

AMENDED IN SENATE JULY 7, 2015  
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, 1525.5, 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~~ *1506.1*, *1517*, 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 *361.2*, 4096, 4096.5, 11402, 11462, 11462.01, 11462.02, 11462.04, 11463, and 18254 of, to add Sections 827.11, 831, *11462.022*, 11466, 16519.52, 16519.53, 16519.54, ~~and 16519.55~~ *16519.55*, *and 16519.6* 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.

*The bill would require, on and after January 1, 2017, all licensed foster family agencies to approve resource families, in lieu of certifying foster homes, in accordance with specified standards and requirements set forth in the bill.*

*The bill would require the State Department of Social Services to provide periodic progress updates to the Legislature on the implementation of the provisions of the bill. The bill would also include a statement of legislative intent.*

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     ~~SECTION 1. It is the intent of the Legislature in adopting this~~  
23 ~~act to improve California’s child welfare system and its outcomes~~  
24 ~~by using comprehensive initial child assessments, increasing the~~

1 *use of home-based family care and the provision of services and*  
2 *supports to home-based family care, reducing the use of congregate*  
3 *care placement settings, and creating faster paths to permanency*  
4 *resulting in shorter durations of involvement in the child welfare*  
5 *and juvenile justice systems. These changes, along with other*  
6 *provisions in this act, require initial investments in the child*  
7 *welfare system. It is expected that this act, and the initial short-term*  
8 *funding provided by the state to local agencies to implement this*  
9 *act, will reduce overall costs to local agencies and allow local*  
10 *savings to be reinvested in child welfare services. When overall*  
11 *costs to a local agency are reduced, annual funding by the state*  
12 *to the local agency will only be provided as described in Section*  
13 *36 of Article XIII of the California Constitution.*

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

15 7911. The Legislature finds and declares all of the following:

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

20 (b) The Legislature therefore affirms its intention that the State  
21 Department of Social Services has full authority to require an  
22 assessment and placement recommendation by a county  
23 multidisciplinary team prior to placement of a child in an  
24 out-of-state group home, to investigate allegations of child abuse  
25 or neglect of minors so placed, and to ensure that out-of-state group  
26 homes, accepting California children, meet all California group  
27 home licensing standards.

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

32 (d) This section is declaratory of existing law with respect to  
33 the Governor's designation of the State Department of Social  
34 Services to act as the compact administrator and of that department  
35 to act as the single state agency charged with supervision of public  
36 social services under Section 10600 of the Welfare and Institutions  
37 Code.

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

39 7911.1. (a) Notwithstanding any other law, the State  
40 Department of Social Services or its designee shall investigate any

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

20 (b) Any contract, memorandum of understanding, or agreement  
21 entered into pursuant to paragraph (b) of Article 5 of the Interstate  
22 Compact on the Placement of Children regarding the placement  
23 of a child out of state by a California county social services agency  
24 or probation department shall include the language set forth in  
25 subdivision (a).

26 (c) (1) The State Department of Social Services or its designee  
27 shall perform initial and continuing inspection of out-of-state group  
28 homes in order to either certify that the out-of-state group home  
29 meets all licensure standards required of group homes operated in  
30 California or that the department has granted a waiver to a specific  
31 licensing standard upon a finding that there exists no adverse  
32 impact to health and safety.

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

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

1 (i) An accreditation from a nationally recognized accrediting  
2 entity identified by the State Department of Social Services  
3 pursuant to the process described in paragraph (4) of subdivision  
4 (b) of Section 11462 of the Welfare and Institutions Code.  
5 *Notwithstanding this paragraph, the department may grant a*  
6 *provisional rate to an out-of-state group home program if the*  
7 *program meets the requirements of subdivision (g) of Section 11402*  
8 *of the Welfare and Institutions Code.*

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

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

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

30 (d) Within six months of the effective date of this section, a  
31 county shall be required to obtain an assessment and placement  
32 recommendation by a county multidisciplinary team for each child  
33 in an out-of-state group home facility. On or after March 1, 1999,  
34 a county shall be required to obtain an assessment and placement  
35 recommendation by a county multidisciplinary team prior to  
36 placement of a child in an out-of-state group home facility.

37 (e) Any failure by an out-of-state group home to obtain or  
38 maintain its certification as required by subdivision (c) shall  
39 preclude the use of any public funds, whether county, state, or  
40 federal, in the payment for the placement of any child in that

1 out-of-state group home, pursuant to the Interstate Compact on  
2 the Placement of Children.

3 (f) (1) A multidisciplinary team shall consist of participating  
4 members from county social services, county mental health, county  
5 probation, county superintendents of schools, and other members  
6 as determined by the county.

7 (2) Participants shall have knowledge or experience in the  
8 prevention, identification, and treatment of child abuse and neglect  
9 cases, and shall be qualified to recommend a broad range of  
10 services related to child abuse or neglect.

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

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

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

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

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

32 7912. (a) The Legislature finds and declares that the health  
33 and safety of children in out-of-state group home care pursuant to  
34 the Interstate Compact on the Placement of Children is a matter  
35 of statewide concern. The Legislature therefore affirms its intention  
36 that children placed by a county social services agency or probation  
37 department in out-of-state group homes be accorded the same  
38 personal rights and safeguards of a child placed in a California  
39 group home. This section is in clarification of existing law.

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

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

12 SEC. 5. Section 6276.38 of the Government Code is amended  
13 to read:

14 6276.38. Radioactive materials, dissemination of information  
15 about transportation of, Section 33002, Vehicle Code.

16 Railroad infrastructure protection program, disclosure not  
17 required for risk assessments filed with the Public Utilities  
18 Commission, the Director of Emergency Services, or the Office  
19 of Emergency Services, Section 6254.23.

20 Real estate broker, annual report to Bureau of Real Estate of  
21 financial information, confidentiality of, Section 10232.2, Business  
22 and Professions Code.

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

25 Real property, change in ownership statement, confidentiality  
26 of, Section 27280.

27 Records described in Section 1620 of the Penal Code.

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

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

32 Registered public obligations, inspection of records of security  
33 interests in, Section 5060.

34 Registration of exempt vehicles, nondisclosure of name of person  
35 involved in alleged violation, Section 5003, Vehicle Code.

36 Rehabilitation, Department of, confidential information, Section  
37 19016, Welfare and Institutions Code.

38 Reinsurance intermediary-broker license information,  
39 confidentiality of, Section 1781.3, Insurance Code.

- 1 Relocation assistance, confidential records submitted to a public
- 2 entity by a business or farm operation, Section 7262.
- 3 Rent control ordinance, confidentiality of information concerning
- 4 accommodations sought to be withdrawn from, Section 7060.4.
- 5 Report of probation officer, inspection, copies, Section 1203.05,
- 6 Penal Code.
- 7 Repossession agency licensee application, confidentiality of
- 8 information, Sections 7503, 7504, and 7506.5, Business and
- 9 Professions Code.
- 10 Reproductive health facilities, disclosure not required for
- 11 personal information regarding employees, volunteers, board
- 12 members, owners, partners, officers, and contractors of a
- 13 reproductive health services facility who have provided requisite
- 14 notification, Section 6254.18.
- 15 Residence address in any record of Department of Housing and
- 16 Community Development, confidentiality of, Section 6254.1.
- 17 Residence address in any record of Department of Motor
- 18 Vehicles, confidentiality of, Section 6254.1, Government Code,
- 19 and Section 1808.21, Vehicle Code.
- 20 Residence and mailing addresses in records of Department of
- 21 Motor Vehicles, confidentiality of, Section 1810.7, Vehicle Code.
- 22 Residential care facilities, confidentiality of resident information,
- 23 Section 1568.08, Health and Safety Code.
- 24 Residential care facilities for the elderly, confidentiality of client
- 25 information, Section 1569.315, Health and Safety Code.
- 26 Resource families, identifying information, Section 16519.55,
- 27 Welfare and Institutions Code.
- 28 Respiratory care practitioner, professional competency
- 29 examination reports, confidentiality of, Section 3756, Business
- 30 and Professions Code.
- 31 Restraint of trade, civil action by district attorney, confidential
- 32 memorandum, Section 16750, Business and Professions Code.
- 33 Reward by Governor for information leading to arrest and
- 34 conviction, confidentiality of person supplying information, Section
- 35 1547, Penal Code.
- 36 Safe surrender site, confidentiality of information pertaining to
- 37 a parent or individual surrendering a child, Section 1255.7, Health
- 38 and Safety Code.
- 39 SEC. 6. Section 1502 of the Health and Safety Code is amended
- 40 to read:

1 1502. As used in this chapter:

2 (a) “Community care facility” means any facility, place, or  
3 building that is maintained and operated to provide nonmedical  
4 residential care, day treatment, adult day care, or foster family  
5 agency services for children, adults, or children and adults,  
6 including, but not limited to, the physically handicapped, mentally  
7 impaired, incompetent persons, and abused or neglected children,  
8 and includes the following:

9 (1) “Residential facility” means any family home, group care  
10 facility, or similar facility determined by the director, for 24-hour  
11 nonmedical care of persons in need of personal services,  
12 supervision, or assistance essential for sustaining the activities of  
13 daily living or for the protection of the individual.

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

19 (3) “Therapeutic day services facility” means any facility that  
20 provides nonmedical care, counseling, educational or vocational  
21 support, or social rehabilitation services on less than a 24-hour  
22 basis to persons under 18 years of age who would otherwise be  
23 placed in foster care or who are returning to families from foster  
24 care. Program standards for these facilities shall be developed by  
25 the department, pursuant to Section 1530, in consultation with  
26 therapeutic day services and foster care providers.

27 (4) “Foster family agency” means any public agency or private  
28 organization engaged in the recruiting, certifying, and training of,  
29 and providing professional support to, foster parents, or in finding  
30 homes or other places for placement of children for temporary or  
31 permanent care who require that level of care. Private foster family  
32 agencies shall be organized and operated on a nonprofit basis.

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

1 (6) “Small family home” means any residential facility, in the  
2 licensee’s family residence, that provides 24-hour care for six or  
3 fewer foster children who have mental disorders or developmental  
4 or physical disabilities and who require special care and supervision  
5 as a result of their disabilities. A small family home may accept  
6 children with special health care needs, pursuant to subdivision  
7 (a) of Section 17710 of the Welfare and Institutions Code. In  
8 addition to placing children with special health care needs, the  
9 department may approve placement of children without special  
10 health care needs, up to the licensed capacity.

11 (7) “Social rehabilitation facility” means any residential facility  
12 that provides social rehabilitation services for no longer than 18  
13 months in a group setting to adults recovering from mental illness  
14 who temporarily need assistance, guidance, or counseling. Program  
15 components shall be subject to program standards pursuant to  
16 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part  
17 2 of Division 5 of the Welfare and Institutions Code.

18 (8) “Community treatment facility” means any residential  
19 facility that provides mental health treatment services to children  
20 in a group setting and that has the capacity to provide secure  
21 containment. Program components shall be subject to program  
22 standards developed and enforced by the State Department of  
23 Health Care Services pursuant to Section 4094 of the Welfare and  
24 Institutions Code.

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

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

33 (A) Assumes care, custody, and control of a child through  
34 relinquishment of the child to the agency or involuntary termination  
35 of parental rights to the child.

36 (B) Assesses the birth parents, prospective adoptive parents, or  
37 child.

38 (C) Places children for adoption.

39 (D) Supervises adoptive placements.

1 Private full-service adoption agencies shall be organized and  
2 operated on a nonprofit basis. As a condition of licensure to provide  
3 intercountry adoption services, a full-service adoption agency shall  
4 be accredited and in good standing according to Part 96 of Title  
5 22 of the Code of Federal Regulations, or supervised by an  
6 accredited primary provider, or acting as an exempted provider,  
7 in compliance with Subpart F (commencing with Section 96.29)  
8 of Part 96 of Title 22 of the Code of Federal Regulations.

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

12 (A) Assesses the prospective adoptive parents.

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

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

19 Private noncustodial adoption agencies shall be organized and  
20 operated on a nonprofit basis. As a condition of licensure to provide  
21 intercountry adoption services, a noncustodial adoption agency  
22 shall be accredited and in good standing according to Part 96 of  
23 Title 22 of the Code of Federal Regulations, or supervised by an  
24 accredited primary provider, or acting as an exempted provider,  
25 in compliance with Subpart F (commencing with Section 96.29)  
26 of Part 96 of Title 22 of the Code of Federal Regulations.

27 (11) “Transitional shelter care facility” means any group care  
28 facility that provides for 24-hour nonmedical care of persons in  
29 need of personal services, supervision, or assistance essential for  
30 sustaining the activities of daily living or for the protection of the  
31 individual. Program components shall be subject to program  
32 standards developed by the State Department of Social Services  
33 pursuant to Section 1502.3.

34 (12) “Transitional housing placement provider” means an  
35 organization licensed by the department pursuant to Section  
36 1559.110 and Section 16522.1 of the Welfare and Institutions Code  
37 to provide transitional housing to foster children at least 16 years  
38 of age and not more than 18 years of age, and nonminor  
39 dependents, as defined in subdivision (v) of Section 11400 of the  
40 Welfare and Institutions Code, to promote their transition to

1 adulthood. A transitional housing placement provider shall be  
2 privately operated and organized on a nonprofit basis.

3 (13) “Group home” means a residential facility that provides  
4 24-hour care and supervision to children, delivered at least in part  
5 by staff employed by the licensee in a structured environment. The  
6 care and supervision provided by a group home shall be  
7 nonmedical, except as otherwise permitted by law.

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

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

26 (16) “Community crisis home” means a facility certified by the  
27 State Department of Developmental Services pursuant to Article  
28 8 (commencing with Section 4698) of Chapter 6 of Division 4.5  
29 of the Welfare and Institutions Code, and licensed by the State  
30 Department of Social Services pursuant to Article 9.7 (commencing  
31 with Section 1567.80), as an adult residential facility, providing  
32 24-hour nonmedical care to individuals with developmental  
33 disabilities receiving regional center service, in need of crisis  
34 intervention services, and who would otherwise be at risk of  
35 admission to the acute crisis center at Fairview Developmental  
36 Center, Sonoma Developmental Center, an acute general hospital,  
37 acute psychiatric hospital, an institution for mental disease, as  
38 described in Part 5 (commencing with Section 5900) of Division  
39 5 of the Welfare and Institutions Code, or an out-of-state  
40 placement. A community crisis home shall have a maximum

1 capacity of eight consumers, as defined in subdivision (a) of  
 2 Section 1567.80, shall conform to Section 441.530(a)(1) of Title  
 3 42 of the Code of Federal Regulations, and shall be eligible for  
 4 federal Medicaid home- and community-based services funding.

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

10 (18) “Short-term residential treatment center” means a  
 11 residential facility licensed by the department pursuant to Section  
 12 1562.01 and operated by any public agency or private organization  
 13 that provides short-term, specialized, and intensive treatment,  
 14 including core services as set forth, on and after January 1, 2017,  
 15 in paragraph (1) of subdivision (b) of Section 11462 of the Welfare  
 16 and Institutions Code, and 24-hour care and supervision to children.  
 17 The care and supervision provided by a short-term residential  
 18 treatment center shall be nonmedical, except as otherwise permitted  
 19 by law.

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

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

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

25 1502.4. (a) (1) A community care facility licensed as a group  
 26 home for children pursuant to this chapter may accept for  
 27 placement, and provide care and supervision to, a child assessed  
 28 as having an emotional disturbance, as long as the child does not  
 29 need inpatient care in a licensed health facility.

30 (2) For the purpose of this chapter, the following definitions  
 31 shall apply:

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

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

38 (b) If a child described in subdivision (a) is placed into a group  
 39 home program classified at rate classification level 13 or rate  
 40 classification level 14 pursuant to Section 11462.01 of the Welfare

1 and Institutions Code, the licensee shall meet both of the following  
2 requirements:

3 (1) The licensee shall agree to accept, for placement into its  
4 group home program, only children who have been assessed as  
5 having an emotional disturbance by either of the following:

6 (A) An interagency placement committee, as described in  
7 Section 4096 of the Welfare and Institutions Code or by a licensed  
8 mental health professional, as defined in ~~Sections 629 to 633,~~  
9 ~~inclusive, of Title 9 of the California Code of Regulations.~~  
10 *subdivision (g) of Section 4096 of the Welfare and Institutions*  
11 *Code.*

12 (B) A licensed mental health professional ~~pursuant to paragraph~~  
13 ~~(3) of subdivision (i), or subdivision (j), of Section 11462.01 as~~  
14 *defined in subdivision (g) of Section 4096* of the Welfare and  
15 Institutions Code if the child is privately placed or only county  
16 funded.

17 (2) The program is certified by the State Department of Health  
18 Care Services, pursuant to Section 4096.5 of the Welfare and  
19 Institutions Code, as a program that provides mental health  
20 treatment services for children assessed as having an emotional  
21 disturbance.

22 (c) The department shall not evaluate, or have any responsibility  
23 or liability with regard to the evaluation of, the mental health  
24 treatment services provided pursuant to this section and paragraph  
25 (3) of subdivision (f) of Section 11462.01 of the Welfare and  
26 Institutions Code.

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

30 ~~SEC. 8. Section 1502.4 is added to the Health and Safety Code,~~  
31 ~~to read:~~

32 ~~1502.4. (a) A licensed short-term residential treatment center,~~  
33 ~~as defined in paragraph (18) of subdivision (a) of Section 1502,~~  
34 ~~may accept for placement children who do not require inpatient~~  
35 ~~care in a licensed health facility and who meet at least one of the~~  
36 ~~following conditions:~~

37 ~~(1) A child who has been assessed as meeting the medical~~  
38 ~~necessity criteria for specialty mental health services under the~~  
39 ~~Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment~~

1 program, as the criteria are described in Section 1830.210 of Title  
2 9 of the California Code of Regulations.

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

4 ~~(3) A child who has been assessed as requiring the level of~~  
5 ~~services provided to maintain the safety of the child or others due~~  
6 ~~to 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 children's own homes 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 ~~(A) A commercially or sexually exploited child.~~

13 ~~(B) A private voluntary placement, if the youth exhibits status~~  
14 ~~offender behavior and the parents or other relatives feel they cannot~~  
15 ~~control the child's behavior and short term intervention is needed~~  
16 ~~to transition to the child back into the home.~~

17 ~~(C) A juvenile sex offender.~~

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

19 ~~(b) A licensed foster family agency, as defined in paragraph (4)~~  
20 ~~of subdivision (a) of Section 1502, that provides treatment services~~  
21 ~~may accept for placement children who do not require inpatient~~  
22 ~~care in a licensed health facility and who meet at least one of the~~  
23 ~~following conditions:~~

24 ~~(1) A child who has been assessed as meeting the medical~~  
25 ~~necessity criteria for specialty mental health services under the~~  
26 ~~Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment~~  
27 ~~program, as the criteria are described in Section 1830.210 of Title~~  
28 ~~9 of the California Code of Regulations.~~

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

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

32 ~~(e) An assessment described in paragraph (1) or (2) of~~  
33 ~~subdivision (a) or paragraph (1) or (2) of subdivision (b) shall be~~  
34 ~~made pursuant to subparagraphs (C) and (D) of paragraph (1) of~~  
35 ~~subdivision (a) of Section 11462.01 of the Welfare and Institutions~~  
36 ~~Code.~~

37 ~~(d) For the purposes of this chapter, the following definitions~~  
38 ~~shall apply:~~

1 (1) ~~“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 (2) ~~“Emotional disturbance” has the same meaning as that term~~  
5 ~~is used in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal~~  
6 ~~Regulations.~~

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

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

13 *SEC. 8. Section 1502.4 is added to the Health and Safety Code,*  
14 *to read:*

15 *1502.4. (a) A licensed short-term residential treatment center,*  
16 *as defined in paragraph (18) of subdivision (a) of Section 1502,*  
17 *may accept for placement a child who does not require inpatient*  
18 *care in a licensed health facility and who has been assessed*  
19 *pursuant to Section 11462.01 of the Welfare and Institutions Code*  
20 *as meeting the applicable criteria for placement in a short-term*  
21 *residential treatment center.*

22 *(b) A licensed foster family agency, as defined in paragraph (4)*  
23 *of subdivision (a) of Section 1502, may accept for placement a*  
24 *child who does not require inpatient care in a licensed health*  
25 *facility and who has been assessed pursuant to Section 11462.01*  
26 *of the Welfare and Institutions Code as meeting the applicable*  
27 *criteria for placement by a foster family agency.*

28 *(c) For the purposes of this chapter, the following definitions*  
29 *shall apply:*

30 *(1) “Inpatient care in a licensed health facility” means care*  
31 *and supervision at a level greater than incidental medical services*  
32 *as specified in Section 1507.*

33 *(2) “Emotional disturbance” has the same meaning as that term*  
34 *is used in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal*  
35 *Regulations.*

36 *(d) The department shall not evaluate, nor have any*  
37 *responsibility or liability with regard to the evaluation of, the*  
38 *mental health treatment services provided pursuant to this section*  
39 *and paragraph (3) of subdivision (f) of Section 11462.01 of the*  
40 *Welfare and Institutions Code.*

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

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

4     1502.45. (a) (1) Notwithstanding Section 1502.4, a community  
5 care facility licensed as a group home for children pursuant to this  
6 chapter may accept for placement, and provide care and supervision  
7 to, a child assessed as having an emotional disturbance as long as  
8 the child does not need inpatient care in a licensed health facility.

9     (2) For the purpose of this section, the following definitions  
10 shall apply:

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

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

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

22     (1) The licensee shall agree to accept, for placement into its  
23 group home program, children who have been assessed as having  
24 an emotional disturbance by either of the following:

25     (A) An interagency placement committee, as described in  
26 Section 4096.1 of the Welfare and Institutions Code or by a  
27 licensed mental health professional, as defined in ~~Sections 629 to~~  
28 ~~633, inclusive, of Title 9 of the California Code of Regulations.~~  
29 *subdivision (g) of Section 4096 of the Welfare and Institutions*  
30 *Code.*

31     (B) A licensed mental health professional ~~pursuant to paragraph~~  
32 ~~(3) of subdivision (i), or subdivision (j), of Section 11462.015 as~~  
33 *defined in subdivision (g) of Section 4096 of the Welfare and*  
34 *Institutions Code if the child is privately placed or only county*  
35 *funded.*

36     (2) The program is certified by the State Department of Health  
37 Care Services, pursuant to Section 4096.55 of the Welfare and  
38 Institutions Code, as a program that provides mental health  
39 treatment services for children who have been assessed as having  
40 an emotional disturbance.

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

6 (d) This section shall only apply to a group home that has been  
7 granted an extension pursuant to the exception process described  
8 in subdivision (d) of Section 11462.04 of the Welfare and  
9 Institutions Code.

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

11 (f) 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. 10. Section 1506.1 is added to the Health and Safety  
15 Code, to read:

16 1506.1. (a) A foster family agency shall prepare and maintain  
17 a current, written plan of operation as required by the department.

