order.

12 (h) (1) The department, in consultation and collaboration with  
13 county placement officials, provider organizations, the State  
14 Department of Health Care Services, and the State Department of  
15 Developmental Services, shall establish, by regulation, the program  
16 content, the testing instrument, the process for approving  
17 administrator certification training programs, and criteria to be  
18 used in authorizing individuals, organizations, or educational  
19 institutions to conduct certification training programs and  
20 continuing education courses. The department may also grant  
21 continuing education hours for continuing courses offered by  
22 accredited educational institutions that are consistent with the  
23 requirements in this section. The department may deny vendor  
24 approval to any agency or person in any of the following  
25 circumstances:

26 (A) The applicant has not provided the department with evidence  
27 satisfactory to the department of the ability of the applicant to  
28 satisfy the requirements of vendorization set out in the regulations  
29 adopted by the department pursuant to subdivision (j).

30 (B) The applicant person or agency has a conflict of interest in  
31 that the person or agency places its clients in group homes or  
32 short-term residential treatment centers.

33 (C) The applicant public or private agency has a conflict of  
34 interest in that the agency is mandated to place clients in group  
35 homes or short-term residential treatment centers and to pay  
36 directly for the services. The department may deny vendorization  
37 to this type of agency only as long as there are other vendor  
38 programs available to conduct the certification training programs  
39 and conduct education courses.

1 (2) The department may authorize vendors to conduct the  
2 administrator’s certification training program pursuant to this  
3 section. The department shall conduct the written test pursuant to  
4 regulations adopted by the department.

5 (3) The department shall prepare and maintain an updated list  
6 of approved training vendors.

7 (4) The department may inspect administrator certification  
8 training programs and continuing education courses, including  
9 online courses, at no charge to the department, to determine if  
10 content and teaching methods comply with regulations. If the  
11 department determines that any vendor is not complying with the  
12 requirements of this section, the department shall take appropriate  
13 action to bring the program into compliance, which may include  
14 removing the vendor from the approved list.

15 (5) The department shall establish reasonable procedures and  
16 timeframes not to exceed 30 days for the approval of vendor  
17 training programs.

18 (6) The department may charge a reasonable fee, not to exceed  
19 one hundred fifty dollars (\$150) every two years, to certification  
20 program vendors for review and approval of the initial 40-hour  
21 training program pursuant to subdivision (c). The department may  
22 also charge the vendor a fee, not to exceed one hundred dollars  
23 (\$100) every two years, for the review and approval of the  
24 continuing education courses needed for recertification pursuant  
25 to this subdivision.

26 (7) (A) A vendor of online programs for continuing education  
27 shall ensure that each online course contains all of the following:

28 (i) An interactive portion in which the participant receives  
29 feedback, through online communication, based on input from the  
30 participant.

31 (ii) Required use of a personal identification number or personal  
32 identification information to confirm the identity of the participant.

33 (iii) A final screen displaying a printable statement, to be signed  
34 by the participant, certifying that the identified participant  
35 completed the course. The vendor shall obtain a copy of the final  
36 screen statement with the original signature of the participant prior  
37 to the issuance of a certificate of completion. The signed statement  
38 of completion shall be maintained by the vendor for a period of  
39 three years and be available to the department upon demand. Any

1 person who certifies as true any material matter pursuant to this  
2 clause that he or she knows to be false is guilty of a misdemeanor.

3 (B) Nothing in this subdivision shall prohibit the department  
4 from approving online programs for continuing education that do  
5 not meet the requirements of subparagraph (A) if the vendor  
6 demonstrates to the department's satisfaction that, through  
7 advanced technology, the course and the course delivery meet the  
8 requirements of this section.

9 (i) The department shall establish a registry for holders of  
10 certificates that shall include, at a minimum, information on  
11 employment status and criminal record clearance.

12 (j) Subdivisions (b) to (i), inclusive, shall be implemented upon  
13 regulations being adopted by the department, by January 1, 2000.

14 (k) Notwithstanding any provision of law to the contrary,  
15 vendors approved by the department who exclusively provide  
16 either initial or continuing education courses for certification of  
17 administrators of a group home or short-term residential treatment  
18 center as defined by regulations of the department, an adult  
19 residential facility as defined by regulations of the department, or  
20 a residential care facility for the elderly as defined in subdivision  
21 (k) of Section 1569.2, shall be regulated solely by the department  
22 pursuant to this chapter. No other state or local governmental entity  
23 shall be responsible for regulating the activity of those vendors.

24 SEC. 16. Section 1522.43 of the Health and Safety Code is  
25 amended to read:

26 1522.43. (a) (1) For the duties the department imposes on a  
27 group home administrator or short-term residential treatment center  
28 administrator in this chapter and in regulations adopted by the  
29 department, every group home and short-term residential treatment  
30 center shall state in its plan of operation, the number of hours per  
31 week that the administrator shall spend completing those duties  
32 and how the group home administrator or short-term residential  
33 treatment center administrator shall accomplish those duties,  
34 including use of support personnel.

35 (2) For initial applicants, the information in paragraph (1) shall  
36 be contained in the plan of operation submitted to the department  
37 in the application.

38 (3) For current licensees, the licensee shall submit an amended  
39 plan of operation that contains the information required by  
40 paragraph (1) within six months of the effective date of this section.

1 For changes in the group home administrator duties imposed by  
2 the department in this chapter or in regulations, a current licensee  
3 shall have six months after the effective date of those duties to  
4 submit an amended plan of operation to reflect the new  
5 administrator duties.

6 (b) (1) The department may review a group home's or  
7 short-term residential treatment center's plan of operation to  
8 determine if the plan of operation is sufficient to ensure that the  
9 facility will operate in compliance with applicable licensing laws  
10 and regulations. As part of the review, the department may request  
11 that a peer review panel review the plan of operation for a group  
12 home as prescribed in paragraph (2), or for a short-term residential  
13 treatment center as prescribed in paragraph (3).

14 (2) The peer review panel shall consist of two representatives  
15 from the department, *including one from the unit that governs*  
16 *programs and one from the unit that governs licensing*, a qualified  
17 group home administrator, an experienced group home provider  
18 in good standing, and a member or members from the placement  
19 agency or agencies that place children in group ~~homes~~: *homes,*  
20 *and may also include the local county behavioral health*  
21 *department, as appropriate.*

22 (3) The peer review panel shall consist of two representatives  
23 from the department, *including one from the unit that governs*  
24 *programs and one from the unit that governs licensing*, a qualified  
25 short-term residential treatment center administrator, a short-term  
26 residential treatment center provider in good standing, and a  
27 member or members from the placement agency or agencies that  
28 place children in short-term residential treatment ~~centers~~: *centers,*  
29 *and may also include the local county behavioral health*  
30 *department, as appropriate.*

31 (c) A group home or short-term residential treatment center  
32 shall develop a daily schedule of activities for the children at the  
33 facility. The facility shall have this schedule available for  
34 inspection by the department. The activities in which the children  
35 are scheduled to participate shall be designed to meet the needs of  
36 the individual child, and shall be based on that child's needs and  
37 services plan.

38 SEC. 17. Section 1524.6 of the Health and Safety Code is  
39 amended to read:

1 1524.6. (a) In addition to any other requirement of this chapter,  
2 any group home or short-term residential treatment center, as  
3 defined by regulations of the department, providing care for any  
4 number of persons, that is not already subject to the requirements  
5 of Section 1524.5, shall provide a procedure approved by the  
6 licensing agency for immediate response to incidents and  
7 complaints, as defined by regulations of the department. This  
8 procedure shall include a method of ensuring that the owner,  
9 licensee, or person designated by the owner or licensee is notified  
10 of the incident or complaint, that the owner, licensee, or person  
11 designated by the owner or licensee has personally investigated  
12 the matter, and that the person making the complaint or reporting  
13 the incident has received a written response, within 30 days of  
14 receiving the complaint, of action taken, or a reason why no action  
15 needs to be taken.

16 (b) In order to ensure the opportunity for complaints to be made  
17 directly to the owner, licensee, or person designated by the owner  
18 or licensee, and to provide the opportunity for the owner, licensee,  
19 or person designated by the owner or licensee to meet  
20 neighborhood residents and learn of problems in the neighborhood,  
21 any group home or short-term residential treatment center shall  
22 establish a fixed time on a periodic basis when the owner, licensee,  
23 or person designated by the owner or licensee will be present. At  
24 this fixed time, information shall be provided to neighborhood  
25 residents of the complaint procedure pursuant to Section 1538.

26 (c) Facilities shall establish procedures to comply with the  
27 requirements of this section on or before July 1, 2005.

28 (d) This section shall not apply to family homes certified by  
29 foster family agencies, foster family homes, and small family  
30 homes. It is not the intent of the Legislature that this section be  
31 applied in a way that is contrary to the child's best interests.

32 SEC. 18. Section 1529.2 of the Health and Safety Code is  
33 amended to read:

34 1529.2. (a) In addition to the foster parent training provided  
35 by community colleges, foster family agencies shall provide a  
36 program of training for their certified foster families.

37 (b) (1) Every licensed foster parent shall complete a minimum  
38 of 12 hours of foster parent training, as prescribed in paragraph  
39 (3), before the placement of any foster children with the foster  
40 parent. In addition, a foster parent shall complete a minimum of

1 eight hours of foster parent training annually, as prescribed in  
2 paragraph (4). No child shall be placed in a foster family home  
3 unless these requirements are met by the persons in the home who  
4 are serving as the foster parents.

5 (2) (A) Upon the request of the foster parent for a hardship  
6 waiver from the postplacement training requirement or a request  
7 for an extension of the deadline, the county may, at its option, on  
8 a case-by-case basis, waive the postplacement training requirement  
9 or extend any established deadline for a period not to exceed one  
10 year, if the postplacement training requirement presents a severe  
11 and unavoidable obstacle to continuing as a foster parent. Obstacles  
12 for which a county may grant a hardship waiver or extension are:

- 13 (i) Lack of access to training due to the cost or travel required.
- 14 (ii) Family emergency.

15 (B) Before a waiver or extension may be granted, the foster  
16 parent should explore the opportunity of receiving training by  
17 video or written materials.

18 (3) The initial preplacement training shall include, but not be  
19 limited to, training courses that cover all of the following:

- 20 (A) An overview of the child protective system.
- 21 (B) The effects of child abuse and neglect on child development.
- 22 (C) Positive discipline and the importance of self-esteem.
- 23 (D) Health issues in foster care.
- 24 (E) Accessing education and health services available to foster  
25 children.

26 (F) The right of a foster child to have fair and equal access to  
27 all available services, placement, care, treatment, and benefits, and  
28 to not be subjected to discrimination or harassment on the basis  
29 of actual or perceived race, ethnic group identification, ancestry,  
30 national origin, color, religion, sex, sexual orientation, gender  
31 identity, mental or physical disability, or HIV status.

32 (G) Instruction on cultural competency and sensitivity relating  
33 to, and best practices for, providing adequate care to lesbian, gay,  
34 bisexual, and transgender youth in out-of-home care.

35 (H) Basic instruction on the existing laws and procedures  
36 regarding the safety of foster youth at school and the ensuring of  
37 a ~~harassment and violence-free~~ *harassment- and violence-free*  
38 school environment contained in the ~~School Safety and Violence~~  
39 ~~Prevention Act (Article~~ *Article* 3.6 (commencing with Section

1 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the  
2 Education-Code): Code.

3 (4) The postplacement annual training shall include, but not be  
4 limited to, training courses that cover all of the following:

- 5 (A) Age-appropriate child development.
- 6 (B) Health issues in foster care.
- 7 (C) Positive discipline and the importance of self-esteem.
- 8 (D) Emancipation and independent living skills if a foster parent  
9 is caring for youth.

10 (E) The right of a foster child to have fair and equal access to  
11 all available services, placement, care, treatment, and benefits, and  
12 to not be subjected to discrimination or harassment on the basis  
13 of actual or perceived race, ethnic group identification, ancestry,  
14 national origin, color, religion, sex, sexual orientation, gender  
15 identity, mental or physical disability, or HIV status.

16 (F) Instruction on cultural competency and sensitivity relating  
17 to, and best practices for, providing adequate care to lesbian, gay,  
18 bisexual, and transgender youth in out-of-home care.

19 (5) Foster parent training may be attained through a variety of  
20 sources, including community colleges, counties, hospitals, foster  
21 parent associations, the California State Foster Parent Association’s  
22 Conference, adult schools, and certified foster parent instructors.

23 (6) A candidate for placement of foster children shall submit a  
24 certificate of training to document completion of the training  
25 requirements. The certificate shall be submitted with the initial  
26 consideration for placements and provided at the time of the annual  
27 visit by the licensing agency thereafter.

28 (c) Nothing in this section shall preclude a county from requiring  
29 county-provided preplacement or postplacement foster parent  
30 training in excess of the requirements in this section.

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

34 SEC. 19. Section 1529.2 is added to the Health and Safety  
35 Code, to read:

36 1529.2. (a) It is the intent of the Legislature that all foster  
37 parents have the necessary knowledge, skills, and abilities to  
38 support the safety, permanency, and well-being of children in foster  
39 care. Initial and ongoing preparation and training of foster parents  
40 should support the foster parent’s role in parenting vulnerable

1 children, youth, and young adults, including supporting the  
2 children’s connection with their families. Their training should be  
3 ongoing in order to provide foster parents with information on new  
4 practices and requirements and other helpful topics within the child  
5 welfare system and may be offered in a classroom setting, online,  
6 or individually.

7 ~~(b) Prior to licensing or certification, training shall include, but~~  
8 ~~not be limited to, the following topics:~~

9 ~~(1) An overview of the child protective system.~~

10 ~~(2) The effects of trauma, including child abuse or neglect on~~  
11 ~~child development and behavior.~~

12 ~~(3) Positive discipline and the importance of self-esteem.~~

13 ~~(4) Health issues in foster care, including the administration of~~  
14 ~~psychotropic and other medications.~~

15 ~~(5) Accessing education, health, and behavioral health services~~  
16 ~~available to foster children.~~

17 ~~(6) The rights of a child in foster care, and the foster parent’s~~  
18 ~~responsibility to safeguard those rights, including the right to have~~  
19 ~~fair and equal access to all available services, placement, care,~~  
20 ~~treatment, and benefits, and to not be subjected to discrimination~~  
21 ~~or harassment on the basis of actual or perceived race, ethnic group~~  
22 ~~identification, ancestry, national origin, color, religion, sex, sexual~~  
23 ~~orientation, gender identity, mental or physical disability, or HIV~~  
24 ~~status.~~

25 ~~(7) Cultural needs of children, including instruction on cultural~~  
26 ~~competency and respect relating to, and best practices for,~~  
27 ~~providing adequate care to lesbian, gay, bisexual, and transgender~~  
28 ~~youth in out-of-home care.~~

29 ~~(8) Basic instruction on existing laws and procedures regarding~~  
30 ~~the safety of foster youth at school; and ensuring a harassment and~~  
31 ~~violence free school environment pursuant to the School Safety~~  
32 ~~and Violence Prevention Act (Article 3.6 (commencing with~~  
33 ~~Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of~~  
34 ~~the Education Code).~~

35 ~~(9) Permanence and well-being needs of children.~~

36 ~~(10) Child and adolescent development.~~

37 ~~(11) The role of foster parents, including working cooperatively~~  
38 ~~with the child welfare agency, the child’s family, and other service~~  
39 ~~providers implementing the case plan.~~

1 ~~(12) A foster parent's responsibility to act as a reasonable and~~  
 2 ~~prudent parent; and to maintain the least restrictive, most~~  
 3 ~~family-like environment that serves the needs of the child.~~

4 ~~(e) In addition to the initial requirements contained in~~  
 5 ~~subdivision (b), a~~

6 *(b) A licensed or certified foster parent shall complete a*  
 7 *minimum number of eight training hours annually, a portion of*  
 8 *which shall be from one or more of the following topics, as*  
 9 *prescribed by the department, pursuant to subdivision (a):*

- 10 (1) Age-appropriate child and adolescent development.  
 11 (2) Health issues in foster care, including the administration of  
 12 psychotropic and other medications.  
 13 (3) Positive discipline and the importance of self-esteem.  
 14 (4) Preparation for youth and young adults for a successful  
 15 transition to adulthood.  
 16 (5) The right of a foster child to have fair and equal access to  
 17 all available services, placement, care, treatment, and benefits, and  
 18 to not be subjected to discrimination or harassment on the basis  
 19 of actual or perceived race, ethnic group identification, ancestry,  
 20 national origin, color, religion, sex, sexual orientation, gender  
 21 identity, mental or physical disability, or HIV status.  
 22 (6) Instruction on cultural competency and respect relating to,  
 23 and best practices for, providing adequate care to lesbian, gay,  
 24 bisexual, and transgender youth in out-of-home care.

25 ~~(d)~~  
 26 *(c) No child shall be placed with a foster parent unless each*  
 27 *foster parent in the home meets the requirements of this section.*

28 ~~(e)~~  
 29 *(d) (1) Upon the request of the licensed or certified foster parent*  
 30 *for a hardship waiver from the annual training requirement or a*  
 31 *request for an extension of the deadline, the county may, at its*  
 32 *option, on a case-by-case basis, waive the training requirement or*  
 33 *extend any established deadline for a period not to exceed one*  
 34 *year, if the training requirement presents a severe and unavoidable*  
 35 *obstacle to continuing as a foster parent.*

36 (2) Obstacles for which a county may grant a hardship waiver  
 37 or extension are:

38 (A) ~~Lack of access to training due to the cost or travel required.~~  
 39 *required or lack of child care to participate in the training, when*  
 40 *online resources are not available.*

1 (B) Family emergency.

2 (3) Before a waiver or extension may be granted, the licensed  
3 or certified foster parent should explore the opportunity of  
4 receiving training online or by video or written materials.

5 ~~(f)~~

6 (e) (1) Foster parent training may be obtained through sources  
7 that include, but are not necessarily limited to, community colleges,  
8 counties, hospitals, foster parent associations, the California State  
9 Foster Parent Association's Conference, *online resources*, adult  
10 schools, and certified foster parent instructors.

11 (2) In addition to the foster parent training provided by  
12 community colleges, foster family agencies shall provide a program  
13 of training for their certified foster families.

14 ~~(g)~~

15 (f) (1) Training certificates shall be submitted to the appropriate  
16 licensing or foster family agency.

17 ~~(1) A foster parent applicant shall submit a certificate of  
18 completion of training as a precondition of licensure or  
19 certification.~~

20 (2) Upon completion, a licensed or certified parent shall submit  
21 a certificate of completion for the annual training requirements.

22 ~~(h)~~

23 (g) Nothing in this section shall preclude a county or a foster  
24 family agency from requiring foster parent training in excess of  
25 the requirements in this section.

26 ~~(i)~~

27 (h) This section shall become operative on January 1, 2017.

28 SEC. 20. Section 1530.7 of the Health and Safety Code is  
29 amended to read:

30 1530.7. (a) Group homes, short-term residential treatment  
31 centers, foster family agencies, small family homes, transitional  
32 housing placement providers, and crisis nurseries licensed pursuant  
33 to this chapter shall maintain a smoke-free environment in the  
34 facility.

35 (b) A person who is licensed or certified pursuant to this chapter  
36 to provide residential care in a foster family home or certified  
37 family home shall not smoke or permit any other person to smoke  
38 inside the facility, and, when the child is present, on the outdoor  
39 grounds of the facility.

1 (c) A person who is licensed or certified pursuant to this chapter  
2 to provide residential foster care shall not smoke in any motor  
3 vehicle that is regularly used to transport the child.

4 SEC. 21. Section 1530.8 of the Health and Safety Code is  
5 amended to read:

6 1530.8. (a) (1) The department shall adopt regulations for  
7 community care facilities licensed as group homes, and for  
8 temporary shelter care facilities as defined in subdivision (c), that  
9 care for dependent children, children placed by a regional center,  
10 or voluntary placements, who are younger than six years of age.  
11 The department shall adopt these regulations after assessing the  
12 needs of this population and developing standards pursuant to  
13 Section 11467.1 of the Welfare and Institutions Code. To the extent  
14 that the department determines they are necessary, the department  
15 may adopt regulations under this section that apply to short-term  
16 residential treatment centers that care for children younger than  
17 six years of age.

18 (2) The department shall adopt regulations under this section  
19 that apply to minor parent programs serving children younger than  
20 six years of age who reside in a group home with a minor parent  
21 who is the primary caregiver of the child. To the extent that the  
22 department determines they are necessary, the department may  
23 adopt regulations under this section that apply to short-term  
24 residential treatment centers that provide minor parent programs  
25 serving children younger than six years of age.

26 (3) To the extent that the department determines they are  
27 necessary, the department shall adopt regulations under this section  
28 that apply to group homes or short-term residential treatment  
29 centers that care for dependent children who are 6 to 12 years of  
30 age, inclusive. In order to determine whether such regulations are  
31 necessary, and what any resulting standards should include, the  
32 department shall consult with interested parties that include, but  
33 are not limited to, representatives of current and former foster  
34 youth, advocates for children in foster care, county welfare and  
35 mental health directors, chief probation officers, representatives  
36 of care providers, experts in child development, and representatives  
37 of the Legislature. The standards may provide normative guidelines  
38 differentiated by the needs specific to children in varying age  
39 ranges that fall between 6 and 12 years of age, inclusive. Prior to

1 adopting regulations, the department shall submit for public  
2 comment, by July 1, 2016, any proposed regulations.

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

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

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

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

16 SEC. 22. Section 1531.1 of the Health and Safety Code is  
17 amended to read:

18 1531.1. (a) A residential facility licensed as an adult residential  
19 facility, group home, short-term residential treatment center, small  
20 family home, foster family home, or a family home certified by a  
21 foster family agency may install and utilize delayed egress devices  
22 of the time delay type.

23 (b) As used in this section, “delayed egress device” means a  
24 device that precludes the use of exits for a predetermined period  
25 of time. These devices shall not delay any resident’s departure  
26 from the facility for longer than 30 seconds.

27 (c) Within the 30 seconds of delay, facility staff may attempt  
28 to redirect a resident who attempts to leave the facility.

29 (d) Any person accepted by a residential facility or family home  
30 certified by a foster family agency utilizing delayed egress devices  
31 shall meet all of the following conditions:

32 (1) The person shall have a developmental disability as defined  
33 in Section 4512 of the Welfare and Institutions Code.

34 (2) The person shall be receiving services and case management  
35 from a regional center under the Lanterman Developmental  
36 Disabilities Services Act (Division 4.5 (commencing with Section  
37 4500) of the Welfare and Institutions Code).

38 (3) An interdisciplinary team, through the Individual Program  
39 Plan (IPP) process pursuant to Section 4646.5 of the Welfare and  
40 Institutions Code, shall have determined that the person lacks

1 hazard awareness or impulse control and requires the level of  
2 supervision afforded by a facility equipped with delayed egress  
3 devices, and that but for this placement, the person would be at  
4 risk of admission to, or would have no option but to remain in, a  
5 more restrictive state hospital or state developmental center  
6 placement.

7 (e) The facility shall be subject to all fire and building codes,  
8 regulations, and standards applicable to residential care facilities  
9 for the elderly utilizing delayed egress devices, and shall receive  
10 approval by the county or city fire department, the local fire  
11 prevention district, or the State Fire Marshal for the installed  
12 delayed egress devices.

13 (f) The facility shall provide staff training regarding the use and  
14 operation of the egress control devices utilized by the facility,  
15 protection of residents' personal rights, lack of hazard awareness  
16 and impulse control behavior, and emergency evacuation  
17 procedures.

18 (g) The facility shall develop a plan of operation approved by  
19 the State Department of Social Services that includes a description  
20 of how the facility is to be equipped with egress control devices  
21 that are consistent with regulations adopted by the State Fire  
22 Marshal pursuant to Section 13143.

23 (h) The plan shall include, but shall not be limited to, all of the  
24 following:

25 (1) A description of how the facility will provide training for  
26 staff regarding the use and operation of the egress control devices  
27 utilized by the facility.

28 (2) A description of how the facility will ensure the protection  
29 of the residents' personal rights consistent with Sections 4502,  
30 4503, and 4504 of the Welfare and Institutions Code.

31 (3) A description of how the facility will manage the person's  
32 lack of hazard awareness and impulse control behavior.

33 (4) A description of the facility's emergency evacuation  
34 procedures.

35 (i) Delayed egress devices shall not substitute for adequate staff.  
36 Except for facilities operating in accordance with Section 1531.15,  
37 the capacity of the facility shall not exceed six residents.

38 (j) Emergency fire and earthquake drills shall be conducted at  
39 least once every three months on each shift, and shall include all  
40 facility staff providing resident care and supervision on each shift.

1 SEC. 23. Section 1531.15 of the Health and Safety Code is  
2 amended to read:

3 1531.15. (a) A licensee of an adult residential facility,  
4 short-term residential treatment center, or group home for no more  
5 than 15 residents, that is eligible for and serving clients eligible  
6 for federal Medicaid funding and utilizing delayed egress devices  
7 pursuant to Section 1531.1, may install and utilize secured  
8 perimeters in accordance with the provisions of this section.

9 (b) As used in this section, “secured perimeters” means fences  
10 that meet the requirements prescribed by this section.

11 (c) Only individuals meeting all of the following conditions  
12 may be admitted to or reside in a facility described in subdivision

13 (a) utilizing secured perimeters:

14 (1) The person shall have a developmental disability as defined  
15 in Section 4512 of the Welfare and Institutions Code.

16 (2) The person shall be receiving services and case management  
17 from a regional center under the Lanterman Developmental  
18 Disabilities Services Act (Division 4.5 (commencing with Section  
19 4500) of the Welfare and Institutions Code).

20 (3) (A) The person shall be 14 years of age or older, except as  
21 specified in subparagraph (B).

22 (B) Notwithstanding subparagraph (A), a child who is at least  
23 10 years of age and less than 14 years of age may be placed in a  
24 licensed group home or short-term residential treatment center  
25 described in subdivision (a) using secured perimeters only if both  
26 of the following occur:

27 (i) A comprehensive assessment is conducted and an individual  
28 program plan meeting is convened to determine the services and  
29 supports needed for the child to receive services in a less restrictive,  
30 unlocked residential setting in California, and the regional center  
31 requests assistance from the State Department of Developmental  
32 Services’ statewide specialized resource service to identify options  
33 to serve the child in a less restrictive, unlocked residential setting  
34 in California.

35 (ii) The regional center requests placement of the child in a  
36 licensed group home or short-term residential treatment center  
37 described in subdivision (a) using secured perimeters on the basis  
38 that the placement is necessary to prevent out-of-state placement  
39 or placement in a more restrictive, locked residential setting and

1 the State Department of Developmental Services approves the  
 2 request.

3 (4) The person is not a foster child under the jurisdiction of the  
 4 juvenile court pursuant to Section 300, 450, 601, or 602 of the  
 5 Welfare and Institutions Code.

6 (5) An interdisciplinary team, through the individual program  
 7 plan (IPP) process pursuant to Section 4646.5 of the Welfare and  
 8 Institutions Code, shall have determined the person lacks hazard  
 9 awareness or impulse control and, for his or her safety and security,  
 10 requires the level of supervision afforded by a facility equipped  
 11 with secured perimeters, and, but for this placement, the person  
 12 would be at risk of admission to, or would have no option but to  
 13 remain in, a more restrictive placement. The individual program  
 14 planning team shall determine the continued appropriateness of  
 15 the placement at least annually.

16 (d) The licensee shall be subject to all applicable fire and  
 17 building codes, regulations, and standards, and shall receive  
 18 approval by the county or city fire department, the local fire  
 19 prevention district, or the State Fire Marshal for the installed  
 20 secured perimeters.

21 (e) The licensee shall provide staff training regarding the use  
 22 and operation of the secured perimeters, protection of residents’  
 23 personal rights, lack of hazard awareness and impulse control  
 24 behavior, and emergency evacuation procedures.

25 (f) The licensee shall revise its facility plan of operation. These  
 26 revisions shall first be approved by the State Department of  
 27 Developmental Services. The plan of operation shall not be  
 28 approved by the State Department of Social Services unless the  
 29 licensee provides certification that the plan was approved by the  
 30 State Department of Developmental Services. The plan shall  
 31 include, but not be limited to, all of the following:

32 (1) A description of how the facility is to be equipped with  
 33 secured perimeters that are consistent with regulations adopted by  
 34 the State Fire Marshal pursuant to Section 13143.6.

35 (2) A description of how the facility will provide training for  
 36 staff.

37 (3) A description of how the facility will ensure the protection  
 38 of the residents’ personal rights consistent with Sections 4502,  
 39 4503, and 4504 of the Welfare and Institutions Code, and any

1 applicable personal rights provided in Title 22 of the California  
2 Code of Regulations.

3 (4) A description of how the facility will manage residents' lack  
4 of hazard awareness and impulse control behavior.

5 (5) A description of the facility's emergency evacuation  
6 procedures.

7 (g) Secured perimeters shall not substitute for adequate staff.

8 (h) Emergency fire and earthquake drills shall be conducted on  
9 each shift in accordance with existing licensing requirements, and  
10 shall include all facility staff providing resident care and  
11 supervision on each shift.

12 (i) Interior and exterior space shall be available on the facility  
13 premises to permit clients to move freely and safely.

14 (j) For the purpose of using secured perimeters, the licensee  
15 shall not be required to obtain a waiver or exception to a regulation  
16 that would otherwise prohibit the locking of a perimeter fence or  
17 gate.

18 (k) This section shall become operative only upon the  
19 publication in Title 17 of the California Code of Regulations of  
20 emergency regulations filed by the State Department of  
21 Developmental Services. These regulations shall be developed  
22 with stakeholders, including the State Department of Social  
23 Services, consumer advocates, and regional centers. The regulations  
24 shall establish program standards for homes that include secured  
25 perimeters, including requirements and timelines for the completion  
26 and updating of a comprehensive assessment of each consumer's  
27 needs, including the identification through the individual program  
28 plan process of the services and supports needed to transition the  
29 consumer to a less restrictive living arrangement, and a timeline  
30 for identifying or developing those services and supports. The  
31 regulations shall establish a statewide limit on the total number of  
32 beds in homes with secured perimeters. The adoption of these  
33 regulations shall be deemed to be an emergency and necessary for  
34 the immediate preservation of the public peace, health and safety,  
35 or general welfare.

36 SEC. 24. Section 1534 of the Health and Safety Code is  
37 amended to read:

38 1534. (a) (1) (A) Except for foster family homes, every  
39 licensed community care facility shall be subject to unannounced  
40 inspections by the department.

1 (B) Foster family homes shall be subject to announced  
2 inspections by the department, except that a foster family home  
3 shall be subject to unannounced inspections in response to a  
4 complaint, a plan of correction, or under any of the circumstances  
5 set forth in subparagraph (B) of paragraph (2).  
6 (2) (A) The department may inspect these facilities as often as  
7 necessary to ensure the quality of care provided.  
8 (B) The department shall conduct an annual unannounced  
9 inspection of a facility under any of the following circumstances:  
10 (i) When a license is on probation.  
11 (ii) When the terms of agreement in a facility compliance plan  
12 require an annual inspection.  
13 (iii) When an accusation against a licensee is pending.  
14 (iv) When a facility requires an annual inspection as a condition  
15 of receiving federal financial participation.  
16 (v) In order to verify that a person who has been ordered out of  
17 a facility by the department is no longer at the facility.  
18 (C) (i) The department shall conduct annual unannounced  
19 inspections of no less than 20 percent of facilities, except for foster  
20 family homes, not subject to an inspection under subparagraph  
21 (B).  
22 (ii) The department shall conduct annual announced inspections  
23 of no less than 20 percent of foster family homes not subject to an  
24 inspection under subparagraph (B).  
25 (iii) These inspections shall be conducted based on a random  
26 sampling methodology developed by the department.  
27 (iv) If the total citations issued by the department to facilities  
28 exceed the previous year's total by 10 percent, the following year  
29 the department shall increase the random sample by an additional  
30 10 percent of the facilities not subject to an inspection under  
31 subparagraph (B). The department may request additional resources  
32 to increase the random sample by 10 percent.  
33 (v) The department shall not inspect a licensed community care  
34 facility less often than once every five years.  
35 (3) In order to facilitate direct contact with group home or  
36 short-term residential treatment center clients, the department may  
37 interview children who are clients of group homes or short-term  
38 residential treatment centers at any public agency or private agency  
39 at which the client may be found, including, but not limited to, a  
40 juvenile hall, recreation or vocational program, or a public or

1 nonpublic school. The department shall respect the rights of the  
2 child while conducting the interview, including informing the child  
3 that he or she has the right not to be interviewed and the right to  
4 have another adult present during the interview.

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

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

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

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

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

- 29 (i) When a certified family home is on probation.
- 30 (ii) When the terms of the agreement in a facility compliance  
31 plan require an annual inspection.
- 32 (iii) When an accusation against a certified family home is  
33 pending.
- 34 (iv) When a certified family home requires an annual inspection  
35 as a condition of receiving federal financial participation.

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

38 (3) Upon a finding of noncompliance by the department, the  
39 department may require a foster family agency to deny or revoke  
40 the certificate of approval of a certified family home, or take other

1 action the department may deem necessary for the protection of a  
2 child placed with the certified family home. The certified parent  
3 or prospective foster parent shall be afforded the due process  
4 provided pursuant to this chapter.

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

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

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

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

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

33 (9) The department may institute or continue a disciplinary  
34 proceeding against a certified or prospective foster parent upon  
35 any ground provided by this section or Section 1550, enter an order  
36 denying or revoking the certificate of approval, or otherwise take  
37 disciplinary action against the certified or prospective foster parent,  
38 notwithstanding any resignation, withdrawal of application,  
39 surrender of the certificate of approval, or denial or revocation of  
40 the certificate of approval by the foster family agency.

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

5 SEC. 25. Section 1536 of the Health and Safety Code is  
6 amended to read:

7 1536. (a) (1) At least annually, the department shall publish  
8 and make available to interested persons a list or lists covering all  
9 licensed community care facilities, other than foster family homes  
10 and certified family homes of foster family agencies providing  
11 24-hour care for six or fewer foster children, and the services for  
12 which each facility has been licensed or issued a special permit.

13 (2) For a group home, transitional housing placement provider,  
14 community treatment facility, runaway and homeless youth shelter,  
15 or short-term residential treatment center, the list shall include  
16 both of the following:

17 (A) The number of licensing complaints, types of complaint,  
18 and outcomes of complaints, including citations, fines, exclusion  
19 orders, license suspensions, revocations, and surrenders.

20 (B) The number, types, and outcomes of law enforcement  
21 contacts made by the facility staff or children, as reported pursuant  
22 to subdivision (a) of Section 1538.7.

23 (b) Subject to subdivision (c), to encourage the recruitment of  
24 foster family homes and certified family homes of foster family  
25 agencies, protect their personal privacy, and to preserve the security  
26 and confidentiality of the placements in the homes, the names,  
27 addresses, and other identifying information of facilities licensed  
28 as foster family homes and certified family homes of foster family  
29 agencies providing 24-hour care for six or fewer children shall be  
30 considered personal information for purposes of the Information  
31 Practices Act of 1977 (Chapter 1 (commencing with Section 1798)  
32 of Title 1.8 of Part 4 of Division 3 of the Civil Code). This  
33 information shall not be disclosed by any state or local agency  
34 pursuant to the California Public Records Act (Chapter 3.5  
35 (commencing with Section 6250) of Division 7 of Title 1 of the  
36 Government Code), except as necessary for administering the  
37 licensing program, facilitating the placement of children in these  
38 facilities, and providing names and addresses only to bona fide  
39 professional foster parent organizations upon request.

1 (c) Notwithstanding subdivision (b), the department, a county,  
2 or a foster family agency may request information from, or divulge  
3 information to, the department, a county, or a foster family agency,  
4 regarding a prospective certified parent, foster parent, or relative  
5 caregiver for the purpose of, and as necessary to, conduct a  
6 reference check to determine whether it is safe and appropriate to  
7 license, certify, or approve an applicant to be a certified parent,  
8 foster parent, or relative caregiver.

9 (d) The department may issue a citation and, after the issuance  
10 of that citation, may assess a civil penalty of fifty dollars (\$50) per  
11 day for each instance of a foster family agency's failure to provide  
12 the department with the information required by subdivision (h)  
13 of Section 88061 of Title 22 of the California Code of Regulations.

14 (e) The Legislature encourages the department, when funds are  
15 available for this purpose, to develop a database that would include  
16 all of the following information:

17 (1) Monthly reports by a foster family agency regarding family  
18 homes.

19 (2) A log of family homes certified and decertified, provided  
20 by a foster family agency to the department.

21 (3) Notification by a foster family agency to the department  
22 informing the department of a foster family agency's determination  
23 to decertify a certified family home due to any of the following  
24 actions by the certified family parent:

25 (A) Violating licensing rules and regulations.

26 (B) Aiding, abetting, or permitting the violation of licensing  
27 rules and regulations.

28 (C) Conducting oneself in a way that is inimical to the health,  
29 morals, welfare, or safety of a child placed in that certified family  
30 home.

31 (D) Being convicted of a crime while a certified family parent.

32 (E) Knowingly allowing any child to have illegal drugs or  
33 alcohol.

34 (F) Committing an act of child abuse or neglect or an act of  
35 violence against another person.

36 SEC. 26. Section 1538.3 of the Health and Safety Code is  
37 amended to read:

38 1538.3. A county may develop a cooperative agreement with  
39 the department to access disclosable, public record information  
40 from an automated system, other than the system described in

1 Section 1538.2, concerning substantiated complaints for all group  
2 home or short-term residential treatment centers, as defined by  
3 regulations of the department, located within that county. Access  
4 to the database may be accomplished through a secure online  
5 transaction protocol.

6 SEC. 27. Section 1538.5 of the Health and Safety Code is  
7 amended to read:

8 1538.5. (a) (1) Not less than 30 days prior to the anniversary  
9 of the effective date of a residential community care facility license,  
10 except licensed foster family homes, the department may transmit  
11 a copy to the board members of the licensed facility, parents, legal  
12 guardians, conservators, clients' rights advocates, or placement  
13 agencies, as designated in each resident's placement agreement,  
14 of all inspection reports given to the facility by the department  
15 during the past year as a result of a substantiated complaint  
16 regarding a violation of this chapter relating to resident abuse and  
17 neglect, food, sanitation, incidental medical care, and residential  
18 supervision. During that one-year period the copy of the notices  
19 transmitted and the proof of the transmittal shall be open for public  
20 inspection.

21 (2) The department may transmit copies of the inspection reports  
22 referred to in paragraph (1) concerning a group home or short-term  
23 residential treatment center, as defined by regulations of the  
24 department, to the county in which the group home or short-term  
25 residential treatment center is located, if requested by that county.

26 (3) A group home or short-term residential treatment center  
27 shall maintain, at the facility, a copy of all licensing reports for  
28 the past three years that would be accessible to the public through  
29 the department, for inspection by placement officials, current and  
30 prospective facility clients, and these clients' family members who  
31 visit the facility.

32 (b) The facility operator, at the expense of the facility, shall  
33 transmit a copy of all substantiated complaints, by certified mail,  
34 to those persons described pursuant to paragraph (1) of subdivision  
35 (a) in the following cases:

36 (1) In the case of a substantiated complaint relating to resident  
37 physical or sexual abuse, the facility shall have three days from  
38 the date the facility receives the licensing report from the  
39 department to comply.

1 (2) In the case in which a facility has received three or more  
2 substantiated complaints relating to the same violation during the  
3 past 12 months, the facility shall have five days from the date the  
4 facility receives the licensing report to comply.

5 (c) A residential facility shall retain a copy of the notices  
6 transmitted pursuant to subdivision (b) and proof of their  
7 transmittal by certified mail for a period of one year after their  
8 transmittal.

9 (d) If a residential facility to which this section applies fails to  
10 comply with this section, as determined by the department, the  
11 department shall initiate civil penalty action against the facility in  
12 accordance with this article and the related rules and regulations.

13 (e) Not less than 30 days prior to the anniversary of the effective  
14 date of the license of any group home or short-term residential  
15 treatment center, as defined by regulations of the department, at  
16 the request of the county in which the group home or short-term  
17 residential treatment center is located, a group home or short-term  
18 residential treatment center shall transmit to the county a copy of  
19 all incident reports prepared by the group home or short-term  
20 residential treatment center and transmitted to a placement agency,  
21 as described in subdivision (f) of Section 1536.1, in a county other  
22 than the county in which the group home or short-term residential  
23 treatment center is located that involved a response by local law  
24 enforcement or emergency services personnel, including runaway  
25 incidents. The county shall designate an official for the receipt of  
26 the incident reports and shall notify the group home or short-term  
27 residential treatment center of the designation. Prior to transmitting  
28 copies of incident reports to the county, the group home or  
29 short-term residential treatment center shall redact the name of  
30 any child referenced in the incident reports, and other identifying  
31 information regarding any child referenced in the reports. The  
32 county may review the incident reports to ensure that the group  
33 home or short-term residential treatment center has taken  
34 appropriate action to ensure the health and safety of the residents  
35 of the facility.

36 (f) The department shall notify the residential community care  
37 facility of its obligation when it is required to comply with this  
38 section.

39 SEC. 28. Section 1538.6 of the Health and Safety Code is  
40 amended to read:

1 1538.6. (a) When the department periodically reviews the  
2 record of substantiated complaints against each group home or  
3 short-term residential treatment center, pursuant to its oversight  
4 role as prescribed by Section 1534, to determine whether the nature,  
5 number, and severity of incidents upon which complaints were  
6 based constitute a basis for concern as to whether the provider is  
7 capable of effectively and efficiently operating the program, and  
8 if the department determines that there is cause for concern, it may  
9 contact the county in which a group home or short-term residential  
10 treatment center is located and placement agencies in other counties  
11 using the group home or short-term residential treatment center,  
12 and request their recommendations as to what action, if any, the  
13 department should take with regard to the provider's status as a  
14 licensed group home or short-term residential treatment center  
15 provider.

16 (b) It is the intent of the Legislature that the department make  
17 every effort to communicate with the county in which a group  
18 home or short-term residential treatment center is located when  
19 the department has concerns about group homes or short-term  
20 residential treatment centers within that county.

21 SEC. 29. Section 1538.7 of the Health and Safety Code is  
22 amended to read:

23 1538.7. (a) A group home, transitional housing placement  
24 provider, community treatment facility, runaway and homeless  
25 youth shelter, or short-term residential treatment center shall report  
26 to the department's Community Care Licensing Division upon the  
27 occurrence of any incident concerning a child in the facility  
28 involving contact with law enforcement. At least every six months,  
29 the facility shall provide a followup report for each incident,  
30 including the type of incident, whether the incident involved an  
31 alleged violation of any crime described in Section 602 of the  
32 Welfare and Institutions Code by a child residing in the facility;  
33 whether staff, children, or both were involved; the gender, race,  
34 ethnicity, and age of children involved; and the outcomes, including  
35 arrests, removals of children from placement, or termination or  
36 suspension of staff.

37 (b) (1) If the department determines that, based on the licensed  
38 capacity, a facility has reported, pursuant to subdivision (a), a  
39 greater than average number of law enforcement contacts involving  
40 an alleged violation of any crime described in Section 602 of the

1 Welfare and Institutions Code by a child residing in the facility,  
2 the department shall inspect the facility at least once a year.

3 (2) An inspection conducted pursuant to paragraph (1) does not  
4 constitute an unannounced inspection required pursuant to Section  
5 1534.

6 (c) If an inspection is required pursuant to subdivision (b), the  
7 Community Care Licensing Division shall provide the report to  
8 the department’s Children and Family Services Division and to  
9 any other public agency that has certified the facility’s program  
10 or any component of the facility’s program including, but not  
11 limited to, the State Department of Health Care Services, which  
12 certifies group homes or short-term residential treatment centers  
13 pursuant to Section 4096.5 of the Welfare and Institutions Code.

14 SEC. 30. Section 1548 of the Health and Safety Code, as added  
15 by Section 2 of Chapter 813 of the Statutes of 2014, is amended  
16 to read:

17 1548. (a) In addition to the suspension, temporary suspension,  
18 or revocation of a license issued under this chapter, the department  
19 may levy a civil penalty.