18 (b) (1) *On and after January 1, 2017, a foster family agency*  
19 *shall have national accreditation from an entity identified by the*  
20 *department pursuant to the process described in paragraph (8) of*  
21 *subdivision (b) of Section 11463 of the Welfare and Institutions*  
22 *Code.*

23 (2) *Notwithstanding paragraph (1), the department may issue*  
24 *a provisional license to a foster family agency and may extend the*  
25 *term of the provisional license in order for the foster family agency*  
26 *to secure accreditation as set forth in subdivision (c) of Section*  
27 *1525.5.*

28 (b)

29 (c) (1) *On and after January 1, 2017, a foster family agency's*  
30 *plan of operation shall demonstrate the foster family agency's*  
31 *ability to support the differing needs of children and their families.*

32 (1)

33 (2) *In addition to complying with the rules and regulations*  
34 *adopted pursuant to this chapter, a foster family agency's plan of*  
35 *operation shall contain a description of the core services and*  
36 *supports, as set forth in paragraph (5) of subdivision (b) of Section*  
37 *11463 of the Welfare and Institutions Code and as prescribed by*  
38 *the department, to be offered to children and their families, as*  
39 *appropriate or as necessary. include a program statement. The*

1 *program statement shall contain a description of all of the*  
 2 *following:*

3 (A) *The core services and supports, as set forth in paragraph*  
 4 *(5) of subdivision (b) of Section 11463 of the Welfare and*  
 5 *Institutions Code, and as prescribed by the department, to be*  
 6 *offered to children and their families, as appropriate or as*  
 7 *necessary.*

8 ~~(2)~~

9 (B) ~~The plan of operation shall identify whether the foster family~~  
 10 ~~agency is providing treatment or nontreatment services, and shall~~  
 11 ~~specifically describe the treatment practices that will be used in~~  
 12 ~~serving children and families in care. families.~~

13 (C) *A description of the services to be provided to meet the*  
 14 *treatment needs of the child as assessed pursuant to subdivision*  
 15 *(d) or (e) of Section 11462.01 of the Welfare and Institutions Code.*

16 ~~(3) The plan of operation shall describe how~~

17 (D) *How the foster family agency will comply with the resource*  
 18 *family approval standards and requirements, as set forth in Section*  
 19 *16519.5 of the Welfare and Institutions Code.*

20 ~~(4)~~

21 (E) *In addition to the rules and regulations adopted pursuant to*  
 22 *this chapter, a county licensed to operate a foster family agency*  
 23 *shall describe, in the plan of operation, its conflict of interest*  
 24 *mitigation plan, on and after January 1, 2017, as set forth in*  
 25 *subdivision (g) of Section 11462.02 of the Welfare and Institutions*  
 26 *Code.*

27 (F) *The foster family agency's plan of operation shall*  
 28 *demonstrate the foster family agency's ability to provide treatment*  
 29 *services to meet the individual needs of children placed in licensed,*  
 30 *approved, or certified relative and nonrelative foster families, as*  
 31 *specified in Section 11402 of the Welfare and Institutions Code.*

32 ~~(e)~~

33 (d) *The department shall have the authority to inspect a foster*  
 34 *family agency pursuant to the system of governmental monitoring*  
 35 *and oversight developed by the department on and after January*  
 36 *1, 2017, pursuant to subdivision (c) of Section 11463 of the*  
 37 *Welfare and Institutions Code.*

38 ~~(d)~~

39 (e) (1) *Upon request of a county, a foster family agency shall*  
 40 *submit its plan of operation to the county which it will primarily*

1 serve. The county may review the plan of operation to determine  
2 whether to issue a certification of all of the following:

3 (A) The program is needed by the county.

4 (B) The provider is capable of effectively and efficiently  
5 operating the program.

6 (C) The provider is willing and able to accept placements who  
7 need the level of care and services that will be provided by the  
8 program.

9 (D) The plan of operation is suitable to meet the needs of the  
10 identified population.

11 ~~(2) In its decision regarding issuance of an AFDC-FC rate, the~~  
12 ~~department may consider whether the county has made the~~  
13 ~~certification in paragraph (1).~~

14 ~~(3)~~

15 (2) The department shall establish procedures for certification  
16 pursuant to paragraph (1), in consultation with the County Welfare  
17 Directors Association, Chief Probation Officers of California, and  
18 other stakeholders, as appropriate.

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

21 1507.25. (a) (1) Notwithstanding any other law, a person  
22 described in paragraph (2), who is not a licensed health care  
23 professional, but who is trained to administer injections by a  
24 licensed health care professional practicing within his or her scope  
25 of practice, may administer emergency medical assistance and  
26 injections for severe diabetic hypoglycemia and anaphylactic shock  
27 to a foster child in placement.

28 (2) The following individuals shall be authorized to administer  
29 emergency medical assistance and injections in accordance with  
30 this subdivision:

31 (A) A relative caregiver.

32 (B) A nonrelative extended family member.

33 (C) A foster family home parent.

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

36 (E) A small family home parent.

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

38 (G) A substitute caregiver of a foster family home or a certified  
39 family home.

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

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

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

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

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

20 (A) A relative caregiver.

21 (B) A nonrelative extended family member.

22 (C) A foster family home parent.

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

25 (E) A small family home parent.

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

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

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

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

36 (c) For purposes of this section, administration of an insulin  
37 injection shall include all necessary supportive activities related  
38 to the preparation and administration of the injection, including  
39 glucose testing and monitoring.

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

7 (e) This section does not supersede the requirements of Section  
8 369.5 of the Welfare and Institutions Code, with respect to the  
9 administration of psychotropic medication to a dependent child of  
10 the court.

11 *SEC. 12. Section 1517 is added to the Health and Safety Code,*  
12 *to read:*

13 *1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5*  
14 *of the Welfare and Institutions Code, the State Department of*  
15 *Social Services, shall implement a unified, family friendly, and*  
16 *child-centered resource family approval process to replace the*  
17 *existing multiple processes for licensing foster family homes,*  
18 *approving relatives and nonrelative extended family members as*  
19 *foster care providers, and approving adoptive families.*

20 *(2) For purposes of this section, a “resource family” means an*  
21 *individual or couple that have successfully met both the home*  
22 *approval standards and the permanency assessment criteria, as*  
23 *set forth in Section 16519.5 of the Welfare and Institutions Code,*  
24 *necessary for providing care for a related or unrelated child who*  
25 *is under the jurisdiction of the juvenile court, or otherwise in the*  
26 *care of a county child welfare agency or probation department.*

27 *(b) A foster family agency that is selected and authorized to*  
28 *participate in early implementation of the resource family approval*  
29 *program, pursuant to subdivision (r) of Section 16519.5 of the*  
30 *Welfare and Institutions Code, shall comply with the provisions*  
31 *of this section.*

32 *(1) Notwithstanding any other law, the foster family agency*  
33 *shall require its applicants and resource families to meet the*  
34 *resource family approval standards set forth in Section 16519.5*  
35 *of the Welfare and Institutions Code, the written directives adopted*  
36 *thereto, and other applicable laws prior to approval and in order*  
37 *to maintain approval.*

38 *(2) The foster family agency shall be responsible for all of the*  
39 *following:*

- 1 (A) *Complying with the applicable provisions of the Community*  
 2 *Care Facilities Act (commencing with Section 1500), the*  
 3 *regulations for foster family agencies, the resource family approval*  
 4 *standards and requirements set forth in Section 16519.5 of the*  
 5 *Welfare and Institutions Code, and the applicable written directives*  
 6 *adopted thereto as directed by the department.*
- 7 (B) *Implementing the requirements for the home approval and*  
 8 *permanency assessment and utilizing standardized documentation*  
 9 *established by the department.*
- 10 (C) *Ensuring staff have the education and experience necessary*  
 11 *to complete the home approval and permanency assessment*  
 12 *competently.*
- 13 (D) *Approving and denying resource family applications,*  
 14 *including all of the following:*
- 15 (i) *Rescinding resource family approvals when appropriate,*  
 16 *consistent with the established standard.*
- 17 (ii) *Providing to the department a log of resource families that*  
 18 *were approved or rescinded during the month by the 10th day of*  
 19 *the following month. For purposes of subdivision (d) of Section*  
 20 *1536, a certified family home includes a resource family approved*  
 21 *by the foster family agency pursuant to this section.*
- 22 (iii) *Updating resource family approval annually.*
- 23 (E) *Monitoring resource families through all of the following:*
- 24 (i) *Ensuring that social workers who identify a condition in the*  
 25 *home that may not meet the resource family approval standards*  
 26 *while in the course of a routine visit to children subsequently*  
 27 *placed with a resource family take appropriate action as needed.*
- 28 (ii) *Requiring resource families to comply with corrective action*  
 29 *plans as necessary to correct identified deficiencies. If corrective*  
 30 *action is not completed as specified in the plan, the foster family*  
 31 *agency or the department may rescind the approval of the resource*  
 32 *family in accordance with the written directives adopted pursuant*  
 33 *to Section 16519.5 of the Welfare and Institutions Code.*
- 34 (iii) *Requiring resource families to report to the foster family*  
 35 *agency any incidents as specified in the written directives adopted*  
 36 *pursuant to Section 16519.5 of the Welfare and Institutions Code.*
- 37 (F) *Performing corrective action as required by the department.*
- 38 (G) *Submitting information and data that the department*  
 39 *determines is necessary to study, monitor, and prepare the report*

1 *specified in paragraph (9) of subdivision (f) of Section 16519.5 of*  
2 *the Welfare and Institutions Code.*

3 *(H) Ensuring resource family applicants and resource families*  
4 *meet the training requirements set forth in paragraphs (12) to*  
5 *(14), inclusive, of subdivision (g) of Section 16519.5 of the Welfare*  
6 *and Institutions Code.*

7 *(3) In addition to subdivision (f) of Section 16519.5 of the*  
8 *Welfare and Institutions Code, the State Department of Social*  
9 *Services shall be responsible for investigating all complaints*  
10 *against a resource family approved by the foster family agency*  
11 *and taking any action it deems necessary. This shall include*  
12 *investigating any incidents reported about a resource family*  
13 *indicating that the approval standard is not being maintained.*  
14 *Complaint investigations shall be conducted in accordance with*  
15 *the written directives adopted pursuant to Section 16519.5 of the*  
16 *Welfare and Institutions Code.*

17 *(A) The department may enter and inspect the home of a*  
18 *resource family approved by the foster family agency to secure*  
19 *compliance with the resource family approval standards,*  
20 *investigate a complaint or incident, or ensure the quality of care*  
21 *provided.*

22 *(4) Nothing in this section or Section 16519.5 of the Welfare*  
23 *and Institutions Code limits the authority of the department to*  
24 *inspect, evaluate, investigate a complaint or incident, or initiate*  
25 *a disciplinary action against a foster family agency pursuant to*  
26 *this chapter or to take any action it may deem necessary for the*  
27 *health and safety of children placed with the foster family agency.*

28 *(c) For purposes of paragraph (3) of subdivision (b) of Section*  
29 *1523.1, a certified family home includes a resource family*  
30 *approved by the foster family agency pursuant to this section.*

31 *(d) On and after January 1, 2017, all licensed foster family*  
32 *agencies shall approve resource families in lieu of certifying foster*  
33 *homes. A foster family agency shall require its applicants and*  
34 *resource families to meet the approval standards and requirements*  
35 *set forth in Section 16519.5 of the Welfare and Institutions Code,*  
36 *the written directives adopted thereto, and other applicable laws*  
37 *prior to approval and in order to maintain approval.*

38 ~~SEC. 12.~~

39 *SEC. 13.* Section 1520.1 of the Health and Safety Code is  
40 amended to read:

1 1520.1. In addition to Section 1520, applicants for a group  
2 home or short-term residential treatment center license shall meet  
3 the following requirements:

4 (a) (1) During the first 12 months of operation, the facility shall  
5 operate with a provisional license. After eight months of operation,  
6 the department shall conduct a comprehensive review of the facility  
7 for compliance with all applicable laws and regulations and help  
8 develop a plan of correction with the provisional licensee, if  
9 appropriate. By the end of the 12th month of operation, the  
10 department shall determine if the permanent license should be  
11 issued.

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

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

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

23 (3) By no later than the first business day of the 17th month of  
24 operation, the department shall conduct an additional review of a  
25 facility for which a provisional license is extended pursuant to  
26 paragraph (2), in order to determine whether a permanent license  
27 should be issued.

28 (4) *At the time of its review pursuant to paragraph (3), the*  
29 *department may extend the term of a provisional license for a*  
30 *period not to exceed two years, only if it determines that this*  
31 *additional time period is required to secure accreditation from an*  
32 *entity identified by the department pursuant to the process*  
33 *described in paragraph (4) of subdivision (b) of Section 11462*  
34 *Welfare and Institutions Code and provided that all other*  
35 *requirements for a license have been met.*

36 ~~(4)~~

37 (5) The department may deny a group home or short-term  
38 residential treatment center license application at any time during  
39 the term of the provisional license to protect the health and safety  
40 of clients. If the department denies the application, the group home

1 or short-term residential treatment center shall cease operation  
2 immediately. Continued operation of the facility after the  
3 department denies the application or the provisional license expires  
4 shall constitute unlicensed operation.

5 ~~(5)~~

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

14 *(b) An applicant for a short-term residential treatment center*  
15 *license shall submit to the department a certification from the*  
16 *county which it primarily serves as set forth in subdivision (c) of*  
17 *Section 1562.01.*

18 ~~(b)~~

19 (c) (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)~~, (g), 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 ~~(e)~~

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

27 ~~(e)~~

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

34 ~~(e)~~

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

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

- 4 (A) A member of the facility's board of directors.
- 5 (B) Members of the community where the facility is located.
- 6 (C) Neighbors of the facility.
- 7 (D) Current or former clients of the facility.
- 8 (E) A representative from a local law enforcement or other city  
9 or county representative.

10 (f)

11 (g) Each group home or short-term residential treatment center  
12 provider shall schedule and conduct quarterly meetings of its board  
13 of directors or governing body. During these quarterly meetings,  
14 the board of directors or governing body shall review and discuss  
15 licensing reports, financial and program audit reports of its group  
16 home or short-term residential treatment center operations, special  
17 incident reports, and any administrative action against the licensee  
18 or its employees. The minutes shall reflect the board's or governing  
19 body's discussion of these documents and the group home's or  
20 short-term residential treatment center's operation. The licensee  
21 shall make available the minutes of group home's or short-term  
22 residential treatment center's board of directors or governing body  
23 meetings to the department.

24 ~~SEC. 13.~~

25 *SEC. 14.* Section 1522.2 of the Health and Safety Code is  
26 amended to read:

27 1522.2. If a local law enforcement agency, a probation officer,  
28 or a local department or agency that provides social services  
29 becomes aware that an employee of a community treatment facility,  
30 a day treatment facility, a group home, a short-term residential  
31 treatment center, or a foster family agency has been arrested for  
32 child abuse, as defined in Section 11165.6 of the Penal Code, after  
33 determining that the potential for abuse is present and that the  
34 employee is free to return to the facility where children are present,  
35 the local law enforcement agency, probation officer, or local  
36 department or agency shall notify the licensee of the charge of  
37 abuse.

38 ~~SEC. 14.~~

39 *SEC. 15.* Section 1522.4 of the Health and Safety Code is  
40 amended to read:

1 1522.4. (a) In addition to any other requirements of this chapter  
2 and except for foster family homes, small family homes, and  
3 certified family homes of foster family agencies, all of the  
4 following apply to any community care facility providing 24-hour  
5 care for children:

6 (1) The facility shall have one or more facility managers.  
7 “Facility manager,” as used in this section, means a person on the  
8 premises with the authority and responsibility necessary to manage  
9 and control the day-to-day operation of a community care facility  
10 and supervise the clients. The facility manager, licensee, and  
11 administrator, or any combination thereof, may be the same person  
12 provided he or she meets all applicable requirements. If the  
13 administrator is also the facility manager for the same facility, this  
14 person shall be limited to the administration and management of  
15 only one facility.

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

19 (3) A facility manager shall be at the facility at all times when  
20 one or more clients are present. To ensure adequate supervision  
21 of clients when clients are at the facility outside of their normal  
22 schedule, a current telephone number where the facility manager  
23 can be reached shall be provided to the clients, licensing agency,  
24 school, and any other agency or person as the department  
25 determines is necessary. The facility manager shall instruct these  
26 agencies and individuals to notify him or her when clients will be  
27 returning to the facility outside of the normal hours.

28 (4) The Legislature intends to upgrade the quality of care in  
29 licensed facilities. For the purposes of Sections 1533 and 1534,  
30 the licensed facility shall be inspected and evaluated for quality  
31 of care at least once each year, without advance notice and as often  
32 as necessary, without advance notice, to ensure the quality of care  
33 being provided.

34 Paragraphs (1), (2), and (3) shall apply only to new facilities  
35 licensed for six or fewer children which apply for a license after  
36 January 1, 1985, and all other new facilities licensed for seven or  
37 more children which apply for a license after January 1, 1988.  
38 Existing facilities licensed for seven or more children shall comply  
39 by January 1, 1989.

1 (b) No employee of the state or county employed in the  
2 administration of this chapter or employed in a position that is in  
3 any way concerned with facilities licensed under this chapter shall  
4 hold a license or have a direct or indirect financial interest in a  
5 facility described in subdivision (a).

6 The department, by regulation, shall make the determination  
7 pursuant to the purposes of this section and chapter, as to what  
8 employment is in the administration of this chapter or in any way  
9 concerned with facilities licensed under this chapter and what  
10 financial interest is direct or indirect.

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

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

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

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

35 ~~SEC. 15.~~

36 *SEC. 16.* Section 1522.41 of the Health and Safety Code is  
37 amended to read:

38 1522.41. (a) (1) The department, in consultation and  
39 collaboration with county placement officials, group home provider  
40 organizations, the Director of Health Care Services, and the

1 Director of Developmental Services, shall develop and establish  
 2 an administrator certification training program to ensure that  
 3 administrators of group home facilities have appropriate training  
 4 to provide the care and services for which a license or certificate  
 5 is issued.

6 (2) The department shall develop and establish an administrator  
 7 certification training program to ensure that administrators of  
 8 short-term residential treatment center facilities have appropriate  
 9 training to provide the care and services for which a license or  
 10 certificate is issued.

11 (b) (1) In addition to any other requirements or qualifications  
 12 required by the department, an administrator of a group home or  
 13 short-term residential treatment center shall successfully complete  
 14 a *specified* department-approved training certification program,  
 15 pursuant to subdivision (c), prior to employment. ~~An administrator  
 16 employed in a group home or short-term residential treatment  
 17 center shall meet the requirements of paragraph (2) of subdivision  
 18 (e).~~

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

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

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

26 (c) (1) The administrator certification programs *for group homes*  
 27 shall require a minimum of 40 hours of classroom instruction that  
 28 provides training on a uniform core of knowledge in each of the  
 29 following areas:

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

33 (B) Business operations.

34 (C) Management and supervision of staff.

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

36 (E) Community and support services.

37 (F) Physical needs for facility residents.

38 (G) ~~Administration,~~ *Assistance with self-administration,* storage,  
 39 misuse, and interaction of medication used by facility residents.

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

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

11 (J) Nonviolent emergency intervention and reporting  
12 requirements.

13 (K) Basic instruction on the existing laws and procedures  
14 regarding the safety of foster youth at school and the ensuring of  
15 a harassment- and violence-free school environment contained in  
16 the ~~School Safety and Violence Prevention Act (Article Article~~  
17 ~~3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of~~  
18 ~~Division 1 of Title 1 of the Education Code). Code.~~

19 ~~(2) The department shall adopt separate program requirements~~  
20 ~~for initial certification for persons who are employed as group~~  
21 ~~home administrators on the effective date of this section. A person~~  
22 ~~employed as an administrator of a group home facility on the~~  
23 ~~effective date of this section shall obtain a certificate by completing~~  
24 ~~the training and testing requirements imposed by the department~~  
25 ~~within 12 months of the effective date of the regulations~~  
26 ~~implementing this section. After the effective date of this section,~~  
27 ~~these administrators shall meet the requirements imposed by the~~  
28 ~~department on all other group home administrators for certificate~~  
29 ~~renewal.~~

30 ~~(3) The department shall adopt a separate administrator~~  
31 ~~certification training program for group home administrators who~~  
32 ~~desire to become short-term residential treatment center~~  
33 ~~administrators.~~

34 *(2) The administrator certification programs for short-term*  
35 *residential treatment centers shall require a minimum of 40 hours*  
36 *of classroom instruction that provides training on a uniform core*  
37 *of knowledge in each of the following areas:*

38 *(A) Laws, regulations, and policies and procedural standards*  
39 *that impact the operations of the type of facility for which the*  
40 *applicant will be an administrator.*

- 1 (B) *Business operations and management and supervision of*  
2 *staff, including staff training.*
- 3 (C) *Physical and psychosocial needs of the children, including*  
4 *behavior management, de-escalation techniques, and trauma*  
5 *informed crisis management planning.*
- 6 (D) *Educational needs of the children.*
- 7 (E) *Community and support services, including accessing local*  
8 *behavioral and mental health supports and interventions, as*  
9 *appropriate.*
- 10 (F) *Authorization, uses, benefits, side effects, interactions,*  
11 *assistance with self-administration, misuse, documentation, and*  
12 *storage of medications, and metabolic monitoring of children using*  
13 *medications.*
- 14 (G) *Admission retention, and assessment procedures, including*  
15 *the right of a foster child to have fair and equal access to all*  
16 *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 (H) *Instruction on cultural competency and sensitivity relating*  
22 *to, and best practices for, providing adequate care for children,*  
23 *including, but not limited to, lesbian, gay, bisexual, and*  
24 *transgender youth.*
- 25 (I) *Nonviolent emergency intervention and reporting*  
26 *requirements.*
- 27 (J) *Basic instruction on the existing laws and procedures*  
28 *regarding the safety of foster youth at school and the ensuring of*  
29 *a harassment- and violence-free school environment contained in*  
30 *Article 3.6 (commencing with Section 32228) of Chapter 2 of Part*  
31 *19 of Division 1 of Title 1 of the Education Code.*
- 32 (d) *Administrators who possess a valid group home license,*  
33 *issued by the department, are exempt from completing an approved*  
34 *initial certification training program and taking a written test,*  
35 *provided the individual completes 12 hours of classroom*  
36 *instruction in the following uniform core of knowledge areas:*
- 37 (1) *Laws, regulations, and policies and procedural standards*  
38 *that impact the operations of a short-term residential treatment*  
39 *center.*

1 (2) *Authorization, uses, benefits, side effects, interactions,*  
2 *assistance with self-administration, misuse, documentation, and*  
3 *storage of medications, and metabolic monitoring of children using*  
4 *medications.*

5 (3) *Admission, retention, and assessment procedures, including*  
6 *the right of a foster child to have fair and equal access to all*  
7 *available services, placement, care, treatment, and benefits, and*  
8 *to not be subjected to discrimination or harassment on the basis*  
9 *of actual or perceived race, ethnic group identification, ancestry,*  
10 *national origin, color, religion, sex, sexual orientation, gender*  
11 *identity, mental or physical disability, or HIV status.*

12 (4) *Physical and psychosocial needs of the children, including*  
13 *behavior management, de-escalation techniques, and trauma*  
14 *informed crisis management planning.*

15 ~~(4)~~

16 (e) Individuals applying for administrator certification under  
17 this section shall successfully complete an approved administrator  
18 certification training program, pass a written test administered by  
19 the department within 60 days of completing the program, and  
20 submit to the department the documentation required by  
21 subdivision-~~(d)~~ (f) within 30 days after being notified of having  
22 passed the test. The department may extend these time deadlines  
23 for good cause. The department shall notify the applicant of his  
24 or her test results within 30 days of administering the test.

25 ~~(d)~~

26 (f) The department shall not begin the process of issuing a  
27 certificate until receipt of all of the following:

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

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

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

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

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

39 ~~(e)~~

1 (g) It shall be unlawful for any person not certified under this  
 2 section to hold himself or herself out as a certified administrator  
 3 of a group home or short-term residential treatment center. Any  
 4 person willfully making any false representation as being a certified  
 5 administrator or facility manager is guilty of a misdemeanor.

6 ~~(f)~~

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

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

27 (3) Certificates issued under this section shall expire every two  
 28 years on the anniversary date of the initial issuance of the  
 29 certificate, except that any administrator receiving his or her initial  
 30 certification on or after July 1, 1999, shall make an irrevocable  
 31 election to have his or her recertification date for any subsequent  
 32 recertification either on the date two years from the date of issuance  
 33 of the certificate or on the individual's birthday during the second  
 34 calendar year following certification. The department shall send  
 35 a renewal notice to the certificate holder 90 days prior to the  
 36 expiration date of the certificate. If the certificate is not renewed  
 37 prior to its expiration date, reinstatement shall only be permitted  
 38 after the certificate holder has paid a delinquency fee equal to three  
 39 times the renewal fee and has provided evidence of completion of  
 40 the continuing education required.

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

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

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

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

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

36 ~~(g)~~

37 (i) Unless otherwise ordered by the department, the certificate  
38 shall be considered forfeited under either of the following  
39 conditions:

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

3 (2) The department has issued an exclusion order against the  
4 administrator pursuant to Section 1558, 1568.092, 1569.58, or  
5 1596.8897, after the department issued the certificate, and the  
6 administrator did not appeal the exclusion order or, after the appeal,  
7 the department issued a decision and order that upheld the  
8 exclusion order.

9 ~~(h)~~

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

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

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

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

38 (2) The department may authorize vendors to conduct the  
39 administrator’s certification training program pursuant to this

1 section. The department shall conduct the written test pursuant to  
2 regulations adopted by the department.

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

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

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

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

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

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

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

31 (iii) A final screen displaying a printable statement, to be signed  
32 by the participant, certifying that the identified participant  
33 completed the course. The vendor shall obtain a copy of the final  
34 screen statement with the original signature of the participant prior  
35 to the issuance of a certificate of completion. The signed statement  
36 of completion shall be maintained by the vendor for a period of  
37 three years and be available to the department upon demand. Any  
38 person who certifies as true any material matter pursuant to this  
39 clause that he or she knows to be false is guilty of a misdemeanor.

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

7 ~~(i)~~

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

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

13 ~~(k)~~

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

24 ~~SEC. 16.~~

25 *SEC. 17.* Section 1522.43 of the Health and Safety Code is  
 26 amended to read:

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

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

39 (3) For current licensees, the licensee shall submit an amended  
 40 plan of operation that contains the information required by

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

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

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

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

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

39 (d) *The department shall establish a process, no later than*  
40 *January 1, 2017, for convening the peer review panel as needed*

1 *to address complaints or other concerns that may arise in the*  
2 *operation of the short-term residential treatment centers, and shall*  
3 *develop this process in consultation with the County Welfare*  
4 *Directors Association, Chief Probation Officers of California,*  
5 *County Behavioral Health Directors Association, and stakeholders.*

6 ~~SEC. 17.~~

7 SEC. 18. Section 1524.6 of the Health and Safety Code is  
8 amended to read:

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

24 (b) In order to ensure the opportunity for complaints to be made  
25 directly to the owner, licensee, or person designated by the owner  
26 or licensee, and to provide the opportunity for the owner, licensee,  
27 or person designated by the owner or licensee to meet  
28 neighborhood residents and learn of problems in the neighborhood,  
29 any group home or short-term residential treatment center shall  
30 establish a fixed time on a periodic basis when the owner, licensee,  
31 or person designated by the owner or licensee will be present. At  
32 this fixed time, information shall be provided to neighborhood  
33 residents of the complaint procedure pursuant to Section 1538.

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

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

1     *SEC. 19. Section 1525.5 of the Health and Safety Code is*  
2 *amended to read:*

3     1525.5. (a) ~~The director~~ *department* may issue provisional  
4 licenses to operate community care facilities for facilities which  
5 the director determines are in substantial compliance with the  
6 provisions of this chapter and the rules and regulations adopted  
7 pursuant thereto, provided, that no life safety risks are involved,  
8 as determined by the director. In determining whether any life  
9 safety risks are involved, the director shall require completion of  
10 all applicable fire clearances and criminal record clearances as  
11 otherwise required by the department's rules and regulations. The  
12 provisional license shall expire six months from the date of  
13 issuance, or at any earlier time as the director may determine, and  
14 may not be renewed. However, the director may extend the term  
15 of a provisional license for an additional six months at time of  
16 application, if it is determined that more than six months will be  
17 required to achieve full compliance with licensing standards due  
18 to circumstances beyond the control of the applicant, provided all  
19 other requirements for a license have been met.

20     (b) This section shall not apply to foster family homes.

21     (c) *At the time of its review pursuant to the requirements of this*  
22 *code, the department may extend the term of a provisional license*  
23 *not to exceed two years, only if it determines that this additional*  
24 *time is required to secure accreditation from an entity identified*  
25 *by the department pursuant to the accreditation process described*  
26 *in Section 11462 of the Welfare and Institutions Code and provided*  
27 *that all other requirements for a license have been met.*

28     ~~SEC. 18.~~

29     *SEC. 20. Section 1529.2 of the Health and Safety Code is*  
30 *amended to read:*

31     1529.2. (a) In addition to the foster parent training provided  
32 by community colleges, foster family agencies shall provide a  
33 program of training for their certified foster families.

34     (b) (1) Every licensed foster parent shall complete a minimum  
35 of 12 hours of foster parent training, as prescribed in paragraph  
36 (3), before the placement of any foster children with the foster  
37 parent. In addition, a foster parent shall complete a minimum of  
38 eight hours of foster parent training annually, as prescribed in  
39 paragraph (4). No child shall be placed in a foster family home

1 unless these requirements are met by the persons in the home who  
 2 are serving as the foster parents.

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

11 (i) Lack of access to training due to the cost or travel required.  
 12 (ii) Family emergency.

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

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

18 (A) An overview of the child protective ~~system~~ *and probation*  
 19 *systems*.

20 (B) The effects of *trauma, including grief and loss, and child*  
 21 *abuse and neglect on child ~~development~~ development, and methods*  
 22 *to behaviorally support children impacted by that trauma*.

23 (C) Positive discipline and the importance of self-esteem.

24 (D) Health issues in foster ~~care~~ *care, including, but not limited*  
 25 *to, the authorization, uses, risks, benefits, assistance with*  
 26 *self-administration, oversight, and monitoring of psychotropic or*  
 27 *other medications, and trauma, behavioral health, and other*  
 28 *behavioral health treatments, for children receiving child welfare*  
 29 *services, including how to access those treatments*.

30 (E) Accessing education and health services available to foster  
 31 children.

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

38 (G) 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 (H) Basic instruction on the existing laws and procedures  
2 regarding the safety of foster youth at school and the ensuring of  
3 a harassment- and violence-free school environment contained in  
4 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part  
5 19 of Division 1 of Title 1 of the Education Code.

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

8 (A) Age-appropriate child development.

9 (B) Health issues in foster care.

10 (C) Positive discipline and the importance of self-esteem.

11 (D) Emancipation and independent living skills if a foster parent  
12 is caring for youth.

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

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

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

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

31 *(c) In addition to any training required by this section, a foster  
32 parent may be required to receive specialized training, as relevant,  
33 for the purpose of preparing the foster parent to meet the needs  
34 of a particular child in care. This training may include, but is not  
35 limited to, the following:*

36 *(1) Understanding how to use best practices for providing care  
37 and supervision to commercially sexually exploited children.*

38 *(2) Understanding how to use best practices for providing care  
39 and supervision to lesbian, gay, bisexual, and transgender children.*

1 (3) *Understanding the requirements and best practices*  
 2 *regarding psychotropic medications, including, but not limited to,*  
 3 *court authorization, benefits, uses, side effects, interactions,*  
 4 *assistance with self-administration, misuse, documentation,*  
 5 *storage, and metabolic monitoring of children using medications.*

6 (4) *Understanding the federal Indian Child Welfare Act, its*  
 7 *historical significance, the rights of children covered by the act,*  
 8 *and the best interests of those children, including the role of the*  
 9 *caregiver in supporting culturally appropriate, child-centered*  
 10 *practices that respect Native American history, culture, retention*  
 11 *of tribal membership and connection to the tribal community and*  
 12 *traditions.*

13 (5) *Understanding how to use best practices for providing care*  
 14 *and supervision to nonminor dependents.*

15 (6) *Understanding how to use best practices for providing care*  
 16 *and supervision to medically fragile children.*

17 (e)

18 (d) Nothing in this section shall preclude a county from requiring  
 19 county-provided preplacement or postplacement foster parent  
 20 training in excess of the requirements in this section.

21 (f)

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

25 ~~SEC. 19.~~

26 *SEC. 21.* Section 1529.2 is added to the Health and Safety  
 27 Code, to read:

28 1529.2. (a) It is the intent of the Legislature that all foster  
 29 parents have the necessary knowledge, skills, and abilities to  
 30 support the safety, permanency, and well-being of children in foster  
 31 care. Initial and ongoing preparation and training of foster parents  
 32 should support the foster parent’s role in parenting vulnerable  
 33 children, youth, and young adults, including supporting the  
 34 children’s connection with their families. Their training should be  
 35 ongoing in order to provide foster parents with information on new  
 36 practices and requirements and other helpful topics within the child  
 37 welfare ~~system~~ *and probation systems* and may be offered in a  
 38 classroom setting, online, or individually.

39 (b) A licensed or certified foster parent shall complete a  
 40 minimum of eight training hours annually, a portion of which shall

1 be from one or more of the following topics, as prescribed by the  
2 department, pursuant to subdivision (a):

3 (1) Age-appropriate child and adolescent development.

4 (2) Health issues in foster care, ~~including the administration of~~  
5 ~~psychotropic and other medications:~~ *including, but not limited to,*  
6 *the authorization, uses, risks, benefits, assistance with*  
7 *self-administration, oversight, and monitoring of psychotropic or*  
8 *other medications, and trauma, behavioral health, and other*  
9 *available behavioral health treatments, for children receiving child*  
10 *welfare services, including how to access those treatments.*

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

12 (4) ~~Preparation for youth and young adults of children for a~~  
13 ~~successful transition to adulthood.~~

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 (6) Instruction on cultural competency and ~~respect sensitivity~~  
21 relating to, and best practices for, providing adequate care to  
22 lesbian, gay, bisexual, and transgender youth in out-of-home care.

23 (c) *In addition to any training required by this section, a foster*  
24 *parent may be required to receive specialized training, as relevant,*  
25 *for the purpose of preparing the foster parent to meet the needs*  
26 *of a particular child in care. This training may include, but is not*  
27 *limited to, the following:*

28 (1) *Understanding how to use best practices for providing care*  
29 *and supervision to commercially sexually exploited children.*

30 (2) *Understanding how to use best practices for providing care*  
31 *and supervision to lesbian, gay, bisexual, and transgender children.*

32 (3) *Understanding the requirements and best practices*  
33 *regarding psychotropic medications, including, but not limited to,*  
34 *court authorization, benefits, uses, side effects, interactions,*  
35 *assistance with self-administration, misuse, documentation,*  
36 *storage, and metabolic monitoring of children using medications.*

37 (4) *Understanding the Indian Child Welfare Act, its historical*  
38 *significance, the rights of children covered by the act, and the best*  
39 *interests of Native American children, including the role of the*  
40 *caregiver in supporting culturally appropriate, child-centered*

1 *practices that respect Native American history, culture, retention*  
 2 *of tribal membership and connection to the tribal community and*  
 3 *traditions.*

4 (5) *Understanding how to use best practices for providing care*  
 5 *and supervision to nonminor dependents.*

6 (6) *Understanding how to use best practices for providing care*  
 7 *and supervision to medically fragile children.*

8 ~~(e)~~

9 (d) No child shall be placed with a foster parent unless each  
 10 foster parent in the home meets the requirements of this section.

11 ~~(d)~~

12 (e) (1) Upon the request of the licensed or certified foster parent  
 13 for a hardship waiver from the annual training requirement or a  
 14 request for an extension of the deadline, the county may, at its  
 15 option, on a case-by-case basis, waive the training requirement or  
 16 extend any established deadline for a period not to exceed one  
 17 year, if the training requirement presents a severe and unavoidable  
 18 obstacle to continuing as a foster parent.

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

21 (A) Lack of access to training due to the cost or travel required  
 22 or lack of child care to participate in the training, when online  
 23 resources are not available.

24 (B) Family emergency.

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

28 ~~(e)~~

29 (f) (1) Foster parent training may be obtained through sources  
 30 that include, but are not necessarily limited to, community colleges,  
 31 counties, hospitals, foster parent associations, the California State  
 32 Foster Parent Association’s Conference, online resources, adult  
 33 schools, and certified foster parent instructors.

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

37 ~~(f)~~

38 (g) (1) Training certificates shall be submitted to the appropriate  
 39 licensing or foster family agency.

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

3 ~~(g)~~

4 (h) Nothing in this section shall preclude a county or a foster  
5 family agency from requiring foster parent training in excess of  
6 the requirements in this section.

7 ~~(h)~~

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

9 ~~SEC. 20.~~

10 *SEC. 22.* Section 1530.7 of the Health and Safety Code is  
11 amended to read:

12 1530.7. (a) Group homes, short-term residential treatment  
13 centers, foster family agencies, small family homes, transitional  
14 housing placement providers, and crisis nurseries licensed pursuant  
15 to this chapter shall maintain a smoke-free environment in the  
16 facility.

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

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

25 ~~SEC. 21.~~

26 *SEC. 23.* Section 1530.8 of the Health and Safety Code is  
27 amended to read:

28 1530.8. (a) (1) The department shall adopt regulations for  
29 community care facilities licensed as group homes, and for  
30 temporary shelter care facilities as defined in subdivision (c), that  
31 care for dependent children, children placed by a regional center,  
32 or voluntary placements, who are younger than six years of age.  
33 The department shall adopt ~~these regulations after assessing the~~  
34 ~~needs of this population and developing standards pursuant to~~  
35 ~~Section 11467.1 of the Welfare and Institutions Code. To the extent~~  
36 ~~that the department determines they are necessary, the department~~  
37 ~~may adopt regulations under this section that apply to short-term~~  
38 ~~residential treatment centers that care for children younger than~~  
39 ~~six years of age. regulations that apply to short-term residential~~  
40 *treatment centers that care for children younger than six years of*

1 *age. The regulations shall include the standards set forth in*  
2 *subdivision (c) of Section 11467.1 of the Welfare and Institutions*  
3 *Code.*

4 (2) The department shall adopt regulations under this section  
5 that apply to minor parent programs serving children younger than  
6 six years of age who reside in a group home with a minor parent  
7 who is the primary caregiver of the child. ~~To the extent that the~~  
8 ~~department determines they are necessary, the department may~~  
9 ~~adopt regulations under this section that apply to short-term~~  
10 ~~residential treatment centers that provide minor parent programs~~  
11 ~~serving children younger than six years of age. The department~~  
12 ~~shall adopt regulations under this section that apply to short-term~~  
13 ~~residential treatment centers that provide minor parent programs~~  
14 ~~serving children younger than six years of age.~~

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

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

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

38 (1) It is owned and operated by ~~the county~~. *county or on behalf*  
39 *of a county by a private, nonprofit agency.*

1 (2) It is a 24-hour facility that provides ~~short-term~~ *no more than*  
2 *10 calendar days* of residential care and supervision for ~~dependent~~  
3 children under 18 years of age who have been removed from their  
4 homes as a result of abuse or neglect, as defined in Section 300 of  
5 the Welfare and Institutions Code, or both.

6 (d) (1) *The department may license a temporary shelter care*  
7 *facility pursuant to this chapter on or after January 1, 2016. A*  
8 *temporary shelter care license may be issued only to a county*  
9 *operating a licensed group home, or to an agency on behalf of a*  
10 *county, as of January 1, 2016.*

11 (2) *The department shall consult with counties that operate*  
12 *these shelters as licensed group homes to develop a transition plan*  
13 *for the development of temporary shelter care facilities to address*  
14 *the unique circumstances and needs of the populations they serve,*  
15 *while remaining consistent with the principles of the act that added*  
16 *this subdivision.*

17 (3) *These transition plans shall describe circumstances under*  
18 *which children will be admitted for a period in excess of 24 hours*  
19 *and reflect necessary staffing levels or staffing transitions.*

20 (e) (1) *A group home license issued to a county will be forfeited*  
21 *by operation of law upon receipt of a license to operate a*  
22 *temporary shelter care facility as described in Section 11462.022*  
23 *of the Welfare and Institutions Code.*

24 (2) *Nothing in this subdivision shall preclude a county from*  
25 *applying for and being licensed as a short-term residential*  
26 *treatment center pursuant to Section 1562.01 or a runaway and*  
27 *homeless youth shelter pursuant to Section 1502.35, or a foster*  
28 *family agency as authorized by subdivision (b) of Section 11462.02*  
29 *of the Welfare and Institutions Code.*

30 ~~SEC. 22.~~

31 SEC. 24. Section 1531.1 of the Health and Safety Code is  
32 amended to read:

33 1531.1. (a) A residential facility licensed as an adult residential  
34 facility, group home, short-term residential treatment center, small  
35 family home, foster family home, or a family home certified by a  
36 foster family agency may install and utilize delayed egress devices  
37 of the time delay type.

38 (b) As used in this section, “delayed egress device” means a  
39 device that precludes the use of exits for a predetermined period

1 of time. These devices shall not delay any resident’s departure  
2 from the facility for longer than 30 seconds.

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

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

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

10 (2) The person shall be receiving services and case management  
11 from a regional center under the Lanterman Developmental  
12 Disabilities Services Act (Division 4.5 (commencing with Section  
13 4500) of the Welfare and Institutions Code).

14 (3) An interdisciplinary team, through the Individual Program  
15 Plan (IPP) process pursuant to Section 4646.5 of the Welfare and  
16 Institutions Code, shall have determined that the person lacks  
17 hazard awareness or impulse control and requires the level of  
18 supervision afforded by a facility equipped with delayed egress  
19 devices, and that but for this placement, the person would be at  
20 risk of admission to, or would have no option but to remain in, a  
21 more restrictive state hospital or state developmental center  
22 placement.

23 (e) The facility shall be subject to all fire and building codes,  
24 regulations, and standards applicable to residential care facilities  
25 for the elderly utilizing delayed egress devices, and shall receive  
26 approval by the county or city fire department, the local fire  
27 prevention district, or the State Fire Marshal for the installed  
28 delayed egress devices.

29 (f) The facility shall provide staff training regarding the use and  
30 operation of the egress control devices utilized by the facility,  
31 protection of residents’ personal rights, lack of hazard awareness  
32 and impulse control behavior, and emergency evacuation  
33 procedures.

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

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

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

4 (2) A description of how the facility will ensure the protection  
5 of the residents' personal rights consistent with Sections 4502,  
6 4503, and 4504 of the Welfare and Institutions Code.

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

9 (4) A description of the facility's emergency evacuation  
10 procedures.

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

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

17 ~~SEC. 23. Section 1531.15 of the Health and Safety Code is~~  
18 ~~amended to read:~~

19 ~~1531.15. (a) A licensee of an adult residential facility,~~  
20 ~~short-term residential treatment center, or group home for no more~~  
21 ~~than 15 residents, that is eligible for and serving clients eligible~~  
22 ~~for federal Medicaid funding and utilizing delayed egress devices~~  
23 ~~pursuant to Section 1531.1, may install and utilize secured~~  
24 ~~perimeters in accordance with the provisions of this section.~~

25 ~~(b) As used in this section, "secured perimeters" means fences~~  
26 ~~that meet the requirements prescribed by this section.~~

27 ~~(c) Only individuals meeting all of the following conditions~~  
28 ~~may be admitted to or reside in a facility described in subdivision~~  
29 ~~(a) utilizing secured perimeters:~~

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

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

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

38 ~~(B) Notwithstanding subparagraph (A), a child who is at least~~  
39 ~~10 years of age and less than 14 years of age may be placed in a~~  
40 ~~licensed group home or short-term residential treatment center~~

1 ~~described in subdivision (a) using secured perimeters only if both~~  
2 ~~of the following occur:~~

3 ~~(i) A comprehensive assessment is conducted and an individual~~  
4 ~~program plan meeting is convened to determine the services and~~  
5 ~~supports needed for the child to receive services in a less restrictive,~~  
6 ~~unlocked residential setting in California, and the regional center~~  
7 ~~requests assistance from the State Department of Developmental~~  
8 ~~Services' statewide specialized resource service to identify options~~  
9 ~~to serve the child in a less restrictive, unlocked residential setting~~  
10 ~~in California.~~

11 ~~(ii) The regional center requests placement of the child in a~~  
12 ~~licensed group home or short-term residential treatment center~~  
13 ~~described in subdivision (a) using secured perimeters on the basis~~  
14 ~~that the placement is necessary to prevent out-of-state placement~~  
15 ~~or placement in a more restrictive, locked residential setting and~~  
16 ~~the State Department of Developmental Services approves the~~  
17 ~~request.~~

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

21 ~~(5) An interdisciplinary team, through the individual program~~  
22 ~~plan (IPP) process pursuant to Section 4646.5 of the Welfare and~~  
23 ~~Institutions Code, shall have determined the person lacks hazard~~  
24 ~~awareness or impulse control and, for his or her safety and security,~~  
25 ~~requires the level of supervision afforded by a facility equipped~~  
26 ~~with secured perimeters, and, but for this placement, the person~~  
27 ~~would be at risk of admission to, or would have no option but to~~  
28 ~~remain in, a more restrictive placement. The individual program~~  
29 ~~planning team shall determine the continued appropriateness of~~  
30 ~~the placement at least annually.~~

31 ~~(d) The licensee shall be subject to all applicable fire and~~  
32 ~~building codes, regulations, and standards, and shall receive~~  
33 ~~approval by the county or city fire department, the local fire~~  
34 ~~prevention district, or the State Fire Marshal for the installed~~  
35 ~~secured perimeters.~~

36 ~~(e) The licensee shall provide staff training regarding the use~~  
37 ~~and operation of the secured perimeters, protection of residents'~~  
38 ~~personal rights, lack of hazard awareness and impulse control~~  
39 ~~behavior, and emergency evacuation procedures.~~

1     ~~(f) The licensee shall revise its facility plan of operation. These~~  
2 ~~revisions shall first be approved by the State Department of~~  
3 ~~Developmental Services. The plan of operation shall not be~~  
4 ~~approved by the State Department of Social Services unless the~~  
5 ~~licensee provides certification that the plan was approved by the~~  
6 ~~State Department of Developmental Services. The plan shall~~  
7 ~~include, but not be limited to, all of the following:~~  
8     ~~(1) A description of how the facility is to be equipped with~~  
9 ~~secured perimeters that are consistent with regulations adopted by~~  
10 ~~the State Fire Marshal pursuant to Section 13143.6.~~  
11     ~~(2) A description of how the facility will provide training for~~  
12 ~~staff.~~  
13     ~~(3) A description of how the facility will ensure the protection~~  
14 ~~of the residents' personal rights consistent with Sections 4502,~~  
15 ~~4503, and 4504 of the Welfare and Institutions Code, and any~~  
16 ~~applicable personal rights provided in Title 22 of the California~~  
17 ~~Code of Regulations.~~  
18     ~~(4) A description of how the facility will manage residents' lack~~  
19 ~~of hazard awareness and impulse control behavior.~~  
20     ~~(5) A description of the facility's emergency evacuation~~  
21 ~~procedures.~~  
22     ~~(g) Secured perimeters shall not substitute for adequate staff.~~  
23     ~~(h) Emergency fire and earthquake drills shall be conducted on~~  
24 ~~each shift in accordance with existing licensing requirements, and~~  
25 ~~shall include all facility staff providing resident care and~~  
26 ~~supervision on each shift.~~  
27     ~~(i) Interior and exterior space shall be available on the facility~~  
28 ~~premises to permit clients to move freely and safely.~~  
29     ~~(j) For the purpose of using secured perimeters, the licensee~~  
30 ~~shall not be required to obtain a waiver or exception to a regulation~~  
31 ~~that would otherwise prohibit the locking of a perimeter fence or~~  
32 ~~gate.~~  
33     ~~(k) This section shall become operative only upon the~~  
34 ~~publication in Title 17 of the California Code of Regulations of~~  
35 ~~emergency regulations filed by the State Department of~~  
36 ~~Developmental Services. These regulations shall be developed~~  
37 ~~with stakeholders, including the State Department of Social~~  
38 ~~Services, consumer advocates, and regional centers. The regulations~~  
39 ~~shall establish program standards for homes that include secured~~  
40 ~~perimeters, including requirements and timelines for the completion~~

1 and updating of a comprehensive assessment of each consumer's  
 2 needs, including the identification through the individual program  
 3 plan process of the services and supports needed to transition the  
 4 consumer to a less restrictive living arrangement, and a timeline  
 5 for identifying or developing those services and supports. The  
 6 regulations shall establish a statewide limit on the total number of  
 7 beds in homes with secured perimeters. The adoption of these  
 8 regulations shall be deemed to be an emergency and necessary for  
 9 the immediate preservation of the public peace, health and safety,  
 10 or general welfare.

11 *SEC. 25. Section 1531.15 of the Health and Safety Code is*  
 12 *amended to read:*

13 1531.15. (a) A licensee of an adult residential facility facility,  
 14 short-term residential treatment center, or group home for no more  
 15 than six residents, except for the larger facilities provided for in  
 16 paragraph (1) of subdivision (k), that is utilizing delayed egress  
 17 devices pursuant to Section 1531.1, may install and utilize secured  
 18 perimeters in accordance with the provisions of this section.

19 (b) As used in this section, "secured perimeters" means fences  
 20 that meet the requirements prescribed by this section.

21 (c) Only individuals meeting all of the following conditions  
 22 may be admitted to or reside in a facility described in subdivision  
 23 (a) utilizing secured perimeters:

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

26 (2) The person shall be receiving services and case management  
 27 from a regional center under the Lanterman Developmental  
 28 Disabilities Services Act (Division 4.5 (commencing with Section  
 29 4500) of the Welfare and Institutions Code).