20 (b) The amount of the civil penalty shall not be less than  
21 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day  
22 for each violation of this chapter except where the nature or  
23 seriousness of the violation or the frequency of the violation  
24 warrants a higher penalty or an immediate civil penalty assessment,  
25 or both, as determined by the department. In no event, shall a civil  
26 penalty assessment exceed one hundred fifty dollars (\$150) per  
27 day per violation.

28 (c) Notwithstanding Section 1534, the department shall assess  
29 an immediate civil penalty of one hundred fifty dollars (\$150) per  
30 day per violation for any of the following serious violations:

31 (1) (A) Fire clearance violations, including, but not limited to,  
32 overcapacity, ambulatory status, inoperable smoke alarms, and  
33 inoperable fire alarm systems. The civil penalty shall not be  
34 assessed if the licensee has done either of the following:

35 (i) Requested the appropriate fire clearance based on ambulatory,  
36 nonambulatory, or bedridden status, and the decision is pending.

37 (ii) Initiated eviction proceedings.

38 (B) A licensee denied a clearance for bedridden residents may  
39 appeal to the fire authority, and, if that appeal is denied, may  
40 subsequently appeal to the Office of the State Fire Marshal, and

1 shall not be assessed an immediate civil penalty until the final  
2 appeal is decided, or after 60 days has passed from the date of the  
3 citation, whichever is earlier.

4 (2) Absence of supervision, as required by statute or regulation.

5 (3) Accessible bodies of water when prohibited in this chapter  
6 or regulations adopted pursuant to this chapter.

7 (4) Accessible firearms, ammunition, or both.

8 (5) Refused entry to a facility or any part of a facility in violation  
9 of Section 1533, 1534, or 1538.

10 (6) The presence of an excluded person on the premises.

11 (d) (1) For a violation that the department determines resulted  
12 in the death of a resident at an adult residential facility, social  
13 rehabilitation facility, enhanced behavioral supports home, or  
14 community crisis home, the civil penalty shall be fifteen thousand  
15 dollars (\$15,000).

16 (2) For a violation that the department determines resulted in  
17 the death of a person receiving care at an adult day program, the  
18 civil penalty shall be assessed as follows:

19 (A) Seven thousand five hundred dollars (\$7,500) for a licensee  
20 licensed, among all of the licensee's facilities, to care for 50 or  
21 less persons.

22 (B) Ten thousand dollars (\$10,000) for a licensee licensed,  
23 among all of the licensee's facilities, to care for more than 50  
24 persons.

25 (3) For a violation that the department determines resulted in  
26 the death of a person receiving care at a therapeutic day services  
27 facility, foster family agency, community treatment facility,  
28 full-service adoption agency, noncustodial adoption agency,  
29 transitional shelter care facility, transitional housing placement  
30 provider, group home, or short-term residential treatment center,  
31 the civil penalty shall be assessed as follows:

32 (A) Seven thousand five hundred dollars (\$7,500) for a licensee  
33 licensed, among all of the licensee's facilities, to care for 40 or  
34 less children.

35 (B) Ten thousand dollars (\$10,000) for a licensee licensed,  
36 among all of the licensee's facilities, to care for 41 to 100,  
37 inclusive, children.

38 (C) Fifteen thousand dollars (\$15,000) for a licensee licensed,  
39 among all of the licensee's facilities, to care for more than 100  
40 children.

1 (4) For a violation that the department determines resulted in  
 2 the death of a resident at a runaway and homeless youth shelter,  
 3 the civil penalty shall be five thousand dollars (\$5,000).

4 (e) (1) (A) For a violation that the department determines  
 5 constitutes physical abuse, as defined in Section 15610.63 of the  
 6 Welfare and Institutions Code, or resulted in serious bodily injury,  
 7 as defined in Section 243 of the Penal Code, to a resident at an  
 8 adult residential facility, social rehabilitation facility, enhanced  
 9 behavioral supports home, or community crisis home, the civil  
 10 penalty shall be ten thousand dollars (\$10,000).

11 (B) For a violation that the department determines constitutes  
 12 physical abuse, as defined in Section 15610.63 of the Welfare and  
 13 Institutions Code, or resulted in serious bodily injury, as defined  
 14 in Section 243 of the Penal Code, to a person receiving care at an  
 15 adult day program, the civil penalty shall be assessed as follows:

16 (i) Two thousand five hundred dollars (\$2,500) for a licensee  
 17 licensed, among all of the licensee’s facilities, to care for 50 or  
 18 less persons.

19 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among  
 20 all of the licensee’s facilities, to care for more than 50 persons.

21 (C) For a violation that the department determines constitutes  
 22 physical abuse, as defined in paragraph (2), or resulted in serious  
 23 bodily injury, as defined in Section 243 of the Penal Code, to a  
 24 person receiving care at a therapeutic day services facility, foster  
 25 family agency, community treatment facility, full-service adoption  
 26 agency, noncustodial adoption agency, transitional shelter care  
 27 facility, transitional housing placement provider, group home, or  
 28 short-term residential treatment center, the civil penalty shall be  
 29 assessed as follows:

30 (i) Two thousand five hundred dollars (\$2,500) for a licensee  
 31 licensed, among all of the licensee’s facilities, to care for 40 or  
 32 less children.

33 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among  
 34 all of the licensee’s facilities, to care for 41 to 100, inclusive,  
 35 children.

36 (iii) Ten thousand dollars (\$10,000) for a licensee licensed,  
 37 among all of the licensee’s facilities, to care for more than 100  
 38 children.

39 (D) For a violation that the department determines constitutes  
 40 physical abuse, as defined in paragraph (2), or resulted in serious

1 bodily injury, as defined in Section 243 of the Penal Code, to a  
2 resident at a runaway and homeless youth shelter, the civil penalty  
3 shall be one thousand dollars (\$1,000).

4 (2) For purposes of subparagraphs (C) and (D), “physical abuse”  
5 includes physical injury inflicted upon a child by another person  
6 by other than accidental means, sexual abuse as defined in Section  
7 11165.1 of the Penal Code, neglect as defined in Section 11165.2  
8 of the Penal Code, or unlawful corporal punishment or injury as  
9 defined in Section 11165.4 of the Penal Code when the person  
10 responsible for the child’s welfare is a licensee, administrator, or  
11 employee of any facility licensed to care for children.

12 (f) Prior to the issuance of a citation imposing a civil penalty  
13 pursuant to subdivision (d) or (e), the decision shall be approved  
14 by the director.

15 (g) Notwithstanding Section 1534, any facility that is cited for  
16 repeating the same violation of this chapter within 12 months of  
17 the first violation is subject to an immediate civil penalty of one  
18 hundred fifty dollars (\$150) and fifty dollars (\$50) for each day  
19 the violation continues until the deficiency is corrected.

20 (h) Any facility that is assessed a civil penalty pursuant to  
21 subdivision (g) that repeats the same violation of this chapter within  
22 12 months of the violation subject to subdivision (g) is subject to  
23 an immediate civil penalty of one hundred fifty dollars (\$150) for  
24 each day the violation continues until the deficiency is corrected.

25 (i) (1) The department shall adopt regulations setting forth the  
26 appeal procedures for deficiencies.

27 (2) A licensee shall have the right to submit to the department  
28 a written request for a formal review of a civil penalty assessed  
29 pursuant to subdivisions (d) and (e) within 10 days of receipt of  
30 the notice of a civil penalty assessment and shall provide all  
31 supporting documentation at that time. The review shall be  
32 conducted by a regional manager of the Community Care Licensing  
33 Division. If the regional manager determines that the civil penalty  
34 was not assessed in accordance with applicable statutes or  
35 regulations of the department, he or she may amend or dismiss the  
36 civil penalty. The licensee shall be notified in writing of the  
37 regional manager’s decision within 60 days of the request to review  
38 the assessment of the civil penalty.

39 (3) The licensee may further appeal to the program administrator  
40 of the Community Care Licensing Division within 10 days of

1 receipt of the notice of the regional manager's decision and shall  
2 provide all supporting documentation at that time. If the program  
3 administrator determines that the civil penalty was not assessed  
4 in accordance with applicable statutes or regulations of the  
5 department, he or she may amend or dismiss the civil penalty. The  
6 licensee shall be notified in writing of the program administrator's  
7 decision within 60 days of the request to review the regional  
8 manager's decision.

9 (4) The licensee may further appeal to the deputy director of  
10 the Community Care Licensing Division within 10 days of receipt  
11 of the notice of the program director's decision and shall provide  
12 all supporting documentation at that time. If the deputy director  
13 determines that the civil penalty was not assessed in accordance  
14 with applicable statutes or regulations of the department, he or she  
15 may amend or dismiss the civil penalty. The licensee shall be  
16 notified in writing of the deputy director's decision within 60 days  
17 of the request to review the program administrator's decision.

18 (5) Upon exhausting the deputy director review, a licensee may  
19 appeal a civil penalty assessed pursuant to subdivision (d) or (e)  
20 to an administrative law judge. Proceedings shall be conducted in  
21 accordance with Chapter 5 (commencing with Section 11500) of  
22 Part 1 of Division 3 of Title 2 of the Government Code, and the  
23 department shall have all the powers granted by those provisions.  
24 In all proceedings conducted in accordance with this section, the  
25 standard of proof shall be by a preponderance of the evidence.

26 (6) If, in addition to an assessment of civil penalties, the  
27 department elects to file an administrative action to suspend or  
28 revoke the facility license that includes violations relating to the  
29 assessment of the civil penalties, the department review of the  
30 pending appeal shall cease and the assessment of the civil penalties  
31 shall be heard as part of the administrative action process.

32 (j) The department shall adopt regulations implementing this  
33 section.

34 (k) The department shall, by January 1, 2016, amend its  
35 regulations to reflect the changes to this section made by the act  
36 that added this subdivision.

37 (l) As provided in Section 11466.31 of the Welfare and  
38 Institutions Code, the department may offset civil penalties owed  
39 by a group home or short-term residential treatment center against  
40 moneys to be paid by a county for the care of minors after the

1 group home or short-term residential treatment center has exhausted  
2 its appeal of the civil penalty assessment. The department shall  
3 provide the group home or short-term residential treatment center  
4 a reasonable opportunity to pay the civil penalty before instituting  
5 the offset provision.

6 (m) This section shall become operative on July 1, 2015.

7 SEC. 31. Section 1562 of the Health and Safety Code is  
8 amended to read:

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

15 (b) It is the intent of the Legislature that children in foster care  
16 reside in the least restrictive, family-based settings that can meet  
17 their needs, and that group homes and short-term residential  
18 treatment centers will be used only for short-term, specialized, and  
19 intensive treatment purposes that are consistent with a case plan  
20 that is determined by a child's best interests. Accordingly, the  
21 Legislature encourages the department to adopt policies, practices,  
22 and guidance that ensure that the education, qualification, and  
23 training requirements for child care staff in group homes and  
24 short-term residential treatment centers are consistent with the  
25 intended role of group homes and short-term residential treatment  
26 centers to provide short-term, specialized, and intensive treatment,  
27 with a particular focus on crisis intervention, behavioral  
28 stabilization, and other treatment-related goals, as well as the  
29 connections between those efforts and work toward permanency  
30 for children.

31 (c) (1) Each person employed as a facility manager or staff  
32 member of a group home or short-term residential treatment center,  
33 as defined in paragraphs (13) and (18) of subdivision (a) of Section  
34 1502, who provides direct care and supervision to children and  
35 youth residing in the group home or short-term residential treatment  
36 center shall be at least 21 years of age.

37 (2) Paragraph (1) shall not apply to a facility manager or staff  
38 member employed at the group home before October 1, 2014.

39 (3) For purposes of this subdivision, "group home" does not  
40 include a runaway and homeless youth shelter.

1 SEC. 32. Section 1562.01 is added to the Health and Safety  
2 Code, to read:

3 1562.01. (a) (1) Commencing January 1, 2017, the department  
4 shall license short-term residential treatment centers, as defined  
5 in paragraph (18) of subdivision (a) of Section 1502, pursuant to  
6 this chapter. The department may license a facility as a short-term  
7 residential treatment center prior to January 1, 2017. A short-term  
8 residential treatment center shall comply with all requirements of  
9 this chapter that are applicable to group homes and to the  
10 requirements of this section.

11 (2) *A short-term residential treatment center shall obtain and*  
12 *have in good standing a mental health certification, as set forth*  
13 *in Section 4096.5 of the Welfare and Institutions Code.*

14 (2)

15 (3) (A) A short-term residential treatment center shall prepare  
16 and maintain a current, written plan of operation as required by  
17 the department.

18 (B) The plan of operation shall include, but not be limited to,  
19 all of the following:

20 (i) Description of the short-term residential treatment center's  
21 ability to support the differing needs of children and their families  
22 with short-term, specialized, and intensive treatment.

23 (ii) Description of the core services, as set forth, on and after  
24 January 1, 2017, in paragraph (1) of subdivision (b) of Section  
25 11462 of the Welfare and Institutions Code, to be offered to  
26 children and their families, as appropriate or necessary.

27 (iii) Any other information that may be prescribed by the  
28 department for the proper administration of this section.

29 (b) In addition to the rules and regulations adopted pursuant to  
30 this chapter, a county licensed to operate a short-term residential  
31 treatment center shall describe, in the plan of operation, its conflict  
32 of interest mitigation plan, as set forth on and after January 1,  
33 2017, in subdivision (g) of Section 11462.02 of the Welfare and  
34 Institutions Code.

35 (c) (1) *Upon request of a county, a short-term residential*  
36 *treatment center shall submit its plan of operation to the county*  
37 *which it will primarily serve. The county may review the plan of*  
38 *operation to determine whether to issue a certification of all of*  
39 *the following:*

40 (A) *The program is needed by the county.*

1 (B) *The provider is capable of effectively and efficiently*  
2 *operating the program.*

3 (C) *The provider is willing and able to accept placements who*  
4 *need the level of care and services that will be provided by the*  
5 *program.*

6 (D) *The plan of operation is suitable to meet the needs of the*  
7 *identified population.*

8 (2) *In its decision regarding issuance of an AFDC-FC rate, the*  
9 *department may consider whether the county has made the*  
10 *certification required in paragraph (1).*

11 (3) *The department shall establish procedures for certification*  
12 *pursuant to paragraph (1), in consultation with the County Welfare*  
13 *Directors Association, Chief Probation Officers of California, and*  
14 *other stakeholders, as appropriate.*

15 (e)

16 (d) (1) The department shall establish requirements for the  
17 education, qualification, and training of facility managers and child  
18 care staff in short-term residential treatment centers consistent  
19 with the intended role of these facilities to provide short-term,  
20 specialized, and intensive treatment.

21 (2) Requirements shall include, but not be limited to, all of the  
22 following:

23 (A) Staff classifications.

24 (B) Specification of the date by which employees shall be  
25 required to meet the education, qualification, and training  
26 requirements.

27 (C) Any other requirements that may be prescribed by the  
28 department for the proper administration of this section.

29 (d)

30 (e) Notwithstanding any other section of this chapter, the  
31 department shall establish requirements for licensed group homes  
32 that are transitioning to short-term residential treatment centers,  
33 which may include, but not be limited to, requirements related to  
34 application and plan of operation.

35 (e)

36 (f) The department shall have the authority to inspect a  
37 short-term residential treatment center pursuant to the system of  
38 governmental monitoring and oversight developed by the  
39 department on and after January 1, 2017, pursuant to subdivision  
40 (c) of Section 11462 of the Welfare and Institutions Code.

1 SEC. 33. Section 1562.35 of the Health and Safety Code is  
2 amended to read:

3 1562.35. Notwithstanding any law to the contrary, including,  
4 but not limited to Section 1562.3, vendors approved by the  
5 department who exclusively provide either initial or continuing  
6 education courses for certification of administrators of an adult  
7 residential facility as defined by the department, a group home  
8 facility as defined by the department, a short-term residential  
9 treatment center as defined by the department, or a residential care  
10 facility for the elderly as defined in subdivision (k) of Section  
11 1569.2, shall be regulated solely by the department pursuant to  
12 this chapter. No other state or local governmental entity shall be  
13 responsible for regulating the activity of those vendors.

14 SEC. 34. Section 1563 of the Health and Safety Code is  
15 amended to read:

16 1563. (a) The department shall ensure that licensing personnel  
17 at the department have appropriate training to properly carry out  
18 this chapter.

19 (b) The department shall institute a staff development and  
20 training program to develop among departmental staff the  
21 knowledge and understanding necessary to successfully carry out  
22 this chapter. Specifically, the program shall do all of the following:

23 (1) Provide staff with 36 hours of training per year that reflects  
24 the needs of persons served by community care facilities. This  
25 training shall, where appropriate, include specialized instruction  
26 in the needs of foster children, persons with mental disorders, or  
27 developmental or physical disabilities, or other groups served by  
28 specialized community care facilities.

29 (2) Give priority to applications for employment from persons  
30 with experience as care providers to persons served by community  
31 care facilities.

32 (3) Provide new staff with comprehensive training within the  
33 first six months of employment. This comprehensive training shall,  
34 at a minimum, include the following core areas: administrative  
35 action process, client populations, conducting facility visits, cultural  
36 awareness, documentation skills, facility operations, human relation  
37 skills, interviewing techniques, investigation processes, and  
38 regulation administration.

39 (c) In addition to the requirements in subdivision (b), group  
40 home, short-term residential treatment center, and foster family

1 agency licensing personnel shall receive a minimum of 24 hours  
2 of training per year to increase their understanding of children in  
3 group homes, short-term residential treatment centers, certified  
4 homes, and foster family homes. The training shall cover, but not  
5 be limited to, all of the following topics:

6 (1) The types and characteristics of emotionally troubled  
7 children.

8 (2) The high-risk behaviors they exhibit.

9 (3) The biological, psychological, interpersonal, and social  
10 contributors to these behaviors.

11 (4) The range of management and treatment interventions  
12 utilized for these children, including, but not limited to, nonviolent,  
13 emergency intervention techniques.

14 (5) The right of a foster child to have fair and equal access to  
15 all available services, placement, care, treatment, and benefits, and  
16 to not be subjected to discrimination or harassment on the basis  
17 of actual or perceived race, ethnic group identification, ancestry,  
18 national origin, color, religion, sex, sexual orientation, gender  
19 identity, mental or physical disability, or HIV status.

20 SEC. 35. Section 1567.4 of the Health and Safety Code is  
21 amended to read:

22 1567.4. The State Department of Social Services shall provide,  
23 at cost, quarterly to each county and to each city, upon the request  
24 of the county or city, and to the chief probation officer of each  
25 county and city and county, a roster of all community care facilities  
26 licensed as small family homes, short-term residential treatment  
27 centers, or group homes located in the county, which provide  
28 services to wards of the juvenile court, including information as  
29 to whether each facility is licensed by the state or the county, the  
30 type of facility, and the licensed bed capacity of each such facility.  
31 Information concerning the facility shall be limited to that available  
32 through the computer system of the State Department of Social  
33 Services.

34 SEC. 36. Section 11105.2 of the Penal Code is amended to  
35 read:

36 11105.2. (a) The Department of Justice may provide  
37 subsequent state or federal arrest or disposition notification to any  
38 entity authorized by state or federal law to receive state or federal  
39 summary criminal history information to assist in fulfilling  
40 employment, licensing, certification duties, or the duties of

1 approving relative caregivers, nonrelative extended family  
2 members, and resource families upon the arrest or disposition of  
3 any person whose fingerprints are maintained on file at the  
4 Department of Justice or the Federal Bureau of Investigation as  
5 the result of an application for licensing, employment, certification,  
6 or approval. Nothing in this section shall authorize the notification  
7 of a subsequent disposition pertaining to a disposition that does  
8 not result in a conviction, unless the department has previously  
9 received notification of the arrest and has previously lawfully  
10 notified a receiving entity of the pending status of that arrest. When  
11 the department supplies subsequent arrest or disposition notification  
12 to a receiving entity, the entity shall, at the same time, expeditiously  
13 furnish a copy of the information to the person to whom it relates  
14 if the information is a basis for an adverse employment, licensing,  
15 or certification decision. When furnished other than in person, the  
16 copy shall be delivered to the last contact information provided  
17 by the applicant.

18 (b) For purposes of this section, “approval” means those duties  
19 described in subdivision (d) of Section 309 of the Welfare and  
20 Institutions Code for approving the home of a relative caregiver  
21 or of a nonrelative extended family member for placement of a  
22 child supervised by the juvenile court, and those duties in Section  
23 16519.5 of the Welfare and Institutions Code for resource families.

24 (c) Any entity, other than a law enforcement agency employing  
25 peace officers as defined in Section 830.1, subdivisions (a) and  
26 (e) of Section 830.2, subdivision (a) of Section 830.3, subdivisions  
27 (a) and (b) of Section 830.5, and subdivision (a) of Section 830.31,  
28 shall enter into a contract with the Department of Justice in order  
29 to receive notification of subsequent state or federal arrests or  
30 dispositions for licensing, employment, or certification purposes.

31 (d) Any entity that submits the fingerprints of applicants for  
32 licensing, employment, certification, or approval to the Department  
33 of Justice for the purpose of establishing a record of the applicant  
34 to receive notification of subsequent state or federal arrests or  
35 dispositions shall immediately notify the department when the  
36 employment of the applicant is terminated, when the applicant’s  
37 license or certificate is revoked, when the applicant may no longer  
38 renew or reinstate the license or certificate, or when a relative  
39 caregiver’s or nonrelative extended family member’s approval is  
40 terminated. The Department of Justice shall terminate state or

1 federal subsequent notification on any applicant upon the request  
2 of the licensing, employment, certifying, or approving authority.

3 (e) Any entity that receives a notification of a state or federal  
4 subsequent arrest or disposition for a person unknown to the entity,  
5 or for a person no longer employed by the entity, or no longer  
6 eligible to renew the certificate or license for which subsequent  
7 notification service was established shall immediately return the  
8 subsequent notification to the Department of Justice, informing  
9 the department that the entity is no longer interested in the  
10 applicant. The entity shall not record or otherwise retain any  
11 information received as a result of the subsequent notice.

12 (f) Any entity that submits the fingerprints of an applicant for  
13 employment, licensing, certification, or approval to the Department  
14 of Justice for the purpose of establishing a record at the department  
15 or the Federal Bureau of Investigation to receive notification of  
16 subsequent arrest or disposition shall immediately notify the  
17 department if the applicant is not subsequently employed, or if the  
18 applicant is denied licensing certification, or approval.

19 (g) An entity that fails to provide the Department of Justice with  
20 notification as set forth in subdivisions (c), (d), and (e) may be  
21 denied further subsequent notification service.

22 (h) Notwithstanding subdivisions (c), (d), and (f), subsequent  
23 notification by the Department of Justice and retention by the  
24 employing agency shall continue as to retired peace officers listed  
25 in subdivision (c) of Section 830.5.

26 SEC. 37. Section 11105.3 of the Penal Code is amended to  
27 read:

28 11105.3. (a) Notwithstanding any other law, a human resource  
29 agency or an employer may request from the Department of Justice  
30 records of all convictions or any arrest pending adjudication  
31 involving the offenses specified in subdivision (a) of Section 15660  
32 of the Welfare and Institutions Code of a person who applies for  
33 a license, employment, or volunteer position, in which he or she  
34 would have supervisory or disciplinary power over a minor or any  
35 person under his or her care. The department shall furnish the  
36 information to the requesting employer and shall also send a copy  
37 of the information to the applicant.

38 (b) Any request for records under subdivision (a) shall include  
39 the applicant's fingerprints, which may be taken by the requester,  
40 and any other data specified by the department. The request shall

1 be on a form approved by the department, and the department may  
2 charge a fee to be paid by the employer, human resource agency,  
3 or applicant for the actual cost of processing the request. However,  
4 no fee shall be charged to a nonprofit organization. Requests  
5 received by the department for federal level criminal offender  
6 record information shall be forwarded to the Federal Bureau of  
7 Investigation by the department to be searched for any record of  
8 arrests or convictions.

9 (c) (1) When a request pursuant to this section reveals that a  
10 prospective employee or volunteer has been convicted of a  
11 violation or attempted violation of Section 220, 261.5, 262, 273a,  
12 273d, or 273.5, or any sex offense listed in Section 290, except  
13 for the offense specified in subdivision (d) of Section 243.4, and  
14 where the agency or employer hires the prospective employee or  
15 volunteer, the agency or employer shall notify the parents or  
16 guardians of any minor who will be supervised or disciplined by  
17 the employee or volunteer. A conviction for a violation or  
18 attempted violation of an offense committed outside the State of  
19 California shall be included in this notice if the offense would have  
20 been a crime specified in this subdivision if committed in  
21 California. The notice shall be given to the parents or guardians  
22 with whom the child resides, and shall be given at least 10 days  
23 prior to the day that the employee or volunteer begins his or her  
24 duties or tasks. Notwithstanding any other law, any person who  
25 conveys or receives information in good faith and in conformity  
26 with this section is exempt from prosecution under Section 11142  
27 or 11143 for that conveying or receiving of information.  
28 Notwithstanding subdivision (d), the notification requirements of  
29 this subdivision shall apply as an additional requirement of any  
30 other provision of law requiring criminal record access or  
31 dissemination of criminal history information.

32 (2) The notification requirement pursuant to paragraph (1) shall  
33 not apply to a misdemeanor conviction for violating Section 261.5  
34 or to a conviction for violating Section 262 or 273.5. Nothing in  
35 this paragraph shall preclude an employer from requesting records  
36 of convictions for violating Section 261.5, 262, or 273.5 from the  
37 Department of Justice pursuant to this section.

38 (d) Nothing in this section supersedes any law requiring criminal  
39 record access or dissemination of criminal history information. In  
40 any conflict with another statute, dissemination of criminal history

1 information shall be pursuant to the mandatory statute. This  
2 subdivision applies to, but is not limited to, requirements pursuant  
3 to Article 1 (commencing with Section 1500) of Chapter 3 of, and  
4 Chapter 3.2 (commencing with Section 1569) and Chapter 3.4  
5 (commencing with Section 1596.70) of, Division 2 of, and Section  
6 1522 of, the Health and Safety Code, and Sections 8712, 8811,  
7 and 8908 of the Family Code, and Section 16519.5 of the Welfare  
8 and Institutions Code.

9 (e) The department may adopt regulations to implement the  
10 provisions of this section as necessary.

11 (f) As used in this section, “employer” means any nonprofit  
12 corporation or other organization specified by the Attorney General  
13 that employs or uses the services of volunteers in positions in  
14 which the volunteer or employee has supervisory or disciplinary  
15 power over a child or children.

16 (g) As used in this section, “human resource agency” means a  
17 public or private entity, excluding any agency responsible for  
18 licensing of facilities pursuant to the California Community Care  
19 Facilities Act (Chapter 3 (commencing with Section 1500)), the  
20 California Residential Care Facilities for the Elderly Act (Chapter  
21 3.2 (commencing with Section 1569)), Chapter 3.01 (commencing  
22 with Section 1568.01), and the California Child Day Care Facilities  
23 Act (Chapter 3.4 (commencing with Section 1596.70)) of Division  
24 2 of the Health and Safety Code, responsible for determining the  
25 character and fitness of a person who is:

26 (1) Applying for a license, employment, or as a volunteer within  
27 the human services field that involves the care and security of  
28 children, the elderly, the handicapped, or the mentally impaired.

29 (2) Applying to be a volunteer who transports individuals  
30 impaired by drugs or alcohol.

31 (3) Applying to adopt a child or to be a foster parent.

32 (h) Except as provided in subdivision (c), any criminal history  
33 information obtained pursuant to this section is confidential and  
34 no recipient shall disclose its contents other than for the purpose  
35 for which it was acquired.

36 (i) As used in this subdivision, “community youth athletic  
37 program” means an employer having as its primary purpose the  
38 promotion or provision of athletic activities for youth under 18  
39 years of age.

1 (j) A community youth athletic program, as defined in  
2 subdivision (i), may request state and federal level criminal history  
3 information pursuant to subdivision (a) for a volunteer coach or  
4 hired coach candidate. The director of the community youth athletic  
5 program shall be the custodian of records.

6 (k) The community youth athletic program may request from  
7 the Department of Justice subsequent arrest notification service,  
8 as provided in Section 11105.2, for a volunteer coach or a hired  
9 coach candidate.

10 (l) Compliance with this section does not remove or limit the  
11 liability of a mandated reporter pursuant to Section 11166.

12 SEC. 38. Section 361.2 of the Welfare and Institutions Code  
13 is amended to read:

14 361.2. (a) When a court orders removal of a child pursuant to  
15 Section 361, the court shall first determine whether there is a parent  
16 of the child, with whom the child was not residing at the time that  
17 the events or conditions arose that brought the child within the  
18 provisions of Section 300, who desires to assume custody of the  
19 child. If that parent requests custody, the court shall place the child  
20 with the parent unless it finds that placement with that parent would  
21 be detrimental to the safety, protection, or physical or emotional  
22 well-being of the child. The fact that the parent is enrolled in a  
23 certified substance abuse treatment facility that allows a dependent  
24 child to reside with his or her parent shall not be, for that reason  
25 alone, prima facie evidence that placement with that parent would  
26 be detrimental.

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

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

36 (2) Order that the parent assume custody subject to the  
37 jurisdiction of the juvenile court and require that a home visit be  
38 conducted within three months. In determining whether to take  
39 the action described in this paragraph, the court shall consider any  
40 concerns that have been raised by the child’s current caregiver

1 regarding the parent. After the social worker conducts the home  
2 visit and files his or her report with the court, the court may then  
3 take the action described in paragraph (1), (3), or this paragraph.  
4 However, nothing in this paragraph shall be interpreted to imply  
5 that the court is required to take the action described in this  
6 paragraph as a prerequisite to the court taking the action described  
7 in either paragraph (1) or (3).

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

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

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

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

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

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

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

34 (4) The approved home of a resource family as defined in  
35 Section 16519.5.

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

39 (6) A suitable licensed community care facility, except a  
40 runaway and homeless youth shelter licensed by the State

1 Department of Social Services pursuant to Section 1502.35 of the  
2 Health and Safety Code.

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

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

8 (9) A child under six years of age shall not be placed in a  
9 community care facility licensed as a group home for children, a  
10 short-term residential treatment center as defined in subdivision  
11 (ad) of Section 11400, or a temporary shelter care facility as  
12 defined in Section 1530.8 of the Health and Safety Code, except  
13 under any of the following circumstances:

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

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

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

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

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

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

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

26 (10) (A) A child who is 6 to 12 years of age, inclusive, may be  
27 placed in a community care facility licensed as a group home for  
28 children or a short-term residential treatment center as defined in  
29 subdivision (ad) of Section 11400, only when a case plan indicates  
30 that placement is for purposes of providing ~~short term~~, *short-term*,  
31 specialized, and intensive treatment for the child, the case plan  
32 specifies the need for, nature of, and anticipated duration of this  
33 treatment, pursuant to paragraph (2) of subdivision (c) of Section  
34 16501.1, the case plan includes transitioning the child to a less  
35 restrictive environment and the projected timeline by which the  
36 child will be transitioned to a less restrictive environment, and is  
37 approved by the deputy director or director of the county child  
38 welfare department or an assistant chief probation officer or chief  
39 probation officer of the county probation department.

1 (B) The short term, specialized, and intensive treatment period  
2 shall not exceed six months, unless the county has made progress  
3 or is actively working toward implementing the case plan that  
4 identifies the services or supports necessary to transition the child  
5 to a family setting, circumstances beyond the county's control  
6 have prevented the county from obtaining those services or  
7 supports within the timeline documented in the case plan, and the  
8 need for additional time pursuant to the case plan is documented  
9 by the caseworker and approved by a deputy director or director  
10 of the county child welfare department or an assistant chief  
11 probation officer or chief probation officer of the county probation  
12 department.

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

20 (11) A child may be placed into a community care facility  
21 licensed as a group home or a short-term residential treatment  
22 center, as defined in subdivision (ad) of Section 11400, only when  
23 the case plan indicates that placement is for purposes of providing  
24 short-term, specialized, and intensive treatment for the child, the  
25 case plan specifies the need for, nature of, and anticipated duration  
26 of this treatment, pursuant to paragraph (2) of subdivision (c) of  
27 Section 16501.1, and the case plan includes transitioning the child  
28 to a less restrictive environment and the projected timeline by  
29 which the child will be transitioned to a less restrictive  
30 environment.

31 *(12) A licensed short-term residential treatment center, as*  
32 *defined in paragraph (18) of subdivision (a) of Section 1502 of*  
33 *the Health and Safety Code, provided he or she meets at least one*  
34 *of the following conditions:*

35 *(A) The child has been assessed as meeting the medical necessity*  
36 *criteria for specialty mental health services under the Medi-Cal*  
37 *Early and Periodic Screening, Diagnosis, and Treatment program,*  
38 *as the criteria are described in Section 1830.210 of Title 9 of the*  
39 *California Code of Regulations.*

1 (B) *The child has been assessed as having an emotional*  
2 *disturbance pursuant to Section 300.8(c)(4)(i) of Title 34 of the*  
3 *Code of Federal Regulations.*

4 (C) *The child has been assessed as requiring the level of services*  
5 *provided to maintain the safety of the child or others due to*  
6 *behaviors that render the child or those around the child unsafe,*  
7 *or that prevent the effective delivery of needed services and*  
8 *supports provided in the child's own home or in other family*  
9 *settings, such as with a relative, guardian, foster family, resource*  
10 *family, or adoptive family. In certain circumstances, this may*  
11 *include the following children:*

12 (i) *A commercially or sexually exploited child.*

13 (ii) *A juvenile sex offender.*

14 (iii) *A child who is affiliated with or impacted by a gang.*

15 (13) *A licensed foster family agency, as defined in paragraph*  
16 *(4) of subdivision (a) of Section 1502 of the Health and Safety*  
17 *Code, which provides treatment services, if he or she meets at least*  
18 *one of the following conditions:*

19 (A) *A child who has been assessed as meeting the medical*  
20 *necessity criteria for specialty mental health services under the*  
21 *Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment*  
22 *program, as the criteria are described in Section 1830.210 of Title*  
23 *9 of the California Code of Regulations.*

24 (B) *A child assessed as having an emotional disturbance*  
25 *pursuant to Section 300.8(c)(4)(i) of Title 34 of the Code of Federal*  
26 *Regulations.*

27 (C) *A child who has been assessed as requiring the level of*  
28 *services to meet his or her behavioral or therapeutic needs.*

29 (14) *The assessments described in paragraphs (12) and (13)*  
30 *shall be made pursuant to subparagraphs (C) and (D) of paragraph*  
31 *(1) of subdivision (a) of Section 11462.01.*

32 ~~(12)~~

33 (15) *Nothing in this subdivision shall be construed to allow a*  
34 *social worker to place any dependent child outside the United*  
35 *States, except as specified in subdivision (f).*

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

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

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

7 (A) Placement with a relative.

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

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

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

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

13 (F) Social, cultural, and educational needs of the dependent  
14 child.

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

17 (4) If the court finds that a placement outside the United States  
18 is, by clear and convincing evidence, in the best interest of the  
19 child, the court may issue an order authorizing the social worker  
20 to make a placement outside the United States. A child subject to  
21 this subdivision shall not leave the United States prior to the  
22 issuance of the order described in this paragraph.

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

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

28 (g) (1) If the child is taken from the physical custody of the  
29 child’s parent or guardian and unless the child is placed with  
30 relatives, the child shall be placed in foster care in the county of  
31 residence of the child’s parent or guardian in order to facilitate  
32 reunification of the family.

33 (2) In the event that there are no appropriate placements  
34 available in the parent’s or guardian’s county of residence, a  
35 placement may be made in an appropriate place in another county,  
36 preferably a county located adjacent to the parent’s or guardian’s  
37 community of residence.

38 (3) Nothing in this section shall be interpreted as requiring  
39 multiple disruptions of the child’s placement corresponding to  
40 frequent changes of residence by the parent or guardian. In

1 determining whether the child should be moved, the social worker  
2 shall take into consideration the potential harmful effects of  
3 disrupting the placement of the child and the parent's or guardian's  
4 reason for the move.

5 (4) When it has been determined that it is necessary for a child  
6 to be placed in a county other than the child's parent's or guardian's  
7 county of residence, the specific reason the out-of-county  
8 placement is necessary shall be documented in the child's case  
9 plan. If the reason the out-of-county placement is necessary is the  
10 lack of resources in the sending county to meet the specific needs  
11 of the child, those specific resource needs shall be documented in  
12 the case plan.

13 (5) When it has been determined that a child is to be placed out  
14 of county either in a group home or a short-term residential  
15 treatment center, or with a foster family agency for subsequent  
16 placement in a certified foster family home, and the sending county  
17 is to maintain responsibility for supervision and visitation of the  
18 child, the sending county shall develop a plan of supervision and  
19 visitation that specifies the supervision and visitation activities to  
20 be performed and specifies that the sending county is responsible  
21 for performing those activities. In addition to the plan of  
22 supervision and visitation, the sending county shall document  
23 information regarding any known or suspected dangerous behavior  
24 of the child that indicates the child may pose a safety concern in  
25 the receiving county. The plan of supervision and visitation, as  
26 well as information regarding any known or suspected dangerous  
27 behavior of the child, shall be made available to the receiving  
28 county upon placement of the child in the receiving county. If  
29 placement occurs on a weekend or holiday, the information shall  
30 be made available to the receiving county on or before the end of  
31 the next business day.

32 (6) When it has been determined that a child is to be placed out  
33 of county and the sending county plans that the receiving county  
34 shall be responsible for the supervision and visitation of the child,  
35 the sending county shall develop a formal agreement between the  
36 sending and receiving counties. The formal agreement shall specify  
37 the supervision and visitation to be provided the child, and shall  
38 specify that the receiving county is responsible for providing the  
39 supervision and visitation. The formal agreement shall be approved  
40 and signed by the sending and receiving counties prior to placement

1 of the child in the receiving county. In addition, upon completion  
2 of the case plan, the sending county shall provide a copy of the  
3 completed case plan to the receiving county. The case plan shall  
4 include information regarding any known or suspected dangerous  
5 behavior of the child that indicates the child may pose a safety  
6 concern to the receiving county.

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

21 (i) When the court has ordered removal of the child from the  
22 physical custody of his or her parents pursuant to Section 361, the  
23 court shall consider whether the family ties and best interest of the  
24 child will be served by granting visitation rights to the child's  
25 grandparents. The court shall clearly specify those rights to the  
26 social worker.

27 (j) When the court has ordered removal of the child from the  
28 physical custody of his or her parents pursuant to Section 361, the  
29 court shall consider whether there are any siblings under the court's  
30 jurisdiction, or any nondependent siblings in the physical custody  
31 of a parent subject to the court's jurisdiction, the nature of the  
32 relationship between the child and his or her siblings, the  
33 appropriateness of developing or maintaining the sibling  
34 relationships pursuant to Section 16002, and the impact of the  
35 sibling relationships on the child's placement and planning for  
36 legal permanence.

37 (k) (1) An agency shall ensure placement of a child in a home  
38 that, to the fullest extent possible, best meets the day-to-day needs  
39 of the child. A home that best meets the day-to-day needs of the  
40 child shall satisfy all of the following criteria:

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

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

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

9 (2) The foster child’s caregiver shall use a reasonable and  
10 prudent parent standard, as defined in paragraph (2) of subdivision  
11 (a) of Section 362.04, to determine day-to-day activities that are  
12 age appropriate to meet the needs of the child. Nothing in this  
13 section shall be construed to permit a child’s caregiver to permit  
14 the child to engage in day-to-day activities that carry an  
15 unreasonable risk of harm, or subject the child to abuse or neglect.

16 *SEC. 39. Section 706.6 of the Welfare and Institutions Code*  
17 *is amended to read:*

18 *706.6. (a) Services to minors are best provided in a framework*  
19 *that integrates service planning and delivery among multiple*  
20 *service systems, including the mental health system, using a*  
21 *team-based approach, such as a child and family team. A child*  
22 *and family team brings together individuals that engage with the*  
23 *child or youth and family in assessing, planning, and delivering*  
24 *services. Use of a team approach increases efficiency, and thus*  
25 *reduces cost, by increasing coordination of formal services and*  
26 *integrating the natural and informal supports available to the child*  
27 *or youth and family.*

28 *(b) (1) For the purposes of this section, “child and family team”*  
29 *means a supportive team that informs the process of placement*  
30 *and services to children and youth in foster care or who are at*  
31 *risk of foster care placement. The child and family team is*  
32 *comprised of the child or youth, the child’s family, the caregiver,*  
33 *the placing agency caseworker, a county mental health*  
34 *representative, and a representative of the child’s or youth’s tribe*  
35 *or Indian custodian, as applicable. As appropriate, the child and*  
36 *family team also may include, but is not limited to, behavioral*  
37 *health representatives and other formal supports, such as*  
38 *educational professionals and representatives from other agencies*  
39 *providing services to the child or youth and family. For purposes*  
40 *of this definition, the child and family team also may include*

1 *extended family and informal support persons, such as friends,*  
2 *coaches, faith-based connections, and tribes as identified by the*  
3 *child or youth and family. If placement into a short-term residential*  
4 *treatment center or a foster family agency that provides treatment*  
5 *services has occurred or is being considered, the mental health*  
6 *representative is required to be a licensed mental health*  
7 *professional.*

8 (2) *The case plan shall be developed in collaboration with the*  
9 *child and family team. The agency shall consider the*  
10 *recommendations of the child and family team. The agency shall*  
11 *document the rationale for any inconsistencies between the case*  
12 *plan and the child and family team recommendations.*

13 (c) A case plan prepared as required by Section 706.5 shall be  
14 submitted to the court. It shall either be attached to the social study  
15 or incorporated as a separate section within the social study. The  
16 case plan shall include, but not be limited to, the following  
17 information:

18 (a)

19 (1) A description of the circumstances that resulted in the minor  
20 being placed under the supervision of the probation department  
21 and in foster care.

22 (b)

23 (2) An assessment of the minor’s and family’s strengths and  
24 needs and the type of placement best equipped to meet those needs.

25 (c)

26 (3) (A) A description of the type of home or institution in which  
27 the minor is to be placed, including a discussion of the safety and  
28 appropriateness of the placement. ~~An~~ *placement, including the*  
29 *recommendations of the child and family team, if available.*

30 (B) An appropriate placement is a placement in the least  
31 restrictive, most family-like environment, in closest proximity to  
32 the minor’s home, that meets the minor’s best interests and special  
33 needs.

34 (d) *Commencing January 1, 2017, the following shall apply:*

35 (1) *The agency selecting a placement shall consider, in order*  
36 *of priority:*

37 (A) *Placement with relatives, nonrelated extended family*  
38 *members, and tribal members.*

39 (B) *Foster family homes and nontreatment certified homes of*  
40 *foster family agencies.*

1 (C) *Treatment and intensive treatment certified homes of foster*  
2 *family agencies, or multidimensional treatment foster homes or*  
3 *therapeutic foster care homes.*

4 (D) *Group care placements in the following order:*

5 (i) *Short-term residential treatment centers.*

6 (ii) *Group homes.*

7 (iii) *Community treatment facilities.*

8 (iv) *Out-of-state residential treatment pursuant to Part 5*  
9 *(commencing with Section 7900) of Division 12 of the Family*  
10 *Code.*

11 (2) *A minor may be placed into a community care facility*  
12 *licensed as a short-term residential treatment center, as defined*  
13 *in subdivision (ad) of Section 11400, provided the case plan*  
14 *indicates that the placement is for the purposes of providing*  
15 *short-term, specialized, and intensive treatment for the minor, the*  
16 *case plan specifies the need for, nature of, and anticipated duration*  
17 *of this treatment, and the case plan includes transitioning the*  
18 *minor to a less restrictive environment and the projected timeline*  
19 *by which the minor will be transitioned to a less restrictive*  
20 *environment.*

21 ~~(e)~~

22 (e) *Effective January 1, 2010, a case plan shall ensure the*  
23 *educational stability of the child while in foster care and shall*  
24 *include both of the following:*

25 (1) *Assurances that the placement takes into account the*  
26 *appropriateness of the current educational setting and the proximity*  
27 *to the school in which the child is enrolled at the time of placement.*

28 (2) *An assurance that the placement agency has coordinated*  
29 *with appropriate local educational agencies to ensure that the child*  
30 *remains in the school in which the child is enrolled at the time of*  
31 *placement, or, if remaining in that school is not in the best interests*  
32 *of the child, assurances by the placement agency and the local*  
33 *educational agency to provide immediate and appropriate*  
34 *enrollment in a new school and to provide all of the child's*  
35 *educational records to the new school.*

36 ~~(e)~~

37 (f) *Specific time-limited goals and related activities designed*  
38 *to enable the safe return of the minor to his or her home, or in the*  
39 *event that return to his or her home is not possible, activities*  
40 *designed to result in permanent placement or emancipation.*

1 Specific responsibility for carrying out the planned activities shall  
2 be assigned to one or more of the following:

- 3 (1) The probation department.
- 4 (2) The minor's parent or parents or legal guardian or guardians,  
5 as applicable.
- 6 (3) The minor.
- 7 (4) The foster parents or licensed agency providing foster care.
- 8 ~~(f)~~
- 9 (g) The projected date of completion of the case plan objectives  
10 and the date services will be terminated.
- 11 ~~(g)~~
- 12 (h) (1) Scheduled visits between the minor and his or her family  
13 and an explanation if no visits are made.
- 14 (2) Whether the child has other siblings, and, if any siblings  
15 exist, all of the following:
  - 16 (A) The nature of the relationship between the child and his or  
17 her siblings.
  - 18 (B) The appropriateness of developing or maintaining the sibling  
19 relationships pursuant to Section 16002.
  - 20 (C) If the siblings are not placed together in the same home,  
21 why the siblings are not placed together and what efforts are being  
22 made to place the siblings together, or why those efforts are not  
23 appropriate.
  - 24 (D) If the siblings are not placed together, all of the following:
    - 25 (i) The frequency and nature of the visits between the siblings.
    - 26 (ii) If there are visits between the siblings, whether the visits  
27 are supervised or unsupervised. If the visits are supervised, a  
28 discussion of the reasons why the visits are supervised, and what  
29 needs to be accomplished in order for the visits to be unsupervised.
    - 30 (iii) If there are visits between the siblings, a description of the  
31 location and length of the visits.
    - 32 (iv) Any plan to increase visitation between the siblings.
  - 33 (E) The impact of the sibling relationships on the child's  
34 placement and planning for legal permanence.
  - 35 (F) The continuing need to suspend sibling interaction, if  
36 applicable, pursuant to subdivision (c) of Section 16002.
- 37 (3) The factors the court may consider in making a determination  
38 regarding the nature of the child's sibling relationships may  
39 include, but are not limited to, whether the siblings were raised  
40 together in the same home, whether the siblings have shared

1 significant common experiences or have existing close and strong  
2 bonds, whether either sibling expresses a desire to visit or live with  
3 his or her sibling, as applicable, and whether ongoing contact is  
4 in the child's best emotional interests.

5 ~~(h)~~

6 (i) (1) When placement is made in a foster family home, group  
7 home, or other child care institution that is either a substantial  
8 distance from the home of the minor's parent or legal guardian or  
9 out-of-state, the case plan shall specify the reasons why the  
10 placement is the most appropriate and is in the best interest of the  
11 minor.

12 (2) When an out-of-state group home placement is recommended  
13 or made, the case plan shall comply with Section 727.1 and Section  
14 7911.1 of the Family Code. In addition, documentation of the  
15 recommendation of the multidisciplinary team and the rationale  
16 for this particular placement shall be included. The case plan shall  
17 also address what in-state services or facilities were used or  
18 considered and why they were not recommended.

19 ~~(i)~~

20 (j) If applicable, efforts to make it possible to place siblings  
21 together, unless it has been determined that placement together is  
22 not in the best interest of one or more siblings.

23 ~~(j)~~

24 (k) A schedule of visits between the minor and the probation  
25 officer, including a monthly visitation schedule for those children  
26 placed in group homes.

27 ~~(k)~~

28 (l) Health and education information about the minor, school  
29 records, immunizations, known medical problems, and any known  
30 medications the minor may be taking, names and addresses of the  
31 minor's health and educational providers; the minor's grade level  
32 performance; assurances that the minor's placement in foster care  
33 takes into account proximity to the school in which the minor was  
34 enrolled at the time of placement; and other relevant health and  
35 educational information.

36 ~~(l)~~

37 (m) When out-of-home services are used and the goal is  
38 reunification, the case plan shall describe the services that were  
39 provided to prevent removal of the minor from the home, those  
40 services to be provided to assist in reunification and the services

1 to be provided concurrently to achieve legal permanency if efforts  
 2 to reunify fail.

3 ~~(m)~~

4 (n) The updated case plan prepared for a permanency planning  
 5 hearing shall include a recommendation for a permanent plan for  
 6 the minor. If, after considering reunification, adoptive placement,  
 7 legal guardianship, or permanent placement with a fit and willing  
 8 relative the probation officer recommends placement in a planned  
 9 permanent living arrangement, the case plan shall include  
 10 documentation of a compelling reason or reasons why termination  
 11 of parental rights is not in the minor’s best interest. For purposes  
 12 of this subdivision, a “compelling reason” shall have the same  
 13 meaning as in subdivision (c) of Section 727.3.

14 ~~(n)~~

15 (o) Each updated case plan shall include a description of the  
 16 services that have been provided to the minor under the plan and  
 17 an evaluation of the appropriateness and effectiveness of those  
 18 services.

19 ~~(o)~~

20 (p) A statement that the parent or legal guardian, and the minor  
 21 have had an opportunity to participate in the development of the  
 22 case plan, to review the case plan, to sign the case plan, and to  
 23 receive a copy of the plan, or an explanation about why the parent,  
 24 legal guardian, or minor was not able to participate or sign the case  
 25 plan.

26 ~~(p)~~

27 (q) For a minor in out-of-home care who is 16 years of age or  
 28 older, a written description of the programs and services, which  
 29 will help the minor prepare for the transition from foster care to  
 30 independent living.

31 *SEC. 40. Section 727 of the Welfare and Institutions Code is*  
 32 *amended to read:*

33 727. (a) (1) If a minor or nonminor is adjudged a ward of the  
 34 court on the ground that he or she is a person described by Section  
 35 601 or 602, the court may make any reasonable orders for the care,  
 36 supervision, custody, conduct, maintenance, and support of the  
 37 minor or nonminor, including medical treatment, subject to further  
 38 order of the court.

39 (2) In the discretion of the court, a ward may be ordered to be  
 40 on probation without supervision of the probation officer. The

1 court, in so ordering, may impose on the ward any and all  
2 reasonable conditions of behavior as may be appropriate under  
3 this disposition. A minor or nonminor who has been adjudged a  
4 ward of the court on the basis of the commission of any of the  
5 offenses described in subdivision (b) or paragraph (2) of  
6 subdivision (d) of Section 707, Section 459 of the Penal Code, or  
7 subdivision (a) of Section 11350 of the Health and Safety Code,  
8 shall not be eligible for probation without supervision of the  
9 probation officer. A minor or nonminor who has been adjudged a  
10 ward of the court on the basis of the commission of any offense  
11 involving the sale or possession for sale of a controlled substance,  
12 except misdemeanor offenses involving marijuana, as specified in  
13 Chapter 2 (commencing with Section 11053) of Division 10 of the  
14 Health and Safety Code, or of an offense in violation of Section  
15 32625 of the Penal Code, shall be eligible for probation without  
16 supervision of the probation officer only when the court determines  
17 that the interests of justice would best be served and states reasons  
18 on the record for that determination.

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

23 (A) The approved home of a relative or the approved home of  
24 a nonrelative, extended family member, as defined in Section  
25 362.7. If a decision has been made to place the minor in the home  
26 of a relative, the court may authorize the relative to give legal  
27 consent for the minor's medical, surgical, and dental care and  
28 education as if the relative caretaker were the custodial parent of  
29 the minor.

30 (B) The approved home of a resource family as defined in  
31 Section 16519.5.

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

36 (D) *Commencing January 1, 2017, a minor or nonminor*  
37 *dependent may be placed in a short-term residential treatment*  
38 *center as defined in paragraph (18) of subdivision (a) of Section*  
39 *1502 of the Health and Safety Code, or a foster family agency, as*

1 *defined in paragraph (4) of subdivision (a) of Section 1502 of the*  
 2 *Health and Safety Code, that provides treatment services.*

3 ~~(D)~~

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

7 ~~(E)~~

8 (F) (i) Every minor adjudged a ward of the juvenile court who  
 9 is residing in a placement as defined in subparagraphs (A) to ~~(D)~~;  
 10 (E), inclusive, shall be entitled to participate in age-appropriate  
 11 extracurricular, enrichment, and social activities. A state or local  
 12 regulation or policy shall not prevent, or create barriers to,  
 13 participation in those activities. Each state and local entity shall  
 14 ensure that private agencies that provide foster care services to  
 15 wards have policies consistent with this section and that those  
 16 agencies promote and protect the ability of wards to participate in  
 17 age-appropriate extracurricular, enrichment, and social activities.  
 18 A group home administrator, a facility manager, or his or her  
 19 responsible designee, and a caregiver, as defined in paragraph (1)  
 20 of subdivision (a) of Section 362.04, shall use a reasonable and  
 21 prudent parent standard, as defined in paragraph (2) of subdivision  
 22 (a) of Section 362.04, in determining whether to give permission  
 23 for a minor residing in foster care to participate in extracurricular,  
 24 enrichment, and social activities. A group home administrator, a  
 25 facility manager, or his or her responsible designee, and a caregiver  
 26 shall take reasonable steps to determine the appropriateness of the  
 27 activity taking into consideration the minor’s age, maturity, and  
 28 developmental level.

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

34 ~~(F)~~

35 (G) For nonminors, an approved supervised independent living  
 36 setting as defined in Section 11400, including a residential housing  
 37 unit certified by a licensed transitional housing placement provider.

38 (4) The minor or nonminor shall be released from juvenile  
 39 detention upon an order being entered under paragraph (3), unless

1 the court determines that a delay in the release from detention is  
2 reasonable pursuant to Section 737.

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

18 (2) The court has no authority to order services unless it has  
19 been determined through the administrative process of an agency  
20 that has been joined as a party, that the minor, nonminor, or  
21 nonminor dependent is eligible for those services. With respect to  
22 mental health assessment, treatment, and case management services  
23 pursuant to ~~Chapter 26.5 (commencing with Section 7570) of~~  
24 ~~Division 7 of Title 1 of the Government Code, an individualized~~  
25 *education program developed pursuant to Article 2 (commencing*  
26 *with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title*  
27 *2 of the Education Code, the court's determination shall be limited*  
28 *to whether the agency has complied with that chapter.*

29 (3) For the purposes of this subdivision, "agency" means any  
30 governmental agency or any private service provider or individual  
31 that receives federal, state, or local governmental funding or  
32 reimbursement for providing services directly to a child, nonminor,  
33 or nonminor dependent.

34 (c) *When placements are made pursuant to subparagraph (D)*  
35 *of paragraph (3) of subdivision (a) the following shall apply:*

36 (1) *A minor may be placed in a short-term residential treatment*  
37 *center provided he or she meets at least one of the following*  
38 *conditions:*

39 (A) *The child has been assessed as meeting the medical necessity*  
40 *criteria for specialty mental health services under the Medi-Cal*

1 *Early and Periodic Screening, Diagnosis, and Treatment program,*  
2 *as the criteria are described in Section 1830.210 of Title 9 of the*  
3 *California Code of Regulations.*

4 *(B) The child has been assessed as having an emotional*  
5 *disturbance pursuant to Section 300.8(c)(4)(i) of Title 34 of the*  
6 *Code of Federal Regulations.*

7 *(C) The child has been assessed as requiring the level of services*  
8 *provided to maintain the safety of the child or others due to*  
9 *behaviors that render the child or those around the child unsafe,*  
10 *or that prevent the effective delivery of needed services and*  
11 *supports provided in the child's own home or in other family*  
12 *settings, such as with a relative, guardian, foster family, resource*  
13 *family, or adoptive family. In certain circumstances, this may*  
14 *include the following children:*

15 *(i) A commercially or sexually exploited child.*

16 *(ii) A juvenile sex offender.*

17 *(iii) A child who is affiliated with or impacted by a gang.*

18 *(2) A licensed foster family agency, as defined in paragraph (4)*  
19 *of subdivision (a) of Section 1502 of the Health and Safety Code,*  
20 *which provides treatment services, if he or she meets at least one*  
21 *of the following conditions:*

22 *(A) A child who has been assessed as meeting the medical*  
23 *necessity criteria for specialty mental health services under the*  
24 *Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment*  
25 *program, as the criteria are described in Section 1830.210 of Title*  
26 *9 of the California Code of Regulations.*

27 *(B) A child assessed as having an emotional disturbance*  
28 *pursuant to Section 300.8(c)(4)(i) of Title 34 of the Code of Federal*  
29 *Regulations.*

30 *(C) A child who has been assessed as requiring the level of*  
31 *services to meet his or her behavioral or therapeutic needs.*

32 *(3) The assessments described in paragraphs (1) and (2) shall*  
33 *be made pursuant to subparagraphs (C) and (D) of paragraph (1)*  
34 *of subdivision (a) of Section 11462.01.*

35 *(e)*

36 *(d) If a minor has been adjudged a ward of the court on the*  
37 *ground that he or she is a person described in Section 601 or 602,*  
38 *and the court finds that notice has been given in accordance with*  
39 *Section 661, and if the court orders that a parent or guardian shall*  
40 *retain custody of that minor either subject to or without the*

1 supervision of the probation officer, the parent or guardian may  
2 be required to participate with that minor in a counseling or  
3 education program, including, but not limited to, parent education  
4 and parenting programs operated by community colleges, school  
5 districts, or other appropriate agencies designated by the court.

6 ~~(e)~~

7 (e) The juvenile court may direct any reasonable orders to the  
8 parents and guardians of the minor who is the subject of any  
9 proceedings under this chapter as the court deems necessary and  
10 proper to carry out subdivisions (a), (b), ~~and (e)~~ (c), and (d),  
11 including orders to appear before a county financial evaluation  
12 officer, to ensure the minor's regular school attendance, and to  
13 make reasonable efforts to obtain appropriate educational services  
14 necessary to meet the needs of the minor.

15 If counseling or other treatment services are ordered for the  
16 minor, the parent, guardian, or foster parent shall be ordered to  
17 participate in those services, unless participation by the parent,  
18 guardian, or foster parent is deemed by the court to be inappropriate  
19 or potentially detrimental to the minor.

20 ~~SEC. 39:~~

21 *SEC. 41.* Section 727.1 of the Welfare and Institutions Code  
22 is amended to read:

23 727.1. (a) When the court orders the care, custody, and control  
24 of the minor to be under the supervision of the probation officer  
25 for foster care placement pursuant to subdivision (a) of Section  
26 727, the decision regarding choice of placement shall be based  
27 upon selection of a safe setting that is the least restrictive or most  
28 family like, and the most appropriate setting that is available and  
29 in close proximity to the parent's home, consistent with the  
30 selection of the environment best suited to meet the minor's special  
31 needs and best interests. The selection shall consider, in order of  
32 priority, placement with relatives, tribal members, and foster  
33 family, group care, and residential treatment pursuant to Section  
34 7950 of the Family Code.

35 (b) Unless otherwise authorized by law, the court may not order  
36 the placement of a minor who is adjudged a ward of the court on  
37 the basis that he or she is a person described by either Section 601  
38 or 602 in a private residential facility or program that provides  
39 24-hour supervision, outside of the state, unless the court finds, in  
40 its order of placement, that all of the following conditions are met:

1 (1) In-state facilities or programs have been determined to be  
2 unavailable or inadequate to meet the needs of the minor.

3 (2) The State Department of Social Services or its designee has  
4 performed initial and continuing inspection of the out-of-state  
5 residential facility or program and has either certified that the  
6 facility or program meets the greater of all licensure standards  
7 required of group homes or of short-term residential treatment  
8 centers, centers operated in California, or that the department has  
9 granted a waiver to a specific licensing standard upon a finding  
10 that there exists no adverse impact to health and safety, pursuant  
11 to subdivision (c) of Section 7911.1 of the Family Code.

12 (3) The requirements of Section 7911.1 of the Family Code are  
13 met.

14 (c) If, upon inspection, the probation officer of the county in  
15 which the minor is adjudged a ward of the court determines that  
16 the out-of-state facility or program is not in compliance with the  
17 standards required under paragraph (2) of subdivision (b) or has  
18 an adverse impact on the health and safety of the minor, the  
19 probation officer may temporarily remove the minor from the  
20 facility or program. The probation officer shall promptly inform  
21 the court of the minor's removal, and shall return the minor to the  
22 court for a hearing to review the suitability of continued out-of-state  
23 placement. The probation officer shall, within one business day  
24 of removing the minor, notify the State Department of Social  
25 Services' Compact Administrator, and, within five working days,  
26 submit a written report of the findings and actions taken.

27 (d) The court shall review each of these placements for  
28 compliance with the requirements of subdivision (b) at least once  
29 every six months.

30 (e) The county shall not be entitled to receive or expend any  
31 public funds for the placement of a minor in an out-of-state group  
32 home or short-term residential treatment center, unless the  
33 conditions of subdivisions (b) and (d) are met.

34 ~~SEC. 40.~~

35 *SEC. 42.* Section 827.11 is added to the Welfare and Institutions  
36 Code, to read:

37 827.11. (a) The Legislature finds and declares all of the  
38 following:

1 (1) It is the intent of the Legislature to ensure quality care for  
2 children and youth who are placed in the continuum of foster care  
3 settings.

4 (2) Attracting and retaining quality caregivers is critical to  
5 achieving positive outcomes for children, youth, and families, and  
6 to ensuring the success of child welfare improvement efforts.

7 (3) Quality caregivers strengthen foster care by ensuring that a  
8 foster or relative family caring for a child provides the loving,  
9 committed, and skilled care that the child needs, while working  
10 effectively with the child welfare system to reach the child's goals.

11 (4) Caregivers who are informed of the child's educational,  
12 medical, dental, and mental health history and current needs are  
13 better able to meet those needs and address the effects of trauma,  
14 increasing placement stability and improving permanency  
15 outcomes.

16 (5) Sharing necessary information with the caregiver is a critical  
17 component of effective service delivery for children and youth in  
18 foster care.

19 (b) Therefore, consistent with state and federal law, information  
20 shall be provided to a caregiver regarding the child's or youth's  
21 educational, medical, dental, and mental health history and current  
22 needs.

23 (c) This section is declaratory of existing law and is not intended  
24 to impose a new program or higher level of service upon any local  
25 agency. It is intended, however, that this restatement of existing  
26 law should engender a renewed sense of commitment to engaging  
27 foster parents in order to provide quality care to children and youth  
28 in foster care.

29 ~~SEC. 41.~~

30 *SEC. 43.* Section 831 is added to the Welfare and Institutions  
31 Code, to read:

32 ~~831. (a) (1) For purposes of this section, a "child and family~~  
33 ~~team" means a supportive team that informs the process of~~  
34 ~~placement and services to children and youth in foster care or who~~  
35 ~~are at risk of foster care placement. The child and family team is~~  
36 ~~comprised of the child or youth, the child's family, the caregiver,~~  
37 ~~the placing agency caseworker, a county mental health~~  
38 ~~representative, and a representative of the child's or youth's tribe~~  
39 ~~or Indian custodian, as applicable. As appropriate, the child and~~  
40 ~~family team also may include, but is not limited to, behavioral~~

1 health representatives and other formal supports, such as  
 2 educational professionals and representatives from other agencies  
 3 providing services to the child or youth and family. For purposes  
 4 of this definition, child and family team also may include extended  
 5 family and informal support persons, such as friends, coaches,  
 6 faith-based connections, and tribes as identified by the child or  
 7 youth and family. If placement into a short-term residential  
 8 treatment center or a foster family agency that provides treatment  
 9 services has occurred or is being considered, the mental health  
 10 representative is required to be a licensed mental health  
 11 professional.

12 (2)

13 831. (a) (1) To promote more effective communication  
 14 needed for the development of a plan to address the needs of the  
 15 child or youth and family, a person designated as a member of a  
 16 child and family team pursuant to as defined in paragraph (4) of  
 17 subdivision (a) of Section 16501 may receive and disclose relevant  
 18 information and records, subject to the confidentiality provisions  
 19 described in this section: of state and federal law.

20 (3)

21 (2) Information exchanged among the team shall be received  
 22 in confidence for the limited purpose of providing necessary  
 23 services and supports to the child or youth and family and shall  
 24 not be further disclosed except to the juvenile court with  
 25 jurisdiction over the child or as otherwise required by law. *Civil*  
 26 *and criminal penalties may apply to the inappropriate disclosure*  
 27 *of information held by the team.*

28 (b) When a child or youth and family have been identified as  
 29 benefiting from the convening of a child and family team, the  
 30 following shall occur:

31 (1) The parents or guardians and the child or youth shall be  
 32 informed of the nature of the team, the expected benefit of  
 33 convening the team, and the expected outcome of the team.

34 (2) The parents or guardians and the child or youth shall be  
 35 informed that they may decline participation in the team.

36 (3) If the parents or guardians and the child or youth agree to  
 37 participate in the team, the proposed members of the team shall  
 38 be identified. The parents or guardians and the child or youth shall  
 39 be permitted to identify nonprofessionals, such as relatives,

1 nonrelative extended family members, and caregivers or former  
2 caregivers, to participate on the team.

3 ~~(4) All team members shall be fully apprised of the~~  
4 ~~confidentiality requirements of this subdivision prior to~~  
5 ~~participation in the team meetings and shall sign a confidentiality~~  
6 ~~agreement.~~

7 ~~(e)~~

8 ~~(b) (1) When a child and family team is convened, each~~  
9 ~~participating parent, guardian, child, and youth~~ *Each participant*  
10 *in the child and family team* with legal power to consent shall be  
11 asked to sign an authorization to release information to team  
12 members. In the event that a child or youth who is a dependent *or*  
13 *ward* of the juvenile court does not have the legal power to consent  
14 to the release of information, the court ~~is~~ *or other* authorized to  
15 *individual* may consent on behalf of the child.

16 (2) Authorization to release information shall be in writing and  
17 shall comply with all other applicable state law governing release  
18 of medical, mental health, social service, and educational records,  
19 and that covers identified team members, including service  
20 providers, in order to permit the release of records to the team.

21 ~~(A) Authorization for the release of medical records may be~~  
22 ~~indicated on a separate form designated for that purpose.~~

23 ~~(B)~~

24 (3) This authorization shall not include release of adoption  
25 records.

26 ~~(3) All team members from whom an authorization to release~~  
27 ~~information is required shall be informed of the right to refuse to~~  
28 ~~sign, or to limit the scope of, the consent form.~~

29 (4) The knowing and informed consent to release information  
30 given pursuant to this section shall only be in force for the time  
31 that the child or youth, or family, or nonminor dependent, is  
32 participating in the child and family team.

33 ~~(d) (1)~~

34 (c) Upon obtaining the authorization to release information as  
35 described in subdivision ~~(e)~~; (b), relevant information and records  
36 may be shared with members of the team. If the team determines  
37 that the disclosure of information would present a reasonable risk  
38 of a significant adverse or detrimental effect on the minor's  
39 psychological or physical safety, the information shall not be  
40 released.

1     ~~(2) To the extent the records were generated as a result of health~~  
2 ~~care services to which the child or youth has the power to consent~~  
3 ~~under state law, release of these records may take place only after~~  
4 ~~the team has received written authorization from the child or youth~~  
5 ~~to release the records.~~

6     ~~(e) Before each team meeting, a facilitator shall explain both~~  
7 ~~of the following to the team before information may be exchanged~~  
8 ~~about a particular child, youth, or family:~~

9     ~~(1) Information provided by the child, youth, or family may~~  
10 ~~only be exchanged with team members with the express written~~  
11 ~~consent of the family and the child, youth, or person with the legal~~  
12 ~~right to consent on behalf of the child or youth.~~

13     ~~(2) Information discussed in the team meetings shall not be~~  
14 ~~disclosed to anyone other than members of the team and juvenile~~  
15 ~~court, unless otherwise required by law. Civil and criminal~~  
16 ~~penalties may apply to the inappropriate disclosure of information~~  
17 ~~held by the team.~~

18     ~~(f) Every member of the child and family team who receives~~  
19 ~~information or records on the child or youth and family served by~~  
20 ~~the team shall be under the same privacy and confidentiality~~  
21 ~~obligations as the person disclosing or providing the information~~  
22 ~~or records. The information or records obtained shall be maintained~~  
23 ~~in a manner that ensures the maximum protection of privacy and~~  
24 ~~confidentiality rights.~~

25     ~~(g) This section shall not be construed to restrict guarantees of~~  
26 ~~confidentiality provided under federal law.~~

27     ~~(h)~~

28     ~~(d) Information and records communicated or provided to the~~  
29 ~~team, by all providers, programs, and agencies, as well as~~  
30 ~~information and records created by the team in the course of serving~~  
31 ~~its children, youth, and their families, shall be deemed private and~~  
32 ~~confidential and shall be protected from discovery and disclosure~~  
33 ~~by all applicable statutory and common law. Nothing in this section~~  
34 ~~shall be construed to affect the authority of a health care provider~~  
35 ~~to disclose medical information pursuant to paragraph (1) of~~  
36 ~~subdivision (c) of Section 56.10 of the Civil Code.~~

37     ~~(i)~~

38     ~~(e) If the child welfare agency files or records, or any portions~~  
39 ~~thereof, are privileged or confidential, pursuant to any other state~~  
40 ~~law, except Section 827, or federal law or regulation, the~~

1 requirements of that state law or federal law or regulation  
2 prohibiting or limiting release of the child welfare agency files or  
3 records, or any portions thereof, shall prevail.

4 ~~(j)~~

5 (f) All discussions during team meetings are confidential unless  
6 disclosure is required by law. Notwithstanding any other law,  
7 testimony concerning any team meeting discussion is not  
8 admissible in any criminal or civil proceeding except as provided  
9 in paragraph (2) of subdivision (a).

10 ~~(k)~~

11 (g) As used in this section, “privileged information” means any  
12 information subject to a privilege pursuant to Division 8  
13 (commencing with Section 900) of the Evidence Code. Disclosure  
14 of otherwise privileged information to team members shall not be  
15 construed to waive the privilege.

16 ~~SEC. 42.~~

17 *SEC. 44.* Section 4094.2 of the Welfare and Institutions Code  
18 is amended to read:

19 4094.2. (a) For the purpose of establishing payment rates for  
20 community treatment facility programs, the private nonprofit  
21 agencies selected to operate these programs shall prepare a budget  
22 that covers the total costs of providing residential care and  
23 supervision and mental health services for their proposed programs.  
24 These costs shall include categories that are allowable under  
25 California’s Foster Care program and existing programs for mental  
26 health services. They shall not include educational, nonmental  
27 health medical, and dental costs.

28 (b) Each agency operating a community treatment facility  
29 program shall negotiate a final budget with the local mental health  
30 department in the county in which its facility is located (the host  
31 county) and other local agencies, as appropriate. This budget  
32 agreement shall specify the types and level of care and services to  
33 be provided by the community treatment facility program and a  
34 payment rate that fully covers the costs included in the negotiated  
35 budget. All counties that place children in a community treatment  
36 facility program shall make payments using the budget agreement  
37 negotiated by the community treatment facility provider and the  
38 host county.

1 (c) A foster care rate shall be established for each community  
2 treatment facility program by the State Department of Social  
3 Services.

4 (1) These rates shall be established using the existing foster care  
5 ratesetting system for group homes, or the rate for a short-term  
6 residential treatment center as defined in subdivision (ad) of  
7 Section 11400, with modifications designed as necessary. It is  
8 anticipated that all community treatment facility programs will  
9 offer the level of care and services required to receive the highest  
10 foster care rate provided for under the current ratesetting system.

11 (2) Except as otherwise provided in paragraph (3), commencing  
12 January 1, 2017, the program shall have accreditation from a  
13 nationally recognized accrediting entity identified by the State  
14 Department of Social Services pursuant to the process described  
15 in paragraph (4) of subdivision (b) of Section 11462.

16 (3) With respect to a program that has been granted an extension  
17 pursuant to the exception process described in subdivision (d) of  
18 Section 11462.04, the requirement described in paragraph (2) shall  
19 apply to that program commencing January 1, 2018.

20 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the  
21 2003–04 fiscal year, and the 2004–05 fiscal year, community  
22 treatment facility programs shall also be paid a community  
23 treatment facility supplemental rate of up to two thousand five  
24 hundred dollars (\$2,500) per child per month on behalf of children  
25 eligible under the foster care program and children placed out of  
26 home pursuant to an individualized education program developed  
27 under Section 7572.5 of the Government Code. Subject to the  
28 availability of funds, the supplemental rate shall be shared by the  
29 state and the counties. Counties shall be responsible for paying a  
30 county share of cost equal to 60 percent of the community  
31 treatment rate for children placed by counties in community  
32 treatment facilities and the state shall be responsible for 40 percent  
33 of the community treatment facility supplemental rate. The  
34 community treatment facility supplemental rate is intended to  
35 supplement, and not to supplant, the payments for which children  
36 placed in community treatment facilities are eligible to receive  
37 under the foster care program and the existing programs for mental  
38 health services.

39 (e) For initial ratesetting purposes for community treatment  
40 facility funding, the cost of mental health services shall be

1 determined by deducting the foster care rate and the community  
2 treatment facility supplemental rate from the total allowable cost  
3 of the community treatment facility program. Payments to certified  
4 providers for mental health services shall be based on eligible  
5 services provided to children who are Medi-Cal beneficiaries, up  
6 to the approved federal rate for these services.

7 (f) The State Department of Health Care Services shall provide  
8 the community treatment facility supplemental rates to the counties  
9 for advanced payment to the community treatment facility  
10 providers in the same manner as the regular foster care payment  
11 and within the same required payment time limits.

12 (g) In order to facilitate the study of the costs of community  
13 treatment facilities, licensed community treatment facilities shall  
14 provide all documents regarding facility operations, treatment, and  
15 placements requested by the department.

16 (h) It is the intent of the Legislature that the State Department  
17 of Health Care Services and the State Department of Social  
18 Services work to maximize federal financial participation in  
19 funding for children placed in community treatment facilities  
20 through funds available pursuant to Titles IV-E and XIX of the  
21 federal Social Security Act (Title 42 U.S.C. Sec. 670 et seq. and  
22 Sec. 1396 et seq.) and other appropriate federal programs.

23 (i) The State Department of Health Care Services and the State  
24 Department of Social Services may adopt emergency regulations  
25 necessary to implement joint protocols for the oversight of  
26 community treatment facilities, to modify existing licensing  
27 regulations governing reporting requirements and other procedural  
28 and administrative mandates to take into account the seriousness  
29 and frequency of behaviors that are likely to be exhibited by the  
30 ~~seriously emotionally disturbed~~ children *who have been assessed*  
31 *as having an emotional disturbance pursuant to Section*  
32 *300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations* placed  
33 in community treatment facility programs, to modify the existing  
34 foster care ratesetting regulations, and to pay the community  
35 treatment facility supplemental rate. The adoption of these  
36 regulations shall be deemed to be an emergency and necessary for  
37 the immediate preservation of the public peace, health and safety,  
38 and general welfare. The regulations shall become effective  
39 immediately upon filing with the Secretary of State. The regulations  
40 shall not remain in effect more than 180 days unless the adopting

1 agency complies with all the provisions of Chapter 3.5  
2 (commencing with Section 11340) of Part 1 of Division 3 of Title  
3 2 of the Government Code, as required by subdivision (e) of  
4 Section 11346.1 of the Government Code.

5 ~~SEC. 43.~~

6 *SEC. 45.* Section 4096 of the Welfare and Institutions Code is  
7 amended to read:

8 4096. (a) (1) Interagency collaboration and children’s program  
9 services shall be structured in a manner that will facilitate future  
10 implementation of the goals of the Children’s Mental Health  
11 Services Act.

12 (2) Components shall be added to state-county performance  
13 contracts required in Section 5650 that provide for reports from  
14 counties on how this section is implemented.

15 (3) The department shall develop performance contract  
16 components required by paragraph (2).

17 (4) Performance contracts subject to this section shall document  
18 that the procedures to be implemented in compliance with this  
19 section have been approved by the county social services  
20 department and the county probation department.

21 (b) Funds specified in subdivision (a) of Section 17601 for  
22 services to wards of the court and dependent children of the court  
23 shall be allocated and distributed to counties based on the number  
24 of wards of the court and dependent children of the court in the  
25 county.

26 (c) A county may utilize funds allocated pursuant to subdivision  
27 (b) only if the county has an established and operational  
28 interagency placement committee, with a membership that includes  
29 at least the county placement agency and a licensed mental health  
30 professional from the county department of mental health. If  
31 necessary, the funds may be used for costs associated with  
32 establishing the interagency placement committee.

33 (d) Subsequent to the establishment of an interagency placement  
34 committee, funds allocated pursuant to subdivision (b) shall be  
35 used to provide services to wards of the court and dependent  
36 children of the court jointly identified by county mental health,  
37 social services, and probation departments as the highest priority.  
38 Every effort shall be made to match those funds with funds  
39 received pursuant to Title XIX of the federal Social Security Act,

1 contained in Subchapter 19 (commencing with Section 1396) of  
2 Chapter 7 of Title 42 of the United States Code.

3 (e) (1) Each interagency placement committee shall establish  
4 procedures whereby a ward of the court or dependent child of the  
5 court, or a voluntarily placed child whose placement is funded by  
6 the Aid to Families with Dependent Children-Foster Care Program,  
7 who is to be placed or is currently placed in a group home program  
8 at a rate classification level 13 or rate classification level 14 as  
9 specified in Section 11462.01, is assessed as ~~seriously emotionally~~  
10 ~~disturbed, as defined in Section 5600.3~~ *having an emotional*  
11 *disturbance pursuant to Section 300.8(c)(4)(i) of Title 34 of the*  
12 *Code of Federal Regulations* and Section 1502.4 of the Health and  
13 Safety Code.

14 (2) The assessment required by paragraph (1) shall also indicate  
15 that the child or youth is in need of the care and services provided  
16 by that group home program.

17 (f) The interagency placement committee shall document the  
18 results of the assessment required by subdivision (e) and shall  
19 notify the appropriate group home provider and county placing  
20 agency, in writing, of those results within 10 days of the completion  
21 of the assessment.

22 (g) If the child's or youth's placement is not funded by the Aid  
23 to Families with Dependent Children-Foster Care Program, a  
24 licensed mental health professional, as defined in Sections 629 to  
25 633, inclusive, of Title 9 of the California Code of Regulations,  
26 shall certify that the child is ~~seriously emotionally disturbed, as~~  
27 ~~defined in Section 5600.3~~ *assessed as having an emotional*  
28 *disturbance as defined in Section 300.8(c)(4)(i) of Title 34 of the*  
29 *Code of Federal Regulations* and Section 1502.4 of the Health and  
30 Safety Code.

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

34 ~~SEC. 44.~~

35 *SEC. 46.* Section 4096 is added to the Welfare and Institutions  
36 Code, to read:

37 4096. (a) (1) Interagency collaboration and children's program  
38 services shall be structured in a manner that will facilitate  
39 implementation of the goals of the Children's Mental Health  
40 Services Act.

1 (2) Components shall be added to state-county performance  
2 contracts required in Section 5650 that provide for reports from  
3 counties on how this section is implemented.

4 (3) The State Department of Health Care Services shall develop  
5 performance contract components required by paragraph (2).

6 (4) Performance contracts subject to this section shall document  
7 that the procedures to be implemented in compliance with this  
8 section have been approved by the county social services  
9 department and the county probation department.

10 (b) Funds specified in subdivision (a) of Section 17601 for  
11 services to wards of the court and dependent children of the court  
12 shall be allocated and distributed to counties based on the number  
13 of wards of the court and dependent children of the court in the  
14 county.

15 (c) A county may utilize funds allocated pursuant to subdivision  
16 (b) only if the county has an established and operational  
17 interagency placement *committee* with a membership that includes  
18 at least the county placement agency and a licensed mental health  
19 professional from the county department of mental health. If  
20 necessary, the funds may be used for costs associated with  
21 establishing the interagency placement committee.

22 (d) Funds allocated pursuant to subdivision (b) shall be used to  
23 provide services to wards of the court and dependent children of  
24 the court jointly identified by county mental health, social services,  
25 and probation departments as the highest priority. Every effort  
26 shall be made to match those funds with funds received pursuant  
27 to Title XIX of the federal Social Security Act, contained in  
28 Subchapter 19 (commencing with Section 1396) of Chapter 7 of  
29 Title 42 of the United States Code.

30 (e) (1) Each interagency placement committee shall establish  
31 procedures whereby a ward of the court or dependent child of the  
32 court, or a voluntarily placed child whose placement is funded by  
33 the Aid to Families with Dependent Children-Foster Care Program,  
34 who is to be placed or is currently placed in a short-term residential  
35 treatment center or foster family agency that provides treatment  
36 services, as specified in Section 11462.01, is assessed as ~~seriously~~  
37 ~~emotionally disturbed, as defined in Section 5600.3~~ *having an*  
38 *emotional disturbance as defined in Section 300.8(c)(4)(i) of Title*  
39 *34 of the Code of Federal Regulations* and Section 1502.4 of the  
40 Health and Safety Code.

1 (2) The assessment required by paragraph (1) shall also indicate  
2 that the child is in need of the care and services provided by a  
3 short-term residential center or foster family agency that provides  
4 treatment services.

5 (3) In lieu of an assessment by the interagency placement  
6 committee required under paragraph (1), a child and family team,  
7 as defined in ~~Section 831~~, *paragraph (4) of subdivision (a) of*  
8 *Section 16501*, may utilize an assessment by a licensed mental  
9 health professional that was developed consistent with procedures  
10 established by the county under paragraph (1). Nothing in this  
11 paragraph shall prohibit the child and family team from considering  
12 an assessment provided by an interagency placement committee.

13 (f) The interagency placement committee or the child and family  
14 team, as appropriate, shall document the results of the assessment  
15 required by subdivision (e) and shall notify the appropriate provider  
16 in writing, of those results within 10 days of the completion of the  
17 assessment.

18 (g) If the child's or youth's placement is not funded by the Aid  
19 to Families with Dependent Children-Foster Care Program, a  
20 licensed mental health professional shall certify that the child is  
21 ~~seriously emotionally disturbed, as defined in Section 5600.3 and~~  
22 ~~Section 1502.4 of the Health and Safety Code.~~ *has been assessed*  
23 *as having an emotional disturbance, as defined in Section*  
24 *300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations.*

25 (h) This section shall become operative on January 1, 2017.

26 ~~SEC. 45.~~

27 ~~SEC. 47.~~ Section 4096.1 is added to the Welfare and Institutions  
28 Code, to read:

29 4096.1. (a) (1) Interagency collaboration and children's  
30 program services shall be structured in a manner that will facilitate  
31 future implementation of the goals of the Children's Mental Health  
32 Services Act.

33 (2) Components shall be added to state-county performance  
34 contracts required in Section 5650 that provide for reports from  
35 counties on how this section is implemented.

36 (3) The department shall develop performance contract  
37 components required by paragraph (2).

38 (4) Performance contracts subject to this section shall document  
39 that the procedures to be implemented in compliance with this

1 section have been approved by the county social services  
2 department and the county probation department.

3 (b) Funds specified in subdivision (a) of Section 17601 for  
4 services to wards of the court and dependent children of the court  
5 shall be allocated and distributed to counties based on the number  
6 of wards of the court and dependent children of the court in the  
7 county.

8 (c) A county may utilize funds allocated pursuant to subdivision  
9 (b) only if the county has an established and operational  
10 interagency placement committee, with a membership that includes  
11 at least the county placement agency and a licensed mental health  
12 professional from the county department of mental health. If  
13 necessary, the funds may be used for costs associated with  
14 establishing the interagency placement committee.

15 (d) Subsequent to the establishment of an interagency placement  
16 committee, funds allocated pursuant to subdivision (b) shall be  
17 used to provide services to wards of the court and dependent  
18 children of the court jointly identified by county mental health,  
19 social services, and probation departments as the highest priority.  
20 Every effort shall be made to match those funds with funds  
21 received pursuant to Title XIX of the federal Social Security Act,  
22 contained in Subchapter 19 (commencing with Section 1396) of  
23 Chapter 7 of Title 42 of the United States Code.

24 (e) (1) Each interagency placement committee shall establish  
25 procedures whereby a ward of the court or dependent child of the  
26 court, or a voluntarily placed child whose placement is funded by  
27 the Aid to Families with Dependent Children-Foster Care Program,  
28 who is to be placed or is currently placed in a group home program  
29 at a rate classification level 13 or rate classification level 14 as  
30 specified in Section 11462.001, is assessed as ~~seriously emotionally~~  
31 ~~disturbed, as defined in Section 5600.3 and Section 1502.45 of the~~  
32 ~~Health and Safety Code. having an emotional disturbance, as~~  
33 ~~defined in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal~~  
34 ~~Regulations.~~

35 (2) The assessment required by paragraph (1) shall also indicate  
36 that the child or youth is in need of the care and services provided  
37 by that group home program.

38 (f) The interagency placement committee shall document the  
39 results of the assessment required by subdivision (e) and shall  
40 notify the appropriate group home provider and county placing

1 agency, in writing, of those results within 10 days of the completion  
2 of the assessment.

3 (g) If the child's or youth's placement is not funded by the Aid  
4 to Families with Dependent Children-Foster Care Program, a  
5 licensed mental health professional, as defined in Sections 629 to  
6 633, inclusive, of Title 9 of the California Code of Regulations,  
7 shall certify that the child ~~is seriously emotionally disturbed, as~~  
8 ~~defined in Section 5600.3 and Section 1502.45 of the Health and~~  
9 ~~Safety Code.~~ *has been assessed as having an emotional*  
10 *disturbance, as defined in Section 300.8(c)(4)(i) of Title 34 of the*  
11 *Code of Federal Regulations.*

12 (h) This section shall only apply to a group home that has been  
13 granted an extension pursuant to the exception process described  
14 in subdivision (d) of Section 11462.04 or to a foster family agency  
15 that has been granted an extension pursuant to the exception  
16 process described in subdivision (d) of Section 11463.1.

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

18 (j) This section shall remain in effect only until January 1, 2018,  
19 and as of that date is repealed, unless a later enacted statute, that  
20 is enacted before January 1, 2018, deletes or extends that date.

21 ~~SEC. 46.~~

22 *SEC. 48.* Section 4096.5 of the Welfare and Institutions Code  
23 is amended to read:

24 4096.5. (a) The State Department of Health Care Services  
25 shall make a determination, within 45 days of receiving a request  
26 from a group home to be classified at RCL 13 or RCL 14 pursuant  
27 to Section 11462.01, to certify or deny certification that the group  
28 home program includes provisions for mental health treatment  
29 services that meet the needs of ~~seriously emotionally disturbed~~  
30 ~~children.~~ *children who have been assessed as having an emotional*  
31 *disturbance, as defined in Section 300.8(c)(4)(i) of Title 34 of the*  
32 *Code of Federal Regulations.* The department shall issue each  
33 certification for a period of one year and shall specify the effective  
34 date the program met the certification requirements. A program  
35 may be recertified if the program continues to meet the criteria for  
36 certification.

37 (b) The State Department of Health Care Services shall, in  
38 consultation with the California ~~Mental Behavioral Health~~  
39 Directors Association and representatives of provider organizations,

1 develop the criteria for the certification required by subdivision  
2 (a) by July 1, 1992.

3 (c) (1) The State Department of Health Care Services may,  
4 upon the request of a county, delegate to that county the  
5 certification task.

6 (2) Any county to which the certification task is delegated  
7 pursuant to paragraph (1) shall use the criteria and format  
8 developed by the department.

9 (d) The State Department of Health Care Services or delegated  
10 county shall notify the State Department of Social Services  
11 Community Care Licensing Division immediately upon the  
12 termination of any certification issued in accordance with  
13 subdivision (a).

14 (e) Upon receipt of notification from the State Department of  
15 Social Services Community Care Licensing Division of any adverse  
16 licensing action taken after the finding of noncompliance during  
17 an inspection conducted pursuant to Section 1538.7 of the Health  
18 and Safety Code, the State Department of Health Care Services or  
19 the delegated county shall review the certification issued pursuant  
20 to this section.

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

24 ~~SEC. 47.~~

25 *SEC. 49.* Section 4096.5 is added to the Welfare and Institutions  
26 Code, to read:

27 4096.5. (a) All short-term residential treatment centers, and  
28 all foster family agencies that provide intensive treatment services  
29 as described in Section 11462.01, shall obtain and have in good  
30 standing a mental health certification issued by the State  
31 Department of Health Care Services or a county to which the  
32 department has delegated certification authority. This certification  
33 is a condition for receiving an Aid to Families with Dependent  
34 Children-Foster Care rate pursuant to Section 11462.015.