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

32 (B) Notwithstanding subparagraph (A), a child who is at least  
 33 10 years of age and less than 14 years of age may be placed in a  
 34 licensed group home described in subdivision (a) using secured  
 35 perimeters only if both of the following occur:

36 (i) A comprehensive assessment is conducted and an individual  
 37 program plan meeting is convened to determine the services and  
 38 supports needed for the child to receive services in a less restrictive,  
 39 unlocked residential setting in California, and the regional center  
 40 requests assistance from the State Department of Developmental

1 Services' statewide specialized resource service to identify options  
2 to serve the child in a less restrictive, unlocked residential setting  
3 in California.

4 (ii) The regional center requests placement of the child in a  
5 licensed group home described in subdivision (a) using secured  
6 perimeters on the basis that the placement is necessary to prevent  
7 out-of-state placement or placement in a more restrictive, locked  
8 residential setting such as a developmental center, institution for  
9 mental disease or psychiatric facility, and the State Department of  
10 Developmental Services approves the request.

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

14 (5) (A) An interdisciplinary team, through the individual  
15 program plan (IPP) process pursuant to Section 4646.5 of the  
16 Welfare and Institutions Code, shall have determined the person  
17 lacks hazard awareness or impulse control and, for his or her safety  
18 and security, requires the level of supervision afforded by a facility  
19 equipped with secured perimeters, and, but for this placement, the  
20 person would be at risk of admission to, or would have no option  
21 but to remain in, a more restrictive placement. The individual  
22 program planning team shall convene every 90 days after admission  
23 to determine and document the continued appropriateness of the  
24 current placement and progress in implementing the transition  
25 plan.

26 (B) The clients' rights advocate for the regional center shall be  
27 notified of the proposed admission and the individual program  
28 plan meeting and may participate in the individual program plan  
29 meeting unless the consumer objects on his or her own behalf.

30 (d) The licensee shall be subject to all applicable fire and  
31 building codes, regulations, and standards, and shall receive  
32 approval by the county or city fire department, the local fire  
33 prevention district, or the State Fire Marshal for the installed  
34 secured perimeters.

35 (e) The licensee shall provide staff training regarding the use  
36 and operation of the secured perimeters, protection of residents'  
37 personal rights, lack of hazard awareness and impulse control  
38 behavior, and emergency evacuation procedures.

39 (f) The licensee shall revise its facility plan of operation. These  
40 revisions shall first be approved by the State Department of

1 Developmental Services. The plan of operation shall not be  
2 approved by the State Department of Social Services unless the  
3 licensee provides certification that the plan was approved by the  
4 State Department of Developmental Services. The plan shall  
5 include, but not be limited to, all of the following:

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

9 (2) A description of how the facility will provide training for  
10 staff.

11 (3) A description of how the facility will ensure the protection  
12 of the residents' personal rights consistent with Sections 4502,  
13 4503, and 4504 of the Welfare and Institutions Code, and any  
14 applicable personal rights provided in Title 22 of the California  
15 Code of Regulations.

16 (4) A description of how the facility will manage residents' lack  
17 of hazard awareness and impulse control behavior, which shall  
18 emphasize positive behavioral supports and techniques that are  
19 alternatives to physical, chemical, or mechanical restraints, or  
20 seclusion.

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

23 (6) A description of how the facility will comply with applicable  
24 health and safety standards.

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

26 (h) Emergency fire and earthquake drills shall be conducted on  
27 each shift in accordance with existing licensing requirements, and  
28 shall include all facility staff providing resident care and  
29 supervision on each shift.

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

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

36 (k) Except as provided in subdivision (k) of Section 4684.81 of  
37 the Welfare and Institutions Code, the state shall not authorize or  
38 fund more than a combined total of 150 beds statewide in facilities  
39 with secured perimeters under this section and under Section  
40 1267.75. The department shall notify the appropriate fiscal and

1 policy committees of the Legislature through the January and May  
2 budget estimates prior to authorizing an increase above a combined  
3 total of 100 beds statewide in facilities with secured perimeters  
4 under this section and under Section 1267.75.

5 (1) A minimum of 50 beds shall be available within programs  
6 designed for individuals who are designated incompetent to stand  
7 trial pursuant to Section 1370.1 of the Penal Code. These beds  
8 shall be within facilities that are exclusively used to provide care  
9 for individuals who are placed and participating in forensic  
10 competency training pursuant to Section 1370.1 of the Penal Code,  
11 except as provided in paragraph (2). No more than half of these  
12 facilities may have more than six beds and no facility may have  
13 more than 15 beds.

14 (2) When, in the joint determination of the regional center and  
15 the facility administrator, an individual would be most  
16 appropriately served in a specific program, regardless of whether  
17 the facility meets the criteria established in paragraph (1),  
18 individuals who are not similarly designated may be placed in the  
19 same facility. That placement may occur only when the individual's  
20 planning team determines that the placement and the facility plan  
21 of operation meet the individual's needs and that placement is not  
22 incompatible with the needs and safety of other facility residents.

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

1     ~~SEC. 24.~~

2     SEC. 26. Section 1534 of the Health and Safety Code is  
3 amended to read:

4     1534. (a) (1) (A) Except for foster family homes, every  
5 licensed community care facility shall be subject to unannounced  
6 inspections by the department.

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

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

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

- 16     (i) When a license is on probation.
- 17     (ii) When the terms of agreement in a facility compliance plan  
18 require an annual inspection.
- 19     (iii) When an accusation against a licensee is pending.
- 20     (iv) When a facility requires an annual inspection as a condition  
21 of receiving federal financial participation.
- 22     (v) In order to verify that a person who has been ordered out of  
23 a facility by the department is no longer at the facility.

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

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

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

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

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

1 (3) In order to facilitate direct contact with group home or  
2 short-term residential treatment center clients, the department may  
3 interview children who are clients of group homes or short-term  
4 residential treatment centers at any public agency or private agency  
5 at which the client may be found, including, but not limited to, a  
6 juvenile hall, recreation or vocational program, or a public or  
7 nonpublic school. The department shall respect the rights of the  
8 child while conducting the interview, including informing the child  
9 that he or she has the right not to be interviewed and the right to  
10 have another adult present during the interview.

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

16 (5) Reports on the results of each inspection, evaluation, or  
17 consultation shall be kept on file in the department, and all  
18 inspection reports, consultation reports, lists of deficiencies, and  
19 plans of correction shall be open to public inspection.

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

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

31 (B) In addition to the inspections required pursuant to  
32 subparagraph (A), a foster family agency shall conduct an  
33 unannounced inspection of a certified family home under any of  
34 the following circumstances:

- 35 (i) When a certified family home is on probation.
- 36 (ii) When the terms of the agreement in a facility compliance  
37 plan require an annual inspection.
- 38 (iii) When an accusation against a certified family home is  
39 pending.

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

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

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

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

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

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

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

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

1 (9) The department may institute or continue a disciplinary  
2 proceeding against a certified or prospective foster parent upon  
3 any ground provided by this section or Section 1550, enter an order  
4 denying or revoking the certificate of approval, or otherwise take  
5 disciplinary action against the certified or prospective foster parent,  
6 notwithstanding any resignation, withdrawal of application,  
7 surrender of the certificate of approval, or denial or revocation of  
8 the certificate of approval by the foster family agency.

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

13 ~~SEC. 25.~~

14 *SEC. 27.* Section 1536 of the Health and Safety Code is  
15 amended to read:

16 1536. (a) (1) At least annually, the department shall publish  
17 and make available to interested persons a list or lists covering all  
18 licensed community care facilities, other than foster family homes  
19 and certified family homes of foster family agencies providing  
20 24-hour care for six or fewer foster children, and the services for  
21 which each facility has been licensed or issued a special permit.

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

26 (A) The number of licensing complaints, types of complaint,  
27 and outcomes of complaints, including citations, fines, exclusion  
28 orders, license suspensions, revocations, and surrenders.

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

32 (b) Subject to subdivision (c), to encourage the recruitment of  
33 foster family homes and certified family homes of foster family  
34 agencies, protect their personal privacy, and to preserve the security  
35 and confidentiality of the placements in the homes, the names,  
36 addresses, and other identifying information of facilities licensed  
37 as foster family homes and certified family homes of foster family  
38 agencies providing 24-hour care for six or fewer children shall be  
39 considered personal information for purposes of the Information  
40 Practices Act of 1977 (Chapter 1 (commencing with Section 1798))

1 of Title 1.8 of Part 4 of Division 3 of the Civil Code). This  
2 information shall not be disclosed by any state or local agency  
3 pursuant to the California Public Records Act (Chapter 3.5  
4 (commencing with Section 6250) of Division 7 of Title 1 of the  
5 Government Code), except as necessary for administering the  
6 licensing program, facilitating the placement of children in these  
7 facilities, and providing names and addresses only to bona fide  
8 professional foster parent organizations upon request.

9 (c) Notwithstanding subdivision (b), the department, a county,  
10 or a foster family agency may request information from, or divulge  
11 information to, the department, a county, or a foster family agency,  
12 regarding a prospective certified parent, foster parent, or relative  
13 caregiver for the purpose of, and as necessary to, conduct a  
14 reference check to determine whether it is safe and appropriate to  
15 license, certify, or approve an applicant to be a certified parent,  
16 foster parent, or relative caregiver.

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

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

25 (1) Monthly reports by a foster family agency regarding family  
26 homes.

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

29 (3) Notification by a foster family agency to the department  
30 informing the department of a foster family agency's determination  
31 to decertify a certified family home due to any of the following  
32 actions by the certified family parent:

33 (A) Violating licensing rules and regulations.

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

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

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

1 (E) Knowingly allowing any child to have illegal drugs or  
2 alcohol.

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

5 ~~SEC. 26.~~

6 *SEC. 28.* Section 1538.3 of the Health and Safety Code is  
7 amended to read:

8 1538.3. A county may develop a cooperative agreement with  
9 the department to access disclosable, public record information  
10 from an automated system, other than the system described in  
11 Section 1538.2, concerning substantiated complaints for all group  
12 home or short-term residential treatment centers, as defined by  
13 regulations of the department, located within that county. Access  
14 to the database may be accomplished through a secure online  
15 transaction protocol.

16 ~~SEC. 27.~~

17 *SEC. 29.* Section 1538.5 of the Health and Safety Code is  
18 amended to read:

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

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

37 (3) A group home or short-term residential treatment center  
38 shall maintain, at the facility, a copy of all licensing reports for  
39 the past three years that would be accessible to the public through  
40 the department, for inspection by placement officials, current and

1 prospective facility clients, and these clients' family members who  
2 visit the facility.

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

7 (1) In the case of a substantiated complaint relating to resident  
8 physical or sexual abuse, the facility shall have three days from  
9 the date the facility receives the licensing report from the  
10 department to comply.

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

15 (c) A residential facility shall retain a copy of the notices  
16 transmitted pursuant to subdivision (b) and proof of their  
17 transmittal by certified mail for a period of one year after their  
18 transmittal.

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

23 (e) Not less than 30 days prior to the anniversary of the effective  
24 date of the license of any group home or short-term residential  
25 treatment center, as defined by regulations of the department, at  
26 the request of the county in which the group home or short-term  
27 residential treatment center is located, a group home or short-term  
28 residential treatment center shall transmit to the county a copy of  
29 all incident reports prepared by the group home or short-term  
30 residential treatment center and transmitted to a placement agency,  
31 as described in subdivision (f) of Section 1536.1, in a county other  
32 than the county in which the group home or short-term residential  
33 treatment center is located that involved a response by local law  
34 enforcement or emergency services personnel, including runaway  
35 incidents. The county shall designate an official for the receipt of  
36 the incident reports and shall notify the group home or short-term  
37 residential treatment center of the designation. Prior to transmitting  
38 copies of incident reports to the county, the group home or  
39 short-term residential treatment center shall redact the name of  
40 any child referenced in the incident reports, and other identifying

1 information regarding any child referenced in the reports. The  
2 county may review the incident reports to ensure that the group  
3 home or short-term residential treatment center has taken  
4 appropriate action to ensure the health and safety of the residents  
5 of the facility.

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

9 ~~SEC. 28.~~

10 *SEC. 30.* Section 1538.6 of the Health and Safety Code is  
11 amended to read:

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

27 (b) It is the intent of the Legislature that the department make  
28 every effort to communicate with the county in which a group  
29 home or short-term residential treatment center is located when  
30 the department has concerns about group homes or short-term  
31 residential treatment centers within that county.

32 ~~SEC. 29.~~

33 *SEC. 31.* Section 1538.7 of the Health and Safety Code is  
34 amended to read:

35 1538.7. (a) A group home, transitional housing placement  
36 provider, community treatment facility, runaway and homeless  
37 youth shelter, or short-term residential treatment center shall report  
38 to the department's Community Care Licensing Division upon the  
39 occurrence of any incident concerning a child in the facility  
40 involving contact with law enforcement. At least every six months,

1 the facility shall provide a followup report for each incident,  
2 including the type of incident, whether the incident involved an  
3 alleged violation of any crime described in Section 602 of the  
4 Welfare and Institutions Code by a child residing in the facility;  
5 whether staff, children, or both were involved; the gender, race,  
6 ethnicity, and age of children involved; and the outcomes, including  
7 arrests, removals of children from placement, or termination or  
8 suspension of staff.

9 (b) (1) If the department determines that, based on the licensed  
10 capacity, a facility has reported, pursuant to subdivision (a), a  
11 greater than average number of law enforcement contacts involving  
12 an alleged violation of any crime described in Section 602 of the  
13 Welfare and Institutions Code by a child residing in the facility,  
14 the department shall inspect the facility at least once a year.

15 (2) An inspection conducted pursuant to paragraph (1) does not  
16 constitute an unannounced inspection required pursuant to Section  
17 1534.

18 (c) If an inspection is required pursuant to subdivision (b), the  
19 Community Care Licensing Division shall provide the report to  
20 the department's Children and Family Services Division and to  
21 any other public agency that has certified the facility's program  
22 or any component of the facility's program including, but not  
23 limited to, the State Department of Health Care Services, which  
24 certifies group homes or short-term residential treatment centers  
25 pursuant to Section 4096.5 of the Welfare and Institutions Code.

26 ~~SEC. 30.~~

27 *SEC. 32.* Section 1548 of the Health and Safety Code, as added  
28 by Section 2 of Chapter 813 of the Statutes of 2014, is amended  
29 to read:

30 1548. (a) In addition to the suspension, temporary suspension,  
31 or revocation of a license issued under this chapter, the department  
32 may levy a civil penalty.

33 (b) The amount of the civil penalty shall not be less than  
34 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day  
35 for each violation of this chapter except where the nature or  
36 seriousness of the violation or the frequency of the violation  
37 warrants a higher penalty or an immediate civil penalty assessment,  
38 or both, as determined by the department. In no event, shall a civil  
39 penalty assessment exceed one hundred fifty dollars (\$150) per  
40 day per violation.

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

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

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

10 (ii) Initiated eviction proceedings.

11 (B) A licensee denied a clearance for bedridden residents may  
12 appeal to the fire authority, and, if that appeal is denied, may  
13 subsequently appeal to the Office of the State Fire Marshal, and  
14 shall not be assessed an immediate civil penalty until the final  
15 appeal is decided, or after 60 days has passed from the date of the  
16 citation, whichever is earlier.

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

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

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

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

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

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

29 (2) For a violation that the department determines resulted in  
30 the death of a person receiving care at an adult day program, the  
31 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 50 or  
34 less persons.

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

38 (3) For a violation that the department determines resulted in  
39 the death of a person receiving care at a therapeutic day services  
40 facility, foster family agency, community treatment facility,

1 full-service adoption agency, noncustodial adoption agency,  
2 transitional shelter care facility, transitional housing placement  
3 provider, group home, or short-term residential treatment center,  
4 the civil penalty shall be assessed as follows:

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

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

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

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

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

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

29 (i) Two thousand five hundred dollars (\$2,500) for a licensee  
30 licensed, among all of the licensee's facilities, to care for 50 or  
31 less persons.

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

34 (C) For a violation that the department determines constitutes  
35 physical abuse, as defined in paragraph (2), or resulted in serious  
36 bodily injury, as defined in Section 243 of the Penal Code, to a  
37 person receiving care at a therapeutic day services facility, foster  
38 family agency, community treatment facility, full-service adoption  
39 agency, noncustodial adoption agency, transitional shelter care  
40 facility, transitional housing placement provider, group home, or

1 short-term residential treatment center, the civil penalty shall be  
2 assessed as follows:

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

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

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

12 (D) For a violation that the department determines constitutes  
13 physical abuse, as defined in paragraph (2), or resulted in serious  
14 bodily injury, as defined in Section 243 of the Penal Code, to a  
15 resident at a runaway and homeless youth shelter, the civil penalty  
16 shall be one thousand dollars (\$1,000).

17 (2) For purposes of subparagraphs (C) and (D), “physical abuse”  
18 includes physical injury inflicted upon a child by another person  
19 by other than accidental means, sexual abuse as defined in Section  
20 11165.1 of the Penal Code, neglect as defined in Section 11165.2  
21 of the Penal Code, or unlawful corporal punishment or injury as  
22 defined in Section 11165.4 of the Penal Code when the person  
23 responsible for the child’s welfare is a licensee, administrator, or  
24 employee of any facility licensed to care for children.

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

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

33 (h) Any facility that is assessed a civil penalty pursuant to  
34 subdivision (g) that repeats the same violation of this chapter within  
35 12 months of the violation subject to subdivision (g) is subject to  
36 an immediate civil penalty of one hundred fifty dollars (\$150) for  
37 each day the violation continues until the deficiency is corrected.

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

1 (2) A licensee shall have the right to submit to the department  
2 a written request for a formal review of a civil penalty assessed  
3 pursuant to subdivisions (d) and (e) within 10 days of receipt of  
4 the notice of a civil penalty assessment and shall provide all  
5 supporting documentation at that time. The review shall be  
6 conducted by a regional manager of the Community Care Licensing  
7 Division. If the regional manager determines that the civil penalty  
8 was not assessed in accordance with applicable statutes or  
9 regulations of the department, he or she may amend or dismiss the  
10 civil penalty. The licensee shall be notified in writing of the  
11 regional manager's decision within 60 days of the request to review  
12 the assessment of the civil penalty.

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

23 (4) The licensee may further appeal to the deputy director of  
24 the Community Care Licensing Division within 10 days of receipt  
25 of the notice of the program director's decision and shall provide  
26 all supporting documentation at that time. If the deputy director  
27 determines that the civil penalty was not assessed in accordance  
28 with applicable statutes or regulations of the department, he or she  
29 may amend or dismiss the civil penalty. The licensee shall be  
30 notified in writing of the deputy director's decision within 60 days  
31 of the request to review the program administrator's decision.

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

1 (6) If, in addition to an assessment of civil penalties, the  
2 department elects to file an administrative action to suspend or  
3 revoke the facility license that includes violations relating to the  
4 assessment of the civil penalties, the department review of the  
5 pending appeal shall cease and the assessment of the civil penalties  
6 shall be heard as part of the administrative action process.

7 (j) The department shall adopt regulations implementing this  
8 section.

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

12 (l) As provided in Section 11466.31 of the Welfare and  
13 Institutions Code, the department may offset civil penalties owed  
14 by a group home or short-term residential treatment center against  
15 moneys to be paid by a county for the care of minors after the  
16 group home or short-term residential treatment center has exhausted  
17 its appeal of the civil penalty assessment. The department shall  
18 provide the group home or short-term residential treatment center  
19 a reasonable opportunity to pay the civil penalty before instituting  
20 the offset provision.

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

22 ~~SEC. 31.~~

23 *SEC. 33.* Section 1562 of the Health and Safety Code is  
24 amended to read:

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

31 (b) It is the intent of the Legislature that children in foster care  
32 reside in the least restrictive, family-based settings that can meet  
33 their needs, and that group homes and short-term residential  
34 treatment centers will be used only for short-term, specialized, and  
35 intensive treatment purposes that are consistent with a case plan  
36 that is determined by a child's best interests. Accordingly, the  
37 Legislature encourages the department to adopt policies, practices,  
38 and guidance that ensure that the education, qualification, and  
39 training requirements for child care staff in group homes and  
40 short-term residential treatment centers are consistent with the

1 intended role of group homes and short-term residential treatment  
 2 centers to provide short-term, specialized, and intensive treatment,  
 3 with a particular focus on crisis intervention, behavioral  
 4 stabilization, and other treatment-related goals, as well as the  
 5 connections between those efforts and work toward permanency  
 6 for children.

7 (c) (1) Each person employed as a facility manager or staff  
 8 member of a group home or short-term residential treatment center,  
 9 as defined in paragraphs (13) and (18) of subdivision (a) of Section  
 10 1502, who provides direct care and supervision to children and  
 11 youth residing in the group home or short-term residential treatment  
 12 center shall be at least 21 years of age.

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

15 (3) For purposes of this subdivision, “group home” does not  
 16 include a runaway and homeless youth shelter.

17 ~~SEC. 32.~~

18 *SEC. 34.* Section 1562.01 is added to the Health and Safety  
 19 Code, to read:

20 1562.01. (a) ~~(1)~~ Commencing January 1, 2017, the department  
 21 shall license short-term residential treatment centers, as defined  
 22 in paragraph (18) of subdivision (a) of Section 1502, pursuant to  
 23 this chapter. The department may license a facility as a short-term  
 24 residential treatment center prior to January 1, 2017. A short-term  
 25 residential treatment center shall comply with all requirements of  
 26 this chapter that are applicable to group homes and to the  
 27 requirements of this section.

28 (b) (1) *A short-term residential treatment center shall have*  
 29 *national accreditation from an entity identified by the department*  
 30 *pursuant to the process described in paragraph (4) of subdivision*  
 31 *(b) of Section 11462 of the Welfare and Institutions Code.*

32 (2) *Notwithstanding paragraph (1), the department may issue*  
 33 *a provisional license to a short-term residential treatment center*  
 34 *and may extend the term of the provisional license not to exceed*  
 35 *two years in order for the short-term residential treatment center*  
 36 *to secure accreditation as set forth in subdivision (a) of Section*  
 37 *1520.1.*

38 ~~(2)~~

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

4 ~~(3)(A)~~

5 (d) (1) A short-term residential treatment center shall prepare  
6 and maintain a current, written plan of operation as required by  
7 the department.

8 ~~(B)~~

9 (2) The plan of operation shall include, but not be limited to,  
10 all of the following:

11 (A) *A statement of purposes and goals.*

12 (B) *A plan for the supervision, evaluation, and training of staff.*  
13 *The training plan shall be appropriate to meet the needs of staff*  
14 *and children.*

15 (C) *A program statement that includes:*

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

19 (ii) Description of the core services, as set forth, on and after  
20 January 1, 2017, in paragraph (1) of subdivision (b) of Section  
21 11462 of the Welfare and Institutions Code, to be offered to  
22 children and their families, as appropriate or necessary.

23 (iii) *Protocols for developing a needs and services plan, in*  
24 *collaboration with the child and family team described in*  
25 *paragraph (4) of subdivision (a) of Section 16501 of the Welfare*  
26 *and Institutions Code, that includes, but is not limited to, a*  
27 *description of the services to be provided to meet the treatment*  
28 *needs of the child as assessed pursuant to subdivision (d) or (e)*  
29 *of Section 11462.01 of the Welfare and Institutions Code, the*  
30 *anticipated duration of the treatment and the timeframe and plan*  
31 *for transitioning the child to a less-restrictive family environment.*

32 ~~(iii)~~

33 (iv) Any other information that may be prescribed by the  
34 department for the proper administration of this section.

35 ~~(b)~~

36 (e) In addition to the rules and regulations adopted pursuant to  
37 this chapter, a county licensed to operate a short-term residential  
38 treatment center shall describe, in the plan of operation, its conflict  
39 of interest mitigation plan, as set forth on and after January 1,

1 2017, in subdivision (g) of Section 11462.02 of the Welfare and  
2 Institutions Code.