35 (b) The State Department of Health Care Services or a county  
36 to which the department has delegated certification authority shall  
37 certify or deny certification within 45 days of receiving a  
38 certification request. The State Department of Health Care Services  
39 or a county to which the department has delegated certification  
40 authority shall issue each certification for a period of one year and

1 shall specify the effective date that the program met the program  
2 standards. Certified entities shall meet all program standards to be  
3 recertified.

4 (c) Pursuant to Section 11462.25, the State Department of Health  
5 Care Services shall promulgate regulations regarding program  
6 standards, oversight, enforcement, and due process for the mental  
7 health certification of short-term residential treatment centers and  
8 foster family agencies that provide intensive or therapeutic  
9 treatment services.

10 (d) (1) Except for certification of short-term residential  
11 treatment centers or foster family agencies operated by a county,  
12 the State Department of Health Care Services may, upon the  
13 request of a county, delegate to that county the certification of  
14 short-term residential treatment centers and foster family agencies  
15 within its borders.

16 (2) Any county to which certification is delegated pursuant to  
17 paragraph (1) shall be responsible for the oversight and  
18 enforcement of program standards and the provision of due process  
19 for certified entities.

20 (e) The State Department of Health Care Services or a county  
21 to which the department has delegated certification authority shall  
22 notify the State Department of Social Services immediately upon  
23 the termination of any certification issued in accordance with  
24 subdivisions (a) and (b).

25 (f) The State Department of Social Services shall notify the  
26 State Department of Health Care Services or a county to which  
27 the department has delegated certification authority immediately  
28 upon the revocation of any license issued pursuant to Chapter 3  
29 (commencing with Section 1500) of Division 2 of the Health and  
30 Safety Code.

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

32 ~~SEC. 48.~~

33 *SEC. 50.* Section 4096.55 is added to the Welfare and  
34 Institutions Code, to read:

35 4096.55. (a) The State Department of Health Care Services  
36 shall make a determination, within 45 days of receiving a request  
37 from a group home to be classified at rate classification level 13  
38 or rate classification level 14 pursuant to Section 11462.015, to  
39 certify or deny certification that the group home program includes  
40 provisions for mental health treatment services that meet the needs

1 of ~~seriously emotionally disturbed children~~. *children who have*  
2 *been assessed as having an emotional disturbance, as defined in*  
3 *Section 300.8(c)(4)(i) of Title 34 of the Code of Federal*  
4 *Regulations.* The department shall issue each certification for a  
5 period of one year and shall specify the effective date the program  
6 met the certification requirements. A program may be recertified  
7 if the program continues to meet the criteria for certification.

8 (b) The State Department of Health Care Services shall, in  
9 consultation with the California ~~Mental Behavioral Health~~  
10 Directors Association and representatives of provider organizations,  
11 develop the criteria for the certification required by subdivision  
12 (a).

13 (c) (1) The State Department of Health Care Services may,  
14 upon the request of a county, delegate to that county the  
15 certification task.

16 (2) Any county to which the certification task is delegated  
17 pursuant to paragraph (1) shall use the criteria and format  
18 developed by the department.

19 (d) The State Department of Health Care Services or delegated  
20 county shall notify the State Department of Social Services  
21 Community Care Licensing Division immediately upon the  
22 termination of any certification issued in accordance with  
23 subdivision (a).

24 (e) Upon receipt of notification from the State Department of  
25 Social Services Community Care Licensing Division of any adverse  
26 licensing action taken after the finding of noncompliance during  
27 an inspection conducted pursuant to Section 1538.7 of the Health  
28 and Safety Code, the State Department of Health Care Services or  
29 the delegated county shall review the certification issued pursuant  
30 to this section.

31 (f) This section shall only apply to a foster family agency that  
32 has been granted an extension pursuant to the exception process  
33 described in subdivision (d) of Section 11462.04 or to a foster  
34 family agency that has been granted an extension pursuant to the  
35 exception process described in subdivision (d) of Section 11463.1.

36 (g) This section shall become operative on January 1, 2017.

37 (h) This section shall remain in effect only until January 1, 2018,  
38 and as of that date is repealed, unless a later enacted statute, that  
39 is enacted before January 1, 2018, deletes or extends that date.

1 ~~SEC. 49.~~

2 *SEC. 51.* Section 11400 of the Welfare and Institutions Code  
3 is amended to read:

4 11400. For purposes of this article, the following definitions  
5 shall apply:

6 (a) “Aid to Families with Dependent Children-Foster Care  
7 (AFDC-FC)” means the aid provided on behalf of needy children  
8 in foster care under the terms of this division.

9 (b) “Case plan” means a written document that, at a minimum,  
10 specifies the type of home in which the child shall be placed, the  
11 safety of that home, and the appropriateness of that home to meet  
12 the child’s needs. It shall also include the agency’s plan for  
13 ensuring that the child receive proper care and protection in a safe  
14 environment, and shall set forth the appropriate services to be  
15 provided to the child, the child’s family, and the foster parents, in  
16 order to meet the child’s needs while in foster care, and to reunify  
17 the child with the child’s family. In addition, the plan shall specify  
18 the services that will be provided or steps that will be taken to  
19 facilitate an alternate permanent plan if reunification is not possible.

20 (c) “Certified family home” means a family residence certified  
21 by a licensed foster family agency and issued a certificate of  
22 approval by that agency as meeting licensing standards, and used  
23 only by that foster family agency for placements.

24 (d) “Family home” means the family residence of a licensee in  
25 which 24-hour care and supervision are provided for children.

26 (e) “Small family home” means any residential facility, in the  
27 licensee’s family residence, which provides 24-hour care for six  
28 or fewer foster children who have mental disorders or  
29 developmental or physical disabilities and who require special care  
30 and supervision as a result of their disabilities.

31 (f) “Foster care” means the 24-hour out-of-home care provided  
32 to children whose own families are unable or unwilling to care for  
33 them, and who are in need of temporary or long-term substitute  
34 parenting.

35 (g) “Foster family agency” means any individual or organization  
36 engaged in the recruiting, certifying, and training of, and providing  
37 professional support to, foster parents, or in finding homes or other  
38 places for placement of children for temporary or permanent care  
39 who require that level of care as an alternative to a group home.

1 *care*. Private foster family agencies shall be organized and operated  
2 on a nonprofit basis.

3 (h) “Group home” means a nondetention privately operated  
4 residential home, organized and operated on a nonprofit basis only,  
5 of any capacity, or a nondetention licensed residential care home  
6 operated by the County of San Mateo with a capacity of up to 25  
7 beds, that accepts children in need of care and supervision in a  
8 group home, as defined by paragraph (13) of subdivision (a) of  
9 Section 1502 of the Health and Safety Code.

10 (i) “Periodic review” means review of a child’s status by the  
11 juvenile court or by an administrative review panel, that shall  
12 include a consideration of the safety of the child, a determination  
13 of the continuing need for placement in foster care, evaluation of  
14 the goals for the placement and the progress toward meeting these  
15 goals, and development of a target date for the child’s return home  
16 or establishment of alternative permanent placement.

17 (j) “Permanency planning hearing” means a hearing conducted  
18 by the juvenile court in which the child’s future status, including  
19 whether the child shall be returned home or another permanent  
20 plan shall be developed, is determined.

21 (k) “Placement and care” refers to the responsibility for the  
22 welfare of a child vested in an agency or organization by virtue of  
23 the agency or organization having (1) been delegated care, custody,  
24 and control of a child by the juvenile court, (2) taken responsibility,  
25 pursuant to a relinquishment or termination of parental rights on  
26 a child, (3) taken the responsibility of supervising a child detained  
27 by the juvenile court pursuant to Section 319 or 636, or (4) signed  
28 a voluntary placement agreement for the child’s placement; or to  
29 the responsibility designated to an individual by virtue of his or  
30 her being appointed the child’s legal guardian.

31 (l) “Preplacement preventive services” means services that are  
32 designed to help children remain with their families by preventing  
33 or eliminating the need for removal.

34 (m) “Relative” means an adult who is related to the child by  
35 blood, adoption, or affinity within the fifth degree of kinship,  
36 including stepparents, stepsiblings, and all relatives whose status  
37 is preceded by the words “great,” “great-great,” or “grand” or the  
38 spouse of any of these persons even if the marriage was terminated  
39 by death or dissolution.

1 (n) “Nonrelative extended family member” means an adult  
2 caregiver who has an established familial or mentoring relationship  
3 with the child, as described in Section 362.7.

4 (o) “Voluntary placement” means an out-of-home placement  
5 of a child by (1) the county welfare department, probation  
6 department, or Indian tribe that has entered into an agreement  
7 pursuant to Section 10553.1, after the parents or guardians have  
8 requested the assistance of the county welfare department and have  
9 signed a voluntary placement agreement; or (2) the county welfare  
10 department licensed public or private adoption agency, or the  
11 department acting as an adoption agency, after the parents have  
12 requested the assistance of either the county welfare department,  
13 the licensed public or private adoption agency, or the department  
14 acting as an adoption agency for the purpose of adoption planning,  
15 and have signed a voluntary placement agreement.

16 (p) “Voluntary placement agreement” means a written agreement  
17 between either the county welfare department, probation  
18 department, or Indian tribe that has entered into an agreement  
19 pursuant to Section 10553.1, licensed public or private adoption  
20 agency, or the department acting as an adoption agency, and the  
21 parents or guardians of a child that specifies, at a minimum, the  
22 following:

23 (1) The legal status of the child.

24 (2) The rights and obligations of the parents or guardians, the  
25 child, and the agency in which the child is placed.

26 (q) “Original placement date” means the most recent date on  
27 which the court detained a child and ordered an agency to be  
28 responsible for supervising the child or the date on which an agency  
29 assumed responsibility for a child due to termination of parental  
30 rights, relinquishment, or voluntary placement.

31 (r) (1) “Transitional housing placement provider” means an  
32 organization licensed by the State Department of Social Services  
33 pursuant to Section 1559.110 of the Health and Safety Code, to  
34 provide transitional housing to foster children at least 16 years of  
35 age and not more than 18 years of age, and nonminor dependents,  
36 as defined in subdivision (v). A transitional housing placement  
37 provider shall be privately operated and organized on a nonprofit  
38 basis.

39 (2) Prior to licensure, a provider shall obtain certification from  
40 the applicable county, in accordance with Section 16522.1.

1 (s) “Transitional Housing Program-Plus” means a provider  
2 certified by the applicable county, in accordance with subdivision  
3 (c) of Section 16522, to provide transitional housing services to  
4 former foster youth who have exited the foster care system on or  
5 after their 18th birthday.

6 (t) “Whole family foster home” means a new or existing family  
7 home, approved relative caregiver or nonrelative extended family  
8 member’s home, the home of a nonrelated legal guardian whose  
9 guardianship was established pursuant to Section 360 or 366.26,  
10 certified family home, or a host family home placement of a  
11 transitional housing placement provider, that provides foster care  
12 for a minor or nonminor dependent parent and his or her child,  
13 and is specifically recruited and trained to assist the minor or  
14 nonminor dependent parent in developing the skills necessary to  
15 provide a safe, stable, and permanent home for his or her child.  
16 The child of the minor or nonminor dependent parent need not be  
17 the subject of a petition filed pursuant to Section 300 to qualify  
18 for placement in a whole family foster home.

19 (u) “Mutual agreement” means any of the following:

20 (1) A written voluntary agreement of consent for continued  
21 placement and care in a supervised setting between a minor or, on  
22 and after January 1, 2012, a nonminor dependent, and the county  
23 welfare services or probation department or tribal agency  
24 responsible for the foster care placement, that documents the  
25 nonminor’s continued willingness to remain in supervised  
26 out-of-home placement under the placement and care of the  
27 responsible county, tribe, consortium of tribes, or tribal  
28 organization that has entered into an agreement with the state  
29 pursuant to Section 10553.1, remain under the jurisdiction of the  
30 juvenile court as a nonminor dependent, and report any change of  
31 circumstances relevant to continued eligibility for foster care  
32 payments, and that documents the nonminor’s and social worker’s  
33 or probation officer’s agreement to work together to facilitate  
34 implementation of the mutually developed supervised placement  
35 agreement and transitional independent living case plan.

36 (2) An agreement, as described in paragraph (1), between a  
37 nonminor former dependent or ward in receipt of Kin-GAP  
38 payments under Article 4.5 (commencing with Section 11360) or  
39 Article 4.7 (commencing with Section 11385), and the agency  
40 responsible for the Kin-GAP benefits, provided that the nonminor

1 former dependent or ward satisfies the conditions described in  
2 Section 11403.01, or one or more of the conditions described in  
3 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
4 11403. For purposes of this paragraph and paragraph (3),  
5 “nonminor former dependent or ward” has the same meaning as  
6 described in subdivision (aa).

7 (3) An agreement, as described in paragraph (1), between a  
8 nonminor former dependent or ward in receipt of AFDC-FC  
9 payments under subdivision (e) or (f) of Section 11405 and the  
10 agency responsible for the AFDC-FC benefits, provided that the  
11 nonminor former dependent or ward described in subdivision (e)  
12 of Section 11405 satisfies one or more of the conditions described  
13 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
14 11403, and the nonminor described in subdivision (f) of Section  
15 11405 satisfies the secondary school or equivalent training or  
16 certificate program conditions described in that subdivision.

17 (v) “Nonminor dependent” means, on and after January 1, 2012,  
18 a foster child, as described in Section 675(8)(B) of Title 42 of the  
19 United States Code under the federal Social Security Act who is  
20 a current dependent child or ward of the juvenile court, or who is  
21 a nonminor under the transition jurisdiction of the juvenile court,  
22 as described in Section 450, and who satisfies all of the following  
23 criteria:

24 (1) He or she has attained 18 years of age while under an order  
25 of foster care placement by the juvenile court, and is not more than  
26 19 years of age on or after January 1, 2012, not more than 20 years  
27 of age on or after January 1, 2013, or not more than 21 years of  
28 age on or after January 1, 2014, and as described in Section  
29 10103.5.

30 (2) He or she is in foster care under the placement and care  
31 responsibility of the county welfare department, county probation  
32 department, Indian tribe, consortium of tribes, or tribal organization  
33 that entered into an agreement pursuant to Section 10553.1.

34 (3) He or she has a transitional independent living case plan  
35 pursuant to Section 475(8) of the federal Social Security Act (42  
36 U.S.C. Sec. 675(8)), as contained in the federal Fostering  
37 Connections to Success and Increasing Adoptions Act of 2008  
38 (Public Law 110-351), as described in Section 11403.

39 (w) “Supervised independent living placement” means, on and  
40 after January 1, 2012, an independent supervised setting, as

1 specified in a nonminor dependent’s transitional independent living  
2 case plan, in which the youth is living independently, pursuant to  
3 Section 472(c)(2) of the *federal* Social Security Act (42 U.S.C.  
4 Sec. 672(c)(2)).

5 (x) “Supervised independent living setting,” pursuant to Section  
6 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.  
7 672(c)(2)), includes both a supervised independent living  
8 placement, as defined in subdivision (w), and a residential housing  
9 unit certified by the transitional housing placement provider  
10 operating a Transitional Housing Placement-Plus Foster Care  
11 program, as described in paragraph (2) of subdivision (a) of Section  
12 16522.1.

13 (y) “Transitional independent living case plan” means, on or  
14 after January 1, 2012, a child’s case plan submitted for the last  
15 review hearing held before he or she reaches 18 years of age or  
16 the nonminor dependent’s case plan, updated every six months,  
17 that describes the goals and objectives of how the nonminor will  
18 make progress in the transition to living independently and assume  
19 incremental responsibility for adult decisionmaking, the  
20 collaborative efforts between the nonminor and the social worker,  
21 probation officer, or Indian tribal placing entity and the supportive  
22 services as described in the transitional independent living plan  
23 (TILP) to ensure active and meaningful participation in one or  
24 more of the eligibility criteria described in paragraphs (1) to (5),  
25 inclusive, of subdivision (b) of Section 11403, the nonminor’s  
26 appropriate supervised placement setting, and the nonminor’s  
27 permanent plan for transition to living independently, which  
28 includes maintaining or obtaining permanent connections to caring  
29 and committed adults, as set forth in paragraph (16) of subdivision  
30 (f) of Section 16501.1.

31 (z) “Voluntary reentry agreement” means a written voluntary  
32 agreement between a former dependent child or ward or a former  
33 nonminor dependent, who has had juvenile court jurisdiction  
34 terminated pursuant to Section 391, 452, or 607.2, and the county  
35 welfare or probation department or tribal placing entity that  
36 documents the nonminor’s desire and willingness to reenter foster  
37 care, to be placed in a supervised setting under the placement and  
38 care responsibility of the placing agency, the nonminor’s desire,  
39 willingness, and ability to immediately participate in one or more  
40 of the conditions of paragraphs (1) to (5), inclusive, of subdivision

1 (b) of Section 11403, the nonminor’s agreement to work  
2 collaboratively with the placing agency to develop his or her  
3 transitional independent living case plan within 60 days of reentry,  
4 the nonminor’s agreement to report any changes of circumstances  
5 relevant to continued eligibility for foster care payments, and (1)  
6 the nonminor’s agreement to participate in the filing of a petition  
7 for juvenile court jurisdiction as a nonminor dependent pursuant  
8 to subdivision (e) of Section 388 within 15 judicial days of the  
9 signing of the agreement and the placing agency’s efforts and  
10 supportive services to assist the nonminor in the reentry process,  
11 or (2) if the nonminor meets the definition of a nonminor former  
12 dependent or ward, as described in subdivision (aa), the nonminor’s  
13 agreement to return to the care and support of his or her former  
14 juvenile court-appointed guardian and meet the eligibility criteria  
15 for AFDC-FC pursuant to subdivision (e) of Section 11405.

16 (aa) “Nonminor former dependent or ward” means, on and after  
17 January 1, 2012, either of the following:

18 (1) A nonminor who reached 18 years of age while subject to  
19 an order for foster care placement, and for whom dependency,  
20 delinquency, or transition jurisdiction has been terminated, and  
21 who is still under the general jurisdiction of the court.

22 (2) A nonminor who is over 18 years of age and, while a minor,  
23 was a dependent child or ward of the juvenile court when the  
24 guardianship was established pursuant to Section 360 or 366.26,  
25 or subdivision (d), of Section 728 and the juvenile court  
26 dependency or wardship was dismissed following the establishment  
27 of the guardianship.

28 (ab) “Runaway and homeless youth shelter” means a type of  
29 group home, as defined in paragraph (14) of subdivision (a) of  
30 Section 1502 of the Health and Safety Code, that is not an eligible  
31 placement option under Sections 319, 361.2, 450, and 727, and  
32 that is not eligible for AFDC-FC funding pursuant to subdivision  
33 (c) of Section 11402 or Section 11462.

34 (ac) “Transition dependent” is a minor between 17 years and  
35 five months and 18 years of age who is subject to the court’s  
36 transition jurisdiction under Section 450.

37 (ad) “Short-term residential treatment center” means a licensed  
38 community care facility, as defined in paragraph (18) of subdivision  
39 (a) of Section 1502 of the Health and Safety Code, that provides  
40 short-term, specialized, and intensive treatment for the child or

1 youth, when the child’s or youth’s case plan specifies the need for,  
2 nature of, and anticipated duration of this specialized treatment.

3 (ae) “Resource family” means a placement, as defined in  
4 subdivision (c) of Section 16519.5.

5 ~~SEC. 50.~~

6 *SEC. 52.* Section 11402 of the Welfare and Institutions Code  
7 is amended to read:

8 11402. In order to be eligible for AFDC-FC, a child or  
9 nonminor dependent shall be placed in one of the following:

10 (a) The approved home of a relative, provided the child or youth  
11 is otherwise eligible for federal financial participation in the  
12 AFDC-FC payment.

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

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

16 (c) The approved home of a resource family as defined in  
17 Section 16519.5.

18 (d) A licensed group home, as defined in subdivision (h) of  
19 Section 11400, excluding a runaway and homeless youth shelter  
20 as defined in subdivision (ab) of Section 11400, provided that the  
21 placement worker has documented that the placement is necessary  
22 to meet the treatment needs of the child or youth and that the  
23 facility offers those treatment services.

24 (e) The home of a nonrelated legal guardian or the home of a  
25 former nonrelated legal guardian when the guardianship of a child  
26 or youth who is otherwise eligible for AFDC-FC has been  
27 dismissed due to the child or youth attaining 18 years of age.

28 (f) An exclusive-use home.

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

32 (h) An out-of-state group home, provided that the placement  
33 worker, in addition to complying with all other statutory  
34 requirements for placing a minor in an out-of-state group home,  
35 documents that the requirements of Section 7911.1 of the Family  
36 Code have been met.

37 (i) An approved supervised independent living setting for  
38 nonminor dependents, as defined in subdivision (w) of Section  
39 11400.

1 (j) 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. 51.~~

5 *SEC. 53.* Section 11402 is added to the Welfare and Institutions  
6 Code, to read:

7 11402. In order to be eligible for AFDC-FC, a child or  
8 nonminor dependent shall be placed in one of the following:

9 (a) The approved home of a relative, provided the child or youth  
10 is otherwise eligible for federal financial participation in the  
11 AFDC-FC payment.

12 (b) (1) The home of a nonrelated legal guardian or the home  
13 of a former nonrelated legal guardian when the guardianship of a  
14 child or youth who is otherwise eligible for AFDC-FC has been  
15 dismissed due to the child or youth attaining 18 years of age.

16 (2) The approved home of a nonrelative extended family  
17 member, as described in Section 362.7.

18 (c) (1) The licensed family home of a nonrelative.

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

21 (3) A licensed foster family agency for placement into a  
22 nontreatment foster home, provided that the program has  
23 accreditation from a nationally recognized entity identified by the  
24 State Department of Social Services pursuant to the process  
25 described in paragraph (8) of subdivision (b) of Section 11463.

26 (d) (1) A housing model certified by a licensed transitional  
27 housing placement provider, as described in Section 1559.110 of  
28 the Health and Safety Code, and as defined in subdivision (r) of  
29 Section 11400.

30 (2) An approved supervised independent living setting for  
31 nonminor dependents, as defined in subdivision (w) of Section  
32 11400.

33 (e) A licensed foster family agency for placement into a  
34 treatment foster home, provided that all of the following apply:

35 (1) The program has accreditation from a nationally recognized  
36 entity identified by the State Department of Social Services  
37 pursuant to the process described in paragraph (8) of subdivision  
38 (b) of Section 11463.

39 (2) The program has a mental health certificate pursuant to  
40 Section 11462.015.

1 (3) The placement worker has documented in the child's or  
2 youth's case plan the need for, nature of, and anticipated duration  
3 of this specialized treatment to meet the treatment needs of the  
4 child or youth and that the facility offers those treatment services.

5 (f) A short-term residential treatment center licensed as a  
6 community care facility, as defined in subdivision (ad) of Section  
7 11400, provided that all of the following apply:

8 (1) The program has a national accreditation from an entity  
9 selected by the State Department of Social Services pursuant to  
10 the process described in paragraph (4) of subdivision (b) of Section  
11 11462.

12 (2) The program has a mental health certificate pursuant to  
13 Section 11462.015.

14 (3) The placement worker has documented in the child's or  
15 youth's case plan the need for, nature of, and anticipated duration  
16 of this specialized treatment to meet the treatment needs of the  
17 child or youth and that the facility offers those treatment services.

18 (g) An out-of-state group home that meets the equivalent of the  
19 requirements of paragraphs (1), (2), and (3) of subdivision (f),  
20 provided that the placement worker, in addition to complying with  
21 all other statutory requirements for placing a minor in an  
22 out-of-state group home, documents that the requirements of  
23 Section 7911.1 of the Family Code have been met.

24 (h) A community treatment facility set forth in Article 5  
25 (commencing with Section 4094) of Chapter 3 of Part 1 of Division  
26 4.

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

28 ~~SEC. 52.~~

29 *SEC. 54.* Section 11402.01 is added to the Welfare and  
30 Institutions Code, immediately following Section 11402, to read:

31 11402.01. In order to be eligible for AFDC-FC, a child or  
32 nonminor dependent shall be placed in one of the following:

33 (a) The approved home of a relative, provided the child or youth  
34 is otherwise eligible for federal financial participation, as defined  
35 in Section 11402.1, in the AFDC-FC payment.

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

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

39 (c) The approved home of a resource family as defined in  
40 Section 16519.5.

1 (d) A licensed group home, as defined in subdivision (h) of  
2 Section 11400, excluding a runaway and homeless youth shelter  
3 as defined in subdivision (ab) of Section 11400, provided that the  
4 placement worker has documented that the placement is necessary  
5 to meet the treatment needs of the child or youth and that the  
6 facility offers those treatment services.

7 (e) The home of a nonrelated legal guardian or the home of a  
8 former nonrelated legal guardian when the guardianship of a child  
9 or youth who is otherwise eligible for AFDC-FC has been  
10 dismissed due to the child or youth attaining 18 years of age.

11 (f) An exclusive-use home.

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

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

20 (i) An approved supervised independent living setting for  
21 nonminor dependents, as defined in subdivision (w) of Section  
22 11400.

23 (j) This section shall only apply to a group home that has been  
24 granted an extension pursuant to the exception process described  
25 in subdivision (d) of Section 11462.04 or to a foster family agency  
26 that has been granted an extension pursuant to the exception  
27 process described in subdivision (d) of Section 11463.1.

28 (k) This section shall become operative on January 1, 2017.

29 (l) This section shall remain in effect only until January 1, 2018,  
30 and as of that date is repealed, unless a later enacted statute, that  
31 is enacted before January 1, 2018, deletes or extends that date.

32 ~~SEC. 53.~~

33 *SEC. 55.* Section 11403.2 of the Welfare and Institutions Code  
34 is amended to read:

35 11403.2. (a) The following persons shall be eligible for  
36 transitional housing provided pursuant to Article 4 (commencing  
37 with Section 16522) of Chapter 5 of Part 4:

38 (1) Any foster child at least 16 years of age and not more than  
39 18 years of age, and, on or after January 1, 2012, any nonminor  
40 dependent, as defined in subdivision (v) of Section 11400, who is

1 eligible for AFDC-FC benefits as described in Section 11401. A  
2 foster child under 18 years of age shall be eligible for placement  
3 in the program certified as a “Transitional Housing Placement  
4 Program,” pursuant to paragraph (1) of subdivision (a) of Section  
5 16522.1. A nonminor dependent shall be eligible for placement in  
6 the program certified as a “Transitional Housing Placement-Plus  
7 Foster Care Program” pursuant to paragraph (2) of subdivision (a)  
8 of Section 16522.1.

9 (2) (A) Any former foster youth at least 18 years of age and,  
10 except as provided in subparagraph (B), not more than 24 years  
11 of age who has exited from the foster care system on or after his  
12 or her 18th birthday and elects to participate in Transitional  
13 Housing Program-Plus, as defined in subdivision (s) of Section  
14 11400, if he or she has not received services under this paragraph  
15 for more than a total of 24 months, whether or not consecutive. If  
16 the person participating in a Transitional Housing Program-Plus  
17 is not receiving aid under Section 11403.1, he or she, as a condition  
18 of participation, shall enter into, and execute the provisions of, a  
19 transitional independent living plan that shall be mutually agreed  
20 upon, and annually reviewed, by the former foster youth and the  
21 applicable county welfare or probation department or independent  
22 living program coordinator. The person participating under this  
23 paragraph shall inform the county of any changes to conditions  
24 specified in the agreed-upon plan that affect eligibility, including  
25 changes in address, living circumstances, and the educational or  
26 training program.

27 (B) A county may, at its option, extend the services provided  
28 under subparagraph (A) to former foster youth not more than 25  
29 years of age, and for a total of 36 months, whether or not  
30 consecutive, if the former foster youth, in addition to the  
31 requirements specified in subparagraph (A), meets either of the  
32 following criteria:

33 (i) The former foster youth is completing secondary education  
34 or a program leading to an equivalent credential.

35 (ii) The former foster youth is enrolled in an institution that  
36 provides postsecondary education.

37 (b) Payment on behalf of an eligible person receiving transitional  
38 housing services pursuant to paragraph (1) of subdivision (a) shall  
39 be made to the transitional housing placement provider pursuant  
40 to the conditions and limitations set forth in Section 11403.3.

1 Notwithstanding Section 11403.3, the department, in consultation  
2 with concerned stakeholders, including, but not limited to,  
3 representatives of the Legislature, the County Welfare Directors  
4 Association of California, the Chief Probation Officers of  
5 California, the Judicial Council, representatives of Indian tribes,  
6 the California Youth Connection, former foster youth, child  
7 advocacy organizations, labor organizations, juvenile justice  
8 advocacy organizations, foster caregiver organizations, researchers,  
9 and transitional housing placement providers, shall convene a  
10 workgroup to establish a new rate structure for the Title IV-E  
11 funded THP-Plus Foster Care placement option for nonminor  
12 dependents. The workgroup shall also consider application of this  
13 new rate structure to the Transitional Housing Program-Plus, as  
14 described in paragraph (2) of subdivision (a) of Section 11403.3.  
15 In developing the new rate structure pursuant to this subdivision,  
16 the department shall consider the average rates in effect and being  
17 paid by counties to current transitional housing placement  
18 providers.

19 (c) The Legislature finds and declares that this subdivision was  
20 added in 2015 to clearly codify the requirement of existing law  
21 regarding the payment made on behalf of an eligible person  
22 receiving transitional housing services. The workgroup described  
23 in subdivision (b) recommended, and the department subsequently  
24 implemented, an annual adjustment to the payment made on behalf  
25 of an eligible person receiving transitional housing services. This  
26 annual adjustment has been, and shall continue to be, equal to the  
27 California Necessities Index applicable to each fiscal year. The  
28 Legislature hereby codifies that its intent remains in making this  
29 annual adjustment to support the care and supervision, including  
30 needed services and supports, for nonminor dependents who are  
31 receiving transitional housing services through the THP-Plus Foster  
32 Care Program.

33 ~~SEC. 54.~~

34 *SEC. 56.* Section 11460 of the Welfare and Institutions Code  
35 is amended to read:

36 11460. (a) Foster care providers shall be paid a per child per  
37 month rate in return for the care and supervision of the AFDC-FC  
38 child placed with them. The department is designated the single  
39 organizational unit whose duty it shall be to administer a state  
40 system for establishing rates in the AFDC-FC program. State

1 functions shall be performed by the department or by delegation  
2 of the department to county welfare departments or Indian tribes,  
3 consortia of tribes, or tribal organizations that have entered into  
4 an agreement pursuant to Section 10553.1.

5 (b) “Care and supervision” includes food, clothing, shelter, daily  
6 supervision, school supplies, a child’s personal incidentals, liability  
7 insurance with respect to a child, reasonable travel to the child’s  
8 home for visitation, and reasonable travel for the child to remain  
9 in the school in which he or she is enrolled at the time of  
10 placement. Reimbursement for the costs of educational travel, as  
11 provided for in this subdivision, shall be made pursuant to  
12 procedures determined by the department, in consultation with  
13 representatives of county welfare and probation directors, and  
14 additional stakeholders, as appropriate.

15 (1) For a child or youth placed in a short-term residential  
16 treatment center or a group home, care and supervision shall also  
17 include reasonable administration and operational activities  
18 necessary to provide the items listed in this subdivision.

19 (2) For a child or youth placed in a short-term residential  
20 treatment center or a group home, care and supervision may also  
21 include reasonable activities performed by social workers employed  
22 by the program provider that are not otherwise considered daily  
23 supervision or administration activities, but are eligible for federal  
24 financial participation under Title IV-E of the *federal* Social  
25 Security Act.

26 (c) It is the intent of the Legislature to establish the maximum  
27 level of financial participation in out-of-state foster care group  
28 home program rates for placements in facilities described in  
29 subdivision (g) of Section 11402.

30 (1) The department shall develop regulations that establish the  
31 method for determining the level of financial participation in the  
32 rate paid for out-of-state placements in facilities described in  
33 subdivision (g) of Section 11402. The department shall consider  
34 all of the following methods:

35 (A) Until December 31, 2016, a standardized system based on  
36 the rate classification level of care and services per child per month.

37 (B) The rate developed for a short-term residential treatment  
38 center pursuant to Section 11462.

39 (C) A system that considers the actual allowable and reasonable  
40 costs of care and supervision incurred by the out-of-state program.

1 (D) A system that considers the rate established by the host  
2 state.

3 (E) Any other appropriate methods as determined by the  
4 department.

5 (2) Reimbursement for the Aid to Families with Dependent  
6 Children-Foster Care rate to be paid to an out-of-state program  
7 described in subdivision (g) of Section 11402 shall only be paid  
8 to programs that have done both of the following:

9 (A) Submitted a rate application to the department and received  
10 a determination of the level of financial participation in the rate  
11 paid.

12 (i) The level of financial participation shall not exceed the  
13 current fiscal year's standard rate for rate classification level 14  
14 for a group home; or, commencing January 1, 2017, for a  
15 short-term residential treatment center.

16 (ii) The level of financial participation shall not exceed the rate  
17 determined by the ratesetting authority of the state in which the  
18 facility is located.

19 (B) Agreed to comply with information requests, and program  
20 and fiscal audits as determined necessary by the department.

21 (3) Except as specifically provided for in statute, reimbursement  
22 for an AFDC-FC rate shall only be paid to a group home or  
23 short-term residential treatment center organized and operated on  
24 a nonprofit basis.

25 (d) A foster care provider that accepts payments, following the  
26 effective date of this section, based on a rate established under this  
27 section, shall not receive rate increases or retroactive payments as  
28 the result of litigation challenging rates established prior to the  
29 effective date of this section. This shall apply regardless of whether  
30 a provider is a party to the litigation or a member of a class covered  
31 by the litigation.

32 (e) Nothing shall preclude a county from using a portion of its  
33 county funds to increase rates paid to family homes, foster family  
34 agencies, group homes, and short-term residential treatment centers  
35 within that county, and to make payments for specialized care  
36 increments, clothing allowances, or infant supplements to homes  
37 within that county, solely at that county's expense.

38 (f) Nothing shall preclude a county from providing a  
39 supplemental rate to serve commercially sexually exploited foster  
40 children to provide for the additional care and supervision needs

1 of these children. To the extent that federal financial participation  
2 is available, it is the intent of the Legislature that the federal  
3 funding shall be utilized.

4 ~~SEC. 55.~~

5 *SEC. 57.* Section 11461.2 of the Welfare and Institutions Code  
6 is amended to read:

7 11461.2. (a) It is the intent of the Legislature to ensure quality  
8 care for children who are placed in the continuum of AFDC-FC  
9 eligible placement settings.

10 (b) The State Department of Social Services shall establish, in  
11 consultation with county welfare departments and other  
12 stakeholders, as appropriate, a working group to develop  
13 recommended revisions to the current ratesetting system, services,  
14 and programs serving children and families in the continuum of  
15 AFDC-FC eligible placement settings including, at a minimum,  
16 all programs provided by foster family agencies and group homes  
17 including those providing ~~residentially-based~~ *residentially based*  
18 services, as defined in paragraph (1) of subdivision (a) of Section  
19 18987.71.

20 (c) In developing the recommended revisions identified in  
21 subdivision (b), the working group shall consider all of the  
22 following:

23 (1) How ratesetting systems for foster care providers, including,  
24 at least, foster family agencies and group homes, can better support  
25 a continuum of programs and services that promote positive  
26 outcomes for children and families. This may include a process  
27 for matching the child's strengths and needs to the appropriate  
28 placement setting.

29 (2) How the provision of an integrated, comprehensive set of  
30 services including mental health and other critical services for  
31 children and youth support the achievement of well-being,  
32 permanency, and safety outcomes.

33 (3) How to ensure the provision of services in family-like  
34 settings including ~~after-care~~ *aftercare* services, when appropriate.

35 (4) How to provide outcome-based evaluations of foster care  
36 providers or other methods of measuring quality improvement  
37 including measures of youth and families' satisfaction with services  
38 provided and program effectiveness.

39 (5) How changes in the licensing, ratesetting, and auditing  
40 processes can improve the quality of foster care providers, the

1 quality of services and programs provided, and enhance the  
2 oversight of care provided to children, including, but not limited  
3 to, accreditation, administrator qualifications, and the reassignment  
4 of these responsibilities within the department.

5 (d) In addition to the considerations in subdivision (c), the  
6 workgroup recommendations shall be based on the review and  
7 evaluation of the current ratesetting systems, actual cost data, and  
8 information from the provider community as well as research on  
9 other applicable ratesetting methodologies, ~~evidence-based~~  
10 *evidence-based* practices, information developed as a result of  
11 pilots approved by the director, and any other relevant information.

12 (e) (1) The workgroup shall develop the content, format, and  
13 data sources for reports to be posted by the department on a public  
14 Internet Web site describing the outcomes achieved by providers  
15 with foster care rates set by the department.

16 (2) Commencing January 1, 2017, and at least annually after  
17 that date, the department shall publish and make available on a  
18 public Internet Web site, short-term residential treatment center  
19 and foster family agency provider performance indicators.

20 (f) (1) Recommendations developed pursuant to this section  
21 shall include the plan required under subdivision (d) of Section  
22 18987.7. Updates regarding the workgroup's establishment and  
23 its progress toward meeting the requirements of this section shall  
24 be provided to the Legislature during 2012–13 and 2013–14 budget  
25 hearings. The revisions recommended pursuant to the requirements  
26 of subdivision (b) shall be submitted in a report to the appropriate  
27 policy and fiscal committees of the Legislature by October 1, 2014.

28 (2) The requirement for submitting a report pursuant to this  
29 subdivision is inoperative on October 1, 2018, pursuant to Section  
30 10231.5 of the Government Code.

31 (g) The department shall retain the authority to extend the  
32 workgroup after October 1, 2014, to ensure that the objectives of  
33 this section are met and to reconvene this workgroup as necessary  
34 to address any future recommended changes to the continuum of  
35 AFDC-FC eligible placement settings pursuant to this section.

36 ~~SEC. 56.~~

37 *SEC. 58.* Section 11462 of the Welfare and Institutions Code  
38 is amended to read:

39 11462. (a) (1) Effective July 1, 1990, foster care providers  
40 licensed as group homes, as defined in departmental regulations,

1 including public child care institutions, as defined in Section  
2 11402.5, shall have rates established by classifying each group  
3 home program and applying the standardized schedule of rates.  
4 The department shall collect information from group providers  
5 beginning January 1, 1990, in order to classify each group home  
6 program.

7 (2) Notwithstanding paragraph (1), foster care providers licensed  
8 as group homes shall have rates established only if the group home  
9 is organized and operated on a nonprofit basis as required under  
10 subdivision (h) of Section 11400. The department shall terminate  
11 the rate effective January 1, 1993, of any group home not organized  
12 and operated on a nonprofit basis as required under subdivision  
13 (h) of Section 11400.

14 (3) (A) The department shall determine, consistent with the  
15 requirements of this chapter and other relevant requirements under  
16 law, the rate classification level (RCL) for each group home  
17 program on a biennial basis. Submission of the biennial rate  
18 application shall be made according to a schedule determined by  
19 the department.

20 (B) The department shall adopt regulations to implement this  
21 paragraph. The adoption, amendment, repeal, or readoption of a  
22 regulation authorized by this paragraph is deemed to be necessary  
23 for the immediate preservation of the public peace, health and  
24 safety, or general welfare, for purposes of Sections 11346.1 and  
25 11349.6 of the Government Code, and the department is hereby  
26 exempted from the requirement to describe specific facts showing  
27 the need for immediate action.

28 (b) A group home program shall be initially classified, for  
29 purposes of emergency regulations, according to the level of care  
30 and services to be provided using a point system developed by the  
31 department and described in the report, "The Classification of  
32 Group Home Programs under the Standardized Schedule of Rates  
33 System," prepared by the State Department of Social Services,  
34 August 30, 1989.

35 (c) The rate for each RCL has been determined by the  
36 department with data from the AFDC-FC Group Home Rate  
37 Classification Pilot Study. The rates effective July 1, 1990, were  
38 developed using 1985 calendar year costs and reflect adjustments  
39 to the costs for each fiscal year, starting with the 1986–87 fiscal  
40 year, by the amount of the California Necessities Index computed

1 pursuant to the methodology described in Section 11453. The data  
2 obtained by the department using 1985 calendar year costs shall  
3 be updated and revised by January 1, 1993.

4 (d) As used in this section, “standardized schedule of rates”  
5 means a listing of the 14 rate classification levels, and the single  
6 rate established for each RCL.

7 (e) Except as specified in paragraph (1), the department shall  
8 determine the RCL for each group home program on a prospective  
9 basis, according to the level of care and services that the group  
10 home operator projects will be provided during the period of time  
11 for which the rate is being established.

12 (1) (A) (i) For new and existing providers requesting the  
13 establishment of an RCL, and for existing group home programs  
14 requesting an RCL increase, the department shall determine the  
15 RCL no later than 13 months after the effective date of the  
16 provisional rate. The determination of the RCL shall be based on  
17 a program audit of documentation and other information that  
18 verifies the level of care and supervision provided by the group  
19 home program during a period of the two full calendar months or  
20 60 consecutive days, whichever is longer, preceding the date of  
21 the program audit, unless the group home program requests a lower  
22 RCL. The program audit shall not cover the first six months of  
23 operation under the provisional rate.

24 (ii) For audit purposes, if the group home program serves a  
25 mixture of AFDC-FC eligible and ineligible children, the weighted  
26 hours for child care and social work services provided and the  
27 capacity of the group home shall be adjusted by the ratio of  
28 AFDC-FC eligible children to all children in placement.

29 (iii) Pending the department’s issuance of the program audit  
30 report that determines the RCL for the group home program, the  
31 group home program shall be eligible to receive a provisional rate  
32 that shall be based on the level of care and service that the group  
33 home program proposes it will provide. The group home program  
34 shall be eligible to receive only the RCL determined by the  
35 department during the pendency of any appeal of the department’s  
36 RCL determination.

37 (B) A group home program may apply for an increase in its  
38 RCL no earlier than two years from the date the department has  
39 determined the group home program’s rate, unless the host county,  
40 the primary placing county, or a regional consortium of counties

1 submits to the department in writing that the program is needed  
2 in that county, that the provider is capable of effectively and  
3 efficiently operating the proposed program, and that the provider  
4 is willing and able to accept AFDC-FC children for placement  
5 who are determined by the placing agency to need the level of care  
6 and services that will be provided by the program.

7 (C) To ensure efficient administration of the department's audit  
8 responsibilities, and to avoid the fraudulent creation of records,  
9 group home programs shall make records that are relevant to the  
10 RCL determination available to the department in a timely manner.  
11 Except as provided in this section, the department may refuse to  
12 consider, for purposes of determining the rate, any documents that  
13 are relevant to the determination of the RCL that are not made  
14 available by the group home provider by the date the group home  
15 provider requests a hearing on the department's RCL  
16 determination. The department may refuse to consider, for purposes  
17 of determining the rate, the following records, unless the group  
18 home provider makes the records available to the department  
19 during the fieldwork portion of the department's program audit:

20 (i) Records of each employee's full name, home address,  
21 occupation, and social security number.

22 (ii) Time records showing when the employee begins and ends  
23 each work period, meal periods, split shift intervals, and total daily  
24 hours worked.

25 (iii) Total wages paid each payroll period.

26 (iv) Records required to be maintained by licensed group home  
27 providers under Title 22 of the California Code of Regulations  
28 that are relevant to the RCL determination.

29 (D) To minimize financial abuse in the startup of group home  
30 programs, when the department's RCL determination is more than  
31 three levels lower than the RCL level proposed by the group home  
32 provider, and the group home provider does not appeal the  
33 department's RCL determination, the department shall terminate  
34 the rate of a group home program 45 days after issuance of its  
35 program audit report. When the group home provider requests a  
36 hearing on the department's RCL determination, and the RCL  
37 determined by the director under subparagraph (E) is more than  
38 three levels lower than the RCL level proposed by the group home  
39 provider, the department shall terminate the rate of a group home  
40 program within 30 days of issuance of the director's decision.