3 (e)

4 (f) (1) ~~Upon request of a county, Prior to licensure,~~ a short-term  
5 residential treatment center shall submit its plan of operation to  
6 the county *placing agency* which it will primarily serve. ~~The county~~  
7 ~~may review the plan of operation to determine whether to issue a~~  
8 ~~certification of serve for certification. The department shall not~~  
9 ~~issue a license to a short-term residential treatment center unless~~  
10 ~~the short-term residential treatment center submits evidence of~~  
11 ~~certification by the host county, the primary placing county, or a~~  
12 ~~regional consortium of counties that includes all of the following:~~

13 (A) The program is needed by the county.

14 (B) The provider is capable of effectively and efficiently  
15 operating the program.

16 (C) The provider is willing and able to accept placements who  
17 need the level of care and services that will be provided by the  
18 program.

19 (D) The plan of operation is suitable to meet the needs of the  
20 identified population.

21 (2) ~~In its decision regarding issuance of an AFDC-FC rate, the~~  
22 ~~department may consider whether the county has made the~~  
23 ~~certification required in paragraph (1).~~

24 (E) *That, if the certification is not being issued by the host*  
25 *county, the primary placing county has notified the host county of*  
26 *its intention to issue the certification and the host county was given*  
27 *the opportunity of 30 days to respond to this notification and to*  
28 *discuss options with the primary placing county. The county may*  
29 *decline to review the plan of operation. If the county declines the*  
30 *review, it shall notify the department and the department shall*  
31 *make the certification pursuant to this paragraph.*

32 (3)

33 (2) The department shall establish procedures for certification  
34 pursuant to paragraph (1), in consultation with the County Welfare  
35 Directors Association, Chief Probation Officers of California, and  
36 other stakeholders, as appropriate.

37 (d)

38 (g) (1) The department shall *adopt regulations to establish*  
39 *requirements for the education, qualification, and training of facility*  
40 *managers and child care staff in short-term residential treatment*

1 centers consistent with the intended role of these facilities to  
2 provide short-term, specialized, and intensive treatment.

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

5 (A) Staff classifications.

6 (B) Specification of the date by which employees shall be  
7 required to meet the ~~education, qualification, and training~~ *education*  
8 *and qualification* requirements.

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

11 *(h) The department shall adopt regulations to specify training*  
12 *requirements for staff who provide care and supervision to children*  
13 *or who have regular, direct contact with children in the course of*  
14 *their responsibilities. These requirements shall include the*  
15 *following:*

16 *(1) Timeframes for completion of training, including the*  
17 *following:*

18 *(A) Training that shall be completed prior to unsupervised care*  
19 *of children.*

20 *(B) Training to be completed within the first 180 days of*  
21 *employment.*

22 *(C) Training to be completed annually.*

23 *(2) Topics to be covered in the training shall include, but are*  
24 *not limited to, the following:*

25 *(A) Child and adolescent development including sexual*  
26 *orientation, gender identity, and gender expression.*

27 *(B) The effects of trauma, including grief and loss, and child*  
28 *abuse or neglect on child development and behavior and methods*  
29 *to behaviorally support children impacted by such trauma.*

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

37 *(D) Positive interaction, the importance of self-esteem, and*  
38 *interpersonal skills.*

39 *(E) Core practice model.*

40 *(F) An overview of the child welfare and probation systems.*

- 1 (G) Prudent Parent Standard.
- 2 (H) Cultural needs of children, including, but not limited to,
- 3 instruction on cultural competency and respect relating to, and
- 4 best practices for, providing adequate care to lesbian, gay,
- 5 bisexual, and transgender youth in out-of-home care.
- 6 (I) Awareness and identification of commercial sexual
- 7 exploitation and best practices for providing care and supervision
- 8 to commercially sexually exploited children.
- 9 (J) The Indian Child Welfare Act that informs on its historical
- 10 significance, the rights of children covered by the act, and instructs
- 11 on the best interests of Indian children as including culturally
- 12 appropriate child centered practice that respects American Indian
- 13 history, culture, and retention of tribal membership and connection
- 14 to the tribal community.
- 15 (K) Permanence and well-being needs of children.
- 16 (L) Basic instruction on existing laws and procedures regarding
- 17 the safety of foster youth at school; and ensuring a harassment
- 18 and violence free school environment pursuant to Article 3.6
- 19 (commencing with Section 32228) of Chapter 2 of Part 19 of
- 20 Division 1 of Title 1 of the Education Code.
- 21 (M) Preparation of children for a successful transition to
- 22 adulthood including, but not limited to, emancipation and
- 23 independent living skills.
- 24 (N) Health issues in foster care, including, but not limited to,
- 25 the authorization, uses, risks, benefits, assistance with
- 26 self-administration, oversight, and monitoring of psychotropic
- 27 medications, and trauma, behavioral health, and other available
- 28 behavioral health treatments, for children receiving child welfare
- 29 services, including how to access those treatments.
- 30 (O) De-escalation, crisis intervention, and positive behavior
- 31 management techniques.
- 32 (i) (1) Each person employed as a facility manager or staff
- 33 member of a short-term residential treatment center, who provides
- 34 direct care and supervision to children and youth residing in the
- 35 short-term residential treatment center shall be at least 21 years
- 36 of age.
- 37 (2) This subdivision shall not apply to a facility manager or
- 38 staff member employed, before October 1, 2014, at a short-term
- 39 residential treatment center which was operating under a group
- 40 home license prior to January 1, 2016.

1 (e)

2 (j) Notwithstanding any other section of this chapter, the  
3 department ~~shall~~ *may* establish requirements for licensed group  
4 homes that are transitioning to short-term residential treatment  
5 centers, which may include, but not be limited to, requirements  
6 related to application and plan of operation.

7 (f)

8 (k) The department shall have the authority to inspect a  
9 short-term residential treatment center pursuant to the system of  
10 governmental monitoring and oversight developed by the  
11 department on and after January 1, 2017, pursuant to subdivision  
12 (c) of Section 11462 of the Welfare and Institutions Code.

13 ~~SEC. 33.~~

14 *SEC. 35.* Section 1562.35 of the Health and Safety Code is  
15 amended to read:

16 1562.35. Notwithstanding any law to the contrary, including,  
17 but not limited to Section 1562.3, vendors approved by the  
18 department who exclusively provide either initial or continuing  
19 education courses for certification of administrators of an adult  
20 residential facility as defined by the department, a group home  
21 facility as defined by the department, a short-term residential  
22 treatment center as defined by the department, or a residential care  
23 facility for the elderly as defined in subdivision (k) of Section  
24 1569.2, shall be regulated solely by the department pursuant to  
25 this chapter. No other state or local governmental entity shall be  
26 responsible for regulating the activity of those vendors.

27 ~~SEC. 34.~~

28 *SEC. 36.* Section 1563 of the Health and Safety Code is  
29 amended to read:

30 1563. (a) The department shall ensure that licensing personnel  
31 at the department have appropriate training to properly carry out  
32 this chapter.

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

37 (1) Provide staff with 36 hours of training per year that reflects  
38 the needs of persons served by community care facilities. This  
39 training shall, where appropriate, include specialized instruction  
40 in the needs of foster children, persons with mental disorders, or

1 developmental or physical disabilities, or other groups served by  
2 specialized community care facilities.

3 (2) Give priority to applications for employment from persons  
4 with experience as care providers to persons served by community  
5 care facilities.

6 (3) Provide new staff with comprehensive training within the  
7 first six months of employment. This comprehensive training shall,  
8 at a minimum, include the following core areas: administrative  
9 action process, client populations, conducting facility visits, cultural  
10 awareness, documentation skills, facility operations, human relation  
11 skills, interviewing techniques, investigation processes, and  
12 regulation administration.

13 (c) In addition to the requirements in subdivision (b), group  
14 home, short-term residential treatment center, and foster family  
15 agency licensing personnel shall receive a minimum of 24 hours  
16 of training per year to increase their understanding of children in  
17 group homes, short-term residential treatment centers, certified  
18 homes, and foster family homes. The training shall cover, but not  
19 be limited to, all of the following topics:

20 (1) The types and characteristics of emotionally troubled  
21 children.

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

23 (3) The biological, psychological, interpersonal, and social  
24 contributors to these behaviors.

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

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

34 (d) *The training described in subdivisions (b) and (c) may*  
35 *include the following topics:*

36 (1) *An overview of the child protective and probation systems.*

37 (2) *The effects of trauma, including grief and loss, and child*  
38 *abuse or neglect on child development and behavior, and methods*  
39 *to behaviorally support children impacted by that trauma.*

1 (3) *Positive discipline, the importance of self-esteem, and*  
2 *interpersonal skills.*

3 (4) *Health issues in foster care, including, but not limited to,*  
4 *the authorization, uses, risks, benefits, assistance with*  
5 *self-administration, oversight, and monitoring of psychotropic*  
6 *medications, and trauma, behavioral health, and other behavioral*  
7 *health treatments, for children receiving child welfare services,*  
8 *including how to access those treatments.*

9 (5) *Accessing education, health, and behavioral health services*  
10 *available to foster children.*

11 (6) *Cultural needs of children, including, but not limited to,*  
12 *instruction on cultural competency and respect relating to, and*  
13 *best practices for, providing adequate care to lesbian, gay,*  
14 *bisexual, and transgender youth in out-of-home care.*

15 (7) *Understanding how to use best practices for providing care*  
16 *and supervision to commercially sexually exploited children.*

17 (8) *Understanding the Indian Child Welfare Act, its historical*  
18 *significance, the rights of children covered by the act, and the best*  
19 *interests of those children, including the role of the caregiver in*  
20 *supporting culturally appropriate, child-centered practices that*  
21 *respect Native American history, culture, retention of tribal*  
22 *membership, and connection to the tribal community and traditions.*

23 (9) *Basic instruction on existing laws and procedures regarding*  
24 *the safety of foster youth at school; and ensuring a harassment*  
25 *and violence free school environment pursuant to Article 3.6*  
26 *(commencing with Section 32228) of Chapter 2 of Part 19 of*  
27 *Division 1 of Title 1 of the Education Code.*

28 (10) *Permanence and well-being needs of children.*

29 (11) *Child and adolescent development and sexual orientation,*  
30 *gender identify, and gender expression.*

31 (12) *The role of foster parents, including working cooperatively*  
32 *with the child welfare agency, the child's family, and other service*  
33 *providers implementing the case plan.*

34 (13) *A foster parent's responsibility to act as a reasonable and*  
35 *prudent parent; and to provide a family setting that promotes*  
36 *normal childhood experiences and that serves the needs of the*  
37 *child.*

38 (14) *Preparation of children for a successful transition to*  
39 *adulthood.*

1 (15) *De-escalation, crisis intervention, and positive behavior*  
2 *management techniques.*

3 ~~SEC. 35.~~

4 *SEC. 37.* Section 1567.4 of the Health and Safety Code is  
5 amended to read:

6 1567.4. The State Department of Social Services shall provide,  
7 at cost, quarterly to each county and to each city, upon the request  
8 of the county or city, and to the chief probation officer of each  
9 county and city and county, a roster of all community care facilities  
10 licensed as small family homes, short-term residential treatment  
11 centers, or group homes located in the county, which provide  
12 services to wards of the juvenile court, including information as  
13 to whether each facility is licensed by the state or the county, the  
14 type of facility, and the licensed bed capacity of each such facility.  
15 Information concerning the facility shall be limited to that available  
16 through the computer system of the State Department of Social  
17 Services.

18 ~~SEC. 36.~~

19 *SEC. 38.* Section 11105.2 of the Penal Code is amended to  
20 read:

21 11105.2. (a) The Department of Justice may provide  
22 subsequent state or federal arrest or disposition notification to any  
23 entity authorized by state or federal law to receive state or federal  
24 summary criminal history information to assist in fulfilling  
25 employment, licensing, certification duties, or the duties of  
26 approving relative caregivers, nonrelative extended family  
27 members, and resource families upon the arrest or disposition of  
28 any person whose fingerprints are maintained on file at the  
29 Department of Justice or the Federal Bureau of Investigation as  
30 the result of an application for licensing, employment, certification,  
31 or approval. Nothing in this section shall authorize the notification  
32 of a subsequent disposition pertaining to a disposition that does  
33 not result in a conviction, unless the department has previously  
34 received notification of the arrest and has previously lawfully  
35 notified a receiving entity of the pending status of that arrest. When  
36 the department supplies subsequent arrest or disposition notification  
37 to a receiving entity, the entity shall, at the same time, expeditiously  
38 furnish a copy of the information to the person to whom it relates  
39 if the information is a basis for an adverse employment, licensing,  
40 or certification decision. When furnished other than in person, the

1 copy shall be delivered to the last contact information provided  
2 by the applicant.

3 (b) For purposes of this section, “approval” means those duties  
4 described in subdivision (d) of Section 309 of the Welfare and  
5 Institutions Code for approving the home of a relative caregiver  
6 or of a nonrelative extended family member for placement of a  
7 child supervised by the juvenile court, and those duties in Section  
8 16519.5 of the Welfare and Institutions Code for resource families.

9 (c) Any entity, other than a law enforcement agency employing  
10 peace officers as defined in Section 830.1, subdivisions (a) and  
11 (e) of Section 830.2, subdivision (a) of Section 830.3, subdivisions  
12 (a) and (b) of Section 830.5, and subdivision (a) of Section 830.31,  
13 shall enter into a contract with the Department of Justice in order  
14 to receive notification of subsequent state or federal arrests or  
15 dispositions for licensing, employment, or certification purposes.

16 (d) Any entity that submits the fingerprints of applicants for  
17 licensing, employment, certification, or approval to the Department  
18 of Justice for the purpose of establishing a record of the applicant  
19 to receive notification of subsequent state or federal arrests or  
20 dispositions shall immediately notify the department when the  
21 employment of the applicant is terminated, when the applicant’s  
22 license or certificate is revoked, when the applicant may no longer  
23 renew or reinstate the license or certificate, or when a relative  
24 caregiver’s or nonrelative extended family member’s approval is  
25 terminated. The Department of Justice shall terminate state or  
26 federal subsequent notification on any applicant upon the request  
27 of the licensing, employment, certifying, or approving authority.

28 (e) Any entity that receives a notification of a state or federal  
29 subsequent arrest or disposition for a person unknown to the entity,  
30 or for a person no longer employed by the entity, or no longer  
31 eligible to renew the certificate or license for which subsequent  
32 notification service was established shall immediately return the  
33 subsequent notification to the Department of Justice, informing  
34 the department that the entity is no longer interested in the  
35 applicant. The entity shall not record or otherwise retain any  
36 information received as a result of the subsequent notice.

37 (f) Any entity that submits the fingerprints of an applicant for  
38 employment, licensing, certification, or approval to the Department  
39 of Justice for the purpose of establishing a record at the department  
40 or the Federal Bureau of Investigation to receive notification of

1 subsequent arrest or disposition shall immediately notify the  
2 department if the applicant is not subsequently employed, or if the  
3 applicant is denied licensing certification, or approval.

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

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

11 ~~SEC. 37.~~

12 *SEC. 39.* Section 11105.3 of the Penal Code is amended to  
13 read:

14 11105.3. (a) Notwithstanding any other law, a human resource  
15 agency or an employer may request from the Department of Justice  
16 records of all convictions or any arrest pending adjudication  
17 involving the offenses specified in subdivision (a) of Section 15660  
18 of the Welfare and Institutions Code of a person who applies for  
19 a license, employment, or volunteer position, in which he or she  
20 would have supervisory or disciplinary power over a minor or any  
21 person under his or her care. The department shall furnish the  
22 information to the requesting employer and shall also send a copy  
23 of the information to the applicant.

24 (b) Any request for records under subdivision (a) shall include  
25 the applicant's fingerprints, which may be taken by the requester,  
26 and any other data specified by the department. The request shall  
27 be on a form approved by the department, and the department may  
28 charge a fee to be paid by the employer, human resource agency,  
29 or applicant for the actual cost of processing the request. However,  
30 no fee shall be charged to a nonprofit organization. Requests  
31 received by the department for federal level criminal offender  
32 record information shall be forwarded to the Federal Bureau of  
33 Investigation by the department to be searched for any record of  
34 arrests or convictions.

35 (c) (1) When a request pursuant to this section reveals that a  
36 prospective employee or volunteer has been convicted of a  
37 violation or attempted violation of Section 220, 261.5, 262, 273a,  
38 273d, or 273.5, or any sex offense listed in Section 290, except  
39 for the offense specified in subdivision (d) of Section 243.4, and  
40 where the agency or employer hires the prospective employee or

1 volunteer, the agency or employer shall notify the parents or  
2 guardians of any minor who will be supervised or disciplined by  
3 the employee or volunteer. A conviction for a violation or  
4 attempted violation of an offense committed outside the State of  
5 California shall be included in this notice if the offense would have  
6 been a crime specified in this subdivision if committed in  
7 California. The notice shall be given to the parents or guardians  
8 with whom the child resides, and shall be given at least 10 days  
9 prior to the day that the employee or volunteer begins his or her  
10 duties or tasks. Notwithstanding any other law, any person who  
11 conveys or receives information in good faith and in conformity  
12 with this section is exempt from prosecution under Section 11142  
13 or 11143 for that conveying or receiving of information.  
14 Notwithstanding subdivision (d), the notification requirements of  
15 this subdivision shall apply as an additional requirement of any  
16 other provision of law requiring criminal record access or  
17 dissemination of criminal history information.

18 (2) The notification requirement pursuant to paragraph (1) shall  
19 not apply to a misdemeanor conviction for violating Section 261.5  
20 or to a conviction for violating Section 262 or 273.5. Nothing in  
21 this paragraph shall preclude an employer from requesting records  
22 of convictions for violating Section 261.5, 262, or 273.5 from the  
23 Department of Justice pursuant to this section.

24 (d) Nothing in this section supersedes any law requiring criminal  
25 record access or dissemination of criminal history information. In  
26 any conflict with another statute, dissemination of criminal history  
27 information shall be pursuant to the mandatory statute. This  
28 subdivision applies to, but is not limited to, requirements pursuant  
29 to Article 1 (commencing with Section 1500) of Chapter 3 of, and  
30 Chapter 3.2 (commencing with Section 1569) and Chapter 3.4  
31 (commencing with Section 1596.70) of, Division 2 of, and Section  
32 1522 of, the Health and Safety Code, and Sections 8712, 8811,  
33 and 8908 of the Family Code, and Section 16519.5 of the Welfare  
34 and Institutions Code.

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

37 (f) As used in this section, “employer” means any nonprofit  
38 corporation or other organization specified by the Attorney General  
39 that employs or uses the services of volunteers in positions in

1 which the volunteer or employee has supervisory or disciplinary  
2 power over a child or children.

3 (g) As used in this section, “human resource agency” means a  
4 public or private entity, excluding any agency responsible for  
5 licensing of facilities pursuant to the California Community Care  
6 Facilities Act (Chapter 3 (commencing with Section 1500)), the  
7 California Residential Care Facilities for the Elderly Act (Chapter  
8 3.2 (commencing with Section 1569)), Chapter 3.01 (commencing  
9 with Section 1568.01), and the California Child Day Care Facilities  
10 Act (Chapter 3.4 (commencing with Section 1596.70)) of Division  
11 2 of the Health and Safety Code, responsible for determining the  
12 character and fitness of a person who is:

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

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

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

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

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

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

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

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

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

1     ~~361.2. (a) When a court orders removal of a child pursuant to~~  
2 ~~Section 361, the court shall first determine whether there is a parent~~  
3 ~~of the child, with whom the child was not residing at the time that~~  
4 ~~the events or conditions arose that brought the child within the~~  
5 ~~provisions of Section 300, who desires to assume custody of the~~  
6 ~~child. If that parent requests custody, the court shall place the child~~  
7 ~~with the parent unless it finds that placement with that parent would~~  
8 ~~be detrimental to the safety, protection, or physical or emotional~~  
9 ~~well-being of the child. The fact that the parent is enrolled in a~~  
10 ~~certified substance abuse treatment facility that allows a dependent~~  
11 ~~child to reside with his or her parent shall not be, for that reason~~  
12 ~~alone, prima facie evidence that placement with that parent would~~  
13 ~~be detrimental.~~

14     ~~(b) If the court places the child with that parent it may do any~~  
15 ~~of the following:~~

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

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

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

1 court supervision, or that services be provided to both parents, in  
2 which case the court shall determine, at review hearings held  
3 pursuant to Section 366, which parent, if either, shall have custody  
4 of the child.

5 ~~(e) The court shall make a finding either in writing or on the~~  
6 ~~record of the basis for its determination under subdivisions (a) and~~  
7 ~~(b).~~

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

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

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

17 ~~(2) The approved home of a relative, regardless of the relative's~~  
18 ~~immigration status.~~

19 ~~(3) The approved home of a nonrelative extended family~~  
20 ~~member as defined in Section 362.7.~~

21 ~~(4) The approved home of a resource family as defined in~~  
22 ~~Section 16519.5.~~

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

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

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

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

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

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

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

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

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

1 children, and employs staff trained to provide family reunification  
2 services. In addition, one of the following conditions exists:  
3 (i) The child's parent is also a ward of the court and resides in  
4 the facility.  
5 (ii) The child's parent is participating in a treatment program  
6 affiliated with the facility and the child's placement in the facility  
7 facilitates the coordination and provision of reunification services.  
8 (iii) Placement in the facility is the only alternative that permits  
9 the parent to have daily 24-hour access to the child in accordance  
10 with the case plan, to participate fully in meeting all of the daily  
11 needs of the child, including feeding and personal hygiene, and to  
12 have access to necessary reunification services.

13 (10) (A) A child who is 6 to 12 years of age, inclusive, may be  
14 placed in a community care facility licensed as a group home for  
15 children or a short-term residential treatment center as defined in  
16 subdivision (ad) of Section 11400, only when a case plan indicates  
17 that placement is for purposes of providing short-term, specialized,  
18 and intensive treatment for the child, the case plan specifies the  
19 need for, nature of, and anticipated duration of this treatment,  
20 pursuant to paragraph (2) of subdivision (c) of Section 16501.1,  
21 the case plan includes transitioning the child to a less restrictive  
22 environment and the projected timeline by which the child will be  
23 transitioned to a less restrictive environment, and is approved by  
24 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.

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

39 (C) To the extent that placements pursuant to this paragraph are  
40 extended beyond an initial six months, the requirements of

1 subparagraphs (A) and (B) shall apply to each extension. In  
2 addition, the deputy director or director of the county child welfare  
3 department or an assistant chief probation officer or chief probation  
4 officer of the county probation department shall approve the  
5 continued placement no less frequently than every 60 days.

6 (11) A child may be placed into a community care facility  
7 licensed as a group home or a short-term residential treatment  
8 center, as defined in subdivision (ad) of Section 11400, only when  
9 the case plan indicates that placement is for purposes of providing  
10 short-term, specialized, and intensive treatment for the child, the  
11 case plan specifies the need for, nature of, and anticipated duration  
12 of this treatment, pursuant to paragraph (2) of subdivision (c) of  
13 Section 16501.1, and the case plan includes transitioning the child  
14 to a less restrictive environment and the projected timeline by  
15 which the child will be transitioned to a less restrictive  
16 environment.

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

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

26 (B) The child has been assessed as having an emotional  
27 disturbance pursuant to Section 300.8(e)(4)(i) of Title 34 of the  
28 Code of Federal Regulations.

29 (C) The child has been assessed as requiring the level of services  
30 provided to maintain the safety of the child or others due to  
31 behaviors that render the child or those around the child unsafe,  
32 or that prevent the effective delivery of needed services and  
33 supports provided in the child's own home or in other family  
34 settings, such as with a relative, guardian, foster family, resource  
35 family, or adoptive family. In certain circumstances, this may  
36 include the following children:

37 (i) A commercially or sexually exploited child.

38 (ii) A juvenile sex offender.

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

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

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

10    ~~(B) A child assessed as having an emotional disturbance~~  
11    ~~pursuant to Section 300.8(c)(4)(i) of Title 34 of the Code of Federal~~  
12    ~~Regulations.~~

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

15    ~~(14) The assessments described in paragraphs (12) and (13)~~  
16    ~~shall be made pursuant to subparagraphs (C) and (D) of paragraph~~  
17    ~~(1) of subdivision (a) of Section 11462.01.~~

18    ~~(15) Nothing in this subdivision shall be construed to allow a~~  
19    ~~social worker to place any dependent child outside the United~~  
20    ~~States, except as specified in subdivision (f):~~

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

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

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

- 31    ~~(A) Placement with a relative.~~
- 32    ~~(B) Placement of siblings in the same home.~~
- 33    ~~(C) Amount and nature of any contact between the child and~~  
34    ~~the potential guardian or caretaker.~~
- 35    ~~(D) Physical and medical needs of the dependent child.~~
- 36    ~~(E) Psychological and emotional needs of the dependent child.~~
- 37    ~~(F) Social, cultural, and educational needs of the dependent~~  
38    ~~child.~~
- 39    ~~(G) Specific desires of any dependent child who is 12 years of~~  
40    ~~age or older.~~

1 ~~(4) If the court finds that a placement outside the United States~~  
2 ~~is, by clear and convincing evidence, in the best interest of the~~  
3 ~~child, the court may issue an order authorizing the social worker~~  
4 ~~to make a placement outside the United States. A child subject to~~  
5 ~~this subdivision shall not leave the United States prior to the~~  
6 ~~issuance of the order described in this paragraph.~~

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

10 ~~(6) This subdivision shall not apply to the placement of a~~  
11 ~~dependent child with a parent pursuant to subdivision (a).~~

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

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

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

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

37 ~~(5) When it has been determined that a child is to be placed out~~  
38 ~~of county either in a group home or a short-term residential~~  
39 ~~treatment center, or with a foster family agency for subsequent~~  
40 ~~placement in a certified foster family home, and the sending county~~

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

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

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

1 the court shall hold a hearing not later than five days after the  
2 objection and prior to the placement. The court shall order  
3 out-of-county placement if it finds that the child's particular needs  
4 require placement outside the county.

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

11 (j) When the court has ordered removal of the child from the  
12 physical custody of his or her parents pursuant to Section 361, the  
13 court shall consider whether there are any siblings under the court's  
14 jurisdiction, or any nondependent siblings in the physical custody  
15 of a parent subject to the court's jurisdiction, the nature of the  
16 relationship between the child and his or her siblings, the  
17 appropriateness of developing or maintaining the sibling  
18 relationships pursuant to Section 16002, and the impact of the  
19 sibling relationships on the child's placement and planning for  
20 legal permanency.

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

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

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

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

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

1 SEC. 40. Section 361.2 of the Welfare and Institutions Code  
2 is amended to read:

3 361.2. (a) When a court orders removal of a child pursuant to  
4 Section 361, the court shall first determine whether there is a parent  
5 of the child, with whom the child was not residing at the time that  
6 the events or conditions arose that brought the child within the  
7 provisions of Section 300, who desires to assume custody of the  
8 child. If that parent requests custody, the court shall place the child  
9 with the parent unless it finds that placement with that parent would  
10 be detrimental to the safety, protection, or physical or emotional  
11 well-being of the child. The fact that the parent is enrolled in a  
12 certified substance abuse treatment facility that allows a dependent  
13 child to reside with his or her parent shall not be, for that reason  
14 alone, prima facie evidence that placement with that parent would  
15 be detrimental.

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

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

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

37 (3) Order that the parent assume custody subject to the  
38 supervision of the juvenile court. In that case the court may order  
39 that reunification services be provided to the parent or guardian  
40 from whom the child is being removed, or the court may order that

1 services be provided solely to the parent who is assuming physical  
2 custody in order to allow that parent to retain later custody without  
3 court supervision, or that services be provided to both parents, in  
4 which case the court shall determine, at review hearings held  
5 pursuant to Section 366, which parent, if either, shall have custody  
6 of the child.

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

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

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

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

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

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

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

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

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

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

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

37 (9) A child under six years of age may be placed in a community  
38 care facility licensed as a group home for children, or a temporary  
39 shelter care facility as defined in Section 1530.8 of the Health and  
40 Safety Code, only under any of the following circumstances:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (A) Placement with a relative.

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

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

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

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

17 (F) Social, cultural, and educational needs of the dependent  
18 child.

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

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

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

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

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

37 (2) In the event that there are no appropriate placements  
38 available in the parent’s or guardian’s county of residence, a  
39 placement may be made in an appropriate place in another county,

1 preferably a county located adjacent to the parent's or guardian's  
2 community of residence.

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

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

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

37 (6) When it has been determined that a child is to be placed out  
38 of county and the sending county plans that the receiving county  
39 shall be responsible for the supervision and visitation of the child,  
40 the sending county shall develop a formal agreement between the

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

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

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

32 (j) Where the court has ordered removal of the child from the  
33 physical custody of his or her parents pursuant to Section 361, the  
34 court shall consider whether there are any siblings under the court's  
35 jurisdiction, or any nondependent siblings in the physical custody  
36 of a parent subject to the court's jurisdiction, the nature of the  
37 relationship between the child and his or her siblings, the  
38 appropriateness of developing or maintaining the sibling  
39 relationships pursuant to Section 16002, and the impact of the

1 sibling relationships on the child's placement and planning for  
2 legal permanence.

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

7 (A) The child's caregiver is able to meet the day-to-day health,  
8 safety, and well-being needs of the child.

9 (B) The child's caregiver is permitted to maintain the least  
10 restrictive and most family-like environment that serves the  
11 day-to-day needs of the child.

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

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

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

25 *SEC. 41. Section 361.2 is added to the Welfare and Institutions*  
26 *Code, to read:*

27 *361.2. (a) When a court orders removal of a child pursuant*  
28 *to Section 361, the court shall first determine whether there is a*  
29 *parent of the child, with whom the child was not residing at the*  
30 *time that the events or conditions arose that brought the child*  
31 *within the provisions of Section 300, who desires to assume custody*  
32 *of the child. If that parent requests custody, the court shall place*  
33 *the child with the parent unless it finds that placement with that*  
34 *parent would be detrimental to the safety, protection, or physical*  
35 *or emotional well-being of the child. The fact that the parent is*  
36 *enrolled in a certified substance abuse treatment facility that allows*  
37 *a dependent child to reside with his or her parent shall not be, for*  
38 *that reason alone, prima facie evidence that placement with that*  
39 *parent would be detrimental.*

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

3 (1) Order that the parent become legal and physical custodian  
4 of the child. The court may also provide reasonable visitation by  
5 the noncustodial parent. The court shall then terminate its  
6 jurisdiction over the child. The custody order shall continue unless  
7 modified by a subsequent order of the superior court. The order  
8 of the juvenile court shall be filed in any domestic relation  
9 proceeding between the parents.

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

22 (3) Order that the parent assume custody subject to the  
23 supervision of the juvenile court. In that case the court may order  
24 that reunification services be provided to the parent or guardian  
25 from whom the child is being removed, or the court may order that  
26 services be provided solely to the parent who is assuming physical  
27 custody in order to allow that parent to retain later custody without  
28 court supervision, or that services be provided to both parents, in  
29 which case the court shall determine, at review hearings held  
30 pursuant to Section 366, which parent, if either, shall have custody  
31 of the child.

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

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

38 (e) When the court orders removal pursuant to Section 361, the  
39 court shall order the care, custody, control, and conduct of the

1 *child to be under the supervision of the social worker who may*  
2 *place the child in any of the following:*

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

5 *(2) The approved home of a relative, regardless of the relative's*  
6 *immigration status.*

7 *(3) The approved home of a nonrelative extended family member*  
8 *as defined in Section 362.7.*

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

11 *(5) A foster home considering first a foster home in which the*  
12 *child has been placed before an interruption in foster care, if that*  
13 *placement is in the best interest of the child and space is available.*

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

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

20 *(8) With a foster family agency that meets the mental health*  
21 *certification requirements of Section 11462.01, to be placed in a*  
22 *suitable family home certified by the agency as meeting licensing*  
23 *standards.*

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

38 *(A) A child under six years of age shall not be placed in a*  
39 *community care facility licensed as a group home for children, or*  
40 *a temporary shelter care facility as defined in Section 1530.8 of*

1 *the Health and Safety Code, except under the following*  
2 *circumstances:*

3 *(i) When the facility meets the applicable regulations adopted*  
4 *under Section 1530.8 of the Health and Safety Code and standards*  
5 *developed pursuant to Section 11467.1 of this code, and the deputy*  
6 *director or director of the county child welfare department or an*  
7 *assistant chief probation officer or chief probation officer of the*  
8 *county probation department has approved the case plan.*

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

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

28 *(iv) In addition, when a case plan indicates that placement is*  
29 *for purposes of providing family reunification services. The facility*  
30 *shall offer family reunification services that meet the needs of the*  
31 *individual child and his or her family, permit parents to have*  
32 *reasonable access to their children 24 hours a day, encourage*  
33 *extensive parental involvement in meeting the daily needs of their*  
34 *children, and employ staff trained to provide family reunification*  
35 *services. In addition, one of the following conditions exists:*

36 *(I) The child's parent is also a ward of the court and resides in*  
37 *the facility.*

38 *(II) The child's parent is participating in a treatment program*  
39 *affiliated with the facility and the child's placement in the facility*  
40 *facilitates the coordination and provision of reunification services.*

1     (III) *Placement in the facility is the only alternative that permits*  
2 *the parent to have daily 24-hour access to the child in accordance*  
3 *with the case plan, to participate fully in meeting all of the daily*  
4 *needs of the child, including feeding and personal hygiene, and to*  
5 *have access to necessary reunification services.*

6     (B) *A child who is 6 to 12 years of age, inclusive, may be placed*  
7 *in a community care facility licensed as a group home for children*  
8 *or a short-term residential treatment center under the following*  
9 *conditions.*

10    (i) *The short term, specialized, and intensive treatment period*  
11 *shall not exceed six months, unless the county has made progress*  
12 *or is actively working toward implementing the case plan that*  
13 *identifies the services or supports necessary to transition the child*  
14 *to a family setting, circumstances beyond the county's control have*  
15 *prevented the county from obtaining those services or supports*  
16 *within the timeline documented in the case plan, and the need for*  
17 *additional time pursuant to the case plan is documented by the*  
18 *caseworker and approved by a deputy director or director of the*  
19 *county child welfare department or an assistant chief probation*  
20 *officer or chief probation officer of the county probation*  
21 *department.*

22    (ii) *To the extent that placements pursuant to this paragraph*  
23 *are extended beyond an initial six months, the requirements of this*  
24 *subparagraph shall apply to each extension. In addition, the deputy*  
25 *director or director of the county child welfare department or an*  
26 *assistant chief probation officer or chief probation officer of the*  
27 *county probation department shall approve the continued*  
28 *placement no less frequently than every 60 days.*

29    (10) *Any child placed in a short-term residential treatment*  
30 *center shall be either of the following:*

31    (A) *A child who has been assessed as meeting one of the*  
32 *placement requirements set forth in subdivisions (d) and (e) of*  
33 *Section 11462.01.*

34    (B) *A child under 6 years of age who is placed with his or her*  
35 *minor parent or for the purpose of reunification pursuant to clause*  
36 *(iv) of subparagraph (A) of paragraph (9).*

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

- 1     (f) (1) A child under the supervision of a social worker pursuant  
2 to subdivision (e) shall not be placed outside the United States  
3 prior to a judicial finding that the placement is in the best interest  
4 of the child, except as required by federal law or treaty.
- 5     (2) The party or agency requesting placement of the child  
6 outside the United States shall carry the burden of proof and shall  
7 show, by clear and convincing evidence, that placement outside  
8 the United States is in the best interest of the child.
- 9     (3) In determining the best interest of the child, the court shall  
10 consider, but not be limited to, the following factors:
- 11     (A) Placement with a relative.
- 12     (B) Placement of siblings in the same home.
- 13     (C) Amount and nature of any contact between the child and  
14 the potential guardian or caretaker.
- 15     (D) Physical and medical needs of the dependent child.
- 16     (E) Psychological and emotional needs of the dependent child.
- 17     (F) Social, cultural, and educational needs of the dependent  
18 child.
- 19     (G) Specific desires of any dependent child who is 12 years of  
20 age or older.
- 21     (4) If the court finds that a placement outside the United States  
22 is, by clear and convincing evidence, in the best interest of the  
23 child, the court may issue an order authorizing the social worker  
24 to make a placement outside the United States. A child subject to  
25 this subdivision shall not leave the United States prior to the  
26 issuance of the order described in this paragraph.
- 27     (5) For purposes of this subdivision, “outside the United States”  
28 shall not include the lands of any federally recognized American  
29 Indian tribe or Alaskan Natives.
- 30     (6) This subdivision shall not apply to the placement of a  
31 dependent child with a parent pursuant to subdivision (a).
- 32     (g) (1) If the child is taken from the physical custody of the  
33 child’s parent or guardian and unless the child is placed with  
34 relatives, the child shall be placed in foster care in the county of  
35 residence of the child’s parent or guardian in order to facilitate  
36 reunification of the family.
- 37     (2) In the event that there are no appropriate placements  
38 available in the parent’s or guardian’s county of residence, a  
39 placement may be made in an appropriate place in another county,

1 *preferably a county located adjacent to the parent's or guardian's*  
2 *community of residence.*

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

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

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

37 *(6) When it has been determined that a child is to be placed out*  
38 *of county and the sending county plans that the receiving county*  
39 *shall be responsible for the supervision and visitation of the child,*  
40 *the sending county shall develop a formal agreement between the*

1 *sending and receiving counties. The formal agreement shall specify*  
2 *the supervision and visitation to be provided the child, and shall*  
3 *specify that the receiving county is responsible for providing the*  
4 *supervision and visitation. The formal agreement shall be approved*  
5 *and signed by the sending and receiving counties prior to*  
6 *placement of the child in the receiving county. In addition, upon*  
7 *completion of the case plan, the sending county shall provide a*  
8 *copy of the completed case plan to the receiving county. The case*  
9 *plan shall include information regarding any known or suspected*  
10 *dangerous behavior of the child that indicates the child may pose*  
11 *a safety concern to the receiving county.*

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

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

32 *(j) If the court has ordered removal of the child from the physical*  
33 *custody of his or her parents pursuant to Section 361, the court*  
34 *shall consider whether there are any siblings under the court's*  
35 *jurisdiction, or any nondependent siblings in the physical custody*  
36 *of a parent subject to the court's jurisdiction, the nature of the*  
37 *relationship between the child and his or her siblings, the*  
38 *appropriateness of developing or maintaining the sibling*  
39 *relationships pursuant to Section 16002, and the impact of the*

1 *sibling relationships on the child's placement and planning for*  
2 *legal permanence.*

3 *(k) (1) An agency shall ensure placement of a child in a home*  
4 *that, to the fullest extent possible, best meets the day-to-day needs*  
5 *of the child. A home that best meets the day-to-day needs of the*  
6 *child shall satisfy all of the following criteria:*

7 *(A) The child's caregiver is able to meet the day-to-day health,*  
8 *safety, and well-being needs of the child.*

9 *(B) The child's caregiver is permitted to maintain the least*  
10 *restrictive and most family-like environment that serves the*  
11 *day-to-day needs of the child.*

12 *(C) The child is permitted to engage in reasonable,*  
13 *age-appropriate day-to-day activities that promote the most*  
14 *family-like environment for the foster child.*

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

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

23 ~~SEC. 39.~~

24 *SEC. 42.* Section 706.6 of the Welfare and Institutions Code  
25 is amended to read:

26 706.6. (a) Services to minors 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. Use of a team approach increases efficiency, and thus  
33 reduces cost, by increasing coordination of formal services and  
34 integrating the natural and informal supports available to the child  
35 or youth and family.

36 (b) (1) For the purposes of this section, "child and family team"  
37 ~~means a supportive team that informs the process of placement~~  
38 ~~and services to children and youth in foster care or who are at risk~~  
39 ~~of foster care placement. The child and family team is comprised~~  
40 ~~of the child or youth, the child's family, the caregiver, the placing~~

1 ~~agency caseworker, a county mental health representative, and a~~  
 2 ~~representative of the child’s or youth’s tribe or Indian custodian,~~  
 3 ~~as applicable. As appropriate, the child and family team also may~~  
 4 ~~include, but is not limited to, behavioral health representatives and~~  
 5 ~~other formal supports, such as educational professionals and~~  
 6 ~~representatives from other agencies providing services to the child~~  
 7 ~~or youth and family. For purposes of this definition, the child and~~  
 8 ~~family team also may include extended family and informal support~~  
 9 ~~persons, such as friends, coaches, faith-based connections, and~~  
 10 ~~tribes as identified by the child or youth and family. If placement~~  
 11 ~~into a short-term residential treatment center or a foster family~~  
 12 ~~agency that provides treatment services has occurred or is being~~  
 13 ~~considered, the mental health representative is required to be a~~  
 14 ~~licensed mental health professional. *has the same meaning as in*~~  
 15 ~~*paragraph (4) of subdivision (a) of Section 16501.*~~

16 (2) The case plan shall be developed in collaboration with the  
 17 child and family team. The agency shall consider the  
 18 recommendations of the child and family team. The agency shall  
 19 document the rationale for any inconsistencies between the case  
 20 plan and the child and family team recommendations.

21 (c) A case plan prepared as required by Section 706.5 shall be  
 22 submitted to the court. It shall either be attached to the social study  
 23 or incorporated as a separate section within the social study. The  
 24 case plan shall include, but not be limited to, the following  
 25 information:

26 (1) A description of the circumstances that resulted in the minor  
 27 being placed under the supervision of the probation department  
 28 and in foster care.

29 (2) ~~An~~ *A preplacement assessment of the minor’s and family’s*  
 30 *strengths and service needs and documentation that preplacement*  
 31 *preventive services have been provided, and that reasonable efforts*  
 32 *to prevent out-of-home placement have been made. The assessment*  
 33 *shall include the type of placement best equipped to meet those*  
 34 *needs.*

35 (3) (A) A description of the type of home or institution in which  
 36 the minor is to be placed, *and the reasons for that placement*  
 37 *decision*, including a discussion of the safety and appropriateness  
 38 of the placement, including the recommendations of the child and  
 39 family team, if available.

1 (B) An appropriate placement is a placement in the least  
2 restrictive, most family-like environment, in closest proximity to  
3 the minor's home, that meets the minor's best interests and special  
4 needs.

5 (d) ~~Commencing January 1, 2017, the~~ *The* following shall apply:

6 (1) The agency selecting a placement shall consider, in order  
7 of priority:

8 (A) Placement with relatives, nonrelated extended family  
9 members, and tribal members.

10 (B) Foster family homes and nontreatment certified homes of  
11 foster family agencies.

12 (C) Treatment and intensive treatment certified homes of foster  
13 family agencies, or multidimensional treatment foster homes or  
14 therapeutic foster care homes.

15 (D) Group care placements in the following order:

16 (i) Short-term residential treatment centers.

17 (ii) Group homes.

18 (iii) Community treatment facilities.

19 (iv) Out-of-state residential treatment pursuant to Part 5  
20 (commencing with Section 7900) of Division 12 of the Family  
21 Code.

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

31 (e) Effective January 1, 2010, a case plan shall ensure the  
32 educational stability of the child while in foster care and shall  
33 include both of the following:

34 (1) Assurances that the placement takes into account the  
35 appropriateness of the current educational setting and the proximity  
36 to the school in which the child is enrolled at the time of placement.

37 (2) An assurance that the placement agency has coordinated  
38 with appropriate local educational agencies to ensure that the child  
39 remains in the school in which the child is enrolled at the time of  
40 placement, or, if remaining in that school is not in the best interests

1 of the child, assurances by the placement agency and the local  
2 educational agency to provide immediate and appropriate  
3 enrollment in a new school and to provide all of the child's  
4 educational records to the new school.

5 (f) Specific time-limited goals and related activities designed  
6 to enable the safe return of the minor to his or her home, or in the  
7 event that return to his or her home is not possible, activities  
8 designed to result in permanent placement or emancipation.  
9 Specific responsibility for carrying out the planned activities shall  
10 be assigned to one or more of the following:

11 (1) The probation department.

12 (2) The minor's parent or parents or legal guardian or guardians,  
13 as applicable.

14 (3) The minor.

15 (4) The foster parents or licensed agency providing foster care.

16 (g) The projected date of completion of the case plan objectives  
17 and the date services will be terminated.

18 (h) (1) Scheduled visits between the minor and his or her family  
19 and an explanation if no visits are made.

20 (2) Whether the child has other siblings, and, if any siblings  
21 exist, all of the following:

22 (A) The nature of the relationship between the child and his or  
23 her siblings.

24 (B) The appropriateness of developing or maintaining the sibling  
25 relationships pursuant to Section 16002.

26 (C) If the siblings are not placed together in the same home,  
27 why the siblings are not placed together and what efforts are being  
28 made to place the siblings together, or why those efforts are not  
29 appropriate.

30 (D) If the siblings are not placed together, all of the following:

31 (i) The frequency and nature of the visits between the siblings.

32 (ii) If there are visits between the siblings, whether the visits  
33 are supervised or unsupervised. If the visits are supervised, a  
34 discussion of the reasons why the visits are supervised, and what  
35 needs to be accomplished in order for the visits to be unsupervised.

36 (iii) If there are visits between the siblings, a description of the  
37 location and length of the visits.

38 (iv) Any plan to increase visitation between the siblings.

39 (E) The impact of the sibling relationships on the child's  
40 placement and planning for legal permanence.

1 (F) The continuing need to suspend sibling interaction, if  
2 applicable, pursuant to subdivision (c) of Section 16002.

3 (3) The factors the court may consider in making a determination  
4 regarding the nature of the child's sibling relationships may  
5 include, but are not limited to, whether the siblings were raised  
6 together in the same home, whether the siblings have shared  
7 significant common experiences or have existing close and strong  
8 bonds, whether either sibling expresses a desire to visit or live with  
9 his or her sibling, as applicable, and whether ongoing contact is  
10 in the child's best emotional interests.

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

17 (2) When an out-of-state group home placement is recommended  
18 or made, the case plan shall comply with Section 727.1 and Section  
19 7911.1 of the Family Code. In addition, documentation of the  
20 recommendation of the multidisciplinary team and the rationale  
21 for this particular placement shall be included. The case plan shall  
22 also address what in-state services or facilities were used or  
23 considered and why they were not recommended.

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

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

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

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

1 services to be provided to assist in reunification and the services  
2 to be provided concurrently to achieve legal permanency if efforts  
3 to reunify fail.

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

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

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

28 ~~SEC. 40.~~

29 *SEC. 43.* Section 727 of the Welfare and Institutions Code is  
30 amended to read:

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

37 (2) In the discretion of the court, a ward may be ordered to be  
38 on probation without supervision of the probation officer. The  
39 court, in so ordering, may impose on the ward any and all  
40 reasonable conditions of behavior as may be appropriate under

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

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

21 (4) *It is the sole responsibility of the probation agency to*  
22 *determine the appropriate placement for the ward once the court*  
23 *issues a placement order. In determination of the appropriate*  
24 *placement for the ward, the probation officer shall consider the*  
25 *recommendations of the child and family team and shall document*  
26 *the rationale for any inconsistencies between the child and family*  
27 *team recommendations and the final placement of the ward. The*  
28 *probation agency may place the minor or nonminor in any of the*  
29 *following:*

30 (A) The approved home of a relative or the approved home of  
31 a nonrelative, extended family member, as defined in Section  
32 362.7. If a decision has been made to place the minor in the home  
33 of a relative, the court may authorize the relative to give legal  
34 consent for the minor's medical, surgical, and dental care and  
35 education as if the relative caretaker were the custodial parent of  
36 the minor.

37 (B) ~~The~~ *A foster home, the approved home of a resource family*  
38 *as defined in Section 16519.5, 16519.5, or a home or facility in*  
39 *accordance with the federal Indian Child Welfare Act (25 U.S.C.*  
40 *Sec. 1901 et seq.).*

1 (C) A suitable licensed community care facility, *as identified*  
 2 *by the probation officer*, except a runaway and homeless youth  
 3 shelter licensed by the State Department of Social Services  
 4 pursuant to Section 1502.35 of the Health and Safety Code.

5 (D) A foster family agency, *as defined in paragraph (4) of*  
 6 *subdivision (a) of Section 1502 of the Health and Safety Code, in*  
 7 *a suitable program in a family home, which has been certified by*  
 8 *the agency as meeting licensing standards. If placement is in a*  
 9 *treatment program, the requirements of Section 11462.01 shall be*  
 10 *met.*

11 ~~(D)~~

12 (E) Commencing January 1, 2017, a minor or nonminor  
 13 dependent may be placed in a short-term residential treatment  
 14 center as defined in paragraph (18) of subdivision (a) of Section  
 15 1502 of the Health and Safety Code, or a foster family agency, as  
 16 defined in paragraph (4) of subdivision (a) of Section 1502 of the  
 17 Health and Safety Code, that provides treatment ~~services~~; *services,*  
 18 *provided that the requirements of Section 11462.01 are met.*

19 ~~(E)~~

20 (F) With a foster family agency to be placed in a suitable  
 21 licensed foster family home or certified family home that has been  
 22 certified by the agency as meeting licensing standards.