1 Notwithstanding the reapplication provisions in subparagraph (B),  
2 the department shall deny any request for a new or increased RCL  
3 from a group home provider whose RCL is terminated pursuant  
4 to this subparagraph, for a period of no greater than two years from  
5 the effective date of the RCL termination.

6 (E) A group home provider may request a hearing of the  
7 department's RCL determination under subparagraph (A) no later  
8 than 30 days after the date the department issues its RCL  
9 determination. The department's RCL determination shall be final  
10 if the group home provider does not request a hearing within the  
11 prescribed time. Within 60 days of receipt of the request for  
12 hearing, the department shall conduct a hearing on the RCL  
13 determination. The standard of proof shall be the preponderance  
14 of the evidence and the burden of proof shall be on the department.  
15 The hearing officer shall issue the proposed decision within 45  
16 days of the close of the evidentiary record. The director shall adopt,  
17 reject, or modify the proposed decision, or refer the matter back  
18 to the hearing officer for additional evidence or findings within  
19 100 days of issuance of the proposed decision. If the director takes  
20 no action on the proposed decision within the prescribed time, the  
21 proposed decision shall take effect by operation of law.

22 (2) Group home programs that fail to maintain at least the level  
23 of care and services associated with the RCL upon which their rate  
24 was established shall inform the department. The department shall  
25 develop regulations specifying procedures to be applied when a  
26 group home fails to maintain the level of services projected,  
27 including, but not limited to, rate reduction and recovery of  
28 overpayments.

29 (3) The department shall not reduce the rate, establish an  
30 overpayment, or take other actions pursuant to paragraph (2) for  
31 any period that a group home program maintains the level of care  
32 and services associated with the RCL for children actually residing  
33 in the facility. Determinations of levels of care and services shall  
34 be made in the same way as modifications of overpayments are  
35 made pursuant to paragraph (2) of subdivision (b) of Section  
36 11466.2.

37 (4) A group home program that substantially changes its staffing  
38 pattern from that reported in the group home program statement  
39 shall provide notification of this change to all counties that have  
40 placed children currently in care. This notification shall be provided

1 whether or not the RCL for the program may change as a result of  
2 the change in staffing pattern.

3 (f) (1) The standardized schedule of rates for the 2002–03,  
4 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08 fiscal years  
5 is:

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FY 2002–03, 2003–04,  
2004–05, 2005–06,  
2006–07, and 2007–08

Rate Classification Level	Point-ranges Ranges	Standard Rate
1	Under 60	\$1,454
2	60–89	1,835
3	90–119	2,210
4	120–149	2,589
5	150–179	2,966
6	180–209	3,344
7	210–239	3,723
8	240–269	4,102
9	270–299	4,479
10	300–329	4,858
11	330–359	5,234
12	360–389	5,613
13	390–419	5,994
14	420 & Up	6,371

(2) (A) For group home programs that receive AFDC-FC  
payments for services performed during the 2002–03, 2003–04,  
2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10  
fiscal years, the adjusted RCL point ranges below shall be used  
for establishing the biennial rates for existing programs, pursuant  
to paragraph (3) of subdivision (a) and in performing program  
audits and in determining any resulting rate reduction, overpayment  
assessment, or other actions pursuant to paragraph (2) of  
subdivision (e):

Rate Classification Level	Adjusted Point Ranges for the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 Fiscal Years
1	Under 54

1	2	54-81
2	3	82-110
3	4	111-138
4	5	139-167
5	6	168-195
6	7	196-224
7	8	225-253
8	9	254-281
9	10	282-310
10	11	311-338
11	12	339-367
12	13	368-395
13	14	396 & Up

15 (B) Notwithstanding subparagraph (A), foster care providers  
 16 operating group homes during the 2002-03, 2003-04, 2004-05,  
 17 2005-06, 2006-07, 2007-08, 2008-09, and 2009-10 fiscal years  
 18 shall remain responsible for ensuring the health and safety of the  
 19 children placed in their programs in accordance with existing  
 20 applicable provisions of the Health and Safety Code and  
 21 community care licensing regulations, as contained in Title 22 of  
 22 the California Code of Regulations.

23 (C) Subparagraph (A) shall not apply to program audits of group  
 24 home programs with provisional rates established pursuant to  
 25 paragraph (1) of subdivision (e). For those program audits, the  
 26 RCL point ranges in paragraph (1) shall be used.

27 (D) Rates applicable for the 2009-10 fiscal year pursuant to the  
 28 act that adds this subparagraph shall be effective October 1, 2009.

29 (3) (A) For group home programs that receive AFDC-FC  
 30 payments for services performed during the 2009-10 fiscal year  
 31 the adjusted RCL point ranges below shall be used for establishing  
 32 the biennial rates for existing programs, pursuant to paragraph (3)  
 33 of subdivision (a) and in performing program audits and in  
 34 determining any resulting rate reduction, overpayment assessment,  
 35 or other actions pursuant to paragraph (2) of subdivision (e):

37	Rate	Adjusted Point Ranges
38	Classification	for the 2009-10
39	Level	Fiscal Years
40	1	Under 39

1	2	39-64
2	3	65-90
3	4	91-115
4	5	116-141
5	6	142-167
6	7	168-192
7	8	193-218
8	9	219-244
9	10	245-270
10	11	271-295
11	12	296-321
12	13	322-347
13	14	348 & Up
14		

15 (B) Notwithstanding subparagraph (A), foster care providers  
 16 operating group homes during the 2009-10 fiscal year shall remain  
 17 responsible for ensuring the health and safety of the children placed  
 18 in their programs in accordance with existing applicable provisions  
 19 of the Health and Safety Code and community care licensing  
 20 regulations as contained in Title 22 of the California Code of  
 21 Regulations.

22 (C) Subparagraph (A) shall not apply to program audits of group  
 23 home programs with provisional rates established pursuant to  
 24 paragraph (1) of subdivision (e). For those program audits, the  
 25 RCL point ranges in paragraph (1) shall be used.

26 (g) (1) (A) For the 1999-2000 fiscal year, the standardized  
 27 rate for each RCL shall be adjusted by an amount equal to the  
 28 California Necessities Index computed pursuant to the methodology  
 29 described in Section 11453. The resultant amounts shall constitute  
 30 the new standardized schedule of rates, subject to further  
 31 adjustment pursuant to subparagraph (B).

32 (B) In addition to the adjustment in subparagraph (A),  
 33 commencing January 1, 2000, the standardized rate for each RCL  
 34 shall be increased by 2.36 percent, rounded to the nearest dollar.  
 35 The resultant amounts shall constitute the new standardized  
 36 schedule of rates.

37 (2) Beginning with the 2000-01 fiscal year, the standardized  
 38 schedule of rates shall be adjusted annually by an amount equal  
 39 to the CNI computed pursuant to Section 11453, subject to the

1 availability of funds. The resultant amounts shall constitute the  
2 new standardized schedule of rates.

3 (3) Effective January 1, 2001, the amount included in the  
4 standard rate for each Rate Classification Level (RCL) for the  
5 salaries, wages, and benefits for staff providing child care and  
6 supervision or performing social work activities, or both, shall be  
7 increased by 10 percent. This additional funding shall be used by  
8 group home programs solely to supplement staffing, salaries,  
9 wages, and benefit levels of staff specified in this paragraph. The  
10 standard rate for each RCL shall be recomputed using this adjusted  
11 amount and the resultant rates shall constitute the new standardized  
12 schedule of rates. The department may require a group home  
13 receiving this additional funding to certify that the funding was  
14 utilized in accordance with the provisions of this section.

15 (4) Effective January 1, 2008, the amount included in the  
16 standard rate for each RCL for the wages for staff providing child  
17 care and supervision or performing social work activities, or both,  
18 shall be increased by 5 percent, and the amount included for the  
19 payroll taxes and other employer-paid benefits for these staff shall  
20 be increased from 20.325 percent to 24 percent. The standard rate  
21 for each RCL shall be recomputed using these adjusted amounts,  
22 and the resulting rates shall constitute the new standardized  
23 schedule of rates.

24 (5) The new standardized schedule of rates as provided for in  
25 paragraph (4) shall be reduced by 10 percent, effective October 1,  
26 2009, and the resulting rates shall constitute the new standardized  
27 schedule of rates.

28 (6) The rates of licensed group home providers, whose rates are  
29 not established under the standardized schedule of rates, shall be  
30 reduced by 10 percent, effective October 1, 2009.

31 (h) The standardized schedule of rates pursuant to subdivisions  
32 (f) and (g) shall be implemented as follows:

33 (1) Any group home program that received an AFDC-FC rate  
34 in the prior fiscal year at or above the standard rate for the RCL  
35 in the current fiscal year shall continue to receive that rate.

36 (2) Any group home program that received an AFDC-FC rate  
37 in the prior fiscal year below the standard rate for the RCL in the  
38 current fiscal year shall receive the RCL rate for the current year.

39 (i) (1) The department shall not establish a rate for a new  
40 program of a new or existing provider, or for an existing program

1 at a new location of an existing provider, unless the provider  
 2 submits a letter of recommendation from the host county, the  
 3 primary placing county, or a regional consortium of counties that  
 4 includes all of the following:

5 (A) That the program is needed by that county.  
 6 (B) That the provider is capable of effectively and efficiently  
 7 operating the program.  
 8 (C) That the provider is willing and able to accept AFDC-FC  
 9 children for placement who are determined by the placing agency  
 10 to need the level of care and services that will be provided by the  
 11 program.  
 12 (D) That, if the letter of recommendation is not being issued by  
 13 the host county, the primary placing county has notified the host  
 14 county of its intention to issue the letter and the host county was  
 15 given the opportunity of 30 days to respond to this notification  
 16 and to discuss options with the primary placing county.

17 (2) The department shall encourage the establishment of  
 18 consortia of county placing agencies on a regional basis for the  
 19 purpose of making decisions and recommendations about the need  
 20 for, and use of, group home programs and other foster care  
 21 providers within the regions.

22 (3) The department shall annually conduct a county-by-county  
 23 survey to determine the unmet placement needs of children placed  
 24 pursuant to Section 300 and Section 601 or 602, and shall publish  
 25 its findings by November 1 of each year.

26 (j) The department shall develop regulations specifying  
 27 ratesetting procedures for program expansions, reductions, or  
 28 modifications, including increases or decreases in licensed capacity,  
 29 or increases or decreases in level of care or services.

30 (k) For the purpose of this subdivision, “program change” means  
 31 any alteration to an existing group home program planned by a  
 32 provider that will increase the RCL or AFDC-FC rate. An increase  
 33 in the licensed capacity or other alteration to an existing group  
 34 home program that does not increase the RCL or AFDC-FC rate  
 35 shall not constitute a program change.

36 (l) General unrestricted or undesignated private charitable  
 37 donations and contributions made to charitable or nonprofit  
 38 organizations shall not be deducted from the cost of providing  
 39 services pursuant to this section. The donations and contributions

1 shall not be considered in any determination of maximum  
2 expenditures made by the department.

3 (m) This section shall remain in effect only until January 1,  
4 2017, and as of that date is repealed, unless a later enacted statute,  
5 that is enacted before January 1, 2017, deletes or extends that date.

6 ~~SEC. 57.~~

7 *SEC. 59.* Section 11462 is added to the Welfare and Institutions  
8 Code, to read:

9 11462. (a) The department shall commence development of  
10 a new payment structure for short-term residential treatment center  
11 program placements claiming Title IV-E funding.

12 (b) The department shall develop a rate system that includes  
13 consideration of all of the following factors:

14 (1) ~~Core services~~ *services, either directly provided or secured*  
15 *with formal agreements with other agencies,* that encompass  
16 community service and supports, permanency-related services,  
17 ~~medical~~ *medical, behavioral,* and mental health support and access  
18 to services, educational support, life and social support, transitional  
19 support services upon discharge, biological parent and resource  
20 family supports, and services for nonminor dependents.

21 (2) Staff training.

22 (3) Health and Safety Code requirements.

23 (4) Accreditation that includes:

24 (A) Provision for all licensed ~~foster family agencies~~ *short-term*  
25 *residential treatment centers* to maintain in good standing  
26 accreditation from a nationally recognized accreditation agency  
27 with expertise in programs for youth group care facilities, as  
28 determined by the department.

29 (B) Promulgation by the department of information identifying  
30 that agency or agencies from which accreditation shall be required.

31 (C) Provision for timely reporting to the department of any  
32 change in accreditation status.

33 (5) Mental health certification, including a requirement to timely  
34 report to the department any change in mental health certificate  
35 status.

36 (6) Maximization of federal financial participation under Title  
37 IV-E and Title XIX of the Social Security Act.

38 (c) The department shall develop a system of governmental  
39 monitoring and oversight that shall be carried out in coordination  
40 with the State Department of Health Care Services. Oversight

1 responsibilities shall include, but not be limited to, ensuring  
2 conformity with federal and state law, including program, fiscal,  
3 and health and safety audits and reviews.

4 (d) This section shall become operative on January 1, 2017.

5 ~~SEC. 58.~~

6 *SEC. 60.* Section 11462.001 is added to the Welfare and  
7 Institutions Code, immediately following Section 11462, to read:

8 11462.001. (a) (1) Foster care providers licensed as group  
9 homes, as defined in departmental regulations, including public  
10 child care institutions, as defined in Section 11402.5, shall have  
11 rates established by classifying each group home program and  
12 applying the standardized schedule of rates. The department shall  
13 collect information from group providers in order to classify each  
14 group home program.

15 (2) Notwithstanding paragraph (1), foster care providers licensed  
16 as group homes shall have rates established only if the group home  
17 is organized and operated on a nonprofit basis as required under  
18 subdivision (h) of Section 11400. The department shall terminate  
19 the rate of any group home not organized and operated on a  
20 nonprofit basis as required under subdivision (h) of Section 11400.

21 (3) (A) The department shall determine, consistent with the  
22 requirements of this chapter and other relevant requirements under  
23 law, the rate classification level (RCL) for each group home  
24 program on a biennial basis. Submission of the biennial rate  
25 application shall be made according to a schedule determined by  
26 the department.

27 (B) The department shall adopt regulations to implement this  
28 paragraph. The adoption, amendment, repeal, or readoption of a  
29 regulation authorized by this paragraph is deemed to be necessary  
30 for the immediate preservation of the public peace, health and  
31 safety, or general welfare, for purposes of Sections 11346.1 and  
32 11349.6 of the Government Code, and the department is hereby  
33 exempted from the requirement to describe specific facts showing  
34 the need for immediate action.

35 (b) A group home program shall be initially classified, for  
36 purposes of emergency regulations, according to the level of care  
37 and services to be provided using a point system developed by the  
38 department and described in the report, "The Classification of  
39 Group Home Programs under the Standardized Schedule of Rates

1 System,” prepared by the State Department of Social Services,  
2 August 30, 1989.

3 (c) The rate for each RCL has been determined by the  
4 department with data from the AFDC-FC Group Home Rate  
5 Classification Pilot Study.

6 (d) As used in this section, “standardized schedule of rates”  
7 means a listing of the 14 rate classification levels, and the single  
8 rate established for each RCL.

9 (e) Except as specified in paragraph (1), the department shall  
10 determine the RCL for each group home program on a prospective  
11 basis, according to the level of care and services that the group  
12 home operator projects will be provided during the period of time  
13 for which the rate is being established.

14 (1) (A) (i) For new and existing providers requesting the  
15 establishment of an RCL, and for existing group home programs  
16 requesting an RCL increase, the department shall determine the  
17 RCL no later than 13 months after the effective date of the  
18 provisional rate. The determination of the RCL shall be based on  
19 a program audit of documentation and other information that  
20 verifies the level of care and supervision provided by the group  
21 home program during a period of the two full calendar months or  
22 60 consecutive days, whichever is longer, preceding the date of  
23 the program audit, unless the group home program requests a lower  
24 RCL. The program audit shall not cover the first six months of  
25 operation under the provisional rate.

26 (ii) For audit purposes, if the group home program serves a  
27 mixture of AFDC-FC eligible and ineligible children, the weighted  
28 hours for child care and social work services provided and the  
29 capacity of the group home shall be adjusted by the ratio of  
30 AFDC-FC eligible children to all children in placement.

31 (iii) Pending the department’s issuance of the program audit  
32 report that determines the RCL for the group home program, the  
33 group home program shall be eligible to receive a provisional rate  
34 that shall be based on the level of care and service that the group  
35 home program proposes it will provide. The group home program  
36 shall be eligible to receive only the RCL determined by the  
37 department during the pendency of any appeal of the department’s  
38 RCL determination.

39 (B) A group home program may apply for an increase in its  
40 RCL no earlier than two years from the date the department has

1 determined the group home program’s rate, unless the host county,  
 2 the primary placing county, or a regional consortium of counties  
 3 submits to the department in writing that the program is needed  
 4 in that county, that the provider is capable of effectively and  
 5 efficiently operating the proposed program, and that the provider  
 6 is willing and able to accept AFDC-FC children for placement  
 7 who are determined by the placing agency to need the level of care  
 8 and services that will be provided by the program.

9 (C) To ensure efficient administration of the department’s audit  
 10 responsibilities, and to avoid the fraudulent creation of records,  
 11 group home programs shall make records that are relevant to the  
 12 RCL determination available to the department in a timely manner.  
 13 Except as provided in this section, the department may refuse to  
 14 consider, for purposes of determining the rate, any documents that  
 15 are relevant to the determination of the RCL that are not made  
 16 available by the group home provider by the date the group home  
 17 provider requests a hearing on the department’s RCL  
 18 determination. The department may refuse to consider, for purposes  
 19 of determining the rate, the following records, unless the group  
 20 home provider makes the records available to the department  
 21 during the fieldwork portion of the department’s program audit:

- 22 (i) Records of each employee’s full name, home address,  
 23 occupation, and social security number.
- 24 (ii) Time records showing when the employee begins and ends  
 25 each work period, meal periods, split shift intervals, and total daily  
 26 hours worked.
- 27 (iii) Total wages paid each payroll period.
- 28 (iv) Records required to be maintained by licensed group home  
 29 providers under Title 22 of the California Code of Regulations  
 30 that are relevant to the RCL determination.

31 (D) To minimize financial abuse in the startup of group home  
 32 programs, when the department’s RCL determination is more than  
 33 three levels lower than the RCL level proposed by the group home  
 34 provider, and the group home provider does not appeal the  
 35 department’s RCL determination, the department shall terminate  
 36 the rate of a group home program 45 days after issuance of its  
 37 program audit report. When the group home provider requests a  
 38 hearing on the department’s RCL determination, and the RCL  
 39 determined by the director under subparagraph (E) is more than  
 40 three levels lower than the RCL level proposed by the group home

1 provider, the department shall terminate the rate of a group home  
2 program within 30 days of issuance of the director's decision.  
3 Notwithstanding the reapplication provisions in subparagraph (B),  
4 the department shall deny any request for a new or increased RCL  
5 from a group home provider whose RCL is terminated pursuant  
6 to this subparagraph, for a period of no greater than two years from  
7 the effective date of the RCL termination.

8 (E) A group home provider may request a hearing of the  
9 department's RCL determination under subparagraph (A) no later  
10 than 30 days after the date the department issues its RCL  
11 determination. The department's RCL determination shall be final  
12 if the group home provider does not request a hearing within the  
13 prescribed time. Within 60 days of receipt of the request for  
14 hearing, the department shall conduct a hearing on the RCL  
15 determination. The standard of proof shall be the preponderance  
16 of the evidence and the burden of proof shall be on the department.  
17 The hearing officer shall issue the proposed decision within 45  
18 days of the close of the evidentiary record. The director shall adopt,  
19 reject, or modify the proposed decision, or refer the matter back  
20 to the hearing officer for additional evidence or findings within  
21 100 days of issuance of the proposed decision. If the director takes  
22 no action on the proposed decision within the prescribed time, the  
23 proposed decision shall take effect by operation of law.

24 (2) Group home programs that fail to maintain at least the level  
25 of care and services associated with the RCL upon which their rate  
26 was established shall inform the department. The department shall  
27 develop regulations specifying procedures to be applied when a  
28 group home fails to maintain the level of services projected,  
29 including, but not limited to, rate reduction and recovery of  
30 overpayments.

31 (3) The department shall not reduce the rate, establish an  
32 overpayment, or take other actions pursuant to paragraph (2) for  
33 any period that a group home program maintains the level of care  
34 and services associated with the RCL for children actually residing  
35 in the facility. Determinations of levels of care and services shall  
36 be made in the same way as modifications of overpayments are  
37 made pursuant to paragraph (2) of subdivision (b) of Section  
38 11466.2.

39 (4) A group home program that substantially changes its staffing  
40 pattern from that reported in the group home program statement

1 shall provide notification of this change to all counties that have  
2 placed children currently in care. This notification shall be provided  
3 whether or not the RCL for the program may change as a result of  
4 the change in staffing pattern.

5 (f) The standardized schedule of rates pursuant to subdivisions  
6 (f) and (g) of Section 11462, as that section read on January 1,  
7 2015, shall be implemented as follows:

8 (1) Any group home program that received an AFDC-FC rate  
9 in the prior fiscal year at or above the standard rate for the RCL  
10 in the current fiscal year shall continue to receive that rate.

11 (2) Any group home program that received an AFDC-FC rate  
12 in the prior fiscal year below the standard rate for the RCL in the  
13 current fiscal year shall receive the RCL rate for the current year.

14 (g) (1) The department shall not establish a rate for a new  
15 program of a new or existing provider, or for an existing program  
16 at a new location of an existing provider, unless the provider  
17 submits a letter of recommendation from the host county, the  
18 primary placing county, or a regional consortium of counties that  
19 includes all of the following:

20 (A) That the program is needed by that county.

21 (B) That the provider is capable of effectively and efficiently  
22 operating the program.

23 (C) That the provider is willing and able to accept AFDC-FC  
24 children for placement who are determined by the placing agency  
25 to need the level of care and services that will be provided by the  
26 program.

27 (D) That, if the letter of recommendation is not being issued by  
28 the host county, the primary placing county has notified the host  
29 county of its intention to issue the letter and the host county was  
30 given the opportunity of 30 days to respond to this notification  
31 and to discuss options with the primary placing county.

32 (2) The department shall encourage the establishment of  
33 consortia of county placing agencies on a regional basis for the  
34 purpose of making decisions and recommendations about the need  
35 for, and use of, group home programs and other foster care  
36 providers within the regions.

37 (3) The department shall annually conduct a county-by-county  
38 survey to determine the unmet placement needs of children placed  
39 pursuant to Section 300 and Section 601 or 602, and shall publish  
40 its findings by November 1 of each year.

1 (h) The department shall develop regulations specifying  
2 ratesetting procedures for program expansions, reductions, or  
3 modifications, including increases or decreases in licensed capacity,  
4 or increases or decreases in level of care or services.

5 (i) For the purpose of this subdivision, “program change” means  
6 any alteration to an existing group home program planned by a  
7 provider that will increase the RCL or AFDC-FC rate. An increase  
8 in the licensed capacity or other alteration to an existing group  
9 home program that does not increase the RCL or AFDC-FC rate  
10 shall not constitute a program change.

11 (j) General unrestricted or undesignated private charitable  
12 donations and contributions made to charitable or nonprofit  
13 organizations shall not be deducted from the cost of providing  
14 services pursuant to this section. The donations and contributions  
15 shall not be considered in any determination of maximum  
16 expenditures made by the department.

17 (k) This section shall only apply to a group home that has been  
18 granted an extension pursuant to the exception process described  
19 in subdivision (d) of Section 11462.04.

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

21 (m) This section shall remain in effect only until January 1,  
22 2018, and as of that date is repealed, unless a later enacted statute,  
23 that is enacted before January 1, 2018, deletes or extends that date.

24 ~~SEC. 59.~~

25 *SEC. 61.* Section 11462.01 of the Welfare and Institutions  
26 Code is amended to read:

27 11462.01. (a) Commencing July 1, 1994, a group home  
28 program shall be classified at RCL 13 or RCL 14 if the program  
29 meets all of the following requirements:

30 (1) The group home program is providing, or has proposed to  
31 provide, the level of care and services necessary to generate  
32 sufficient points in the ratesetting process to be classified at RCL  
33 13 if the rate application is for RCL 13 or to be classified at RCL  
34 14 if the rate application is for RCL 14.

35 (2) (A) (i) The group home provider shall agree not to accept  
36 for placement into a group home program AFDC-FC funded  
37 children, including voluntary placements and ~~seriously emotionally~~  
38 ~~disturbed~~ *those who have an emotional disturbance, as defined in*  
39 *Section 300.8(c)(4)(i) of Title 34 of the Code of Federal*  
40 *Regulations*, children placed out-of-home pursuant to an

1 individualized education program developed under ~~Section 7572.5~~  
2 ~~of the Government Code, Article 2 (commencing with Section~~  
3 ~~56320) of Chapter 4 of Part 3 of the Education Code~~, who have  
4 not been approved for placement by an interagency placement  
5 committee, as described by Section 4096. The approval shall be  
6 in writing and shall indicate that the interagency placement  
7 committee has determined ~~that the child is seriously emotionally~~  
8 ~~disturbed, as defined by Section 5600.3~~ *has an emotional*  
9 *disturbance, as defined in Section 300.8(c)(4)(i) of Title 34 of the*  
10 *Code of Federal Regulations* and subject to Section 1502.4 of the  
11 Health and Safety Code, and that the child needs the level of care  
12 provided by the group home.

13 (ii) For purposes of clause (i), group home providers who accept  
14 ~~seriously emotionally disturbed~~ children who are assessed *as*  
15 *having an emotional disturbance, as defined in Section*  
16 *300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations* and  
17 placed out-of-home pursuant to an individualized education  
18 program developed under Section 7572.5 of the Government Code  
19 shall be deemed to have met the interagency placement committee  
20 approval for placement requirements of clause (i) if the  
21 individualized education program assessment indicates that the  
22 child has been determined ~~to be seriously emotionally disturbed,~~  
23 ~~as defined in Section 5600.3~~ *have an emotional disturbance, as*  
24 *defined in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal*  
25 *Regulations* and subject to Section 1502.4 of the Health and Safety  
26 Code, and needs the level of care described in clause (i).

27 (B) (i) Nothing in this subdivision shall prevent the emergency  
28 placement of a child into a group home program prior to the  
29 determination by the interagency placement committee pursuant  
30 ~~to subclause~~ *clause* (i) of subparagraph (A) if a licensed mental  
31 health professional, as defined in the department's AFDC-FC  
32 ratesetting regulations, has evaluated, in writing, the child within  
33 72 hours of placement, and determined the child ~~to be seriously~~  
34 ~~emotionally disturbed~~ *have an emotional disturbance, as defined*  
35 *in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal*  
36 *Regulations* and in need of the care and services provided by the  
37 group home program.

38 (ii) The interagency placement committee shall, within 30 days  
39 of placement pursuant to clause (i), make the determination  
40 required by clause (i) of subparagraph (A).

1 (iii) If, pursuant to clause (ii), the placement is determined to  
2 be appropriate, the committee shall transmit the approval, in  
3 writing, to the county placing agency and the group home provider.

4 (iv) If, pursuant to clause (ii) the placement is determined not  
5 to be appropriate, the child shall be removed from the group home  
6 and referred to a more appropriate placement, as specified in  
7 subdivision (f).

8 (C) Commencing December 15, 1992, with respect to AFDC-FC  
9 funded children, only those children who are approved for  
10 placement by an interagency placement committee may be accepted  
11 by a group home under this subdivision.

12 (3) The group home program is certified by the State Department  
13 of Health Care Services pursuant to Section 4096.5.

14 (b) The department shall not establish a rate for a group home  
15 requesting a program change to RCL 13 or RCL 14 unless the  
16 group home provider submits a recommendation from the host  
17 county or the primary placing county that the program is needed  
18 and that the provider is willing and capable of operating the  
19 program at the level sought. For purposes of this subdivision, “host  
20 county,” “primary placing county,” and “program change” mean  
21 the same as defined in the department’s AFDC-FC ratesetting  
22 regulations.

23 (c) The effective date of rates set at RCL 13 or RCL 14 shall  
24 be the date that all the requirements are met, but not prior to July  
25 1 of that fiscal year. Nothing in this section shall affect RCL 13  
26 or RCL 14 ratesetting determinations in prior years.

27 (d) Any group home program that has been classified at RCL  
28 13 or RCL 14 pursuant to the requirements of subdivision (a) shall  
29 be reclassified at the appropriate lower RCL with a commensurate  
30 reduction in rate if either of the following occurs:

31 (1) The group home program fails to maintain the level of care  
32 and services necessary to generate the necessary number of points  
33 for RCL 13 or RCL 14, as required by paragraph (1) of subdivision  
34 (a). The determination of points shall be made consistent with the  
35 department’s AFDC-FC ratesetting regulations for other rate  
36 classification levels.

37 (2) The group home program fails to maintain a certified mental  
38 health treatment program as required by paragraph (3) of  
39 subdivision (a).

1 (3) In the event of a determination under paragraph (1), the  
2 group home may appeal the finding or submit a corrective action  
3 plan. The appeal process specified in Section 11466.6 shall be  
4 available to RCL 13 and RCL 14 group home providers. During  
5 any appeal, the group home shall maintain the appropriate level  
6 of care.

7 (e) The interagency placement committee shall periodically  
8 review, but no less often than that required by current law, the  
9 placement of the child. If the committee determines that the child  
10 no longer needs, or is not benefiting from, placement in a RCL 13  
11 or RCL 14 group home, the committee shall require the removal  
12 of the child and a new disposition.

13 (f) (1) (A) If, at any time subsequent to placement in an RCL  
14 13 or RCL 14 group home program, the interagency placement  
15 committee determines either that the child is not ~~seriously~~  
16 ~~emotionally disturbed~~ *assessed as having an emotional disturbance,*  
17 *as defined in Section 300.8(c)(4)(i) of Title 34 of the Code of*  
18 *Federal Regulations* or is not in need of the care and services  
19 provided by the group home program, it shall notify, in writing,  
20 both the county placing agency and the group home provider within  
21 10 days of the determination.

22 (B) The county placing agency shall notify the group home  
23 provider, in writing, within five days from the date of the notice  
24 from the committee, of the county's plan for removal of the child.

25 (C) The county placing agency shall remove the child from the  
26 group home program within 30 days from the date of the notice  
27 from the interagency placement committee.

28 (2) (A) If a county placing agency does not remove a child  
29 within 30 days from the date of the notice from the interagency  
30 placement committee, the group home provider shall notify the  
31 interagency placement committee and the department, in writing,  
32 of the county's failure to remove the child from the group home  
33 program.

34 (B) The group home provider shall make the notification  
35 required by subparagraph (A) within five days of the expiration  
36 of the 30-day removal period. If notification is made, a group home  
37 provider shall not be subject to an overpayment determination due  
38 to failure of the county placing agency to remove the child.

39 (3) Any county placing agency that fails to remove a child from  
40 a group home program under this paragraph within 30 days from

1 the date of the notice from the interagency placement committee  
2 shall be assessed a penalty in the amount of the state and federal  
3 financial participation in the AFDC-FC rate paid on behalf of the  
4 child commencing on the 31st day and continuing until the child  
5 is removed.

6 (g) (1) If any RCL 13 or RCL 14 group home provider discovers  
7 that it does not have written approval for placement of any  
8 AFDC-FC funded child placed on or after December 15, 1992,  
9 from the interagency placement committee, it shall notify the  
10 county placing agency, in writing, and shall request the county to  
11 obtain approval from the interagency placement committee or  
12 remove the child from the group home program. A group home  
13 provider shall have 30 days from the child's first day of placement  
14 to discover the placement error and to notify the county placing  
15 agency.

16 (2) Any county placing agency that receives notification  
17 pursuant to paragraph (2) of subdivision (f) shall obtain approval  
18 for placement from the interagency placement committee or remove  
19 the child from the group home program within 30 days from the  
20 date of the notice from the group home provider. The program  
21 shall not be reclassified to a lower RCL for a violation of the  
22 provisions referred to in this paragraph.

23 (3) (A) If a county placing agency does not have the placement  
24 of a child approved by the interagency placement committee or  
25 removed from the group home within 30 days from the date of the  
26 notice from the group home provider, the group home provider  
27 shall notify the county placing agency and the department, in  
28 writing, of the county's failure to have the placement of the child  
29 approved or remove the child from the group home program.

30 (B) The group home provider shall make the notification  
31 required by subparagraph (A) within five days after the expiration  
32 of the 30-day approval or removal period. If notification is made,  
33 a group home provider shall not be subject to an overpayment  
34 determination due to failure of the county placing agency to remove  
35 the child.

36 (C) Any group home provider that fails to notify the county  
37 placing agency pursuant to subparagraph (A) shall be assessed a  
38 penalty in the amount of the AFDC-FC rate paid to the group home  
39 provider on behalf of the child commencing on the 31st day of

1 placement and continuing until the county placing agency is  
2 notified.

3 (4) Any county placing agency that fails to have the placement  
4 of a child approved or to have the child removed from the group  
5 home program within 30 days shall be assessed a penalty in the  
6 amount of the state and federal financial participation in the  
7 AFDC-FC rate paid on behalf of the child commencing on the 31st  
8 day of placement and continuing until the child is removed.

9 (h) The department shall develop regulations to obtain payment  
10 of assessed penalties as provided in this section. For audit purposes  
11 and the application of penalties for RCL 13 and RCL 14 programs,  
12 the department shall apply statutory provisions that were in effect  
13 during the period for which the audit was conducted.

14 (i) (1) Nothing in this subparagraph shall prohibit a group home  
15 classified at RCL 13 or RCL 14 for purposes of the AFDC-FC  
16 program, from accepting private placements of children.

17 (2) When a referral is not from a public agency and no public  
18 funding is involved, there shall be no requirement for public agency  
19 review or determination of need.

20 (3) Children subject to paragraphs (1) and (2) shall have been  
21 assessed as ~~seriously emotionally disturbed, as defined in Section~~  
22 ~~5600.3~~ *having an emotional disturbance, as defined in Section*  
23 *300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations* and  
24 subject to Section 1502.4 of the Health and Safety Code, by a  
25 licensed mental health professional, as defined in Sections 629 to  
26 633, inclusive, of Title 9 of the California Code of Regulations.

27 (j) A child shall not be placed in a group home program  
28 classified at an RCL 13 or RCL 14 if the placement is paid for  
29 with county-only funds unless the child is assessed as ~~seriously~~  
30 ~~emotionally disturbed, as defined in Section 5600.3,~~ *having an*  
31 *emotional disturbance, as defined in Section 300.8(c)(4)(i) of Title*  
32 *34 of the Code of Federal Regulations*, subject to Section 1502.4  
33 of the Health and Safety Code, by a licensed mental health  
34 professional, as defined in Sections 629 to 633, inclusive, of Title  
35 9 of the California Code of Regulations.

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

1 ~~SEC. 60.~~

2 *SEC. 62.* Section 11462.01 is added to the Welfare and  
3 Institutions Code, to read:

4 11462.01. (a) All short-term residential treatment centers, and  
5 foster family agencies that provide treatment services, shall  
6 maintain in good standing the appropriate mental health  
7 certification issued by the State Department of Health Care  
8 Services or a county to which the department has delegated  
9 certification authority pursuant to Section 4096.5, and additionally  
10 shall meet all of the following requirements:

11 (1) Maintain the level of care and services necessary to meet  
12 the needs of the children and youth in care.

13 ~~(2) Agree not to accept for placement AFDC-FC funded children  
14 and youth, including voluntary placements and seriously  
15 emotionally disturbed children who are placed out-of-home  
16 pursuant to an individualized education program developed  
17 pursuant to Chapter 26.5 (commencing with Section 7570) of  
18 Division 7 of Title 1 of the Government Code, who have not been  
19 approved in writing for placement by the child and family team  
20 or the interagency placement committee, as described in Section  
21 4096.~~

22 (A) The written approval shall indicate both of the following:

23 (i) ~~The child or youth is seriously emotionally disturbed, as  
24 defined by Section 5600.3 and subject to Section 1502.4 of the  
25 Health and Safety Code.~~

26 (ii) ~~The child or youth has been determined by a child and family  
27 team to need the level of services provided to maintain the safety  
28 of the child or youth, or others.~~

29 (B) ~~Seriously emotionally disturbed children and youth who  
30 are assessed and placed out-of-home pursuant to an individualized  
31 education program developed pursuant to Chapter 26.5  
32 (commencing with Section 7570) of Division 7 of Title 1 of the  
33 Government Code shall be deemed to have met the placement  
34 requirements of clause (i) of subparagraph (A) only if the  
35 individualized education program assessment indicates that the  
36 child or youth has been determined to be seriously emotionally  
37 disturbed, as defined in Section 5600.3 and subject to Section  
38 1502.4 of the Health and Safety Code, and needs the level of care  
39 described in subparagraph (A).~~

1 (A) *The short-term residential treatment center, as defined in*  
2 *paragraph (18) of subdivision (a) of Section 1502 of the Health*  
3 *and Safety Code, may accept for placement children who do not*  
4 *require inpatient care in a licensed health facility and who meet*  
5 *at least one of the following conditions:*

6 (i) *A child who has been assessed as meeting the medical*  
7 *necessity criteria for specialty mental health services under the*  
8 *Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment*  
9 *program, as the criteria are described in Section 1830.210 of Title*  
10 *9 of the California Code of Regulations.*

11 (ii) *A child assessed as having an emotional disturbance*  
12 *pursuant to Section 300.8(c)(4)(i) of Title 34 of the Code of Federal*  
13 *Regulations.*

14 (iii) *A child who has been assessed as requiring the level of*  
15 *services provided to maintain the safety of the child or others due*  
16 *to behaviors that render the child or those around the child unsafe,*  
17 *or that prevent the effective delivery of needed services and*  
18 *supports provided in the child's own home or in other family*  
19 *settings, such as with a relative, guardian, foster family, resource*  
20 *family, or adoptive family. In certain circumstances, this may*  
21 *include the following children:*

22 (I) *A commercially or sexually exploited child.*

23 (II) *A private voluntary placement, where the youth exhibits*  
24 *status offender behavior and where the parents or other relative*  
25 *feel they cannot control the child's behavior and short-term*  
26 *intervention is needed to transition to the child back into the home.*

27 (III) *A juvenile sex offender.*

28 (IV) *A child who is affiliated with, or impacted, by a gang.*

29 (B) *The licensed foster family agency, as defined in paragraph*  
30 *(4) of subdivision (a) of Section 1502 of the Health and Safety*  
31 *Code, which provides treatment services, may accept for placement*  
32 *children who do not require inpatient care in a licensed health*  
33 *facility and who meet at least one of the following conditions:*

34 (i) *A child who has been assessed as meeting the medical*  
35 *necessity criteria for specialty mental health services under the*  
36 *Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment*  
37 *program, as the criteria are described in Section 1830.210 of Title*  
38 *9 of the California Code of Regulations.*

1 (ii) A child assessed as having an emotional disturbance  
2 pursuant to Section 300.8 (c)(4)(i) of Title 34 of the Code of  
3 Federal Regulations.

4 (iii) A child who has been assessed as requiring the level of  
5 services to meet his or her behavioral or therapeutic needs.

6 (C) The assessments described in clauses (i) and (ii) of this  
7 subparagraph and clauses (i) and (ii) of subparagraph (A) shall  
8 be made by all of the following, as applicable:

9 (i) An interagency placement committee, as described in Section  
10 4096.

11 (ii) A licensed mental health professional pursuant to paragraph  
12 (3) of subdivision (i) of, or subdivision (j) of, of Section 11462.01.

13 (iii) For the purposes of paragraph (1), AFDC-FC funded  
14 children with an individualized education program developed  
15 pursuant to Article 2 (commencing with Section 56320) of Chapter  
16 4 of Part 30 of the Education Code that assesses the child as having  
17 an emotional disturbance as defined in, and subject to, this section  
18 and recommends out-of-home placement at the level of care  
19 provided by the provider, shall be deemed to have met the  
20 interagency placement committee approval for placement  
21 requirements.

22 (D) The assessments described in clause (iii) of subparagraph  
23 (A) and clause (iii) of subparagraph (B) shall be made pursuant  
24 to subdivision (b) of Section 706.6 or paragraph (2) of subdivision  
25 (c) of Section 16501.1.

26 (2) (A) The provider shall ensure that AFD-FC funded children  
27 accepted for placement have been approved for placement by an  
28 interagency placement committee, as defined in paragraph (4) of  
29 subdivision (a) of Section 16501.

30 (B) The approval shall be in writing and shall indicate that the  
31 interagency placement committee has determined that the child  
32 has an emotional disturbance, as defined in Section 300.8(c)(4)(i)  
33 of Title 34 of the Code of Federal Regulations and subject to  
34 Section 1502.4 of the Health and Safety Code, and that the child  
35 needs the level of care provided by the provider.

36 (E)

37 (3) (A) Nothing in this subdivision shall prevent an emergency  
38 placement of a child or youth into a short-term residential treatment  
39 center or foster family agency that provides treatment services  
40 prior to the determination by the ~~child and family team or~~

1 interagency placement ~~committee, as applicable, pursuant to~~  
 2 ~~subparagraph (A); committee,~~ but only if a licensed mental health  
 3 professional, as defined in the department’s AFDC-FC ratesetting  
 4 regulations, has made a written determination within 72 hours of  
 5 the child’s or youth’s placement, that the child or youth is seriously  
 6 emotionally disturbed and is in need of the care and services  
 7 provided by the short-term residential treatment center or foster  
 8 family agency that provides treatment services.

9 ~~(D)~~

10 (B) (i) ~~The child and family team or~~ interagency placement  
 11 committee, as appropriate, shall, within 30 days of placement,  
 12 make the determinations, *with recommendations from the child*  
 13 *and family team,* required by ~~subparagraph (A); this subdivision.~~

14 (ii) If it determines the placement is appropriate, ~~the child and~~  
 15 ~~family team or~~ interagency placement ~~committee, as appropriate,~~  
 16 *committee, with recommendations from the child and family team,*  
 17 shall transmit the approval, in writing, to the county placing agency  
 18 and the short-term residential treatment center or foster family  
 19 agency that provides treatment services.

20 (iii) If it determines the placement is not appropriate, ~~the child~~  
 21 ~~and family team or~~ interagency ~~placement committee, as~~  
 22 ~~appropriate, placement committee, with recommendations from~~  
 23 *the child and family team,* shall transmit the disapproval, in writing,  
 24 to the county placing agency and the short-term residential  
 25 treatment center or foster family agency that provides treatment  
 26 services, and the child or youth shall be referred to an appropriate  
 27 placement, as specified in subdivision (f).

28 ~~(E)~~

29 (C) Commencing January 1, 2017, for AFDC-FC funded  
 30 children or youth, only those children or youth who are approved  
 31 for placement by ~~the child and family team or~~ interagency  
 32 ~~placement committee, as appropriate, committee, with~~  
 33 *recommendations from the child and family team,* may be accepted  
 34 by a short-term residential treatment center or foster family agency  
 35 that provides treatment services.

36 ~~(F)~~

37 (D) The department shall, through regulation, establish  
 38 consequences for the failure of a short-term residential treatment  
 39 center, or a foster family agency that provides treatment services,  
 40 to obtain written approval for placement of an AFDC-FC funded

1 child or youth from the child and family team or interagency  
2 placement committee.

3 (3)

4 (4) The short-term residential treatment center, or foster family  
5 agency that provides treatment services, shall be certified by the  
6 State Department of Health Care Services or a county to which  
7 the department has delegated certification authority pursuant to  
8 Section 4096.5.

9 (b) The department shall not establish a rate for a short-term  
10 residential treatment center or foster family agency that provides  
11 intensive and therapeutic treatment unless the provider submits a  
12 recommendation from the host county or the primary placing  
13 county that the program is needed and that the provider is willing  
14 and capable of operating the program at the level sought. For  
15 purposes of this subdivision, “host county,” and “primary placing  
16 county,” mean the same as defined in the department’s AFDC-FC  
17 ratesetting regulations.

18 (c) The effective date of rates set for a short-term residential  
19 treatment center or foster family agency that provides intensive  
20 and therapeutic treatment shall be the date that all the requirements  
21 are met.

22 (d) Any short-term residential treatment center or foster family  
23 agency that provides intensive and therapeutic treatment pursuant  
24 to subdivision (a) shall be reclassified and paid at the appropriate  
25 program rate for which it is qualified if either of the following  
26 occurs:

27 (1) (A) It fails to maintain the level of care and services  
28 necessary to meet the needs of the children and youth in care, as  
29 required by ~~paragraph (1) of~~ subdivision (a). The determination  
30 shall be made consistent with the department’s AFDC-FC  
31 ratesetting regulations developed pursuant to Sections 11462 and  
32 11463 and shall take into consideration the highest level of care  
33 and associated rates for which the program is eligible.