23 ~~(F)~~

24 (G) (i) Every minor adjudged a ward of the juvenile court ~~who~~  
 25 ~~is residing in a placement as defined in subparagraphs (A) to (E);~~  
 26 ~~inclusive;~~ shall be entitled to participate in age-appropriate  
 27 extracurricular, enrichment, and social activities. A state or local  
 28 regulation or policy shall not prevent, or create barriers to,  
 29 participation in those activities. Each state and local entity shall  
 30 ensure that private agencies that provide foster care services to  
 31 wards have policies consistent with this section and that those  
 32 agencies promote and protect the ability of wards to participate in  
 33 age-appropriate extracurricular, enrichment, and social activities.  
 34 A group home administrator, a facility manager, or his or her  
 35 responsible designee, and a caregiver, as defined in paragraph (1)  
 36 of subdivision (a) of Section 362.04, shall use a reasonable and  
 37 prudent parent standard, as defined in paragraph (2) of subdivision  
 38 (a) of Section 362.04, in determining whether to give permission  
 39 for a minor residing in foster care to participate in extracurricular,  
 40 enrichment, and social activities. A group home administrator, a

1 facility manager, or his or her responsible designee, and a caregiver  
2 shall take reasonable steps to determine the appropriateness of the  
3 activity taking into consideration the minor's age, maturity, and  
4 developmental level.

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

10 (~~G~~)

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

14 (~~4~~)

15 (5) The minor or nonminor shall be released from juvenile  
16 detention upon an order being entered under paragraph (3), unless  
17 the court determines that a delay in the release from detention is  
18 reasonable pursuant to Section 737.

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

34 (2) The court has no authority to order services unless it has  
35 been determined through the administrative process of an agency  
36 that has been joined as a party, that the minor, nonminor, or  
37 nonminor dependent is eligible for those services. With respect to  
38 mental health assessment, treatment, and case management services  
39 pursuant to an individualized education program developed  
40 pursuant to Article 2 (commencing with Section 56320) of Chapter

1 4 of Part 30 of Division 4 of Title 2 of the Education Code, the  
2 court’s determination shall be limited to whether the agency has  
3 complied with that chapter.

4 (3) For the purposes of this subdivision, “agency” means any  
5 governmental agency or any private service provider or individual  
6 that receives federal, state, or local governmental funding or  
7 reimbursement for providing services directly to a child, nonminor,  
8 or nonminor dependent.

9 ~~(e) When placements are made pursuant to subparagraph (D)~~  
10 ~~of paragraph (3) of subdivision (a) the following shall apply:~~

11 ~~(1) A minor may be placed in a short-term residential treatment~~  
12 ~~center provided he or she meets at least one of the following~~  
13 ~~conditions:~~

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

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

22 ~~(C) The child has been assessed as requiring the level of services~~  
23 ~~provided to maintain the safety of the child or others due to~~  
24 ~~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 child’s own home 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 ~~(i) A commercially or sexually exploited child.~~
- 31 ~~(ii) A juvenile sex offender.~~
- 32 ~~(iii) A child who is affiliated with or impacted by a gang.~~

33 ~~(2) A licensed foster family agency, as defined in paragraph (4)~~  
34 ~~of subdivision (a) of Section 1502 of the Health and Safety Code,~~  
35 ~~which provides treatment services, if he or she meets at least one~~  
36 ~~of the following conditions:~~

37 ~~(A) A child who has been assessed as meeting the medical~~  
38 ~~necessity criteria for specialty mental health services under the~~  
39 ~~Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment~~

1 program, as the criteria are described in Section 1830.210 of Title  
2 9 of the California Code of Regulations.

3 ~~(B) A child assessed as having an emotional disturbance~~  
4 ~~pursuant to Section 300.8(e)(4)(i) of Title 34 of the Code of Federal~~  
5 ~~Regulations.~~

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

8 ~~(3) The assessments described in paragraphs (1) and (2) shall~~  
9 ~~be made pursuant to subparagraphs (C) and (D) of paragraph (1)~~  
10 ~~of subdivision (a) of Section 11462.01.~~

11 ~~(d)~~

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

22 ~~(e)~~

23 (d) The juvenile court may direct any reasonable orders to the  
24 parents and guardians of the minor who is the subject of any  
25 proceedings under this chapter as the court deems necessary and  
26 proper to carry out subdivisions (a), (b), ~~(e), and (d)~~, and (c),  
27 including orders to appear before a county financial evaluation  
28 officer, to ensure the minor's regular school attendance, and to  
29 make reasonable efforts to obtain appropriate educational services  
30 necessary to meet the needs of the minor.

31 If counseling or other treatment services are ordered for the  
32 minor, the parent, guardian, or foster parent shall be ordered to  
33 participate in those services, unless participation by the parent,  
34 guardian, or foster parent is deemed by the court to be inappropriate  
35 or potentially detrimental to the minor.

36 ~~SEC. 41.~~

37 *SEC. 44.* Section 727.1 of the Welfare and Institutions Code  
38 is amended to read:

39 727.1. (a) When the court orders the care, custody, and control  
40 of the minor to be under the supervision of the probation officer

1 for foster care placement pursuant to subdivision (a) of Section  
2 727, the decision regarding choice of placement shall be based  
3 upon selection of a safe setting that is the least restrictive or most  
4 family like, and the most appropriate setting that is available and  
5 in close proximity to the parent's home, consistent with the  
6 selection of the environment best suited to meet the minor's special  
7 needs and best interests. The selection shall consider, in order of  
8 priority, placement with relatives, tribal members, and foster  
9 family, group care, and residential treatment pursuant to Section  
10 7950 of the Family Code.

11 (b) Unless otherwise authorized by law, the court may not order  
12 the placement of a minor who is adjudged a ward of the court on  
13 the basis that he or she is a person described by either Section 601  
14 or 602 in a private residential facility or program that provides  
15 24-hour supervision, outside of the state, unless the court finds, in  
16 its order of placement, that all of the following conditions are met:

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

19 (2) The State Department of Social Services or its designee has  
20 performed initial and continuing inspection of the out-of-state  
21 residential facility or program and has either certified that the  
22 facility or program meets the greater of all licensure standards  
23 required of group homes or of short-term residential treatment  
24 centers operated in California, or that the department has granted  
25 a waiver to a specific licensing standard upon a finding that there  
26 exists no adverse impact to health and safety, pursuant to  
27 subdivision (c) of Section 7911.1 of the Family Code.

28 (3) The requirements of Section 7911.1 of the Family Code are  
29 met.

30 (c) If, upon inspection, the probation officer of the county in  
31 which the minor is adjudged a ward of the court determines that  
32 the out-of-state facility or program is not in compliance with the  
33 standards required under paragraph (2) of subdivision (b) or has  
34 an adverse impact on the health and safety of the minor, the  
35 probation officer may temporarily remove the minor from the  
36 facility or program. The probation officer shall promptly inform  
37 the court of the minor's removal, and shall return the minor to the  
38 court for a hearing to review the suitability of continued out-of-state  
39 placement. The probation officer shall, within one business day  
40 of removing the minor, notify the State Department of Social

1 Services' Compact Administrator, and, within five working days,  
2 submit a written report of the findings and actions taken.

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

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

10 ~~SEC. 42.~~

11 *SEC. 45.* Section 827.11 is added to the Welfare and Institutions  
12 Code, to read:

13 827.11. (a) The Legislature finds and declares all of the  
14 following:

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

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

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

25 (4) Caregivers who are informed of the child's educational,  
26 medical, dental, and mental health history and current needs are  
27 better able to meet those needs and address the effects of trauma,  
28 increasing placement stability and improving permanency  
29 outcomes.

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

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

37 (c) This section is declaratory of existing law and is not intended  
38 to impose a new program or higher level of service upon any local  
39 agency. It is intended, however, that this restatement of existing  
40 law should engender a renewed sense of commitment to engaging

1 foster parents in order to provide quality care to children and youth  
2 in foster care.

3 *(d) No later than January 1, 2017, the department shall consult*  
4 *with representatives of the County Counsels' Association of*  
5 *California, County Welfare Directors Association of California,*  
6 *and stakeholders to develop regulations or identify policy changes*  
7 *necessary to allow for the sharing of information as described in*  
8 *this section.*

9 ~~SEC. 43.~~

10 *SEC. 46.* Section 831 is added to the Welfare and Institutions  
11 Code, to read:

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

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

26 (b) (1) Each participant in the child and family team with legal  
27 power to consent shall sign an authorization to release information  
28 to team members. In the event that a child or youth who is a  
29 dependent or ward of the juvenile court does not have the legal  
30 power to consent to the release of information, ~~the court~~ *the child's*  
31 *attorney* or other authorized individual may consent on behalf of  
32 the child.

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

38 (3) This authorization shall not include release of adoption  
39 records.

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

5 (c) Upon obtaining the authorization to release information as  
6 described in subdivision (b), relevant information and records may  
7 be shared with members of the team. If the team determines that  
8 the disclosure of information would present a reasonable risk of a  
9 significant adverse or detrimental effect on the ~~minor's~~ *child's or*  
10 *youth's* psychological or physical safety, the information shall not  
11 be released.

12 (d) Information and records communicated or provided to the  
13 team, by all providers, programs, and agencies, as well as  
14 information and records created by the team in the course of serving  
15 its children, youth, and their families, shall be deemed private and  
16 confidential and shall be protected from discovery and disclosure  
17 by all applicable statutory and common law. Nothing in this section  
18 shall be construed to affect the authority of a health care provider  
19 to disclose medical information pursuant to paragraph (1) of  
20 subdivision (c) of Section 56.10 of the Civil Code.

21 (e) If the child welfare agency files or records, or any portions  
22 thereof, are privileged or confidential, pursuant to any other state  
23 law, except Section 827, or federal law or regulation, the  
24 requirements of that state law or federal law or regulation  
25 prohibiting or limiting release of the child welfare agency files or  
26 records, or any portions thereof, shall prevail.

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

32 (g) As used in this section, "privileged information" means any  
33 information subject to a privilege pursuant to Division 8  
34 (commencing with Section 900) of the Evidence Code. Disclosure  
35 of otherwise privileged information to team members shall not be  
36 construed to waive the privilege.

37 ~~SEC. 44.~~

38 *SEC. 47.* Section 4094.2 of the Welfare and Institutions Code  
39 is amended to read:

1 4094.2. (a) For the purpose of establishing payment rates for  
2 community treatment facility programs, the private nonprofit  
3 agencies selected to operate these programs shall prepare a budget  
4 that covers the total costs of providing residential care and  
5 supervision and mental health services for their proposed programs.  
6 These costs shall include categories that are allowable under  
7 California's Foster Care program and existing programs for mental  
8 health services. They shall not include educational, nonmental  
9 health medical, and dental costs.

10 (b) Each agency operating a community treatment facility  
11 program shall negotiate a final budget with the local mental health  
12 department in the county in which its facility is located (the host  
13 county) and other local agencies, as appropriate. This budget  
14 agreement shall specify the types and level of care and services to  
15 be provided by the community treatment facility program and a  
16 payment rate that fully covers the costs included in the negotiated  
17 budget. All counties that place children in a community treatment  
18 facility program shall make payments using the budget agreement  
19 negotiated by the community treatment facility provider and the  
20 host county.

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

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

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

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

1 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the  
2 2003–04 fiscal year, and the 2004–05 fiscal year, community  
3 treatment facility programs shall also be paid a community  
4 treatment facility supplemental rate of up to two thousand five  
5 hundred dollars (\$2,500) per child per month on behalf of children  
6 eligible under the foster care program and children placed out of  
7 home pursuant to an individualized education program developed  
8 under Section 7572.5 of the Government Code. Subject to the  
9 availability of funds, the supplemental rate shall be shared by the  
10 state and the counties. Counties shall be responsible for paying a  
11 county share of cost equal to 60 percent of the community  
12 treatment rate for children placed by counties in community  
13 treatment facilities and the state shall be responsible for 40 percent  
14 of the community treatment facility supplemental rate. The  
15 community treatment facility supplemental rate is intended to  
16 supplement, and not to supplant, the payments for which children  
17 placed in community treatment facilities are eligible to receive  
18 under the foster care program and the existing programs for mental  
19 health services.

20 (e) For initial ratesetting purposes for community treatment  
21 facility funding, the cost of mental health services shall be  
22 determined by deducting the foster care rate and the community  
23 treatment facility supplemental rate from the total allowable cost  
24 of the community treatment facility program. Payments to certified  
25 providers for mental health services shall be based on eligible  
26 services provided to children who are Medi-Cal beneficiaries, up  
27 to the approved federal rate for these services.

28 (f) The State Department of Health Care Services shall provide  
29 the community treatment facility supplemental rates to the counties  
30 for advanced payment to the community treatment facility  
31 providers in the same manner as the regular foster care payment  
32 and within the same required payment time limits.

33 (g) In order to facilitate the study of the costs of community  
34 treatment facilities, licensed community treatment facilities shall  
35 provide all documents regarding facility operations, treatment, and  
36 placements requested by the department.

37 (h) It is the intent of the Legislature that the State Department  
38 of Health Care Services and the State Department of Social  
39 Services work to maximize federal financial participation in  
40 funding for children placed in community treatment facilities

1 through funds available pursuant to Titles IV-E and XIX of the  
 2 federal Social Security Act (Title 42 U.S.C. Sec. 670 et seq. and  
 3 Sec. 1396 et seq.) and other appropriate federal programs.

4 (i) The State Department of Health Care Services and the State  
 5 Department of Social Services may adopt emergency regulations  
 6 necessary to implement joint protocols for the oversight of  
 7 community treatment facilities, to modify existing licensing  
 8 regulations governing reporting requirements and other procedural  
 9 and administrative mandates to take into account the seriousness  
 10 and frequency of behaviors that are likely to be exhibited by the  
 11 children who have been assessed as having an emotional  
 12 disturbance pursuant to Section 300.8(c)(4)(i) of Title 34 of the  
 13 Code of Federal Regulations placed in community treatment facility  
 14 programs, to modify the existing foster care ratesetting regulations,  
 15 and to pay the community treatment facility supplemental rate.  
 16 The adoption of these regulations shall be deemed to be an  
 17 emergency and necessary for the immediate preservation of the  
 18 public peace, health and safety, and general welfare. The  
 19 regulations shall become effective immediately upon filing with  
 20 the Secretary of State. The regulations shall not remain in effect  
 21 more than 180 days unless the adopting agency complies with all  
 22 the provisions of Chapter 3.5 (commencing with Section 11340)  
 23 of Part 1 of Division 3 of Title 2 of the Government Code, as  
 24 required by subdivision (e) of Section 11346.1 of the Government  
 25 Code.

26 ~~SEC. 45.~~

27 *SEC. 48.* Section 4096 of the Welfare and Institutions Code is  
 28 amended to read:

29 4096. (a) (1) Interagency collaboration and children’s program  
 30 services shall be structured in a manner that will facilitate future  
 31 implementation of the goals of ~~the Children’s Mental Health~~  
 32 ~~Services Act. Part 4 (commencing with Section 5850) of Division~~  
 33 *5 to develop protocols outlining the roles and responsibilities of*  
 34 *placing agencies and group homes regarding emergency and*  
 35 *nonemergency placements of foster children in group homes.*

36 (2) Components shall be added to state-county performance  
 37 contracts required in Section 5650 that provide for reports from  
 38 counties on how this section is implemented.

39 (3) The department shall develop performance contract  
 40 components required by paragraph (2).

1 (4) Performance contracts subject to this section shall document  
2 that the procedures to be implemented in compliance with this  
3 section have been approved by the county social services  
4 department and the county probation department.

5 (b) Funds specified in subdivision (a) of Section 17601 for  
6 services to wards of the court and dependent children of the court  
7 shall be allocated and distributed to counties based on the number  
8 of wards of the court and dependent children of the court in the  
9 county.

10 (c) A county may utilize funds allocated pursuant to subdivision  
11 (b) only if the county has an established and operational  
12 interagency placement committee, with a membership that includes  
13 at least the county placement agency and a licensed mental health  
14 professional from the county department of mental health. If  
15 necessary, the funds may be used for costs associated with  
16 establishing the interagency placement committee.

17 (d) Subsequent to the establishment of an interagency placement  
18 committee, funds allocated pursuant to subdivision (b) shall be  
19 used to provide services to wards of the court and dependent  
20 children of the court jointly identified by county mental health,  
21 social services, and probation departments as the highest priority.  
22 Every effort shall be made to match those funds with funds  
23 received pursuant to Title XIX of the federal Social Security Act,  
24 contained in Subchapter 19 (commencing with Section 1396) of  
25 Chapter 7 of Title 42 of the United States Code.

26 (e) (1) Each interagency placement committee shall establish  
27 procedures whereby a ward of the court or dependent child of the  
28 court, or a voluntarily placed child whose placement is funded by  
29 the Aid to Families with Dependent Children-Foster Care Program,  
30 who is to be placed or is currently placed in a group home program  
31 at a rate classification level 13 or rate classification level 14 as  
32 specified in Section 11462.01, is assessed as having an emotional  
33 disturbance pursuant to Section 300.8(c)(4)(i) of Title 34 of the  
34 Code of Federal Regulations and Section 1502.4 of the Health and  
35 Safety Code.

36 (2) The assessment required by paragraph (1) shall also indicate  
37 that the child or youth is in need of the care and services provided  
38 by that group home program.

39 (f) The interagency placement committee shall document the  
40 results of the assessment required by subdivision (e) and shall

1 notify the appropriate group home provider and county placing  
 2 agency, in writing, of those results within 10 days of the completion  
 3 of the assessment.

4 (g) If the child’s or youth’s placement is not funded by the Aid  
 5 to Families with Dependent Children-Foster Care Program, a  
 6 licensed mental health professional, ~~as defined in Sections 629 to~~  
 7 ~~633, inclusive, of Title 9 of the California Code of Regulations,~~  
 8 *which is defined to include a physician licensed under Section*  
 9 *2050 of the Business and Professions Code, a licensed psychologist*  
 10 *within the meaning of subdivision (a) of Section 2902 of the*  
 11 *Business and Professions Code, a licensed clinical social worker*  
 12 *within the meaning of subdivision (a) of Section 4996 of the*  
 13 *Business and Professions Code, a licensed marriage and family*  
 14 *therapist within the meaning of subdivision (b) of Section 4980 of*  
 15 *the Business and Professions Code, or a licensed professional*  
 16 *clinical counselor within the meaning of subdivision (e) of Section*  
 17 *4999.12, shall certify that the child is assessed as having an*  
 18 *emotional disturbance as defined in Section 300.8(c)(4)(i) of Title*  
 19 *34 of the Code of Federal Regulations and Section 1502.4 of the*  
 20 *Health and Safety Code.*

21 (h) 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. 46.~~

25 *SEC. 49.* Section 4096 is added to the Welfare and Institutions  
 26 Code, to read:

27 4096. (a) (1) Interagency collaboration and children’s program  
 28 services shall be structured in a manner that will facilitate  
 29 implementation of the goals of ~~the Children’s Mental Health~~  
 30 ~~Services Act. Part 4 (commencing with Section 5850) of Division~~  
 31 *5 to develop protocols outlining the roles and responsibilities of*  
 32 *placing agencies and group homes regarding emergency and*  
 33 *nonemergency placements of foster children in group homes.*

34 (2) Components shall be added to state-county performance  
 35 contracts required in Section 5650 that provide for reports from  
 36 counties on how this section is implemented.

37 (3) The State Department of Health Care Services shall develop  
 38 performance contract components required by paragraph (2).

39 (4) Performance contracts subject to this section shall document  
 40 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) Funds allocated pursuant to subdivision (b) shall be used to  
16 provide services to wards of the court and dependent children of  
17 the court jointly identified by county mental health, social services,  
18 and probation departments as the highest priority. Every effort  
19 shall be made to match those funds with funds received pursuant  
20 to Title XIX of the federal Social Security Act, contained in  
21 Subchapter 19 (commencing with Section 1396) of Chapter 7 of  
22 Title 42 of the United States Code.

23 (e) (1) Each interagency placement committee shall establish  
24 procedures whereby a ward of the court or dependent child of the  
25 court, or a voluntarily placed child whose placement is funded by  
26 the Aid to Families with Dependent Children-Foster Care Program,  
27 who is to be placed or is currently placed in a short-term residential  
28 treatment center or foster family agency that provides treatment  
29 services, as specified in Section 11462.01, *or a group home granted*  
30 *an extension pursuant to Section 11462.04*, is assessed as having  
31 an emotional disturbance as defined in Section 300.8(c)(4)(i) of  
32 Title 34 of the Code of Federal Regulations and Section 1502.4  
33 of the Health and Safety Code.

34 (2) The assessment required by paragraph (1) shall also indicate  
35 that the child is in need of the care and services provided by a  
36 short-term residential center or foster family agency that provides  
37 treatment services.

38 (3) In lieu of an assessment by the interagency placement  
39 committee required under paragraph (1), a child and family team,  
40 as defined in paragraph (4) of subdivision (a) of Section 16501,

1 may utilize an assessment by a licensed mental health professional  
2 that was developed consistent with procedures established by the  
3 county under paragraph (1). Nothing in this paragraph shall prohibit  
4 the child and family team from considering an assessment provided  
5 by an interagency placement committee.

6 (f) The interagency placement committee or the child and family  
7 team, as appropriate, shall document the results of the assessment  
8 required by subdivision (e) and shall notify the appropriate provider  
9 in writing, of those results within 10 days of the completion of the  
10 assessment.

11 (g) If the child’s or youth’s placement is not funded by the Aid  
12 to Families with Dependent Children-Foster Care Program, a  
13 licensed mental health ~~professional~~ *professional, a physician*  
14 *licensed under Section 2050 of the Business and Professions Code,*  
15 *a licensed psychologist within the meaning of subdivision (a)*  
16 *Section 2902 of the Business and Professions Code, a licensed*  
17 *clinical social worker within the meaning of subdivision (a) of*  
18 *Section 4996 of the Business and Professions Code, a licensed*  
19 *marriage and family therapist within the meaning of subdivision*  
20 *(b) of Section 4980 of the Business and Professions Code, or a*  
21 *licensed professional clinical counselor within the meaning of*  
22 *subdivision (e) of Section 4999.12, shall certify that the child has*  
23 *been assessed as having an emotional disturbance, as defined in*  
24 *Section 300.8(c)(4)(i) of Title 34 of the Code of Federal*  
25 *Regulations.*

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

27 ~~SEC. 47.~~

28 *SEC. 50.* Section 4096.1 is added to the Welfare and Institutions  
29 Code, to read:

30 4096.1. (a) (1) Interagency collaboration and children’s  
31 program services shall be structured in a manner that will facilitate  
32 future implementation of the goals of ~~the Children’s Mental Health~~  
33 ~~Services Act. Part 4 (commencing with Section 5850) of Division~~  
34 *5 to develop protocols outlining the roles and responsibilities of*  
35 *placing agencies and group homes regarding emergency and*  
36 *nonemergency placements of foster children in group homes.*

37 (2) Components shall be added to state-county performance  
38 contracts required in Section 5650 that provide for reports from  
39 counties on how this section is implemented.

1 (3) ~~The department~~ *State Department of Health Care Services*  
2 shall develop performance contract components required by  
3 paragraph (2).

4 (4) Performance contracts subject to this section shall document  
5 that the procedures to be implemented in compliance with this  
6 section have been approved by the county social services  
7 department and the county probation department.

8 (b) Funds specified in subdivision (a) of Section 17601 for  
9 services to wards of the court and dependent children of the court  
10 shall be allocated and distributed to counties based on the number  
11 of wards of the court and dependent children of the court in the  
12 county.

13 (c) A county may utilize funds allocated pursuant to subdivision  
14 (b) only if the county has an established and operational  
15 interagency placement committee, with a membership that includes  
16 at least the county placement agency and a licensed mental health  
17 professional from the county department of mental health. If  
18 necessary, the funds may be used for costs associated with  
19 establishing the interagency placement committee.