34 (B) In the event of a determination under this paragraph, the  
35 short-term residential treatment center or foster family agency that  
36 provides intensive and therapeutic treatment may appeal the finding  
37 or submit a corrective action plan. The appeal process specified  
38 in Section 11466.6 shall be available to a short-term residential  
39 treatment center or foster family agency that provides intensive  
40 and therapeutic treatment. During any appeal, the short-term

1 residential treatment center or foster family agency that provides  
2 intensive and therapeutic treatment shall maintain the appropriate  
3 level of care.

4 (2) It fails to maintain a certified mental health treatment  
5 program as required by ~~paragraph (3) of~~ subdivision (a).

6 (e) In addition to any other review required by law, the child  
7 and family team ~~referenced in Sections 831 and as defined in~~  
8 *paragraph (4) of subdivision (a) of Section 16501* shall periodically  
9 review the placement of the child or youth. If the child and family  
10 team ~~determines~~ *make a recommendation* that the child or youth  
11 no longer needs, or is not benefiting from, placement in a  
12 short-term residential treatment center or foster family agency that  
13 provides intensive and therapeutic treatment, the team shall  
14 transmit the disapproval, in writing, to the county placing agency  
15 and the short-term residential treatment center or foster family  
16 agency that provides intensive and therapeutic treatment, and the  
17 child or youth shall be referred to an appropriate placement.

18 (f) The department shall develop a process to address placements  
19 when, subsequent to the child’s or youth’s placement, a  
20 determination is made by the interagency placement team ~~or the~~  
21 *and shall consider the recommendations of the* child and family  
22 team, either that the child or youth is ~~not seriously emotionally~~  
23 ~~disturbed or is not~~ in need of the care and services provided by the  
24 certified program. The process shall include, but not be limited to:

25 (1) Notice of the determination in writing to both the county  
26 placing agency and the short-term residential treatment center or  
27 foster family agency that provides intensive and therapeutic  
28 treatment.

29 (2) Notice of the county’s plan, and a time frame, for removal  
30 of the child or youth in writing to the short-term residential  
31 treatment center or foster family agency that provides intensive  
32 and therapeutic treatment.

33 (3) Referral to an appropriate placement.

34 (4) Actions to be taken if a child or youth is not timely removed  
35 from the short-term residential treatment center or foster family  
36 agency that provides intensive and therapeutic treatment or placed  
37 in an appropriate placement.

38 (g) (1) Nothing in this section shall prohibit a short-term  
39 residential treatment center or foster family agency that provides

1 intensive and therapeutic treatment for purposes of the AFDC-FC  
2 program, from accepting private placements of children or youth.

3 (2) When a referral is not from a public agency and no public  
4 funding is involved, there is no requirement for public agency  
5 review nor determination of need.

6 (3) Children and youth subject to paragraphs (1) and (2) shall  
7 have been determined to be seriously emotionally disturbed *have*  
8 *an emotional disturbance*, as defined in Section ~~5600.3~~  
9 *300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations* and  
10 subject to Section 1502.4 of the Health and Safety Code, by a  
11 licensed mental health professional.

12 (h) This section shall become operative on January 1, 2017.

13 ~~SEC. 61.~~

14 *SEC. 63.* Section 11462.015 is added to the Welfare and  
15 Institutions Code, to read:

16 11462.015. (a) A group home program shall be classified at  
17 RCL 13 or RCL 14 if the program meets all of the following  
18 requirements:

19 (1) The group home program is providing, or has proposed to  
20 provide, the level of care and services necessary to generate  
21 sufficient points in the ratesetting process to be classified at RCL  
22 13 if the rate application is for RCL 13 or to be classified at RCL  
23 14 if the rate application is for RCL 14.

24 (2) (A) (i) The group home provider shall agree not to accept  
25 for placement into a group home program AFDC-FC funded  
26 children, including voluntary placements and ~~seriously emotionally~~  
27 ~~disturbed children~~ *children who have been assessed as having an*  
28 *emotional disturbance as defined in Section 300.8(c)(4)(i) of Title*  
29 *34 of the Code of Federal Regulations* placed out-of-home pursuant  
30 to an individualized education program developed under ~~Section~~  
31 ~~7572.5 of the Government Code Article 2 (commencing with~~  
32 ~~Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 the~~  
33 *Education Code*, who have not been approved for placement by  
34 an interagency placement committee, as described by Section  
35 4096.1. The approval shall be in writing and shall indicate that the  
36 interagency placement committee has determined *that the child is*  
37 ~~seriously emotionally disturbed~~, as defined by ~~Section 5600.3~~ *has*  
38 *an emotional disturbance as defined in Section 300.8(c)(4)(i) of*  
39 *Title 34 of the Code of Federal Regulations*, and subject to Section

1 1502.45 of the Health and Safety Code, and that the child needs  
 2 the level of care provided by the group home.

3 (ii) For purposes of clause (i), group home providers who accept  
 4 ~~seriously emotionally disturbed children~~ *children who have been*  
 5 *assessed as having emotional disturbances as defined in Section*  
 6 *300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations* who  
 7 are assessed and placed out-of-home pursuant to an individualized  
 8 education program developed under ~~Section 7572.5 of the~~  
 9 ~~Government Code Article 2 (commencing with Section 56320) of~~  
 10 *Chapter 4 of Part 30 of Division 4 of Title 2 the Education Code*  
 11 shall be deemed to have met the interagency placement committee  
 12 approval for placement requirements of clause (i) if the  
 13 individualized education program assessment indicates that the  
 14 child has been determined to ~~be seriously emotionally disturbed~~  
 15 *have an emotional disturbance*, as defined in Section ~~5600.3~~ *300.8*  
 16 *(c)(4)(i) of Title 34 of the Code of Federal Regulations* and subject  
 17 to Section 1502.45 of the Health and Safety Code, and needs the  
 18 level of care described in clause (i).

19 (B) (i) Nothing in this subdivision shall prevent the emergency  
 20 placement of a child into a group home program prior to the  
 21 determination by the interagency placement committee pursuant  
 22 to clause (i) of subparagraph (A) if a licensed mental health  
 23 professional, as defined in the department’s AFDC-FC ratesetting  
 24 regulations, has evaluated, in writing, the child within 72 hours of  
 25 placement, and *has determined the child to be seriously emotionally*  
 26 ~~disturbed~~ *have an emotional disturbance as defined in Section*  
 27 *300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations* and  
 28 in need of the care and services provided by the group home  
 29 program.

30 (ii) The interagency placement committee shall, within 30 days  
 31 of placement pursuant to clause (i), make the determination  
 32 required by clause (i) of subparagraph (A).

33 (iii) If, pursuant to clause (ii), the placement is determined to  
 34 be appropriate, the committee shall transmit the approval, in  
 35 writing, to the county placing agency and the group home provider.

36 (iv) If, pursuant to clause (ii) the placement is determined not  
 37 to be appropriate, the child shall be removed from the group home  
 38 and referred to a more appropriate placement, as specified in  
 39 subdivision (f).

1 (C) With respect to AFDC-FC funded children, only those  
2 children who are approved for placement by an interagency  
3 placement committee may be accepted by a group home under this  
4 subdivision.

5 (3) The group home program is certified by the State Department  
6 of Health Care Services pursuant to Section 4096.5.

7 (b) The department shall not establish a rate for a group home  
8 requesting a program change to RCL 13 or RCL 14 unless the  
9 group home provider submits a recommendation from the host  
10 county or the primary placing county that the program is needed  
11 and that the provider is willing and capable of operating the  
12 program at the level sought. For purposes of this subdivision, “host  
13 county,” “primary placing county,” and “program change” mean  
14 the same as defined in the department’s AFDC-FC ratesetting  
15 regulations.

16 (c) The effective date of rates set at RCL 13 or RCL 14 shall  
17 be the date that all the requirements are met, but not prior to July  
18 1 of that fiscal year. Nothing in this section shall affect RCL 13  
19 or RCL 14 ratesetting determinations in prior years.

20 (d) Any group home program that has been classified at RCL  
21 13 or RCL 14 pursuant to the requirements of subdivision (a) shall  
22 be reclassified at the appropriate lower RCL with a commensurate  
23 reduction in rate if either of the following occurs:

24 (1) The group home program fails to maintain the level of care  
25 and services necessary to generate the necessary number of points  
26 for RCL 13 or RCL 14, as required by paragraph (1) of subdivision  
27 (a). The determination of points shall be made consistent with the  
28 department’s AFDC-FC ratesetting regulations for other rate  
29 classification levels.

30 (2) The group home program fails to maintain a certified mental  
31 health treatment program as required by paragraph (3) of  
32 subdivision (a).

33 (3) In the event of a determination under paragraph (1), the  
34 group home may appeal the finding or submit a corrective action  
35 plan. The appeal process specified in Section 11466.6 shall be  
36 available to RCL 13 and RCL 14 group home providers. During  
37 any appeal, the group home shall maintain the appropriate level  
38 of care.

39 (e) The interagency placement committee shall periodically  
40 review, but no less often than that required by current law, the

1 placement of the child. If the committee determines that the child  
2 no longer needs, or is not benefiting from, placement in a RCL 13  
3 or RCL 14 group home, the committee shall require the removal  
4 of the child and a new disposition.

5 (f) (1) (A) If, at any time subsequent to placement in an RCL  
6 13 or RCL 14 group home program, the interagency placement  
7 committee determines either that the child is not seriously  
8 emotionally disturbed or is not in need of the care and services  
9 provided by the group home program, it shall notify, in writing,  
10 both the county placing agency and the group home provider within  
11 10 days of the determination.

12 (B) The county placing agency shall notify the group home  
13 provider, in writing, within five days from the date of the notice  
14 from the committee, of the county's plan for removal of the child.

15 (C) The county placing agency shall remove the child from the  
16 group home program within 30 days from the date of the notice  
17 from the interagency placement committee.

18 (2) (A) If a county placing agency does not remove a child  
19 within 30 days from the date of the notice from the interagency  
20 placement committee, the group home provider shall notify the  
21 interagency placement committee and the department, in writing,  
22 of the county's failure to remove the child from the group home  
23 program.

24 (B) The group home provider shall make the notification  
25 required by subparagraph (A) within five days of the expiration  
26 of the 30-day removal period. If notification is made, a group home  
27 provider shall not be subject to an overpayment determination due  
28 to failure of the county placing agency to remove the child.

29 (3) Any county placing agency that fails to remove a child from  
30 a group home program under this paragraph within 30 days from  
31 the date of the notice from the interagency placement committee  
32 shall be assessed a penalty in the amount of the state and federal  
33 financial participation in the AFDC-FC rate paid on behalf of the  
34 child commencing on the 31st day and continuing until the child  
35 is removed.

36 (g) (1) If any RCL 13 or RCL 14 group home provider discovers  
37 that it does not have written approval for placement of any  
38 AFDC-FC funded child from the interagency placement committee,  
39 it shall notify the county placing agency, in writing, and shall  
40 request the county to obtain approval from the interagency

1 placement committee or remove the child from the group home  
2 program. A group home provider shall have 30 days from the  
3 child's first day of placement to discover the placement error and  
4 to notify the county placing agency.

5 (2) Any county placing agency that receives notification  
6 pursuant to paragraph (2) of subdivision (f) shall obtain approval  
7 for placement from the interagency placement committee or remove  
8 the child from the group home program within 30 days from the  
9 date of the notice from the group home provider. The program  
10 shall not be reclassified to a lower RCL for a violation of the  
11 provisions referred to in this paragraph.

12 (3) (A) If a county placing agency does not have the placement  
13 of a child approved by the interagency placement committee or  
14 removed from the group home within 30 days from the date of the  
15 notice from the group home provider, the group home provider  
16 shall notify the county placing agency and the department, in  
17 writing, of the county's failure to have the placement of the child  
18 approved or remove the child from the group home program.

19 (B) The group home provider shall make the notification  
20 required by subparagraph (A) within five days after the expiration  
21 of the 30-day approval or removal period. If notification is made,  
22 a group home provider shall not be subject to an overpayment  
23 determination due to failure of the county placing agency to remove  
24 the child.

25 (C) Any group home provider that fails to notify the county  
26 placing agency pursuant to subparagraph (A) shall be assessed a  
27 penalty in the amount of the AFDC-FC rate paid to the group home  
28 provider on behalf of the child commencing on the 31st day of  
29 placement and continuing until the county placing agency is  
30 notified.

31 (4) Any county placing agency that fails to have the placement  
32 of a child approved or to have the child removed from the group  
33 home program within 30 days shall be assessed a penalty in the  
34 amount of the state and federal financial participation in the  
35 AFDC-FC rate paid on behalf of the child commencing on the 31st  
36 day of placement and continuing until the child is removed.

37 (h) The department shall develop regulations to obtain payment  
38 of assessed penalties as provided in this section. For audit purposes  
39 and the application of penalties for RCL 13 and RCL 14 programs,

1 the department shall apply statutory provisions that were in effect  
 2 during the period for which the audit was conducted.

3 (i) (1) Nothing in this subdivision shall prohibit a group home  
 4 classified at RCL 13 or RCL 14 for purposes of the AFDC-FC  
 5 program, from accepting private placements of children.

6 (2) When a referral is not from a public agency and no public  
 7 funding is involved, there shall be no requirement for public agency  
 8 review or determination of need.

9 (3) Children subject to paragraphs (1) and (2) shall have been  
 10 assessed as ~~seriously emotionally disturbed~~ *having an emotional*  
 11 *disturbance*, as defined in Section ~~5600.3~~ *300.8(c)(4)(i) of Title*  
 12 *34 of the Code of Federal Regulations* and subject to Section  
 13 1502.45 of the Health and Safety Code, by a licensed mental health  
 14 professional, as defined in Sections 629 to 633, inclusive, of Title  
 15 9 of the California Code of Regulations.

16 (j) A child shall not be placed in a group home program  
 17 classified at an RCL 13 or RCL 14 if the placement is paid for  
 18 with county-only funds unless the child is assessed as ~~seriously~~  
 19 ~~emotionally disturbed~~ *having an emotional disturbance*, as defined  
 20 in Section ~~5600.3~~ *300.8(c)(4)(i) of Title 34 of the Code of Federal*  
 21 *Regulations*, subject to Section 1502.45 of the Health and Safety  
 22 Code, by a licensed mental health professional, as defined in  
 23 Sections 629 to 633, inclusive, of Title 9 of the California Code  
 24 of Regulations.

25 (k) This section shall only apply to a group home that has been  
 26 granted an extension pursuant to the exception process described  
 27 in subdivision (d) of Section 11462.04.

28 (l) This section shall become operative on January 1, 2017.

29 (m) This section shall remain in effect only until January 1,  
 30 2018, and as of that date is repealed, unless a later enacted statute,  
 31 that is enacted before January 1, 2018, deletes or extends that date.

32 ~~SEC. 62.~~

33 *SEC. 64.* Section 11462.02 of the Welfare and Institutions  
 34 Code is amended to read:

35 11462.02. (a) Notwithstanding paragraph (2) of subdivision  
 36 (a) of Section 11462, a foster care provider licensed as a group  
 37 home also may have a rate established if the group home is  
 38 operated by the County of San Mateo, as provided by subdivision  
 39 (h) of Section 11400.

1 (b) 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. 63.~~

5 *SEC. 65.* Section 11462.02 is added to the Welfare and  
6 Institutions Code, to read:

7 11462.02. (a) Any existing county-operated foster family  
8 agency or group home, including the group home operated by the  
9 County of San Mateo, shall, commencing January 1, 2017, be  
10 classified as, and shall meet all of the requirements of, a foster  
11 family agency or a short-term residential treatment center, as set  
12 forth respectively in subdivisions (e) and (f) of Section 11402, to  
13 be eligible to receive AFDC-FC funds.

14 (b) Notwithstanding any other law, the State Department of  
15 Social Services may license a county as a foster family agency or  
16 as a short-term residential treatment center.

17 (c) If a county exercises its option to operate a foster family  
18 agency or a short-term residential treatment center, the county  
19 shall submit an application and shall comply with the requirements  
20 of Chapter 3 (commencing with Section 1500) of Division 2 of  
21 the Health and Safety Code related to a foster family agency  
22 programs or a short-term residential treatment center, as applicable.

23 (d) A county that requests, and is granted, a license for a foster  
24 family agency or short-term residential treatment center shall apply  
25 for an AFDC-FC rate pursuant to Section ~~11463 or 11462~~, *11462*  
26 *or 11463*, as applicable.

27 (e) As a condition for eligibility for an AFDC-FC rate for a  
28 short-term residential treatment center or a foster family agency,  
29 the county shall comply with all applicable law concerning a  
30 short-term residential treatment center or foster family agency,  
31 including, but not limited to, the following provisions related to  
32 licensing, rate, audit, due process, enforcement, and overpayment  
33 collection:

34 (1) Chapter 3 (commencing with Section 1500) of Division 2  
35 of the Health and Safety Code.

36 (2) Article 10 (commencing with Section 360) of Chapter 2 of  
37 Part 1 of Division 2 of this code.

38 (3) Article 18 (commencing with Section 725) of Chapter 2 of  
39 Part 1 of Division 2 of this code.

1 (4) Article 22 (commencing with Section 825) of Chapter 2 of  
 2 Part 1 of Division 2 of this code.

3 (5) Article 5 (commencing with Section 11400) of Chapter 2  
 4 of Part 3 of Division 9 of this code.

5 (6) Article 6 (commencing with Section 11450) of Chapter 2  
 6 of Part 3 of Division 9 of this code.

7 (f) The state is not obligated under Section 36 of Article XIII  
 8 of the California Constitution to provide any annual funding to a  
 9 county to comply with this section; with any regulation, executive  
 10 order, or administrative order implementing this section; or with  
 11 any federal statute or regulation related to this section, because  
 12 the county’s operation of a licensed short-term residential treatment  
 13 center or foster family agency is optional for the county and is not  
 14 required by this section.

15 (g) Counties licensed to operate a foster family agency or  
 16 short-term residential treatment center shall, as a condition to  
 17 receiving payment, ensure that its conflict of interest mitigation  
 18 plan, submitted to the department pursuant to subdivision (b) of  
 19 Section 1506.1 and subdivision (c) of Section 1562.01 of the Health  
 20 and Safety Code, addresses, but is not limited to, the following:

21 (1) A decision to place children and youth in a county-operated  
 22 facility when alternative appropriate placement options exist.

23 (2) The reporting by county staff to the department or other  
 24 agencies of observed noncompliant conditions or health and safety  
 25 concerns in county-operated foster family agencies or short-term  
 26 residential treatment centers.

27 (3) The cross-reporting of reports received from mandatory  
 28 child abuse and neglect reporters involving county-operated foster  
 29 family agencies and short-term residential treatment center  
 30 programs.

31 (4) Disclosures of fatalities and near fatalities of children placed  
 32 in county-operated foster family agencies and short-term residential  
 33 treatment centers.

34 (h) This section shall become operative on January 1, 2017.

35 ~~SEC. 64.~~

36 *SEC. 66.* Section 11462.021 is added to the Welfare and  
 37 Institutions Code, to read:

38 11462.021. (a) Notwithstanding paragraph (2) of subdivision  
 39 (a) of Section 11462, a foster care provider licensed as a group  
 40 home also may have a rate established if the group home is

1 operated by the County of San Mateo, as provided by subdivision  
2 (h) of Section 11400.

3 (b) This section shall only apply to a group home that has been  
4 granted an extension pursuant to the exception process described  
5 in subdivision (d) of Section 11462.04.

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

7 (d) This section shall remain in effect only until January 1, 2018,  
8 and as of that date is repealed, unless a later enacted statute, that  
9 is enacted before January 1, 2018, deletes or extends that date.

10 ~~SEC. 65.~~

11 *SEC. 67.* Section 11462.04 of the Welfare and Institutions  
12 Code is amended to read:

13 11462.04. (a) Notwithstanding any other law, no new group  
14 home rate or change to an existing rate shall be established pursuant  
15 to Section 11462. An application shall not be accepted or processed  
16 for any of the following:

17 (1) A new program.

18 (2) A new provider.

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

21 (4) A program capacity increase.

22 (5) A program reinstatement.

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

27 (c) (1) For the 2012–13, 2013–14, and 2014–15 fiscal years,  
28 notwithstanding subdivision (b), for any program below RCL 10,  
29 the only exception that may be sought and granted pursuant to this  
30 section is for an application requesting a program change, such as  
31 an RCL increase. The authority to grant other exceptions does not  
32 apply to programs below RCL 10 during these fiscal years.

33 (2) Notwithstanding paragraph (1), commencing January 1,  
34 2017, no exception shall be granted for any program below RCL  
35 10.

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

1     ~~SEC. 66.~~

2     *SEC. 68.* Section 11462.04 is added to the Welfare and  
3 Institutions Code, to read:

4     11462.04. (a) Notwithstanding any other law, commencing  
5 January 1, 2017, no new group home rate or change to an existing  
6 rate shall be established pursuant to the Rate Classification Level  
7 (RCL) system.

8     (b) Notwithstanding subdivision (a), the department may grant  
9 an exception as appropriate, on a case-by-case basis, when a written  
10 request and supporting documentation are provided by a county  
11 placing agency, including a county welfare or probation director,  
12 that absent the granting of that exception, there is a material risk  
13 to the welfare of children due to an inadequate supply of  
14 appropriate alternative placement options to meet the needs of  
15 children.

16     (c) For group homes being paid under the RCL system, and  
17 those granted an exception pursuant to paragraph (b), group home  
18 rates shall terminate on December 31, 2016, unless granted an  
19 extension under the exception process in subdivision (d).

20     (d) A group home may request an exception to extend its rate  
21 as follows:

22     (1) The department may grant an extension for up to one year,  
23 through December 31, 2017, on a case-by-case basis, when a  
24 written request and supporting documentation are provided by a  
25 county placing agency, including a county welfare or probation  
26 director, that absent the granting of that exception, there is a  
27 material risk to the welfare of children due to an inadequate supply  
28 of appropriate alternative placement options to meet the needs of  
29 children. The exception may include time to meet the program  
30 accreditation requirement or the mental health certification  
31 requirement.

32     (2) The exception shall allow the provider to continue to receive  
33 the rate under the prior ratesetting system.

34     (e) Upon termination of an existing group home rate under the  
35 RCL system, a new rate shall not be paid until an application is  
36 approved and a rate is granted by the department pursuant to  
37 Section 11462 as a short-term residential treatment center or  
38 pursuant to Section 11463 as a foster family agency.

1 (f) The department shall, in the development of the new rate  
2 structures, consider and provide for placement of all children who  
3 are displaced as a result of reclassification of treatment facilities.

4 (g) This section shall become operative on January 1, 2017.

5 ~~SEC. 67.~~

6 *SEC. 69.* Section 11463 of the Welfare and Institutions Code  
7 is amended to read:

8 11463. (a) (1) The department, with the advice, assistance,  
9 and cooperation of the counties and foster care providers, shall  
10 develop, implement, and maintain a ratesetting system for foster  
11 family agencies.

12 (2) No county shall be reimbursed for any percentage increases  
13 in payments, made on behalf of AFDC-FC funded children who  
14 are placed with foster family agencies, that exceed the percentage  
15 cost-of-living increase provided in any fiscal year beginning on  
16 January 1, 1990, as specified in subdivision (c) of Section 11461.

17 (b) The department shall develop regulations specifying the  
18 purposes, types, and services of foster family agencies, including  
19 the use of those agencies for the provision of emergency shelter  
20 care. A distinction, for ratesetting purposes, shall be drawn between  
21 foster family agencies that provide treatment of children in foster  
22 families and those that provide nontreatment services.

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

26 (d) On and after July 1, 1998, the schedule of rates, and the  
27 components used in the rate calculations specified in the  
28 department's regulations, for foster family agencies shall be  
29 increased by 6 percent, rounded to the nearest dollar. The resultant  
30 amounts shall constitute the new schedule of rates for foster family  
31 agencies.

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

1 (2) In addition to the adjustment specified in paragraph (1),  
2 commencing January 1, 2000, the schedule of rates and the  
3 components used in the rate calculations specified in the  
4 department's regulations for foster family agencies shall be  
5 increased by 2.36 percent, rounded to the nearest dollar. The  
6 resultant amounts shall constitute the new schedule of rates for  
7 foster family agencies.

8 (f) For the 1999–2000 fiscal year, foster family agency rates  
9 that are not determined by the schedule of rates set forth in the  
10 department's regulations, shall be increased by the same percentage  
11 as provided in subdivision (e).

12 (g) (1) For the 2000–01 fiscal year and each fiscal year  
13 thereafter, the foster family agency rate shall be supplemented by  
14 one hundred dollars (\$100) for clothing per year per child in care,  
15 subject to the availability of funds. The supplemental payment  
16 shall be used to supplement, and shall not be used to supplant, any  
17 clothing allowance paid in addition to the foster family agency  
18 rate.

19 (2) Notwithstanding paragraph (1), commencing with the  
20 2012–13 fiscal year, and each fiscal year thereafter, no  
21 supplemental clothing allowance shall be provided, because the  
22 rate issued in accordance with paragraph (1) of subdivision (m)  
23 takes the cost of clothing into account.

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

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

1 (j) The total foster family agency rate by age group in effect as  
2 of January 1, 2008, paid to licensed foster family agencies for the  
3 placement of children in certified foster family homes, shall be  
4 reduced by 10 percent, effective October 1, 2009. The foster family  
5 agency shall have flexibility in applying the reduction, however,  
6 nothing shall be deducted from the child base rate, as defined in  
7 departmental regulations. When the rate is restored to at least the  
8 rate in effect on September 1, 2009, the director shall issue the  
9 declaration described in Section 1506.3 of the Health and Safety  
10 Code.

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

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

21 (2) The department shall adopt regulations to implement this  
22 subdivision. The adoption, amendment, repeal, or readoption of a  
23 regulation authorized by this subdivision is deemed to be necessary  
24 for the immediate preservation of the public peace, health and  
25 safety, or general welfare, for purposes of Sections 11346.1 and  
26 11349.6 of the Government Code, and the department is hereby  
27 exempted from the requirement to describe specific facts showing  
28 the need for immediate action.

29 (m) (1) On and after July 1, 2012, the basic rate payment that  
30 shall be made to the certified parent pursuant to this section for  
31 care and supervision of a child who is living in a certified home  
32 of a foster family agency, as defined in Section 11400, shall equal  
33 the basic rate for children based in a licensed or approved home,  
34 as specified in paragraph (1) of subdivision (g) of Section 11461.

35 (2) The basic rate payment to the certified parent made pursuant  
36 to paragraph (1) shall be adjusted annually on July 1, by the annual  
37 percentage change in the California Necessities Index, in  
38 accordance with paragraph (2) of subdivision (g) of Section 11461.  
39 The adjustment in this paragraph shall be in lieu of any adjustment  
40 pursuant to subdivision (e).

1 (n) Notwithstanding any other law, the changes to the basic rate  
2 payment specified in subdivision (m) shall not change the  
3 remaining components of the foster family agency rate. The new  
4 foster family agency rate shall be increased only by the amounts  
5 specified pursuant to subdivision (m). The resulting amounts shall  
6 constitute the new schedule of rates for foster family agencies,  
7 which shall be issued by all-county letters or similar instructions  
8 from the department.

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

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

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

1 (q) 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. 68.~~

5 *SEC. 70.* Section 11463 is added to the Welfare and Institutions  
6 Code, to read:

7 11463. (a) The department shall commence development of  
8 a new payment structure for the Title IV-E funded foster family  
9 agency placement option that maximizes federal funding.

10 (b) The department shall develop a payment system for foster  
11 family agencies that provide nontreatment, treatment, intensive  
12 treatment, and therapeutic foster care programs, and shall consider  
13 all of the following factors:

14 (1) Administrative activities that are eligible for federal financial  
15 participation provided, at county request, for and to county-licensed  
16 or approved family homes and resource families, intensive case  
17 management and supervision, and services to achieve legal  
18 permanency or successful transition to adulthood.

19 (2) Social work activities that are eligible for federal financial  
20 participation under Title IV-E of the Social Security Act.

21 (3) Social work and mental health services eligible for federal  
22 financial participation under Title XIX of the Social Security Act.

23 (4) Intensive treatment or therapeutic services in the foster  
24 family agency.

25 (5) Core services provided that encompass community services  
26 and supports, permanency-related services, medical and mental  
27 health support and access to services, educational support, life and  
28 social support, transitional support services upon discharge,  
29 biological parent and resource family supports, and services for  
30 nonminor dependents.

31 (6) Staff training.

32 (7) Health and Safety Code requirements.

33 (8) A process for accreditation that includes all of the following:

34 (A) Provision for all licensed foster family agencies to maintain  
35 in good standing accreditation from a nationally recognized  
36 accreditation agency with expertise in programs for youth group  
37 care facilities, as determined by the department.

38 (B) Promulgation by the department of information identifying  
39 the agency or agencies from which accreditation shall be required.

1 (C) Provision for timely reporting to the department of any  
2 change in accreditation status.

3 (9) Mental health certification, including a requirement to timely  
4 report to the department any change in mental health certificate  
5 status.

6 (10) Populations served, including, but not limited to, any of  
7 the following:

8 (A) ~~Seriously emotionally disturbed children~~ *Children* and youth  
9 *assessed as having an emotional disturbance as defined in Section*  
10 *300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations* placed  
11 out-of-home pursuant to an individualized education program  
12 developed under Chapter 26.5 (commencing with Section 7570)  
13 of Division 7 of Title 1 of the Government Code.

14 (B) AFDC-FC children and youth receiving intensive and  
15 therapeutic treatment services in a foster family agency.

16 (C) AFDC-FC children and youth receiving mental health  
17 treatment services from a foster family agency.

18 (11) Maximization of federal financial participation for Title  
19 IV-E and Title XIX of the Social Security Act.

20 (c) The department shall develop a system of governmental  
21 monitoring and oversight that shall be carried out in coordination  
22 with the State Department of Health Care Services. Oversight  
23 responsibilities shall include, but not be limited to, ensuring  
24 conformity with federal and state law, including program, fiscal,  
25 and health and safety reviews.

26 (d) The department shall consider the impact on children and  
27 youth being transitioned to alternate programs as a result of the  
28 new ratesetting system.

29 (e) This section shall become operative on January 1, 2017.  
30 ~~SEC. 69.~~

31 *SEC. 71.* Section 11463.01 is added to the Welfare and  
32 Institutions Code, immediately after Section 11463, to read:

33 11463.01. (a) (1) The department, with the advice, assistance,  
34 and cooperation of the counties and foster care providers, shall  
35 develop, implement, and maintain a ratesetting system for foster  
36 family agencies.

37 (2) No county shall be reimbursed for any percentage increases  
38 in payments, made on behalf of AFDC-FC funded children who  
39 are placed with foster family agencies, that exceed the percentage

1 cost-of-living increase provided in any fiscal year, as specified in  
2 subdivision (c) of Section 11461.

3 (b) The department shall develop regulations specifying the  
4 purposes, types, and services of foster family agencies, including  
5 the use of those agencies for the provision of emergency shelter  
6 care. A distinction, for ratesetting purposes, shall be drawn between  
7 foster family agencies that provide treatment of children in foster  
8 families and those that provide nontreatment services.

9 (c) The department shall develop and maintain regulations  
10 specifying the procedures for the appeal of department decisions  
11 about the setting of an agency's rate.

12 (d) No supplemental clothing allowance shall be provided,  
13 because the rate issued in accordance with paragraph (1) of  
14 subdivision (g) takes the cost of clothing into account.

15 (e) The schedule of rates for foster family agencies as set forth  
16 in Section 11463, as that section read on January 1, 2015, shall  
17 apply for purposes of, and may be modified pursuant to, this  
18 section.

19 (f) (1) The department shall determine, consistent with the  
20 requirements of this section and other relevant requirements under  
21 law, the rate category for each foster family agency on a biennial  
22 basis. Submission of the biennial rate application shall be according  
23 to a schedule determined by the department.

24 (2) The department shall adopt regulations to implement this  
25 subdivision. The adoption, amendment, repeal, or readoption of a  
26 regulation authorized by this subdivision is deemed to be necessary  
27 for the immediate preservation of the public peace, health and  
28 safety, or general welfare, for purposes of Sections 11346.1 and  
29 11349.6 of the Government Code, and the department is hereby  
30 exempted from the requirement to describe specific facts showing  
31 the need for immediate action.

32 (g) (1) The basic rate payment that shall be made to the certified  
33 parent pursuant to this section for care and supervision of a child  
34 who is living in a certified home of a foster family agency, as  
35 defined in Section 11400, shall equal the basic rate for children  
36 based in a licensed or approved home, as specified in paragraph  
37 (1) of subdivision (g) of Section 11461.

38 (2) The basic rate payment to the certified parent made pursuant  
39 to paragraph (1) shall be adjusted annually on July 1, by the annual  
40 percentage change in the California Necessities Index, in

1 accordance with paragraph (2) of subdivision (g) of Section 11461.  
2 The adjustment in this paragraph shall be in lieu of any adjustment  
3 pursuant to subdivision (e) of Section 11463, as that section read  
4 on January 1, 2015.

5 (h) Notwithstanding any other law, the changes to the basic rate  
6 payment specified in subdivision (g) shall not change the remaining  
7 components of the foster family agency rate. The new foster family  
8 agency rate shall be increased only by the amounts specified  
9 pursuant to subdivision (g). The resulting amounts shall constitute  
10 the new schedule of rates for foster family agencies, which shall  
11 be issued by all-county letters or similar instructions from the  
12 department.

13 (i) For each fiscal year, funding and expenditures for programs  
14 and activities under this section shall be in accordance with the  
15 requirements provided in Sections 30025 and 30026.5 of the  
16 Government Code.

17 (j) (1) Notwithstanding the rulemaking provisions of the  
18 Administrative Procedure Act (Chapter 3.5 (commencing with  
19 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
20 Code), the department may implement, interpret, or make specific  
21 the changes to this section made by the act that added this section,  
22 and amend and repeal regulations and orders subject to this section  
23 and adopted by the department by means of all-county letters or  
24 similar instructions from the department until regulations are  
25 adopted. The department shall adopt emergency regulations no  
26 later than July 1, 2016. The department may readopt any emergency  
27 regulation authorized by this section that is the same as, or  
28 substantially equivalent to, an emergency regulation previously  
29 adopted under this section.

30 (2) The initial adoption of emergency regulations pursuant to  
31 this section and one readoption of emergency regulations shall be  
32 deemed an emergency and necessary for the immediate  
33 preservation of the public peace, health, safety, or general welfare.  
34 Initial emergency regulations and the one readoption of emergency  
35 regulations authorized by this section shall be exempt from review  
36 by the Office of Administrative Law. The initial emergency  
37 regulations and the one readoption of emergency regulations  
38 authorized by this section shall be submitted to the Office of  
39 Administrative Law for filing with the Secretary of State and each

1 shall remain in effect for no more than 180 days, by which time  
2 final regulations may be adopted.

3 (k) This section shall only apply to a foster family agency that  
4 has been granted an extension pursuant to the exception process  
5 described in subdivision (d) of Section 11463.1.

6 (l) This section shall become operative on January 1, 2017.

7 (m) This section shall remain in effect only until January 1,  
8 2018, and as of that date is repealed, unless a later enacted statute,  
9 that is enacted before January 1, 2018, deletes or extends that date.

10 ~~SEC. 70.~~

11 *SEC. 72.* Section 11463.1 is added to the Welfare and  
12 Institutions Code, to read:

13 11463.1. (a) Notwithstanding any other law, commencing  
14 January 1, 2017, no new foster family agency shall be established  
15 pursuant to the rate in effect through December 31, 2016.

16 (b) Notwithstanding subdivision (a), the department may grant  
17 an exception as appropriate, on a case-by-case basis, when a written  
18 request and supporting documentation are provided by a county  
19 placing agency, including a county welfare or probation director,  
20 that absent the granting of that exception, there is a material risk  
21 to the welfare of children due to an inadequate supply of  
22 appropriate alternative placement options to meet the needs of  
23 children or youth.

24 (c) Rates for foster family agencies paid under the prior rate  
25 system, and those granted an exception pursuant to subdivision  
26 (b), shall terminate on December 31, 2016, unless granted an  
27 extension under the exception process in subdivision (d).

28 (d) A foster family agency may request an exception to extend  
29 its rate as follows:

30 (1) The department may grant an extension for up to one year,  
31 through December 31, 2017, on a case-by-case basis, when a  
32 written request and supporting documentation are provided by a  
33 county placing agency, including a county welfare or probation  
34 director, that absent the granting of that exception, there is a  
35 material risk to the welfare of children or youth due to an  
36 inadequate supply of appropriate alternative placement options to  
37 meet the needs of children. The exception may include time to  
38 meet the accreditation requirement or the mental health certification  
39 requirement.

1 (2) The exception shall allow the provider to continue to receive  
2 the rate under the prior ratesetting system.

3 (e) Upon termination of an existing foster family agency rate  
4 under the prior rate system, a new rate shall not be paid until an  
5 application is approved and a rate is granted by the department  
6 pursuant to Section 11463 as a foster family agency or Section  
7 11462 as a short-term residential treatment center.

8 (f) The department shall, in the development of the new rate  
9 structures, consider and provide for placement of all children who  
10 are displaced as a result of reclassification of treatment facilities.

11 (g) This section shall remain in effect only until January 1, 2018,  
12 and as of that date is repealed, unless a later enacted statute, that  
13 is enacted before January 1, 2018, deletes or extends that date.

14 ~~SEC. 71:~~

15 *SEC. 73.* Section 11465 of the Welfare and Institutions Code  
16 is amended to read:

17 11465. (a) When a child is living with a parent who receives  
18 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on  
19 behalf of the parent shall include an amount for care and  
20 supervision of the child.

21 (b) For each category of eligible licensed community care  
22 facility, as defined in Section 1502 of the Health and Safety Code,  
23 the department shall adopt regulations setting forth a uniform rate  
24 to cover the cost of care and supervision of the child in each  
25 category of eligible licensed community care facility.

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

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

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

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

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

8 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the  
9 payment made pursuant to this section for care and supervision of  
10 a child who is living with a teen parent in a whole family foster  
11 home, as defined in Section 11400, shall equal the basic rate for  
12 children placed in a licensed or approved home as specified in  
13 subdivisions (a) to (d), inclusive, and subdivision (g), of Section  
14 11461.

15 (2) (A) The amount paid for care and supervision of a dependent  
16 infant living with a dependent teen parent receiving AFDC-FC  
17 benefits in a group home placement shall equal the infant  
18 supplement rate for group home placements.

19 (B) Commencing January 1, 2017, the amount paid for care and  
20 supervision of a dependent infant living with a dependent teenage  
21 parent receiving AFDC-FC benefits in a short-term residential  
22 treatment center shall equal the infant supplement rate for  
23 short-term residential treatment centers established by the  
24 department.

25 (3) (A) The caregiver shall provide the county child welfare  
26 agency or probation department with a copy of the shared  
27 responsibility plan developed pursuant to Section 16501.25 and  
28 shall advise the county child welfare agency or probation  
29 department of any subsequent changes to the plan. Once the plan  
30 has been completed and provided to the appropriate agencies, the  
31 payment made pursuant to this section shall be increased by an  
32 additional two hundred dollars (\$200) per month to reflect the  
33 increased care and supervision while he or she is placed in the  
34 whole family foster home.

35 (B) A nonminor dependent parent residing in a supervised  
36 independent living placement, as defined in subdivision (w) of  
37 Section 11400, who develops a written parenting support plan  
38 pursuant to Section 16501.26 shall provide the county child welfare  
39 agency or probation department with a copy of the plan and shall  
40 advise the county child welfare agency or probation department

1 of any subsequent changes to the plan. The payment made pursuant  
 2 to this section shall be increased by an additional two hundred  
 3 dollars (\$200) per month after all of the following have been  
 4 satisfied:

5 (i) The plan has been completed and provided to the appropriate  
 6 county agency.

7 (ii) The plan has been approved by the appropriate county  
 8 agency.

9 (iii) The county agency has determined that the identified  
 10 responsible adult meets the criteria specified in Section 16501.27.

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

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

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

25 ~~SEC. 72.~~

26 *SEC. 74.* Section 11466 is added to the Welfare and Institutions  
 27 Code, to read:

28 11466. For the purposes of this section to Section 114691.1,  
 29 inclusive, “provider” shall mean a group home, short-term  
 30 residential treatment center, a foster family agency that provides  
 31 treatment services, and similar foster care business entities.

32 ~~SEC. 73.~~

33 *SEC. 75.* Section 11466.21 of the Welfare and Institutions  
 34 Code is amended to read:

35 11466.21. (a) In accordance with subdivision (b), as a  
 36 condition to receive an AFDC-FC rate for a program including,  
 37 but not limited to, a group home, a foster family agency that  
 38 provides treatment services, or a short-term residential treatment  
 39 center, the following shall apply:

1 (1) Any provider who expends in combined federal funds an  
2 amount at or above the federal funding threshold in accordance  
3 with the federal Single Audit Act, as amended, and Section 200.501  
4 of Title 2 of the Code of Federal Regulations shall arrange to have  
5 a financial audit conducted on an annual basis, and shall submit  
6 the annual financial audit to the department in accordance with  
7 regulations adopted by the department.

8 (2) Any provider who expends in combined federal funds an  
9 amount below the federal funding threshold in accordance with  
10 the federal Single Audit Act, as amended, and Section 200.501 of  
11 Title 2 of the Code of Federal Regulations shall submit to the  
12 department a financial audit on its most recent fiscal period at least  
13 once every three years. The department shall provide timely notice  
14 to the providers of the date that submission of the financial audit  
15 is required. That date of submission of the financial audit shall be  
16 established in accordance with regulations adopted by the  
17 department.

18 (3) The scope of the financial audit shall include all of the  
19 programs and activities operated by the provider and shall not be  
20 limited to those funded in whole or in part by the AFDC-FC  
21 program. The financial audits shall include, but not be limited to,  
22 an evaluation of the accounting and control systems of the provider.

23 (4) The provider shall have its financial audit conducted by  
24 certified public accountants or by state-licensed public accountants  
25 who have no direct or indirect relationship with the functions or  
26 activities being audited, or with the provider, its board of directors,  
27 officers, or staff.

28 (5) The provider shall have its financial audits conducted in  
29 accordance with Government Auditing Standards issued by the  
30 Comptroller General of the United States and in compliance with  
31 generally accepted accounting principles applicable to private  
32 entities organized and operated on a nonprofit basis.

33 (6) (A) Each provider shall have the flexibility to define the  
34 calendar months included in its fiscal year.

35 (B) A provider may change the definition of its fiscal year.  
36 However, the financial audit conducted following the change shall  
37 cover all of the months since the last audit, even though this may  
38 cover a period that exceeds 12 months.

39 (b) (1) In accordance with subdivision (a), as a condition to  
40 receive an AFDC-FC rate that becomes effective on or after July

1 1, 2000, a provider shall submit a copy of its most recent financial  
2 audit report, except as provided in paragraph (3).

3 (2) The department shall terminate the rate of a provider who  
4 fails to submit a copy of its most recent financial audit pursuant  
5 to subdivision (a). A terminated rate shall only be reinstated upon  
6 the provider’s submission of an acceptable financial audit.

7 (3) Effective July 1, 2000, a new provider that has been  
8 incorporated for fewer than 12 calendar months shall not be  
9 required to submit a copy of a financial audit to receive an  
10 AFDC-FC rate for a new program. The financial audit shall be  
11 conducted on the provider’s next full fiscal year of operation. The  
12 provider shall submit the financial audit to the department in  
13 accordance with subdivision (a).

14 (c) The department shall implement this section through the  
15 adoption of emergency regulations.

16 ~~SEC. 74.~~

17 *SEC. 76.* Section 11466.22 of the Welfare and Institutions  
18 Code is amended to read:

19 11466.22. (a) It is the intent of the Legislature to ensure overall  
20 program integrity in the AFDC-FC program through the  
21 establishment of an effective and efficient process for the collection  
22 of provider sustained overpayments. Furthermore, the intent of the  
23 Legislature is to ensure that children placed in AFDC-FC programs,  
24 including, but not limited to, group homes, short-term residential  
25 treatment centers, and foster family agencies that provide treatment  
26 services, receive the level of care and supervision commensurate  
27 with the program’s paid rate.

28 (b) For the purposes of this section, a provider is a licensee of  
29 an AFDC-FC program listed in Section 11402, including, but not  
30 limited to, a group home, short-term residential treatment center,  
31 foster family agency that provides treatment services, or a similar  
32 business entity, receiving foster care maintenance payments under  
33 the AFDC-FC program. The department may collect a sustained  
34 overpayment from the party responsible for the sustained  
35 overpayment, regardless of whether the party remains in the  
36 business of providing any AFDC-FC programs, and regardless of  
37 whether the provider remains licensed by the department.

38 (c) For the purposes of this section, a provider overpayment is  
39 an overpayment that results in an audit period when a provider  
40 receives a rate reimbursement to which it is not entitled. If a

1 provider receives a rate reimbursement to which it is not entitled,  
2 it shall be liable to repay the overpayment.

3 (d) (1) Overpayments shall be determined by either a provider  
4 audit or a provider self-reporting an overpayment.

5 (2) If an informal hearing is not requested, or on the 60th day  
6 after an informal decision if a provider or the department does not  
7 file a notice of intent to file a formal appeal, or on the 30th day  
8 following a formal appeal hearing decision, whichever is latest, a  
9 group home provider overpayment shall be sustained for collection  
10 purposes and the department shall issue a demand letter for  
11 repayment of the sustained overpayment.

12 (3) The department shall establish a voluntary repayment  
13 agreement procedure with a maximum repayment period of nine  
14 years. The procedure shall take into account the amount of the  
15 overpayment, projected annual income of the program that caused  
16 the overpayment, a minimum repayment amount, including  
17 principal and interest, of 3 percent of annual income prorated on  
18 a monthly basis, simple interest for the first seven years of the  
19 voluntary repayment agreement on the overpayment amount based  
20 on the Surplus Money Investment Fund, and simple interest for  
21 the eighth and ninth years of the voluntary repayment agreement  
22 based on the prime rate at that time plus 3 percent. The department  
23 may adopt regulations permitting the director, at his or her  
24 discretion, to renegotiate the volunteer repayment agreement if  
25 the director determines that the agreement would cause severe  
26 harm to children in placement.

27 (4) The department shall establish an involuntary overpayment  
28 collection procedure, that shall take into account the amount of  
29 the overpayment, projected annual income, a minimum required  
30 repayment amount, including principal and interest, of 5 percent  
31 of the annual income prorated on a monthly basis, simple interest  
32 on the overpayment amount based on the Surplus Money  
33 Investment Fund, and a maximum repayment period of seven  
34 years. The department may establish regulations permitting the  
35 director at his or her discretion to renegotiate the involuntary  
36 payment agreement if the director determines that the agreement  
37 would cause severe harm to children in placement.

38 (e) The department shall develop regulations for recovery of  
39 any provider sustained overpayments. The regulations shall  
40 prioritize collection methods, which shall include voluntary

1 repayment agreement procedures, involuntary overpayment  
2 collection procedures, including the use of a statutory lien, rate  
3 request denials, rate decreases, and rate terminations.

4 (f) Whenever the department determines that a provider  
5 sustained overpayment has occurred, the department shall recover  
6 from the provider the full amount of the sustained overpayment,  
7 and simple interest on the sustained overpayment amount, pursuant  
8 to methods described in subdivision (e), against the provider’s  
9 income or assets.

10 (g) If a provider is successful in its appeal of a collected  
11 overpayment, it shall be repaid the collected overpayment plus  
12 simple interest based on the Surplus Money Investment Fund.

13 ~~SEC. 75.~~

14 *SEC. 77.* Section 11466.25 of the Welfare and Institutions  
15 Code is amended to read:

16 11466.25. Interest begins to accrue on a provider overpayment  
17 on the date of the issuance of the final audit report.

18 ~~SEC. 76.~~

19 *SEC. 78.* Section 11466.3 of the Welfare and Institutions Code  
20 is amended to read:

21 11466.3. (a) The department shall offer a voluntary repayment  
22 agreement procedure to providers that owe a sustained  
23 overpayment. A provider may enter into a voluntary repayment  
24 agreement with the department to repay a sustained overpayment.  
25 The voluntary repayment agreement shall, at a minimum, meet  
26 the requirements developed pursuant to paragraph (3) of  
27 subdivision (d) of Section 11466.2.

28 (b) The department shall charge simple interest on the voluntary  
29 repayment agreement in accordance with paragraph (3) of  
30 subdivision (d) of Section 11466.2.

31 ~~SEC. 77.~~

32 *SEC. 79.* Section 11466.31 of the Welfare and Institutions  
33 Code is amended to read:

34 11466.31. (a) When it has been determined that a provider  
35 participating in the AFDC-FC program owes an overpayment that  
36 is due and payable, the department may implement involuntary  
37 offset collection procedures to collect sustained overpayments  
38 from a provider if the provider does not enter into a voluntary  
39 repayment agreement with the department or the provider has three

1 outstanding payments on a voluntary repayment agreement before  
2 the overpayment is repaid.

3 (b) The minimum monthly overpayment offset amount from  
4 monthly rate reimbursements shall be determined using the  
5 involuntary collection procedures developed pursuant to paragraph  
6 (4) of subdivision (d) of Section 11466.2. Overpayments shall be  
7 offset against current monthly rate reimbursement payments due  
8 and payable to a provider under this chapter.

9 ~~SEC. 78.~~

10 *SEC. 80.* Section 11466.32 of the Welfare and Institutions  
11 Code is amended to read:

12 11466.32. (a) If a provider that owes a sustained overpayment  
13 pursuant to paragraph (2) of subdivision (d) of Section 11466.2  
14 does not enter into a voluntary repayment agreement with the  
15 department, or the provider has three outstanding payments on a  
16 voluntary repayment agreement before the overpayment is repaid,  
17 in addition to the monthly overpayment offset amount, 50 percent  
18 of any increases resulting from California Necessities Index (CNI)  
19 adjustments and provider's rate adjustments to the standard rate  
20 that are due to a provider shall be withheld until the sustained  
21 overpayment amount is collected. Once the overpayment amount  
22 is collected, the provider shall begin to prospectively receive the  
23 full amount of any California Necessities Index and rate adjustment  
24 to which it is entitled.

25 (b) Any provider subject to involuntary repayment of a sustained  
26 overpayment pursuant to Section 11466.31 shall be ineligible to  
27 receive any rate increase until the repayment is completed or until  
28 the host county or the primary placement county provide the  
29 department with a request for waiver of this paragraph.

30 ~~SEC. 79.~~

31 *SEC. 81.* Section 11466.33 of the Welfare and Institutions  
32 Code is amended to read:

33 11466.33. (a) If any amount is due and payable to the  
34 department as a result of sustained overpayment to a provider for  
35 care and services in the AFDC-FC program, the department may  
36 file, in the office of any county clerk of any county in which the  
37 provider has real or personal property, a certificate if any of the  
38 following conditions are met:

1 (1) No informal hearing is requested and if a provider has not  
2 submitted a voluntary repayment agreement with the first payment,  
3 and 60 days have elapsed from the notice of audit results.

4 (2) No formal appeal is requested and if a provider has not  
5 submitted a voluntary repayment agreement along with the first  
6 payment, and 60 days have elapsed from the notice of the informal  
7 hearing decision.

8 (3) A provider has not submitted a voluntary repayment  
9 agreement along with the first payment, and 30 days have elapsed  
10 after an adverse appeal decision by a hearing officer that sustains  
11 an overpayment.

12 (b) The certificate provided for pursuant to subdivision (a) shall  
13 contain:

14 (1) The amount due, owing, and unpaid, plus simple interest on  
15 the amount owing and unpaid beginning on the date the certificate  
16 is filed.

17 (2) A statement that the department has complied with this  
18 section prior to the filing of the certificate.

19 (3) A request that a lien be recorded against the provider in the  
20 amount set forth in the certificate.

21 (c) The county clerk immediately upon the filing of the  
22 certificate shall record the lien for the State of California against  
23 the provider in the amount set forth in the certificate. The lien may  
24 be filed in the chain of title of the property.

25 (d) The department shall pay the cost of the first lien, and  
26 providers shall be responsible for any subsequent liens on a  
27 sustained overpayment.

28 (e) For the first certificate filed by the department pursuant to  
29 this section, the county shall waive all filing fees.

30 ~~SEC. 80.~~

31 *SEC. 82.* Section 11466.34 of the Welfare and Institutions  
32 Code is amended to read:

33 11466.34. (a) (1) At any time within 10 years of the recording  
34 of a lien pursuant to Section 11466.33, the department may bring  
35 an action, in a superior court in the county in which the lien is  
36 filed, seeking a judgment to establish the lien as a judgment lien.

37 (2) If a judgment is obtained pursuant to paragraph (1), the  
38 county recorder shall record the lien as a judgment lien.

39 (b) An abstract of a judgment obtained pursuant to subdivision  
40 (a) or a copy thereof may be recorded with the county recorder of

1 any county. From the time of recording, the judgment shall  
2 constitute a lien upon all real or personal property of the provider  
3 in that county owned by the provider at the time, or that the  
4 provider may afterwards, but before the lien expires, acquire. The  
5 judgment lien shall continue for 10 years from the time of recording  
6 of the abstract of judgment obtained pursuant to subdivision (a),  
7 unless sooner released or otherwise discharged.

8 (c) The judgment lien may, within 10 years from the date of  
9 recording of the abstract of judgment or within 10 years from the  
10 date of the last extension of the lien in the manner provided in this  
11 section, be extended by recording a new abstract in the office of  
12 the county recorder of any county. From the date of that recording,  
13 the lien shall be extended for 10 years, unless sooner released or  
14 otherwise discharged.

15 (d) The department may release any lien imposed pursuant to  
16 this chapter, at the provider's cost, in which case any judgment  
17 pertaining to that lien is for all purposes null and void, if all of the  
18 following conditions are met:

19 (1) No temporary suspension order or license revocation actions  
20 by the department's community care licensing division is pending  
21 against a provider.

22 (2) A provider has made at least three timely payments on a  
23 voluntary repayment agreement.

24 (3) The provider submits to the department corroborative  
25 evidence that it is unable to obtain a loan from an institutional  
26 lender unless the lien is released.

27 (e) Execution shall issue upon a judgment obtained pursuant to  
28 this section upon request of the department in the same manner as  
29 execution may issue upon other judgments. Sale shall be held under  
30 that execution as prescribed in the Code of Civil Procedure. In all  
31 proceedings under this section, the director or his or her authorized  
32 agents may act on behalf of the state.

33 ~~SEC. 81.~~

34 *SEC. 83.* Section 11466.35 of the Welfare and Institutions  
35 Code is amended to read:

36 11466.35. (a) Any licensee who has been determined to owe  
37 a sustained overpayment under this chapter, and who, subsequent  
38 to notice of the sustained overpayment, has its rate terminated,  
39 shall be ineligible to apply or receive a rate for any future program  
40 until the overpayment is repaid.

1 (b) A rate application shall be denied for a provider that meets  
2 either of the following conditions:

3 (1) A provider owing a sustained overpayment under this  
4 chapter, upon the occurrence of any additional sustained  
5 overpayment, shall be ineligible to apply or receive a rate for an  
6 existing or future program until the sustained overpayments are  
7 repaid, unless a voluntary repayment agreement is approved by  
8 the department.

9 (2) A provider incurring a sustained overpayment that constitutes  
10 more than 60 percent of the provider’s annual rate reimbursement  
11 shall be ineligible to apply or receive a rate for any existing or  
12 future programs until the sustained overpayments are repaid, unless  
13 a voluntary repayment agreement is approved by the department.

14 ~~SEC. 82.~~

15 *SEC. 84.* Section 11466.36 of the Welfare and Institutions  
16 Code is amended to read:

17 11466.36. (a) The department may terminate a program rate  
18 if any of the following conditions are met:

19 (1) The department determines that, based upon the findings of  
20 a hearing officer, a rate application or information submitted by a  
21 provider was fraudulently submitted to the department.

22 (2) A provider with an outstanding sustained overpayment incurs  
23 a second sustained overpayment, and is unable to repay the  
24 sustained overpayments.

25 (3) A provider has a sustained overpayment that represents 100  
26 percent of a provider’s annual rate reimbursement.

27 (b) This chapter shall not be construed to affect the department’s  
28 authority under other provisions of law for collection of provider  
29 sustained overpayments.

30 ~~SEC. 83.~~

31 *SEC. 85.* Section 11466.5 of the Welfare and Institutions Code  
32 is amended to read:

33 11466.5. The department shall collect cost data and monitor  
34 the cost of providing care and supervision, and social work  
35 services, to AFDC-FC recipients. These data shall include, but not  
36 be limited to, the costs incurred for employee wages and benefits.

37 ~~SEC. 84.~~

38 *SEC. 86.* Section 11466.6 of the Welfare and Institutions Code  
39 is amended to read:

1 11466.6. A provider who disagrees with the rate determined  
2 by the department or adjusted by a program audit may request in  
3 writing an appeal by the director or the director's designee. The  
4 department shall adopt regulations establishing procedures for the  
5 departmental appeal process.

6 ~~SEC. 85.~~

7 *SEC. 87.* Section 11468 of the Welfare and Institutions Code  
8 is amended to read:

9 11468. The department shall establish administrative  
10 procedures to review the rate set by the department for AFDC-FC  
11 programs, including, but not limited to, group homes, short-term  
12 residential treatment centers, and foster family agencies that  
13 provide treatment services.

14 ~~SEC. 86.~~

15 *SEC. 88.* Section 16000 of the Welfare and Institutions Code  
16 is amended to read:

17 16000. (a) It is the intent of the Legislature to preserve and  
18 strengthen a child's family ties whenever possible, removing the  
19 child from the custody of his or her parents only when necessary  
20 for his or her welfare or for the safety and protection of the public.  
21 If a child is removed from the physical custody of his or her  
22 parents, preferential consideration shall be given whenever possible  
23 to the placement of the child with the relative as required by  
24 Section 7950 of the Family Code. If the child is removed from his  
25 or her own family, it is the purpose of this chapter to secure as  
26 nearly as possible for the child the custody, care, and discipline  
27 equivalent to that which should have been given to the child by  
28 his or her parents. It is further the intent of the Legislature to  
29 reaffirm its commitment to children who are in out-of-home  
30 placement to live in the least restrictive, most familylike setting  
31 and to live as close to the child's family as possible pursuant to  
32 subdivision (c) of Section 16501.1. Family reunification services  
33 shall be provided for expeditious reunification of the child with  
34 his or her family, as required by law. If reunification is not possible  
35 or likely, a permanent alternative shall be developed.

36 (b) It is further the intent of the Legislature that all children live  
37 with a committed, permanent, and nurturing family. Services and  
38 supports should be tailored to meet the needs of the individual  
39 child and family being served, with the ultimate goal of maintaining  
40 the family, or when this is not possible, transitioning the child or

1 youth to a permanent family or preparing the youth for a successful  
2 transition into adulthood. When needed, short-term residential  
3 treatment center program services are a short-term, specialized,  
4 and intensive intervention that is just one part of a continuum of  
5 care available for children, youth, young adults, and their families.

6 (c) It is further the intent of the Legislature to ensure that all  
7 pupils in foster care and those who are homeless as defined by the  
8 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.  
9 Sec. 11301 et seq.) have the opportunity to meet the challenging  
10 state pupil academic achievement standards to which all pupils  
11 are held. In fulfilling their responsibilities to pupils in foster care,  
12 educators, county placing agencies, care providers, advocates, and  
13 the juvenile courts shall work together to maintain stable school  
14 placements and to ensure that each pupil is placed in the least  
15 restrictive educational programs, and has access to the academic  
16 resources, services, and extracurricular and enrichment activities  
17 that are available to all pupils. In all instances, educational and  
18 school placement decisions shall be based on the best interests of  
19 the child.

20 ~~SEC. 87:~~

21 *SEC. 89.* Section 16003 of the Welfare and Institutions Code  
22 is amended to read:

23 16003. (a) In order to promote the successful implementation  
24 of the statutory preference for foster care placement with a relative  
25 caretaker as set forth in Section 7950 of the Family Code, each  
26 community college district with a foster care education program  
27 shall make available orientation and training to the relative or  
28 nonrelative extended family member caregiver into whose care  
29 the county has placed a foster child pursuant to Section 1529.2 of  
30 the Health and Safety Code, including, but not limited to, courses  
31 that cover the following:

32 (1) The role, rights, and responsibilities of a relative or  
33 nonrelative extended family member caregiver caring for a child  
34 in foster care, including the right of a foster child to have fair and  
35 equal access to all available services, placement, care, treatment,  
36 and benefits, and to not be subjected to discrimination or  
37 harassment on the basis of actual or perceived race, ethnic group  
38 identification, ancestry, national origin, color, religion, sex, sexual  
39 orientation, gender identity, mental or physical disability, or HIV  
40 status.

- 1 (2) An overview of the child protective system.
- 2 (3) The effects of child abuse and neglect on child development.
- 3 (4) Positive discipline and the importance of self-esteem.
- 4 (5) Health issues in foster care.
- 5 (6) Accessing education and health services that are available
- 6 to foster children.
- 7 (7) Relationship and safety issues regarding contact with one
- 8 or both of the birth parents.
- 9 (8) Permanency options for relative or nonrelative extended
- 10 family member caregivers, including legal guardianship, the
- 11 Kinship Guardianship Assistance Payment Program, and kin
- 12 adoption.
- 13 (9) Information on resources available for those who meet
- 14 eligibility criteria, including out-of-home care payments, the
- 15 Medi-Cal program, in-home supportive services, and other similar
- 16 resources.
- 17 (10) Instruction on cultural competency and sensitivity relating
- 18 to, and best practices for, providing adequate care to lesbian, gay,
- 19 bisexual, and transgender youth in out-of-home care.
- 20 (11) Basic instruction on the existing laws and procedures
- 21 regarding the safety of foster youth at school and the ensuring of
- 22 a harassment and violence free school environment contained in
- 23 ~~the School Safety and Violence Prevention Act of 2000 (Article~~
- 24 ~~Article 3.6 (commencing with Section 32228) of Chapter 2 of Part~~
- 25 ~~19 of Division 1 of Title 1 of the Education Code) Code.~~
- 26 (b) In addition to training made available pursuant to subdivision
- 27 (a), each community college district with a foster care education
- 28 program shall make training available to a relative or nonrelative
- 29 extended family member caregiver that includes, but need not be
- 30 limited to, courses that cover all of the following:
- 31 (1) Age-appropriate child development.
- 32 (2) Health issues in foster care.
- 33 (3) Positive discipline and the importance of self-esteem.
- 34 (4) Emancipation and independent living.
- 35 (5) Accessing education and health services available to foster
- 36 children.
- 37 (6) Relationship and safety issues regarding contact with one
- 38 or both of the birth parents.
- 39 (7) Permanency options for relative or nonrelative extended
- 40 family member caregivers, including legal guardianship, the

1 Kinship Guardianship Assistance Payment Program, and kin  
2 adoption.

3 (8) Basic instruction on the existing laws and procedures  
4 regarding the safety of foster youth at school and the ensuring of  
5 a harassment and violence free school environment contained in  
6 ~~the School Safety and Violence Prevention Act of 2000 (Article~~  
7 ~~Article 3.6~~ (commencing with Section 32228) of Chapter 2 of Part  
8 19 of Division 1 of Title 1 of the Education ~~Code~~) *Code*.

9 (c) In addition to the requirements of subdivisions (a) and (b),  
10 each community college district with a foster care education  
11 program, in providing the orientation program, shall develop  
12 appropriate program parameters in collaboration with the counties.

13 (d) Each community college district with a foster care education  
14 program shall make every attempt to make the training and  
15 orientation programs for relative or nonrelative extended family  
16 member caregivers highly accessible in the communities in which  
17 they reside.

18 (e) When a child is placed with a relative or nonrelative extended  
19 family member caregiver, the county shall inform the caregiver  
20 of the availability of training and orientation programs and it is  
21 the intent of the Legislature that the county shall forward the names  
22 and addresses of relative or nonrelative extended family member  
23 caregivers to the appropriate community colleges providing the  
24 training and orientation programs.

25 (f) This section shall not be construed to preclude counties from  
26 developing or expanding existing training and orientation programs  
27 for foster care providers to include relative or nonrelative extended  
28 family member caregivers.

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

32 ~~SEC. 88.~~

33 *SEC. 90.* Section 16501 of the Welfare and Institutions Code  
34 is amended to read:

35 16501. (a) (1) As used in this chapter, “child welfare services”  
36 means public social services that are directed toward the  
37 accomplishment of any or all of the following purposes: protecting  
38 and promoting the welfare of all children, including ~~handicapped~~  
39 *disabled*, homeless, dependent, or neglected children; preventing  
40 or remedying, or assisting in the solution of problems which may

1 result in, the neglect, abuse, exploitation, or delinquency of  
2 children; preventing the unnecessary separation of children from  
3 their families by identifying family problems, assisting families  
4 in resolving their problems, and preventing breakup of the family  
5 where the prevention of child removal is desirable and possible;  
6 restoring to their families children who have been removed, by  
7 the provision of services to the child and the families; identifying  
8 children to be placed in suitable adoptive homes, in cases where  
9 restoration to the biological family is not possible or appropriate;  
10 and ensuring adequate care of children away from their homes, in  
11 cases where the child cannot be returned home or cannot be placed  
12 for adoption.

13 (2) “Child welfare services” also means services provided on  
14 behalf of children alleged to be the victims of child abuse, neglect,  
15 or exploitation. The child welfare services provided on behalf of  
16 each child represent a continuum of services, including emergency  
17 response services, family preservation services, family maintenance  
18 services, family reunification services, and permanent placement  
19 services, including supportive transition services. The individual  
20 child’s case plan is the guiding principle in the provision of these  
21 services. The case plan shall be developed within a maximum of  
22 60 days of the initial removal of the child or of the in-person  
23 response required under subdivision (f) if the child has not been  
24 removed from his or her home, or by the date of the dispositional  
25 hearing pursuant to Section 358, whichever comes first.

26 (3) “Child welfare services” are best provided in a framework  
27 that integrates service planning and delivery among multiple  
28 service systems, including the mental health system, using a  
29 team-based approach, such as a child and family team. A child  
30 and family team brings together individuals that engage with the  
31 child or youth and family in assessing, planning, and delivering  
32 services. ~~A child and family team, defined in subdivision (a) of~~  
33 ~~Section 831, is comprised of the child or youth, family, caregiver,~~  
34 ~~placing agency caseworker, county mental health representative~~  
35 ~~for placement into a mental health certified facility, and a~~  
36 ~~representative of the child’s tribe or Indian custodian, as applicable.~~  
37 ~~As appropriate, the child and family team also may include~~  
38 ~~behavioral health representatives and other formal supports, such~~  
39 ~~as educational professionals and representatives from other~~  
40 ~~agencies providing services to the child or youth and family. A~~

1 ~~child and family team also may include extended family and~~  
 2 ~~informal support persons, such as friends, coaches, faith-based~~  
 3 ~~connections, and tribes as identified by the child or youth and~~  
 4 ~~family.~~ Use of a team approach increases efficiency, and thus  
 5 reduces cost, by increasing coordination of formal services and  
 6 integrating the natural and informal supports available to the child  
 7 or youth and family.

8 (4) *“Child and family team” means a supportive team that*  
 9 *informs the process of placement and services to children and*  
 10 *youth in foster care or who are at risk of foster care placement.*  
 11 *The child and family team is comprised of the child or youth, the*  
 12 *child’s family, the caregiver, the placing agency caseworker, a*  
 13 *county mental health representative, and a representative of the*  
 14 *child’s or youth’s tribe or Indian custodian, as applicable. As*  
 15 *appropriate, the child and family team also may include, but is*  
 16 *not limited to, behavioral health representatives and other formal*  
 17 *supports, such as educational professionals and representatives*  
 18 *from other agencies providing services to the child or youth and*  
 19 *family. For purposes of this definition, the child and family team*  
 20 *also may include extended family and informal support persons,*  
 21 *such as friends, coaches, faith-based connections, and tribes as*  
 22 *identified by the child or youth and family. If placement into a*  
 23 *short-term residential treatment center or a foster family agency*  
 24 *that provides treatment services has occurred or is being*  
 25 *considered, the mental health representative is required to be a*  
 26 *licensed mental health professional.*

27 (4)

28 (5) Child welfare services may include, but are not limited to,  
 29 a range of service-funded activities, including case management,  
 30 counseling, emergency shelter care, emergency in-home caretakers,  
 31 temporary in-home caretakers, respite care, therapeutic day  
 32 services, teaching and demonstrating homemakers, parenting  
 33 training, substance abuse testing, and transportation. These  
 34 service-funded activities shall be available to children and their  
 35 families in all phases of the child welfare program in accordance  
 36 with the child’s case plan and departmental regulations. Funding  
 37 for services is limited to the amount appropriated in the annual  
 38 Budget Act and other available county funds.

39 (5)

1 (6) Service-funded activities to be provided may be determined  
2 by each county, based upon individual child and family needs as  
3 reflected in the service plan.

4 ~~(6)~~

5 (7) As used in this chapter, “emergency shelter care” means  
6 emergency shelter provided to children who have been removed  
7 pursuant to Section 300 from their parent or parents or their  
8 guardian or guardians. The department may establish, by  
9 regulation, the time periods for which emergency shelter care shall  
10 be funded. For the purposes of this paragraph, “emergency shelter  
11 care” may include “transitional shelter care facilities” as defined  
12 in paragraph (11) of subdivision (a) of Section 1502 of the Health  
13 and Safety Code.

14 (b) As used in this chapter, “respite care” means temporary care  
15 for periods not to exceed 72 hours. This care may be provided to  
16 the child’s parents or guardians. This care shall not be limited by  
17 regulation to care over 24 hours. These services shall not be  
18 provided for the purpose of routine, ongoing child care.

19 (c) The county shall provide child welfare services as needed  
20 pursuant to an approved service plan and in accordance with  
21 regulations promulgated, in consultation with the counties, by the  
22 department. Counties may contract for service-funded activities  
23 as defined in paragraph (1) of subdivision (a). ~~Each county shall~~  
24 ~~use available private child welfare resources prior to developing~~  
25 ~~new county-operated resources when the private child welfare~~  
26 ~~resources are of at least equal quality and lesser or equal cost as~~  
27 ~~compared with county-operated resources.~~ Counties shall not  
28 contract for needs assessment, client eligibility determination, or  
29 any other activity as specified by regulations of the State  
30 Department of Social Services, except as specifically authorized  
31 in Section 16100.

32 (d) Nothing in this chapter shall be construed to affect duties  
33 which are delegated to probation officers pursuant to Sections 601  
34 and 654.

35 (e) Any county may utilize volunteer individuals to supplement  
36 professional child welfare services by providing ancillary support  
37 services in accordance with regulations adopted by the State  
38 Department of Social Services.

39 (f) As used in this chapter, emergency response services consist  
40 of a response system providing in-person response, 24 hours a day,

1 seven days a week, to reports of abuse, neglect, or exploitation, as  
2 required by Article 2.5 (commencing with Section 11164) of  
3 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of  
4 investigation pursuant to Section 11166 of the Penal Code and to  
5 determine the necessity for providing initial intake services and  
6 crisis intervention to maintain the child safely in his or her own  
7 home or to protect the safety of the child. County welfare  
8 departments shall respond to any report of imminent danger to a  
9 child immediately and all other reports within 10 calendar days.  
10 An in-person response is not required when the county welfare  
11 department, based upon an evaluation of risk, determines that an  
12 in-person response is not appropriate. This evaluation includes  
13 collateral, contacts, a review of previous referrals, and other  
14 relevant information, as indicated.

15 (g) As used in this chapter, family maintenance services are  
16 activities designed to provide in-home protective services to  
17 prevent or remedy neglect, abuse, or exploitation, for the purposes  
18 of preventing separation of children from their families.

19 (h) As used in this chapter, family reunification services are  
20 activities designed to provide time-limited foster care services to  
21 prevent or remedy neglect, abuse, or exploitation, when the child  
22 cannot safely remain at home, and needs temporary foster care,  
23 while services are provided to reunite the family.

24 (i) As used in this chapter, permanent placement services are  
25 activities designed to provide an alternate permanent family  
26 structure for children who because of abuse, neglect, or exploitation  
27 cannot safely remain at home and who are unlikely to ever return  
28 home. These services shall be provided on behalf of children for  
29 whom there has been a judicial determination of a permanent plan  
30 for adoption, legal guardianship, or long-term foster care, and, as  
31 needed, shall include supportive transition services to nonminor  
32 dependents, as described in subdivision (v) of Section 11400.

33 (j) As used in this chapter, family preservation services include  
34 those services specified in Section 16500.5 to avoid or limit  
35 out-of-home placement of children, and may include those services  
36 specified in that section to place children in the least restrictive  
37 environment possible.

38 (k) (1) (A) In any county electing to implement this  
39 subdivision, all county welfare department employees who have  
40 frequent and routine contact with children shall, by February 1,

1 1997, and all welfare department employees who are expected to  
2 have frequent and routine contact with children and who are hired  
3 on or after January 1, 1996, and all such employees whose duties  
4 change after January 1, 1996, to include frequent and routine  
5 contact with children, shall, if the employees provide services to  
6 children who are alleged victims of abuse, neglect, or exploitation,  
7 sign a declaration under penalty of perjury regarding any prior  
8 criminal conviction, and shall provide a set of fingerprints to the  
9 county welfare director.

10 (B) The county welfare director shall secure from the  
11 Department of Justice a criminal record to determine whether the  
12 employee has ever been convicted of a crime other than a minor  
13 traffic violation. The Department of Justice shall deliver the  
14 criminal record to the county welfare director.

15 (C) If it is found that the employee has been convicted of a  
16 crime, other than a minor traffic violation, the county welfare  
17 director shall determine whether there is substantial and convincing  
18 evidence to support a reasonable belief that the employee is of  
19 good character so as to justify frequent and routine contact with  
20 children.

21 (D) No exemption shall be granted pursuant to subparagraph  
22 (C) if the person has been convicted of a sex offense against a  
23 minor, or has been convicted of an offense specified in Section  
24 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in  
25 paragraph (1) of Section 273a of, or subdivision (a) or (b) of  
26 Section 368 of, the Penal Code, or has been convicted of an offense  
27 specified in subdivision (c) of Section 667.5 of the Penal Code.  
28 The county welfare director shall suspend such a person from any  
29 duties involving frequent and routine contact with children.

30 (E) Notwithstanding subparagraph (D), the county welfare  
31 director may grant an exemption if the employee or prospective  
32 employee, who was convicted of a crime against an individual  
33 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5  
34 of the Penal Code, has been rehabilitated as provided in Section  
35 4852.03 of the Penal Code and has maintained the conduct required  
36 in Section 4852.05 of the Penal Code for at least 10 years and has  
37 the recommendation of the district attorney representing the  
38 employee's or prospective employee's county of residence, or if  
39 the employee or prospective employee has received a certificate  
40 of rehabilitation pursuant to Chapter 3.5 (commencing with Section

1 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the  
 2 county welfare director may give the employee or prospective  
 3 employee an opportunity to explain the conviction and shall  
 4 consider that explanation in the evaluation of the criminal  
 5 conviction record.

6 (F) If no criminal record information has been recorded, the  
 7 county welfare director shall cause a statement of that fact to be  
 8 included in that person’s personnel file.

9 (2) For purposes of this subdivision, a conviction means a plea  
 10 or verdict of guilty or a conviction following a plea of nolo  
 11 contendere. Any action that the county welfare director is permitted  
 12 to take following the establishment of a conviction may be taken  
 13 when the time for appeal has elapsed, or the judgment of conviction  
 14 has been affirmed on appeal or when an order granting probation  
 15 is made suspending the imposition of sentence, notwithstanding  
 16 a subsequent order pursuant to Sections 1203.4 and 1203.4a of the  
 17 Penal Code permitting the person to withdraw his or her plea of  
 18 guilty and to enter a plea of not guilty, or setting aside the verdict  
 19 of guilty, or dismissing the accusation, information, or indictment.  
 20 For purposes of this subdivision, the record of a conviction, or a  
 21 copy thereof certified by the clerk of the court or by a judge of the  
 22 court in which the conviction occurred, shall be conclusive  
 23 evidence of the conviction.

24 ~~SEC. 89.~~

25 *SEC. 91.* Section 16501.1 of the Welfare and Institutions Code  
 26 is amended to read:

27 16501.1. (a) (1) The Legislature finds and declares that the  
 28 foundation and central unifying tool in child welfare services is  
 29 the case plan.

30 (2) The Legislature further finds and declares that a case plan  
 31 ensures that the child receives protection and safe and proper care  
 32 and case management, and that services are provided to the child  
 33 and parents or other caretakers, as appropriate, in order to improve  
 34 conditions in the parent’s home, to facilitate the safe return of the  
 35 child to a safe home or the permanent placement of the child, and  
 36 to address the needs of the child while in foster care.

37 (3) *The case plan shall be developed in collaboration with the*  
 38 *child and family team as defined in paragraph (4) of subdivision*  
 39 *(a) of Section 16501. The agency shall consider the*  
 40 *recommendations of the child and family team. The agency shall*

1 *document the rationale for any inconsistencies between the case*  
2 *plan and the child and family team recommendations.*

3 (b) (1) A case plan shall be based upon the principles of this  
4 section ~~and shall document that a preplacement assessment of the~~  
5 ~~service needs of the child and family, and preplacement preventive~~  
6 ~~services, have been provided, and that reasonable efforts to prevent~~  
7 ~~out-of-home placement have been made.~~ *and the input from the*  
8 *child and family team.*

9 (2) *The case plan shall document that a preplacement*  
10 *assessment of the service needs of the child and family, and*  
11 *preplacement preventive services, have been provided, and that*  
12 *reasonable efforts to prevent out-of-home placement have been*  
13 *made.*

14 ~~(2)~~

15 (3) In determining the reasonable services to be offered or  
16 provided, the child's health and safety shall be the paramount  
17 concerns.

18 ~~(3)~~

19 (4) Upon a determination pursuant to paragraph (1) of  
20 subdivision (e) of Section 361.5 that reasonable services will be  
21 offered to a parent who is incarcerated in a county jail or state  
22 prison, detained by the United States Department of Homeland  
23 Security, or deported to his or her country of origin, the case plan  
24 shall include information, to the extent possible, about a parent's  
25 incarceration in a county jail or the state prison, detention by the  
26 United States Department of Homeland Security, or deportation  
27 during the time that a minor child of that parent is involved in  
28 dependency care.

29 ~~(4)~~

30 (5) Reasonable services shall be offered or provided to make it  
31 possible for a child to return to a safe home environment, unless,  
32 pursuant to subdivisions (b) and (e) of Section 361.5, the court  
33 determines that reunification services shall not be provided.

34 ~~(5)~~

35 (6) If reasonable services are not ordered, or are terminated,  
36 reasonable efforts shall be made to place the child in a timely  
37 manner in accordance with the permanent plan and to complete  
38 all steps necessary to finalize the permanent placement of the child.

1 (c) If out-of-home placement is used to attain case plan goals,  
 2 the case plan shall consider the recommendations of the child and  
 3 family team.

4 (e)

5 (d) (1) ~~If out-of-home placement is used to attain case plan~~  
 6 ~~goals, the~~ The case plan shall include a description of the type of  
 7 home or institution in which the child is to be placed, and the  
 8 reasons for that placement decision. The decision regarding choice  
 9 of placement shall be based upon selection of a safe setting that is  
 10 the least restrictive or most familylike and the most appropriate  
 11 setting that is available and in close proximity to the parent’s home,  
 12 proximity to the child’s school, and consistent with the selection  
 13 of the environment best suited to meet the child’s special needs  
 14 and best interests. The selection shall consider, in order of priority,  
 15 placement with relatives, nonrelated extended family members,  
 16 and tribal members; foster *and resource* family homes and  
 17 nontreatment certified homes of foster family agencies; followed  
 18 by treatment and intensive treatment certified homes of foster  
 19 family agencies; or multidimensional treatment foster care homes  
 20 or therapeutic foster care homes; group care placements in the  
 21 order of short-term residential treatment centers, group homes,  
 22 community treatment facilities, and out-of-state residential  
 23 treatment pursuant to Part 5 (commencing with Section 7900) of  
 24 Division 12 of the Family Code.

25 (2) If a treatment placement is selected for a child, the case plan  
 26 shall indicate the needs of the child that necessitate this placement,  
 27 the plan for transitioning the child to a less restrictive environment,  
 28 and the projected timeline by which the child will be transitioned  
 29 to a less restrictive environment. This section of the case plan shall  
 30 be reviewed and updated at least semiannually.

31 (A) The case plan for placements in a group home, or  
 32 commencing January 1, 2017, in a short-term residential treatment  
 33 center, shall indicate that the county has taken into consideration  
 34 Section 16010.8.

35 (B) After January 1, 2016, if a treatment foster care placement,  
 36 such as a treatment foster family agency, intensive treatment foster  
 37 care, therapeutic foster care, or short-term residential treatment  
 38 center, is being considered for the child or youth, a child and family  
 39 team meeting as described in Sections 831 and 16501 shall be  
 40 convened for the purpose of determining the appropriateness of

1 the placement and whether there are any appropriate, less  
2 restrictive, and more family-like alternatives.

3 (3) On or after January 1, 2012, for a nonminor dependent, as  
4 defined in subdivision (v) of Section 11400, who is receiving  
5 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,  
6 in addition to the above requirements, the selection of the  
7 placement, including a supervised independent living placement,  
8 as described in subdivision (w) of Section 11400, shall also be  
9 based upon the developmental needs of young adults by providing  
10 opportunities to have incremental responsibilities that prepare a  
11 nonminor dependent to transition to independent living. If  
12 admission to, or continuation in, a group home placement is being  
13 considered for a nonminor dependent, the group home placement  
14 approval decision shall include a youth-driven, team-based case  
15 planning process, as defined by the department, in consultation  
16 with stakeholders. The case plan shall consider the full range of  
17 placement options, and shall specify why admission to, or  
18 continuation in, a group home placement is the best alternative  
19 available at the time to meet the special needs or well-being of the  
20 nonminor dependent, and how the placement will contribute to the  
21 nonminor dependent's transition to independent living. The case  
22 plan shall specify the treatment strategies that will be used to  
23 prepare the nonminor dependent for discharge to a less restrictive  
24 and more familylike setting, including a target date for discharge  
25 from the group home placement. The placement shall be reviewed  
26 and updated on a regular, periodic basis to ensure that continuation  
27 in the group home remains in the best interests of the nonminor  
28 dependent and that progress is being made in achieving case plan  
29 goals leading to independent living. The group home placement  
30 planning process shall begin as soon as it becomes clear to the  
31 county welfare department or probation office that a foster child  
32 in group home placement is likely to remain in group home  
33 placement on his or her 18th birthday, in order to expedite the  
34 transition to a less restrictive and more familylike setting if he or  
35 she becomes a nonminor dependent. The case planning process  
36 shall include informing the youth of all of his or her options,  
37 including, but not limited to, admission to or continuation in a  
38 group home placement. Consideration for continuation of existing  
39 group home placement for a nonminor dependent under 19 years  
40 of age may include the need to stay in the same placement in order

1 to complete high school. After a nonminor dependent either  
2 completes high school or attains his or her 19th birthday, whichever  
3 is earlier, continuation in or admission to a group home is  
4 prohibited unless the nonminor dependent satisfies the conditions  
5 of paragraph (5) of subdivision (b) of Section 11403, and group  
6 home placement functions as a short-term transition to the  
7 appropriate system of care. Treatment services provided by the  
8 group home placement to the nonminor dependent to alleviate or  
9 ameliorate the medical condition, as described in paragraph (5) of  
10 subdivision (b) of Section 11403, shall not constitute the sole basis  
11 to disqualify a nonminor dependent from the group home  
12 placement.

13 (4) In addition to the requirements of paragraphs (1) to (3),  
14 inclusive, and taking into account other statutory considerations  
15 regarding placement, the selection of the most appropriate home  
16 that will meet the child's special needs and best interests shall also  
17 promote educational stability by taking into consideration  
18 proximity to the child's school of origin, and school attendance  
19 area, the number of school transfers the child has previously  
20 experienced, and the child's school matriculation schedule, in  
21 addition to other indicators of educational stability that the  
22 Legislature hereby encourages the State Department of Social  
23 Services and the State Department of Education to develop.

24 ~~(d)~~

25 (e) A written case plan shall be completed within a maximum  
26 of 60 days of the initial removal of the child or of the in-person  
27 response required under subdivision (f) of Section 16501 if the  
28 child has not been removed from his or her home, or by the date  
29 of the dispositional hearing pursuant to Section 358, whichever  
30 occurs first. The case plan shall be updated, as the service needs  
31 of the child and family dictate. At a minimum, the case plan shall  
32 be updated in conjunction with each status review hearing  
33 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and  
34 the hearing conducted pursuant to Section 366.26, but no less  
35 frequently than once every six months. Each updated case plan  
36 shall include a description of the services that have been provided  
37 to the child under the plan and an evaluation of the appropriateness  
38 and effectiveness of those services.

39 (1) It is the intent of the Legislature that extending the maximum  
40 time available for preparing a written case plan from 30 to 60 days

1 will afford caseworkers time to actively engage families, and to  
2 solicit and integrate into the case plan the input of the child and  
3 the child’s family, as well as the input of relatives and other  
4 interested parties.

5 (2) The extension of the maximum time available for preparing  
6 a written case plan from the 30 to 60 days shall be effective 90  
7 days after the date that the department gives counties written notice  
8 that necessary changes have been made to the Child Welfare  
9 Services Case Management System to account for the 60-day  
10 timeframe for preparing a written case plan.

11 (e)

12 (f) The child welfare services case plan shall be comprehensive  
13 enough to meet the juvenile court dependency proceedings  
14 requirements pursuant to Article 6 (commencing with Section 300)  
15 of Chapter 2 of Part 1 of Division 2.

16 (f)

17 (g) The case plan shall be developed *in collaboration with the*  
18 *child and family team*, as follows:

19 (1) The case plan shall be based upon an assessment of the  
20 circumstances that required child welfare services intervention.  
21 The child shall be involved in developing the case plan as age and  
22 developmentally appropriate.

23 (2) The case plan shall identify specific goals and the  
24 appropriateness of the planned services in meeting those goals.

25 (3) The case plan shall identify the original allegations of abuse  
26 or neglect, as defined in Article 2.5 (commencing with Section  
27 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the  
28 conditions cited as the basis for declaring the child a dependent of  
29 the court pursuant to Section 300, or all of these, and the other  
30 precipitating incidents that led to child welfare services  
31 intervention.

32 (4) The case plan shall include a description of the schedule of  
33 the placement agency contacts with the child and the family or  
34 other caretakers. The frequency of these contacts shall be in  
35 accordance with regulations adopted by the State Department of  
36 Social Services. If the child has been placed in foster care out of  
37 state, the county social worker or probation officer, or a social  
38 worker or probation officer on the staff of the agency in the state  
39 in which the child has been placed, shall visit the child in a foster  
40 family home or the home of a relative, consistent with federal law

1 and in accordance with the department's approved state plan. For  
2 children in out-of-state group home facilities, visits shall be  
3 conducted at least monthly, pursuant to Section 16516.5. At least  
4 once every six months, at the time of a regularly scheduled  
5 placement agency contact with the foster child, the child's social  
6 worker or probation officer shall inform the child of his or her  
7 rights as a foster child, as specified in Section 16001.9. The social  
8 worker or probation officer shall provide the information to the  
9 child in a manner appropriate to the age or developmental level of  
10 the child.

11 (5) (A) When out-of-home services are used, the frequency of  
12 contact between the natural parents or legal guardians and the child  
13 shall be specified in the case plan. The frequency of those contacts  
14 shall reflect overall case goals, and consider other principles  
15 outlined in this section.

16 (B) Information regarding any court-ordered visitation between  
17 the child and the natural parents or legal guardians, and the terms  
18 and conditions needed to facilitate the visits while protecting the  
19 safety of the child, shall be provided to the child's out-of-home  
20 caregiver as soon as possible after the court order is made.

21 (6) When out-of-home placement is made, the case plan shall  
22 include provisions for the development and maintenance of sibling  
23 relationships as specified in subdivisions (b), (c), and (d) of Section  
24 16002. If appropriate, when siblings who are dependents of the  
25 juvenile court are not placed together, the social worker for each  
26 child, if different, shall communicate with each of the other social  
27 workers and ensure that the child's siblings are informed of  
28 significant life events that occur within their extended family.  
29 Unless it has been determined that it is inappropriate in a particular  
30 case to keep siblings informed of significant life events that occur  
31 within the extended family, the social worker shall determine the  
32 appropriate means and setting for disclosure of this information  
33 to the child commensurate with the child's age and emotional  
34 well-being. These significant life events shall include, but shall  
35 not be limited to, the following:

36 (A) The death of an immediate relative.

37 (B) The birth of a sibling.

38 (C) Significant changes regarding a dependent child, unless the  
39 child objects to the sharing of the information with his or her  
40 siblings, including changes in placement, major medical or mental

1 health diagnoses, treatments, or hospitalizations, arrests, and  
2 changes in the permanent plan.

3 (7) If out-of-home placement is made in a foster family home,  
4 group home, or other child care institution that is either a  
5 substantial distance from the home of the child's parent or out of  
6 state, the case plan shall specify the reasons why that placement  
7 is in the best interest of the child. When an out-of-state group home  
8 placement is recommended or made, the case plan shall, in  
9 addition, specify compliance with Section 7911.1 of the Family  
10 Code.

11 (8) Effective January 1, 2010, a case plan shall ensure the  
12 educational stability of the child while in foster care and shall  
13 include both of the following:

14 (A) An assurance that the placement takes into account the  
15 appropriateness of the current educational setting and the proximity  
16 to the school in which the child is enrolled at the time of placement.

17 (B) An assurance that the placement agency has coordinated  
18 with the person holding the right to make educational decisions  
19 for the child and appropriate local educational agencies to ensure  
20 that the child remains in the school in which the child is enrolled  
21 at the time of placement or, if remaining in that school is not in  
22 the best interests of the child, assurances by the placement agency  
23 and the local educational agency to provide immediate and  
24 appropriate enrollment in a new school and to provide all of the  
25 child's educational records to the new school.

26 (9) (A) If out-of-home services are used, or if parental rights  
27 have been terminated and the case plan is placement for adoption,  
28 the case plan shall include a recommendation regarding the  
29 appropriateness of unsupervised visitation between the child and  
30 any of the child's siblings. This recommendation shall include a  
31 statement regarding the child's and the siblings' willingness to  
32 participate in unsupervised visitation. If the case plan includes a  
33 recommendation for unsupervised sibling visitation, the plan shall  
34 also note that information necessary to accomplish this visitation  
35 has been provided to the child or to the child's siblings.

36 (B) Information regarding the schedule and frequency of the  
37 visits between the child and siblings, as well as any court-ordered  
38 terms and conditions needed to facilitate the visits while protecting  
39 the safety of the child, shall be provided to the child's out-of-home  
40 caregiver as soon as possible after the court order is made.

1 (10) If out-of-home services are used and the goal is  
2 reunification, the case plan shall describe the services to be  
3 provided to assist in reunification and the services to be provided  
4 concurrently to achieve legal permanency if efforts to reunify fail.  
5 The plan shall also consider in-state and out-of-state placements,  
6 the importance of developing and maintaining sibling relationships  
7 pursuant to Section 16002, and the desire and willingness of the  
8 caregiver to provide legal permanency for the child if reunification  
9 is unsuccessful.

10 (11) If out-of-home services are used, the child has been in care  
11 for at least 12 months, and the goal is not adoptive placement, the  
12 case plan shall include documentation of the compelling reason  
13 or reasons why termination of parental rights is not in the child's  
14 best interest. A determination completed or updated within the  
15 past 12 months by the department when it is acting as an adoption  
16 agency or by a licensed adoption agency that it is unlikely that the  
17 child will be adopted, or that one of the conditions described in  
18 paragraph (1) of subdivision (c) of Section 366.26 applies, shall  
19 be deemed a compelling reason.

20 (12) (A) Parents and legal guardians shall have an opportunity  
21 to review the case plan, and to sign it whenever possible, and then  
22 shall receive a copy of the plan. In a voluntary service or placement  
23 agreement, the parents or legal guardians shall be required to  
24 review and sign the case plan. Whenever possible, parents and  
25 legal guardians shall participate in the development of the case  
26 plan. Commencing January 1, 2012, for nonminor dependents, as  
27 defined in subdivision (v) of Section 11400, who are receiving  
28 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant  
29 to Section 11403, the transitional independent living case plan, as  
30 set forth in subdivision (y) of Section 11400, shall be developed  
31 with, and signed by, the nonminor.

32 (B) Parents and legal guardians shall be advised that, pursuant  
33 to Section 1228.1 of the Evidence Code, neither their signature on  
34 the child welfare services case plan nor their acceptance of any  
35 services prescribed in the child welfare services case plan shall  
36 constitute an admission of guilt or be used as evidence against the  
37 parent or legal guardian in a court of law. However, they shall also  
38 be advised that the parent's or guardian's failure to cooperate,  
39 except for good cause, in the provision of services specified in the

1 child welfare services case plan may be used in any hearing held  
2 pursuant to Section 366.21, 366.22, or 366.25 as evidence.

3 (13) A child shall be given a meaningful opportunity to  
4 participate in the development of the case plan and state his or her  
5 preference for foster care placement. A child who is 12 years of  
6 age or older and in a permanent placement shall also be given the  
7 opportunity to review the case plan, sign the case plan, and receive  
8 a copy of the case plan.

9 (14) The case plan shall be included in the court report and shall  
10 be considered by the court at the initial hearing and each review  
11 hearing. Modifications to the case plan made during the period  
12 between review hearings need not be approved by the court if the  
13 casework supervisor for that case determines that the modifications  
14 further the goals of the plan. If out-of-home services are used with  
15 the goal of family reunification, the case plan shall consider and  
16 describe the application of subdivision (b) of Section 11203.

17 (15) If the case plan has as its goal for the child a permanent  
18 plan of adoption or placement in another permanent home, it shall  
19 include a statement of the child's wishes regarding their permanent  
20 placement plan and an assessment of those stated wishes. The  
21 agency shall also include documentation of the steps the agency  
22 is taking to find an adoptive family or other permanent living  
23 arrangements for the child; to place the child with an adoptive  
24 family, an appropriate and willing relative, a legal guardian, or in  
25 another planned permanent living arrangement; and to finalize the  
26 adoption or legal guardianship. At a minimum, the documentation  
27 shall include child-specific recruitment efforts, such as the use of  
28 state, regional, and national adoption exchanges, including  
29 electronic exchange systems, when the child has been freed for  
30 adoption. If the plan is for kinship guardianship, the case plan shall  
31 document how the child meets the kinship guardianship eligibility  
32 requirements.

33 (16) (A) When appropriate, for a child who is 16 years of age  
34 or older and, commencing January 1, 2012, for a nonminor  
35 dependent, the case plan shall include the transitional independent  
36 living plan (TILP), a written description of the programs and  
37 services that will help the child, consistent with the child's best  
38 interests, to prepare for the transition from foster care to  
39 independent living, and, in addition, whether the youth has an  
40 in-progress application pending for Title XVI Supplemental

1 Security Income benefits or for Special Immigrant Juvenile Status  
2 or other applicable application for legal residency and an active  
3 dependency case is required for that application. When appropriate,  
4 for a nonminor dependent, the transitional independent living case  
5 plan, as described in subdivision (v) of Section 11400, shall include  
6 the TILP, a written description of the programs and services that  
7 will help the nonminor dependent, consistent with his or her best  
8 interests, to prepare for transition from foster care and assist the  
9 youth in meeting the eligibility criteria set forth in paragraphs (1)  
10 to (5), inclusive, of subdivision (b) Section 11403. If applicable,  
11 the case plan shall describe the individualized supervision provided  
12 in the supervised independent living placement as defined in  
13 subdivision (w) of Section 11400. The case plan shall be developed  
14 with the child or nonminor dependent and individuals identified  
15 as important to the child or nonminor dependent, and shall include  
16 steps the agency is taking to ensure that the child or nonminor  
17 dependent achieves permanence, including maintaining or  
18 obtaining permanent connections to caring and committed adults.

19 (B) During the 90-day period prior to the participant attaining  
20 18 years of age or older as the state may elect under Section  
21 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.  
22 675(8)(B)(iii)), whether during that period foster care maintenance  
23 payments are being made on the child's behalf or the child is  
24 receiving benefits or services under Section 477 of the federal  
25 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other  
26 appropriate agency staff or probation officer and other  
27 representatives of the participant, as appropriate, shall provide the  
28 youth or nonminor with assistance and support in developing the  
29 written 90-day transition plan, that is personalized at the direction  
30 of the child, information as detailed as the participant elects that  
31 shall include, but not be limited to, options regarding housing,  
32 health insurance, education, local opportunities for mentors and  
33 continuing support services, and workforce supports and  
34 employment services, a power of attorney for health care, and  
35 information regarding the advance health care directive form.

36 (C) For youth 16 years of age or older, the case plan shall  
37 include documentation that a consumer credit report was requested  
38 annually from each of the three major credit reporting agencies at  
39 no charge to the youth and that any results were provided to the  
40 youth. For nonminor dependents, the case plan shall include

1 documentation that the county assisted the nonminor dependent  
2 in obtaining his or her reports. The case plan shall include  
3 documentation of barriers, if any, to obtaining the credit reports.  
4 If the consumer credit report reveals any accounts, the case plan  
5 shall detail how the county ensured the youth received assistance  
6 with interpreting the credit report and resolving any inaccuracies,  
7 including any referrals made for the assistance.

8 ~~(g)~~

9 (h) If the court finds, after considering the case plan, that  
10 unsupervised sibling visitation is appropriate and has been  
11 consented to, the court shall order that the child or the child's  
12 siblings, the child's current caregiver, and the child's prospective  
13 adoptive parents, if applicable, be provided with information  
14 necessary to accomplish this visitation. This section does not  
15 require or prohibit the social worker's facilitation, transportation,  
16 or supervision of visits between the child and his or her siblings.

17 ~~(h)~~

18 (i) The case plan documentation on sibling placements required  
19 under this section shall not require modification of existing case  
20 plan forms until the Child Welfare Services Case Management  
21 System is implemented on a statewide basis.

22 ~~(i)~~

23 (j) When a child is 10 years of age or older and has been in  
24 out-of-home placement for six months or longer, the case plan  
25 shall include an identification of individuals, other than the child's  
26 siblings, who are important to the child and actions necessary to  
27 maintain the child's relationship with those individuals, provided  
28 that those relationships are in the best interest of the child. The  
29 social worker or probation officer shall ask every child who is 10  
30 years of age or older and who has been in out-of-home placement  
31 for six months or longer to identify individuals other than the  
32 child's siblings who are important to the child, and may ask any  
33 other child to provide that information, as appropriate. The social  
34 worker or probation officer shall make efforts to identify other  
35 individuals who are important to the child, consistent with the  
36 child's best interests.

37 ~~(j)~~

38 (k) The child's caregiver shall be provided a copy of a plan  
39 outlining the child's needs and services. The nonminor dependent's  
40 caregiver shall be provided with a copy of the nonminor's TILP.

1     ~~(k)~~  
 2     (l) On or before June 30, 2008, the department, in consultation  
 3 with the County Welfare Directors Association of California and  
 4 other advocates, shall develop a comprehensive plan to ensure that  
 5 90 percent of foster children are visited by their caseworkers on a  
 6 monthly basis by October 1, 2011, and that the majority of the  
 7 visits occur in the residence of the child. The plan shall include  
 8 any data reporting requirements necessary to comply with the  
 9 provisions of the federal Child and Family Services Improvement  
 10 Act of 2006 (Public Law 109-288).

11     ~~(t)~~  
 12     (m) The implementation and operation of the amendments to  
 13 subdivision (i) enacted at the 2005–06 Regular Session shall be  
 14 subject to appropriation through the budget process and by phase,  
 15 as provided in Section 366.35.

16     ~~SEC. 90.~~

17     SEC. 92. Section 16519.5 of the Welfare and Institutions Code  
 18 is amended to read:

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

27     (b) (1) Counties shall be selected to participate on a voluntary  
 28 basis as early implementation counties for the purpose of  
 29 participating in the initial development of the approval process.  
 30 Early implementation counties shall be selected according to  
 31 criteria developed by the department in consultation with the  
 32 County Welfare Directors Association. In selecting the five early  
 33 implementation counties, the department shall promote diversity  
 34 among the participating counties in terms of size and geographic  
 35 location.

36     (2) Additional counties may participate in the early  
 37 implementation of the program upon authorization by the  
 38 department.

39     (c) (1) For the purposes of this chapter, “resource family” means  
 40 an individual or couple that a participating county or foster family

1 agency determines to have successfully met both the home approval  
2 standards and the permanency assessment criteria adopted pursuant  
3 to subdivision (d) necessary for providing care for a related or  
4 unrelated child who is under the jurisdiction of the juvenile court,  
5 or otherwise in the care of a county child welfare agency or  
6 probation department. A resource family shall demonstrate all of  
7 the following:

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

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

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

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

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

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

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

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

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

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

6 (A) (i) Criminal records clearance of all adults residing in the  
7 home, pursuant to Section 8712 of the Family Code, utilizing a  
8 check of the Child Abuse Central Index (CACI), a check of the  
9 Child Welfare Services/Case Management System (CWS/CMS),  
10 and receipt of a fingerprint-based state and federal criminal  
11 offender record information search ~~response~~. *response*. The  
12 criminal history information shall include subsequent state and  
13 federal arrest and disposition notifications pursuant to Section  
14 11105.2 of the Penal Code.

15 (ii) Consideration of any substantiated allegations of child abuse  
16 or neglect against either the applicant or any other adult residing  
17 in the home. An approval may not be granted to applicants whose  
18 criminal record indicates a conviction for any of the offenses  
19 specified in subdivision (g) of Section 1522 of the Health and  
20 Safety Code.

21 (iii) Exemptions from the criminal records clearance  
22 requirements set forth in this section may be granted by the director  
23 or the early implementation county, if that county has been granted  
24 permission by the director to issue criminal records exemptions  
25 pursuant to Section 361.4, using the exemption criteria currently  
26 used for foster care licensing as specified in subdivision (g) of  
27 Section 1522 of the Health and Safety Code.

28 (B) Buildings and grounds and storage requirements set forth  
29 in Sections 89387 and 89387.2 of Title 22 of the California Code  
30 of Regulations.

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

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

36 (ii) That the total number of children residing in the home of a  
37 resource family shall be no more than the total number of children  
38 the resource family can properly care for, regardless of status, and  
39 shall not exceed six children, unless exceptional circumstances  
40 that are documented in the foster child's case file exist to permit

1 a resource family to care for more children, including, but not  
2 limited to, the need to place siblings together.

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

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

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

15 (A) The applicant shall complete caregiver training.

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

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

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

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

26 (3) If additional time is needed to complete the permanency  
27 assessment, the county shall document the extenuating  
28 circumstances for the delay and generate a timeframe for the  
29 completion of the permanency assessment.

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

34 (5) A child may be placed with a relative, as defined in Section  
35 319, or nonrelative extended family member, as defined in Section  
36 362.7, prior to home approval and completion of the permanency  
37 assessment only on an emergency basis if all of the following  
38 requirements are met:

- 1 (A) Consideration of the results of a criminal records check  
 2 conducted pursuant to Section 16504.5 of the relative or nonrelative  
 3 extended family member and of every other adult in the home.
- 4 (B) Consideration of the results of the Child Abuse Central  
 5 Index (CACI) consistent with Section 1522.1 of the Health and  
 6 Safety Code of the relative or nonrelative extended family member,  
 7 and of every other adult in the home.
- 8 (C) The home and grounds are free of conditions that pose undue  
 9 risk to the health and safety of the child.
- 10 (D) For any placement made pursuant to this paragraph, the  
 11 county shall initiate the home approval process no later than five  
 12 business days after the placement, which shall include a  
 13 face-to-face interview with the resource family applicant and child.
- 14 (E) For any placement made pursuant to this paragraph,  
 15 AFDC-FC funding shall not be available until the home has been  
 16 approved.
- 17 (F) Any child placed under this section shall be afforded all the  
 18 rights set forth in Section 16001.9.
- 19 (f) The State Department of Social Services shall be responsible  
 20 for all of the following:
- 21 (1) Selecting early implementation counties, based on criteria  
 22 established by the department in consultation with the County  
 23 Welfare Directors Association.
- 24 (2) Establishing timeframes for participating counties to submit  
 25 an implementation plan, enter into terms and conditions for  
 26 participation in the program, train appropriate staff, and accept  
 27 applications from resource families.
- 28 (3) Entering into terms and conditions for participation in the  
 29 program by counties.
- 30 (4) Administering the early implementation of the program  
 31 through the issuance of written directives that shall have the same  
 32 force and effect as regulations. Any directive affecting Article 1  
 33 (commencing with Section 700) of Chapter 7 of Title 11 of the  
 34 California Code of Regulations shall be approved by the  
 35 Department of Justice. The directives shall be exempt from the  
 36 rulemaking provisions of the Administrative Procedure Act  
 37 (Chapter 3.5 (commencing with Section 11340)) of Part 1 of  
 38 Division 3 of Title 2 of the Government Code.
- 39 (5) Approving and requiring the use of a single standard for  
 40 resource family home approval and permanency assessment.

1 (6) Adopting and requiring the use of standardized  
2 documentation for the home approval and permanency assessment  
3 of resource families.

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

6 (A) Investigating complaints of resource families.

7 (B) Developing and monitoring resource family corrective action  
8 plans to correct identified deficiencies and to rescind resource  
9 family approval if compliance with corrective action plans is not  
10 achieved.

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

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

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

22 (C) Reviewing county reports of serious complaints and  
23 incidents involving approved resource families, as determined  
24 necessary by the department. The department may conduct an  
25 independent review of the complaint or incident and change the  
26 findings depending on the results of its investigation.

27 (D) Investigating unresolved complaints against participating  
28 counties.

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

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

35 (A) An analysis, utilizing available data, of state and federal  
36 data indicators related to the length of time to permanency  
37 including reunification, guardianship and adoption, child safety  
38 factors, and placement stability.

39 (B) An analysis of resource family recruitment and retention  
40 elements, including resource family satisfaction with approval

1 processes and changes regarding the population of available  
2 resource families.

3 (C) An analysis of cost, utilizing available data, including  
4 funding sources.

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

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

9 (1) Submitting an implementation plan, entering into terms and  
10 conditions for participation in the program, consulting with the  
11 county probation department in the development of the  
12 implementation plan, training appropriate staff, and accepting  
13 applications from resource families within the timeframes  
14 established by the department.

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

17 (3) Implementing the requirements for resource family home  
18 approval and permanency assessment and utilizing standardized  
19 documentation established by the department.

20 (4) (A) Ensuring staff have the education and experience  
21 necessary to complete the home approval and permanency  
22 assessment competently.

23 (B) A county may contract with a licensed adoption agency to  
24 complete the permanency assessment. A permanency assessment  
25 completed by a licensed adoption agency shall be reviewed and  
26 approved by the county.

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

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

31 (B) Providing an applicant and disapproved resource family  
32 requesting review of that decision with due process pursuant to  
33 the department’s regulations.

34 (C) Notifying the department of any decisions denying a  
35 resource family’s application or rescinding the approval of a  
36 resource family.

37 (6) Updating resource family approval annually.

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

39 (A) Ensuring that social workers who identify a condition in  
40 the home that may not meet the approval standards set forth in

1 subdivision (d) while in the course of a routine visit to children  
2 placed with a resource family take appropriate action as needed.

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

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

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

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

20 (B) Upon conclusion of the complaint investigation, the final  
21 disposition shall be reviewed and approved by a supervising staff  
22 member.

23 (C) The department shall be notified of any serious incidents  
24 or serious complaints or any incident that falls within the definition  
25 of Section 11165.5 of the Penal Code. If those incidents or  
26 complaints result in an investigation, the department shall also be  
27 notified as to the status and disposition of that investigation.

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

29 (10) Assessing county performance in related areas of the  
30 California Child and Family Services Review System, and  
31 remedying problems identified.

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

35 (12) Ensuring that resource families have the necessary  
36 knowledge, skills, and abilities to support children in foster care  
37 by completing caregiver training. The training should include a  
38 curriculum that supports the role of a resource family in parenting  
39 vulnerable children and should be ongoing in order to provide

- 1 resource families with information on ~~new~~ *trauma-informed*  
 2 practices and changes within the foster care system.
- 3 (13) Ensuring that a resource family applicant completes a  
 4 minimum number of training hours, ~~as prescribed~~ *which shall*  
 5 *include a minimum of 12 hours of preapproval training.* The  
 6 *preapproval* training shall include, but not be limited to, all of the  
 7 following training courses:
- 8 (A) An overview of the child protective system.
  - 9 (B) The effects of child abuse and neglect on child development.
  - 10 (C) Positive discipline and the importance of self-esteem.
  - 11 (D) Health issues in foster care, including the administration of
  - 12 psychotropic and other medications.
  - 13 (E) Accessing education and health services available to foster
  - 14 children.
  - 15 (F) The rights of a child in foster care, and the ~~foster parent's~~  
 16 *resource family's* responsibility to safeguard those rights, including  
 17 the right to have fair and equal access to all available services,  
 18 placement, care, treatment, and benefits, and to not be subjected  
 19 to discrimination or harassment on the basis of actual or perceived  
 20 race, ethnic group identification, ancestry, national origin, color,  
 21 religion, sex, sexual orientation, gender identity, mental or physical  
 22 disability, or HIV status.
  - 23 (G) Cultural needs of children, including instruction on cultural  
 24 competency and sensitivity relating to, and best practices for,  
 25 providing adequate care to lesbian, gay, bisexual, and transgender  
 26 youth in out-of-home care.
  - 27 (H) Basic instruction on existing laws and procedures regarding  
 28 the safety of foster youth at school; and ensuring a harassment and  
 29 violence free school environment pursuant to ~~the California Student~~  
 30 ~~Safety and Violence Prevention Act of 2000 (Article~~ *Article 3.6*  
 31 *(commencing with Section 32228)* of Chapter 2 of Part 19 of  
 32 Division 1 of Title 1 of the Education ~~Code~~ *Code*.
  - 33 (I) Permanence and well-being needs of children.
  - 34 (J) Child and adolescent development.
  - 35 (K) The role of foster parents, including working cooperatively  
 36 with the child welfare agency, the child's family, and other service  
 37 providers implementing the case plan.
  - 38 (L) *The role of resource family on the child and family team as*  
 39 *defined in paragraph (4) of subdivision (a) of Section 16501.*
  - 40 (E)

1 (M) A ~~foster parent's~~ *resource family's* responsibility to act as  
2 a reasonable and prudent parent; and to maintain the least  
3 restrictive, most family-like environment that serves the needs of  
4 the child.

5 (14) Ensuring approved resource families complete a minimum  
6 ~~number of eight training hours annually, as prescribed.~~ *annually.*  
7 The annual training shall include, but not be limited to, all of the  
8 following training courses:

9 (A) Age-appropriate child development.

10 (B) Health issues in foster care, including the administration of  
11 psychotropic and other medications.

12 (C) Positive discipline and the importance of self-esteem.

13 (D) Emancipation and independent living skills if a ~~foster parent~~  
14 *resource family* is caring for youth.

15 (E) The right of a foster child to have fair and equal access to  
16 all available services, placement, care, treatment, and benefits, and  
17 to not be subjected to discrimination or harassment on the basis  
18 of actual or perceived race, ethnic group identification, ancestry,  
19 national origin, color, religion, sex, sexual orientation, gender  
20 identity, mental or physical disability, or HIV status.

21 (F) Instruction on cultural competency and sensitivity relating  
22 to, and best practices for, providing adequate care to lesbian, gay,  
23 bisexual, and transgender youth in out-of-home care.

24 (h) *Nothing in this section shall preclude a county or a foster*  
25 *family agency from requiring resource family training in excess*  
26 *of the requirements in this section.*

27 ~~(h)~~

28 (i) (1) Approved relatives and nonrelative extended family  
29 members, licensed foster family homes, or approved adoptive  
30 homes that have completed the license or approval process prior  
31 to full implementation of the program shall not be considered part  
32 of the program. The otherwise applicable assessment and oversight  
33 processes shall continue to be administered for families and  
34 facilities not included in the program.

35 (2) Upon implementation of the program in a county, that  
36 county may not accept new applications for the licensure of foster  
37 family homes, the approval of relative and nonrelative extended  
38 family members, or the approval of prospective adoptive homes.

39 ~~(i)~~

1 (j) The department may waive regulations that pose a barrier to  
2 implementation and operation of this program. The waiver of any  
3 regulations by the department pursuant to this section shall apply  
4 to only those counties or foster family agencies participating in  
5 the program and only for the duration of the program.

6 ~~(j)~~

7 (k) Resource families approved under initial implementation of  
8 the program, who move within an early implementation county or  
9 who move to another early implementation county, shall retain  
10 their resource family status if the new building and grounds,  
11 outdoor activity areas, and storage areas meet home approval  
12 standards. The State Department of Social Services or early  
13 implementation county may allow a program-affiliated individual  
14 to transfer his or her subsequent arrest notification if the individual  
15 moves from one early implementation county to another early  
16 implementation county, as specified in subdivision (h) of Section  
17 1522 of the Health and Safety Code.

18 ~~(k)~~

19 (l) (1) The approval of a resource family who moves to a  
20 nonparticipating county remains in full force and effect pending  
21 a determination by the county approval agency or the department,  
22 as appropriate, whether the new building and grounds and storage  
23 areas meet applicable standards, and whether all adults residing  
24 in the home have a criminal records clearance or exemptions  
25 granted, using the exemption criteria used for foster care licensing,  
26 as specified in subdivision (g) of Section 1522 of the Health and  
27 Safety Code. Upon this determination, the nonparticipating county  
28 shall either approve the family as a relative or nonrelative extended  
29 family member, as applicable, or the department shall license the  
30 family as a foster family home.

31 (2) Subject to the requirements in paragraph (1), the family shall  
32 continue to be approved for guardianship and adoption. Nothing  
33 in this subdivision shall limit a county or adoption agency from  
34 determining that the family is not approved for guardianship or  
35 adoption based on changes in the family's circumstances or  
36 permanency assessment.

37 (3) A program-affiliated individual who moves to a  
38 nonparticipating county may not transfer his or her subsequent  
39 arrest notification from a participating county to the  
40 nonparticipating county.

1     ~~(t)~~

2     (m) Implementation of the program shall be contingent upon  
3 the continued availability of federal Social Security Act Title IV-E  
4 (42 U.S.C. Sec. 670) funds for costs associated with placement of  
5 children with resource families assessed and approved under the  
6 program.

7     ~~(m)~~

8     (n) A child placed with a resource family shall be eligible for  
9 AFDC-FC payments. A resource family, or a foster family agency  
10 pursuant to subdivisions~~(q)~~ (r) and~~(r)~~ (s), shall be paid an  
11 AFDC-FC rate pursuant to Sections 11460, 11461, and 11463.  
12 Sharing ratios for nonfederal expenditures for all costs associated  
13 with activities related to the approval of relatives and nonrelative  
14 extended family members shall be in accordance with Section  
15 10101.

16     ~~(n)~~

17     (o) The Department of Justice shall charge fees sufficient to  
18 cover the cost of initial or subsequent criminal offender record  
19 information and Child Abuse Central Index searches, processing,  
20 or responses, as specified in this section.

21     ~~(o)~~

22     (p) Approved resource families under this program shall be  
23 exempt from all of the following:

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

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

30         (3) Adoptions approval and reporting requirements set forth  
31 under Section 8712 of the Family Code, and all regulations  
32 promulgated thereto.

33     ~~(p)~~

34     (q) Early implementation counties shall be authorized to  
35 continue through the end of the 2016–17 fiscal year, or through  
36 the end of the third full fiscal year following the date that counties  
37 commence implementation, whichever of these dates is later. The  
38 program is authorized in all counties effective July 1, 2017. The  
39 program shall be implemented by each county on or before July  
40 1, 2019.

1     ~~(q)~~  
 2     (r) Notwithstanding any other law, on and after July 1, 2017, a  
 3 licensed foster family agency shall require a certified family home  
 4 applicant to meet the resource family approval standards and  
 5 requirements set forth in this chapter and in the written directives  
 6 adopted pursuant to paragraph (4) of subdivision (f), prior to  
 7 approval.

8     ~~(r)~~  
 9     (s) No later than July 1, 2017, the department may establish  
 10 participation conditions, and select and authorize a foster family  
 11 agency that voluntarily submits an implementation plan and revised  
 12 plan of operation in accordance with requirements established by  
 13 the department, to approve resource families in lieu of certifying  
 14 foster homes.

15     (1) Except for subdivision (g), a participating foster family  
 16 agency shall comply with the resource family approval standards  
 17 set forth in this chapter and in the written directives issued pursuant  
 18 to paragraph (4) of subdivision (f).

19     (2) Notwithstanding any other law, the department shall enforce  
 20 the resource family approval standards and requirements set forth  
 21 in this chapter and in the written directives issued pursuant to  
 22 paragraph (4) of subdivision (f) against a participating foster family  
 23 agency. In the event of any conflict with the Community Care  
 24 Facilities Act (Chapter 3 (commencing with Section 1500) of  
 25 Division 2 of the Health and Safety Code), this section shall be  
 26 controlling. This subdivision does not impose any new  
 27 responsibilities upon the counties as described in subdivision (g).

28     (3) Nothing in this subdivision shall limit the department's  
 29 authority to take administrative action against a foster family  
 30 agency or a certified family home of a foster family agency. For  
 31 purposes of Article 5 of Chapter 3 of Division 2 of the Health and  
 32 Safety Code, a certified family home includes a resource family  
 33 approved by a foster family agency pursuant to this subdivision.

34     (4) The department may adjust the foster family agency  
 35 AFDC-FC rate pursuant to Section 11463 for implementation of  
 36 this subdivision.

37     ~~SEC. 91.~~

38     SEC. 93. Section 16519.52 is added to the Welfare and  
 39 Institutions Code, to read:

1 16519.52. (a) A resource family may install and use delayed  
2 egress devices of the time delay type in the home of the resource  
3 family.

4 (b) As used in this section, “delayed egress device” means a  
5 device that precludes the use of exits for a predetermined period  
6 of time. These devices shall not delay any resident’s departure  
7 from the home for longer than 30 seconds.

8 (c) Within the 30 seconds of delay, a resource family may  
9 attempt to redirect a resident who attempts to leave the home.

10 (d) Any person accepted by a resource family using delayed  
11 egress devices in the home shall meet all of the following  
12 conditions:

13 (1) The person shall have a developmental disability, as defined  
14 in Section 4512.

15 (2) The person shall be receiving services and case management  
16 from a regional center under the Lanterman Developmental  
17 Disabilities Services Act (Division 4.5 (commencing with Section  
18 4500)).

19 (3) An interdisciplinary team, through the Individual Program  
20 Plan (IPP) process pursuant to Section 4646.5, shall have  
21 determined that the person lacks hazard awareness or impulse  
22 control and requires the level of supervision afforded by a resource  
23 family in a home equipped with delayed egress devices, and that,  
24 but for this placement, the person would be at risk of admission  
25 to, or would have no option but to remain in, a more restrictive  
26 state hospital or state developmental center placement.

27 (e) The home shall be subject to all fire and building codes,  
28 regulations, and standards applicable to residential care facilities  
29 for the elderly utilizing delayed egress devices, and shall receive  
30 approval by the county or city fire department, the local fire  
31 prevention district, or the State Fire Marshal for the installed  
32 delayed egress devices.

33 (f) The resource family shall provide training regarding the use  
34 and operation of the egress control devices used by any person  
35 caring for a resident, protection of residents’ personal rights, lack  
36 of hazard awareness and impulse control behavior, and emergency  
37 evacuation procedures.

38 (g) The resource family shall develop a plan of operation that  
39 is authorized by the approving county and includes a description  
40 of how the home is to be equipped with egress control devices that

1 are consistent with regulations adopted by the State Fire Marshal  
 2 pursuant to Section 13143 of the Health and Safety Code.

3 (h) The plan shall include, but shall not be limited to, all of the  
 4 following:

5 (1) A description of how the resource family will provide  
 6 training for persons caring for a resident regarding the use and  
 7 operation of the egress control devices used in the home.

8 (2) A description of how the resource family will ensure the  
 9 protection of the residents’ personal rights consistent with Sections  
 10 4502, 4503, and 4504.

11 (3) A description of how the resource family will manage the  
 12 person’s lack of hazard awareness and impulse control behavior.

13 (4) A description of the resource family’s emergency evacuation  
 14 procedures.

15 (i) Delayed egress devices shall not substitute for adequate  
 16 supervision. The capacity of the home shall not exceed six  
 17 residents.

18 (j) Emergency fire and earthquake drills shall be conducted at  
 19 least once every three months, and shall include all persons  
 20 providing resident care and supervision.

21 ~~SEC. 92.~~

22 *SEC. 94.* Section 16519.53 is added to the Welfare and  
 23 Institutions Code, to read:

24 16519.53. (a) A resource family shall be authorized to  
 25 administer emergency medical assistance and injections for severe  
 26 diabetic hypoglycemia and anaphylactic shock to a foster child in  
 27 placement in accordance with subdivision (a) of Section 1507.25  
 28 of the Health and Safety Code.

29 (b) A resource family shall be authorized to administer  
 30 subcutaneous injections of other medications, including insulin,  
 31 as prescribed by a child’s physician, to a foster child in placement  
 32 in accordance with subdivision (b) of Section 1507.25 of the Health  
 33 and Safety Code.

34 ~~SEC. 93.~~

35 *SEC. 95.* Section 16519.54 is added to the Welfare and  
 36 Institutions Code, to read:

37 16519.54. Notwithstanding any other law, a resource family  
 38 shall not be subject to civil penalties imposed pursuant to the  
 39 Community Care Facilities Care Act (Chapter 3 (commencing  
 40 with Section 1500) of Division 2 of the Health and Safety Code).

1     ~~SEC. 94.~~

2     *SEC. 96.* Section 16519.55 is added to the Welfare and  
3 Institutions Code, to read:

4     16519.55. (a) Subject to subdivision (b), to encourage the  
5 recruitment of resource families, to protect their personal privacy,  
6 and to preserve the security of confidentiality of the placements  
7 with resource families, the names, addresses, and other identifying  
8 information of resource families shall be considered personal  
9 information for purposes of the Information Practices Act of 1977  
10 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part  
11 4 of Division 3 of the Civil Code). This information shall not be  
12 disclosed by any state or local agency pursuant to the California  
13 Public Records Act (Chapter 3.5 (commencing with Section 6250)  
14 of Division 7 of Title 1 of the Government Code), except as  
15 necessary for administering the resource family approval program,  
16 facilitating the placement of children with resource families, and  
17 providing names and addresses only to bona fide professional  
18 foster parent organizations upon request.

19     (b) The department, a county, or a foster family agency may  
20 request information from, or divulge information to, the  
21 department, a county, or a foster family agency, regarding a  
22 prospective resource family for the purpose of and as necessary  
23 to conduct a reference check to determine whether it is safe and  
24 appropriate to approve an applicant to be a resource family.

25     ~~SEC. 95.~~

26     *SEC. 97.* Section 18251 of the Welfare and Institutions Code  
27 is amended to read:

28     18251. As used in this chapter:

29     (a) “County” means each county participating in an  
30 individualized or wraparound services program.

31     (b) “County placing agency” means a county welfare or  
32 probation department, or a county mental health department.

33     (c) “Eligible child” means a child or nonminor dependent, as  
34 described in subdivision (v) of Section 11400, who is any of the  
35 following:

36     (1) A child or nonminor dependent who has been adjudicated  
37 as either a dependent, transition dependent, or ward of the juvenile  
38 court pursuant to Section 300, 450, 601, or 602 and who would be  
39 placed in a group home licensed by the department at a rate

1 classification level of 10 or higher, or commencing January 1,  
2 2017, would be placed in a short-term residential treatment center.

3 (2) A child or nonminor dependent who is currently, or who  
4 would be, placed in a group home licensed by the department at  
5 a rate classification level of 10 or higher, or commencing January  
6 1, 2017, would be placed in a short-term residential treatment  
7 center.

8 (3) A child who is eligible for adoption assistance program  
9 benefits when the responsible public agency has approved the  
10 provision of wraparound services in lieu of out-of-home placement  
11 care at a rate classification level of 10 or higher, or commencing  
12 January 1, 2017, would be placed in a short-term residential  
13 treatment center.

14 (d) “Wraparound services” means community-based intervention  
15 services that emphasize the strengths of the child and family and  
16 includes the delivery of coordinated, highly individualized  
17 unconditional services to address needs and achieve positive  
18 outcomes in their lives.

19 (e) “Service allocation slot” means a specified amount of funds  
20 available to the county to pay for an individualized intensive  
21 wraparound services package for an eligible child. A service  
22 allocation slot may be used for more than one child on a successive  
23 basis.

24 ~~SEC. 96.~~

25 *SEC. 98.* Section 18254 of the Welfare and Institutions Code  
26 is amended to read:

27 18254. (a) Rates for wraparound services, under the  
28 wraparound services program, shall be based on the following  
29 factors:

30 (1) The average cost of rate classification 10 to 11 in each  
31 county, minus the cost of any concurrent out-of-home placement,  
32 for children who are or would be placed in a rate level 10 or 11  
33 group home.

34 (2) The average cost of rate classification 12 to 14 in each  
35 county, minus the cost of any concurrent out-of-home placement,  
36 for children who are or would be placed in a rate level 12 to 14  
37 group home.

38 (b) (1) Prior to the 2011–12 fiscal year, the department shall  
39 reimburse each county, for the purpose of providing intensive  
40 wraparound services, up to 100 percent of the state share of

1 nonfederal funds, to be matched by each county's share of cost as  
2 established by law, and to the extent permitted by federal law, up  
3 to 100 percent of the federal funds allocated for group home  
4 placements of eligible children, at the rate authorized pursuant to  
5 subdivision (a).

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

11 (c) County, and to the extent permitted by federal law, federal,  
12 foster care funds shall remain with the administrative authority of  
13 the county, which may enter into an interagency agreement to  
14 transfer those funds, and shall be used to provide intensive  
15 wraparound services.

16 (d) Costs for the provision of benefits to eligible children, at  
17 rates authorized by subdivision (a), through the wraparound  
18 services program authorized by this chapter, shall not exceed the  
19 costs which would otherwise have been incurred had the eligible  
20 children been placed in a group home.

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

24 ~~SEC. 97.~~

25 *SEC. 99.* Section 18254 is added to the Welfare and Institutions  
26 Code, to read:

27 18254. (a) Commencing January 1, 2017, the rate for  
28 wraparound services, under the wraparound services program,  
29 shall be eight thousand five hundred seventy-three dollars (\$8,573),  
30 based on the average cost of rate classification levels 10.5 and 13  
31 in effect for the 2014–15 fiscal year.

32 (1) The rate was determined by using the existing rates  
33 determined for the 2014–15 fiscal year for rate classification levels  
34 10.5 and 13.

35 (A) Combining and calculating the average of the two.

36 (B) Minus the cost of any concurrent out-of-home placement  
37 for children who are or would be placed in a rate classification  
38 level 10 to 11 and 12 to 14 group home, respectively.

39 (b) For each fiscal year, funding and expenditures for programs  
40 and activities under this section shall be in accordance with the

1 requirements provided in Sections 30025 and 30026.5 of the  
2 Government Code.

3 (c) County and federal foster care funds, to the extent permitted  
4 by federal law, shall remain with the administrative authority of  
5 the county, which may enter into an interagency agreement to  
6 transfer those funds, and shall be used to provide intensive  
7 wraparound services.

8 (d) Costs for the provision of benefits to eligible children, at  
9 rates authorized by subdivision (a), through the wraparound  
10 services program authorized by this chapter, shall not exceed the  
11 costs that otherwise would have been incurred had the eligible  
12 children been placed in a short-term residential treatment center.

13 (e) Commencing January 1, 2018, and each January 1 thereafter,  
14 an annual cost-of-living increase shall be applied to the wraparound  
15 rate, subject to the availability of county funds, equal to the  
16 California Necessities Index used in the preparation of the May  
17 Revision for the current fiscal year.

18 *SEC. 100. Notwithstanding the provisions of this act, on and*  
19 *after January 1, 2017, facilities with licensed capacity greater*  
20 *than 184 that were in operation prior to January 1, 2015, that*  
21 *offer placements for the purpose of attending an onsite high school,*  
22 *may continue to operate under an appropriate licensing category*  
23 *determined by the State Department of Social Services as long as*  
24 *those facilities submit to the department a transition plan*  
25 *describing how the program will comply with the provisions of*  
26 *this act, pursuant to a timeframe to be determined with the*  
27 *department.*

28 ~~SEC. 98.~~

29 *SEC. 101.* (a) The State Department of Social Services and  
30 the State Department of Health Care Services shall adopt  
31 regulations as required to implement the provisions of this act.

32 (b) Notwithstanding the rulemaking provisions of the  
33 Administrative Procedure Act (Chapter 3.5 (commencing with  
34 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
35 Code), the departments identified in subdivision (a) may implement  
36 and administer the changes made by this legislation through  
37 all-county letters or similar written instructions until regulations  
38 are adopted.

1     ~~SEC. 99.~~

2     *SEC. 102.* The State Department of Social Services shall work  
3 with counties that operate shelters, probation agencies, homeless  
4 shelter providers, residential education providers, and others to  
5 identify jointly developed alternative timeframes or criteria to be  
6 met in order to address the unique circumstances and needs of the  
7 populations they serve, while remaining consistent with the  
8 principles of this act.

9     ~~SEC. 100.~~

10    *SEC. 103.* The Legislature finds and declares that ~~Section 94~~  
11 ~~of~~ this act, which adds Section 16519.55 to the Welfare and  
12 Institutions Code, imposes a limitation on the public's right of  
13 access to the meetings of public bodies or the writings of public  
14 officials and agencies within the meaning of Section 3 of Article  
15 I of the California Constitution. Pursuant to that constitutional  
16 provision, the Legislature makes the following findings to  
17 demonstrate the interest protected by this limitation and the need  
18 for protecting that interest:

19    In order to encourage the recruitment of resource families, to  
20 protect their personal privacy, and to preserve the security of  
21 confidentiality of the placements with resource families, it is  
22 necessary that the names, addresses, and other identifying  
23 information of resource families not be disclosed by any state or  
24 local agency pursuant to the California Public Records Act  
25 (Chapter 3.5 (commencing with Section 6250) of Division 7 of  
26 Title 1 of the Government Code), except as necessary for  
27 administering the resource family approval program, facilitating  
28 the placement of children with resource families, and providing  
29 names and addresses only to bona fide professional foster parent  
30 organizations upon request.

31    ~~SEC. 101.~~

32    *SEC. 104.* Except as required by Section 36 of Article XIII of  
33 the California Constitution, no reimbursement is required by this  
34 act pursuant to Section 6 of Article XIII B of the California  
35 Constitution for certain costs because, in that regard, this act  
36 implements a federal law or regulation and results in costs  
37 mandated by the federal government, within the meaning of Section  
38 17556 of the Government Code.

39    No reimbursement is required by this act pursuant to Section 6  
40 of Article XIII B of the California Constitution for certain costs

1 that may be incurred by a local agency or school district because,  
2 in that regard, this act creates a new crime or infraction, eliminates  
3 a crime or infraction, or changes the penalty for a crime or  
4 infraction, within the meaning of Section 17556 of the Government  
5 Code, or changes the definition of a crime within the meaning of  
6 Section 6 of Article XIII B of the California Constitution.

7 With regard to other costs, to the extent that this act has an  
8 overall effect of increasing the costs already borne by a local  
9 agency for programs or levels of service mandated by the 2011  
10 Realignment Legislation within the meaning of Section 36 of  
11 Article XIII of the California Constitution, it shall apply to local  
12 agencies only to the extent that the state provides annual funding  
13 for the cost increase. Any new program or higher level of service  
14 provided by a local agency pursuant to this act above the level for  
15 which funding has been provided shall not require a subvention  
16 of funds by the state nor otherwise be subject to Section 6 of Article  
17 XIII B of the California Constitution.