20 (d) Subsequent to the establishment of an interagency placement  
21 committee, funds allocated pursuant to subdivision (b) shall be  
22 used to provide services to wards of the court and dependent  
23 children of the court jointly identified by county mental health,  
24 social services, and probation departments as the highest priority.  
25 Every effort shall be made to match those funds with funds  
26 received pursuant to Title XIX of the federal Social Security Act,  
27 contained in Subchapter 19 (commencing with Section 1396) of  
28 Chapter 7 of Title 42 of the United States Code.

29 (e) (1) Each interagency placement committee shall establish  
30 procedures whereby a ward of the court or dependent child of the  
31 court, or a voluntarily placed child whose placement is funded by  
32 the Aid to Families with Dependent Children-Foster Care Program,  
33 who is to be placed or is currently placed in a group home program  
34 at a rate classification level 13 or rate classification level 14 as  
35 specified in Section 11462.001, is assessed as having an emotional  
36 disturbance, as defined in Section 300.8(c)(4)(i) of Title 34 of the  
37 Code of Federal Regulations.

38 (2) The assessment required by paragraph (1) shall also indicate  
39 that the child or youth is in need of the care and services provided  
40 by that group home program.

1 (f) The interagency placement committee shall document the  
2 results of the assessment required by subdivision (e) and shall  
3 notify the appropriate group home provider and county placing  
4 agency, in writing, of those results within 10 days of the completion  
5 of the assessment.

6 (g) If the child's or youth's placement is not funded by the Aid  
7 to Families with Dependent Children-Foster Care Program, a  
8 licensed mental health professional, as defined in ~~Sections 629 to~~  
9 ~~633, inclusive, of Title 9 of the California Code of Regulations,~~  
10 *subdivision (g) of Section 4096*, shall certify that the child has been  
11 assessed as having an emotional disturbance, as defined in Section  
12 300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations.

13 (h) This section shall only apply to a group home that has been  
14 granted an extension pursuant to the exception process described  
15 in subdivision (d) of Section 11462.04 or to a foster family agency  
16 that has been granted an extension pursuant to the exception  
17 process described in subdivision (d) of Section 11463.1.

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

19 (j) This section shall remain in effect only until January 1, 2018,  
20 and as of that date is repealed, unless a later enacted statute, that  
21 is enacted before January 1, 2018, deletes or extends that date.

22 ~~SEC. 48.~~

23 *SEC. 51.* Section 4096.5 of the Welfare and Institutions Code  
24 is amended to read:

25 4096.5. (a) The State Department of Health Care Services  
26 shall make a determination, within 45 days of receiving a request  
27 from a group home to be classified at RCL 13 or RCL 14 pursuant  
28 to Section 11462.01, to certify or deny certification that the group  
29 home program includes provisions for mental health treatment  
30 services that meet the needs of children who have been assessed  
31 as having an emotional disturbance, as defined in Section  
32 300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations. The  
33 department shall issue each certification for a period of one year  
34 and shall specify the effective date the program met the certification  
35 requirements. A program may be recertified if the program  
36 continues to meet the criteria for certification.

37 (b) The State Department of Health Care Services shall, in  
38 consultation with the ~~California~~ *County* Behavioral Health  
39 Directors Association *of California* and representatives of provider

1 organizations, develop the criteria for the certification required by  
2 subdivision (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. 49.~~

25 *SEC. 52.* 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~~ *certification, as described*  
31 *in Section 11462.01*, issued by the State Department of Health  
32 Care Services or a county to which the department has delegated  
33 certification authority. This certification is a condition for receiving  
34 an Aid to Families with Dependent Children-Foster Care rate  
35 pursuant to Section 11462.015.

36 (b) The State Department of Health Care Services or a county  
37 to which the department has delegated certification authority shall  
38 certify or deny certification within 45 days of receiving a  
39 certification request. The State Department of Health Care Services  
40 or a county to which the department has delegated certification

1 authority shall issue each certification for a period of one year and  
 2 shall specify the effective date that the program met the program  
 3 standards. Certified entities shall meet all program standards to be  
 4 recertified.

5 (c) Pursuant to Section 11462.25, the ~~The~~ State Department of  
 6 Health Care Services shall promulgate regulations regarding  
 7 program standards, oversight, enforcement, and due process for  
 8 the mental health certification of short-term residential treatment  
 9 centers and foster family agencies that provide intensive or  
 10 therapeutic treatment services.

11 (d) (1) Except for certification of short-term residential  
 12 treatment centers or foster family agencies operated by a county,  
 13 the State Department of Health Care Services may, upon the  
 14 request of a county, delegate to that county the certification of  
 15 short-term residential treatment centers and foster family agencies  
 16 within its borders.

17 (2) Any county to which certification is delegated pursuant to  
 18 paragraph (1) shall be responsible for the oversight and  
 19 enforcement of program standards and the provision of due process  
 20 for certified entities.

21 (e) The State Department of Health Care Services or a county  
 22 to which the department has delegated certification authority shall  
 23 notify the State Department of Social Services immediately upon  
 24 the termination of any certification issued in accordance with  
 25 subdivisions (a) and (b).

26 (f) The State Department of Social Services shall notify the  
 27 State Department of Health Care Services or a county to which  
 28 the department has delegated certification authority immediately  
 29 upon the revocation of any license issued pursuant to Chapter 3  
 30 (commencing with Section 1500) of Division 2 of the Health and  
 31 Safety Code.

32 (g) *Revocation of a license or a mental health certification shall*  
 33 *be a basis for rate termination.*

34 ~~(g)~~

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

36 ~~SEC. 50.~~

37 SEC. 53. Section 4096.55 is added to the Welfare and  
 38 Institutions Code, to read:

39 4096.55. (a) The State Department of Health Care Services  
 40 shall make a determination, within 45 days of receiving a request

1 from a group home to be classified at rate classification level 13  
2 or rate classification level 14 pursuant to Section 11462.015, to  
3 certify or deny certification that the group home program includes  
4 provisions for mental health treatment services that meet the needs  
5 of children who have been assessed as having an emotional  
6 disturbance, as defined in Section 300.8(c)(4)(i) of Title 34 of the  
7 Code of Federal Regulations. The department shall issue each  
8 certification for a period of one year and shall specify the effective  
9 date the program met the certification requirements. A program  
10 may be recertified if the program continues to meet the criteria for  
11 certification.

12 (b) The State Department of Health Care Services shall, in  
13 consultation with the California Behavioral Health Directors  
14 Association and representatives of provider organizations, develop  
15 the criteria for the certification required by subdivision (a).

16 (c) (1) The State Department of Health Care Services may,  
17 upon the request of a county, delegate to that county the  
18 certification task.

19 (2) Any county to which the certification task is delegated  
20 pursuant to paragraph (1) shall use the criteria and format  
21 developed by the department.

22 (d) The State Department of Health Care Services or delegated  
23 county shall notify the State Department of Social Services  
24 Community Care Licensing Division immediately upon the  
25 termination of any certification issued in accordance with  
26 subdivision (a).

27 (e) Upon receipt of notification from the State Department of  
28 Social Services Community Care Licensing Division of any adverse  
29 licensing action taken after the finding of noncompliance during  
30 an inspection conducted pursuant to Section 1538.7 of the Health  
31 and Safety Code, the State Department of Health Care Services or  
32 the delegated county shall review the certification issued pursuant  
33 to this section.

34 (f) This section shall only apply to a ~~foster family agency group~~  
35 ~~home~~ that has been granted an extension pursuant to the exception  
36 process described in subdivision (d) of Section ~~11462.04~~ or to a  
37 ~~foster family agency that has been granted an extension pursuant~~  
38 ~~to the exception process described in subdivision (d) of Section~~  
39 ~~11463.1. 11462.04.~~

40 (g) This section shall become operative on January 1, 2017.

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

4 ~~SEC. 54.~~

5 *SEC. 54.* Section 11400 of the Welfare and Institutions Code  
6 is amended to read:

7 11400. For purposes of this article, the following definitions  
8 shall apply:

9 (a) “Aid to Families with Dependent Children-Foster Care  
10 (AFDC-FC)” means the aid provided on behalf of needy children  
11 in foster care under the terms of this division.

12 (b) “Case plan” means a written document that, at a minimum,  
13 specifies the type of home in which the child shall be placed, the  
14 safety of that home, and the appropriateness of that home to meet  
15 the child’s needs. It shall also include the agency’s plan for  
16 ensuring that the child receive proper care and protection in a safe  
17 environment, and shall set forth the appropriate services to be  
18 provided to the child, the child’s family, and the foster parents, in  
19 order to meet the child’s needs while in foster care, and to reunify  
20 the child with the child’s family. In addition, the plan shall specify  
21 the services that will be provided or steps that will be taken to  
22 facilitate an alternate permanent plan if reunification is not possible.

23 (c) “Certified family home” means a family residence certified  
24 by a licensed foster family agency and issued a certificate of  
25 approval by that agency as meeting licensing standards, and used  
26 only by that foster family agency for placements.

27 (d) “Family home” means the family residence of a licensee in  
28 which 24-hour care and supervision are provided for children.

29 (e) “Small family home” means any residential facility, in the  
30 licensee’s family residence, which provides 24-hour care for six  
31 or fewer foster children who have mental disorders or  
32 developmental or physical disabilities and who require special care  
33 and supervision as a result of their disabilities.

34 (f) “Foster care” means the 24-hour out-of-home care provided  
35 to children whose own families are unable or unwilling to care for  
36 them, and who are in need of temporary or long-term substitute  
37 parenting.

38 (g) “Foster family agency” means ~~any individual or organization~~  
39 ~~engaged in the recruiting, certifying, and training of, and providing~~  
40 ~~professional support to, foster parents, or in finding homes or other~~

1 places for placement of children for temporary or permanent care  
2 who require that level of care: a licensed community care facility,  
3 as defined in paragraph (4) of subdivision (a) of Section 1502 of  
4 the Health and Safety Code, that provides treatment services, as  
5 described in Section 111462.01. Private foster family agencies  
6 shall be organized and operated on a nonprofit basis.

7 (h) “Group home” means a nondetention privately operated  
8 residential home, organized and operated on a nonprofit basis only,  
9 of any capacity, or a nondetention licensed residential care home  
10 operated by the County of San Mateo with a capacity of up to 25  
11 beds, that accepts children in need of care and supervision in a  
12 group home, as defined by paragraph (13) of subdivision (a) of  
13 Section 1502 of the Health and Safety Code.

14 (i) “Periodic review” means review of a child’s status by the  
15 juvenile court or by an administrative review panel, that shall  
16 include a consideration of the safety of the child, a determination  
17 of the continuing need for placement in foster care, evaluation of  
18 the goals for the placement and the progress toward meeting these  
19 goals, and development of a target date for the child’s return home  
20 or establishment of alternative permanent placement.

21 (j) “Permanency planning hearing” means a hearing conducted  
22 by the juvenile court in which the child’s future status, including  
23 whether the child shall be returned home or another permanent  
24 plan shall be developed, is determined.

25 (k) “Placement and care” refers to the responsibility for the  
26 welfare of a child vested in an agency or organization by virtue of  
27 the agency or organization having (1) been delegated care, custody,  
28 and control of a child by the juvenile court, (2) taken responsibility,  
29 pursuant to a relinquishment or termination of parental rights on  
30 a child, (3) taken the responsibility of supervising a child detained  
31 by the juvenile court pursuant to Section 319 or 636, or (4) signed  
32 a voluntary placement agreement for the child’s placement; or to  
33 the responsibility designated to an individual by virtue of his or  
34 her being appointed the child’s legal guardian.

35 (l) “Preplacement preventive services” means services that are  
36 designed to help children remain with their families by preventing  
37 or eliminating the need for removal.

38 (m) “Relative” means an adult who is related to the child by  
39 blood, adoption, or affinity within the fifth degree of kinship,  
40 including stepparents, stepsiblings, and all relatives whose status

1 is preceded by the words “great,” “great-great,” or “grand” or the  
2 spouse of any of these persons even if the marriage was terminated  
3 by death or dissolution.

4 (n) “Nonrelative extended family member” means an adult  
5 caregiver who has an established familial or mentoring relationship  
6 with the child, as described in Section 362.7.

7 (o) “Voluntary placement” means an out-of-home placement  
8 of a child by (1) the county welfare department, probation  
9 department, or Indian tribe that has entered into an agreement  
10 pursuant to Section 10553.1, after the parents or guardians have  
11 requested the assistance of the county welfare department and have  
12 signed a voluntary placement agreement; or (2) the county welfare  
13 department licensed public or private adoption agency, or the  
14 department acting as an adoption agency, after the parents have  
15 requested the assistance of either the county welfare department,  
16 the licensed public or private adoption agency, or the department  
17 acting as an adoption agency for the purpose of adoption planning,  
18 and have signed a voluntary placement agreement.

19 (p) “Voluntary placement agreement” means a written agreement  
20 between either the county welfare department, probation  
21 department, or Indian tribe that has entered into an agreement  
22 pursuant to Section 10553.1, licensed public or private adoption  
23 agency, or the department acting as an adoption agency, and the  
24 parents or guardians of a child that specifies, at a minimum, the  
25 following:

26 (1) The legal status of the child.

27 (2) The rights and obligations of the parents or guardians, the  
28 child, and the agency in which the child is placed.

29 (q) “Original placement date” means the most recent date on  
30 which the court detained a child and ordered an agency to be  
31 responsible for supervising the child or the date on which an agency  
32 assumed responsibility for a child due to termination of parental  
33 rights, relinquishment, or voluntary placement.

34 (r) (1) “Transitional housing placement provider” means an  
35 organization licensed by the State Department of Social Services  
36 pursuant to Section 1559.110 of the Health and Safety Code, to  
37 provide transitional housing to foster children at least 16 years of  
38 age and not more than 18 years of age, and nonminor dependents,  
39 as defined in subdivision (v). A transitional housing placement

1 provider shall be privately operated and organized on a nonprofit  
2 basis.

3 (2) Prior to licensure, a provider shall obtain certification from  
4 the applicable county, in accordance with Section 16522.1.

5 (s) “Transitional Housing Program-Plus” means a provider  
6 certified by the applicable county, in accordance with subdivision  
7 (c) of Section 16522, to provide transitional housing services to  
8 former foster youth who have exited the foster care system on or  
9 after their 18th birthday.

10 (t) “Whole family foster home” means a new or existing family  
11 home, approved relative caregiver or nonrelative extended family  
12 member’s home, the home of a nonrelated legal guardian whose  
13 guardianship was established pursuant to Section 360 or 366.26,  
14 certified family home, or a host family home placement of a  
15 transitional housing placement provider, that provides foster care  
16 for a minor or nonminor dependent parent and his or her child,  
17 and is specifically recruited and trained to assist the minor or  
18 nonminor dependent parent in developing the skills necessary to  
19 provide a safe, stable, and permanent home for his or her child.  
20 The child of the minor or nonminor dependent parent need not be  
21 the subject of a petition filed pursuant to Section 300 to qualify  
22 for placement in a whole family foster home.

23 (u) “Mutual agreement” means any of the following:

24 (1) A written voluntary agreement of consent for continued  
25 placement and care in a supervised setting between a minor or, on  
26 and after January 1, 2012, a nonminor dependent, and the county  
27 welfare services or probation department or tribal agency  
28 responsible for the foster care placement, that documents the  
29 nonminor’s continued willingness to remain in supervised  
30 out-of-home placement under the placement and care of the  
31 responsible county, tribe, consortium of tribes, or tribal  
32 organization that has entered into an agreement with the state  
33 pursuant to Section 10553.1, remain under the jurisdiction of the  
34 juvenile court as a nonminor dependent, and report any change of  
35 circumstances relevant to continued eligibility for foster care  
36 payments, and that documents the nonminor’s and social worker’s  
37 or probation officer’s agreement to work together to facilitate  
38 implementation of the mutually developed supervised placement  
39 agreement and transitional independent living case plan.

1 (2) An agreement, as described in paragraph (1), between a  
2 nonminor former dependent or ward in receipt of Kin-GAP  
3 payments under Article 4.5 (commencing with Section 11360) or  
4 Article 4.7 (commencing with Section 11385), and the agency  
5 responsible for the Kin-GAP benefits, provided that the nonminor  
6 former dependent or ward satisfies the conditions described in  
7 Section 11403.01, or one or more of the conditions described in  
8 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
9 11403. For purposes of this paragraph and paragraph (3),  
10 “nonminor former dependent or ward” has the same meaning as  
11 described in subdivision (aa).

12 (3) An agreement, as described in paragraph (1), between a  
13 nonminor former dependent or ward in receipt of AFDC-FC  
14 payments under subdivision (e) or (f) of Section 11405 and the  
15 agency responsible for the AFDC-FC benefits, provided that the  
16 nonminor former dependent or ward described in subdivision (e)  
17 of Section 11405 satisfies one or more of the conditions described  
18 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
19 11403, and the nonminor described in subdivision (f) of Section  
20 11405 satisfies the secondary school or equivalent training or  
21 certificate program conditions described in that subdivision.

22 (v) “Nonminor dependent” means, on and after January 1, 2012,  
23 a foster child, as described in Section 675(8)(B) of Title 42 of the  
24 United States Code under the federal Social Security Act who is  
25 a current dependent child or ward of the juvenile court, or who is  
26 a nonminor under the transition jurisdiction of the juvenile court,  
27 as described in Section 450, and who satisfies all of the following  
28 criteria:

29 (1) He or she has attained 18 years of age while under an order  
30 of foster care placement by the juvenile court, and is not more than  
31 19 years of age on or after January 1, 2012, not more than 20 years  
32 of age on or after January 1, 2013, or not more than 21 years of  
33 age on or after January 1, 2014, and as described in Section  
34 10103.5.

35 (2) He or she is in foster care under the placement and care  
36 responsibility of the county welfare department, county probation  
37 department, Indian tribe, consortium of tribes, or tribal organization  
38 that entered into an agreement pursuant to Section 10553.1.

39 (3) He or she has a transitional independent living case plan  
40 pursuant to Section 475(8) of the federal Social Security Act (42

1 U.S.C. Sec. 675(8)), as contained in the federal Fostering  
2 Connections to Success and Increasing Adoptions Act of 2008  
3 (Public Law 110-351), as described in Section 11403.

4 (w) “Supervised independent living placement” means, on and  
5 after January 1, 2012, an independent supervised setting, as  
6 specified in a nonminor dependent’s transitional independent living  
7 case plan, in which the youth is living independently, pursuant to  
8 Section 472(c)(2) of the federal Social Security Act (42 U.S.C.  
9 Sec. 672(c)(2)).

10 (x) “Supervised independent living setting,” pursuant to Section  
11 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.  
12 672(c)(2)), includes both a supervised independent living  
13 placement, as defined in subdivision (w), and a residential housing  
14 unit certified by the transitional housing placement provider  
15 operating a Transitional Housing Placement-Plus Foster Care  
16 program, as described in paragraph (2) of subdivision (a) of Section  
17 16522.1.

18 (y) “Transitional independent living case plan” means, on or  
19 after January 1, 2012, a child’s case plan submitted for the last  
20 review hearing held before he or she reaches 18 years of age or  
21 the nonminor dependent’s case plan, updated every six months,  
22 that describes the goals and objectives of how the nonminor will  
23 make progress in the transition to living independently and assume  
24 incremental responsibility for adult decisionmaking, the  
25 collaborative efforts between the nonminor and the social worker,  
26 probation officer, or Indian tribal placing entity and the supportive  
27 services as described in the transitional independent living plan  
28 (TILP) to ensure active and meaningful participation in one or  
29 more of the eligibility criteria described in paragraphs (1) to (5),  
30 inclusive, of subdivision (b) of Section 11403, the nonminor’s  
31 appropriate supervised placement setting, and the nonminor’s  
32 permanent plan for transition to living independently, which  
33 includes maintaining or obtaining permanent connections to caring  
34 and committed adults, as set forth in paragraph (16) of subdivision  
35 (f) of Section 16501.1.

36 (z) “Voluntary reentry agreement” means a written voluntary  
37 agreement between a former dependent child or ward or a former  
38 nonminor dependent, who has had juvenile court jurisdiction  
39 terminated pursuant to Section 391, 452, or 607.2, and the county  
40 welfare or probation department or tribal placing entity that

1 documents the nonminor’s desire and willingness to reenter foster  
2 care, to be placed in a supervised setting under the placement and  
3 care responsibility of the placing agency, the nonminor’s desire,  
4 willingness, and ability to immediately participate in one or more  
5 of the conditions of paragraphs (1) to (5), inclusive, of subdivision  
6 (b) of Section 11403, the nonminor’s agreement to work  
7 collaboratively with the placing agency to develop his or her  
8 transitional independent living case plan within 60 days of reentry,  
9 the nonminor’s agreement to report any changes of circumstances  
10 relevant to continued eligibility for foster care payments, and (1)  
11 the nonminor’s agreement to participate in the filing of a petition  
12 for juvenile court jurisdiction as a nonminor dependent pursuant  
13 to subdivision (e) of Section 388 within 15 judicial days of the  
14 signing of the agreement and the placing agency’s efforts and  
15 supportive services to assist the nonminor in the reentry process,  
16 or (2) if the nonminor meets the definition of a nonminor former  
17 dependent or ward, as described in subdivision (aa), the nonminor’s  
18 agreement to return to the care and support of his or her former  
19 juvenile court-appointed guardian and meet the eligibility criteria  
20 for AFDC-FC pursuant to subdivision (e) of Section 11405.

21 (aa) “Nonminor former dependent or ward” means, on and after  
22 January 1, 2012, either of the following:

23 (1) A nonminor who reached 18 years of age while subject to  
24 an order for foster care placement, and for whom dependency,  
25 delinquency, or transition jurisdiction has been terminated, and  
26 who is still under the general jurisdiction of the court.

27 (2) A nonminor who is over 18 years of age and, while a minor,  
28 was a dependent child or ward of the juvenile court when the  
29 guardianship was established pursuant to Section 360 or 366.26,  
30 or subdivision (d), of Section 728 and the juvenile court  
31 dependency or wardship was dismissed following the establishment  
32 of the guardianship.

33 (ab) “Runaway and homeless youth shelter” means a type of  
34 group home, as defined in paragraph (14) of subdivision (a) of  
35 Section 1502 of the Health and Safety Code, that is not an eligible  
36 placement option under Sections 319, 361.2, 450, and 727, and  
37 that is not eligible for AFDC-FC funding pursuant to subdivision  
38 (c) of Section 11402 or Section 11462.

1 (ac) “Transition dependent” is a minor between 17 years and  
2 five months and 18 years of age who is subject to the court’s  
3 transition jurisdiction under Section 450.

4 (ad) “Short-term residential treatment center” means a licensed  
5 community care facility, as defined in paragraph (18) of subdivision  
6 (a) of Section 1502 of the Health and Safety Code, that provides  
7 short-term, specialized, and intensive treatment for the child or  
8 youth, when the child’s or youth’s case plan specifies the need for,  
9 nature of, and anticipated duration of this specialized treatment.

10 (ae) “Resource family” means ~~a placement,~~ *an approved*  
11 *caregiver*, as defined in subdivision (c) of Section 16519.5.

12 ~~SEC. 52.~~

13 *SEC. 55.* Section 11402 of the Welfare and Institutions Code  
14 is amended to read:

15 11402. In order to be eligible for AFDC-FC, a child or  
16 nonminor dependent shall be placed in one of the following:

17 (a) The approved home of a relative, provided the child or youth  
18 is otherwise eligible for federal financial participation in the  
19 AFDC-FC payment.

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

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

23 (c) The approved home of a resource family as defined in  
24 Section 16519.5.

25 (d) A licensed group home, as defined in subdivision (h) of  
26 Section 11400, excluding a runaway and homeless youth shelter  
27 as defined in subdivision (ab) of Section 11400, provided that the  
28 placement worker has documented that the placement is necessary  
29 to meet the treatment needs of the child or youth and that the  
30 facility offers those treatment services.

31 (e) The home of a nonrelated legal guardian or the home of a  
32 former nonrelated legal guardian when the guardianship of a child  
33 or youth who is otherwise eligible for AFDC-FC has been  
34 dismissed due to the child or youth attaining 18 years of age.

35 (f) An exclusive-use home.

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

39 (h) An out-of-state group home, provided that the placement  
40 worker, in addition to complying with all other statutory

1 requirements for placing a ~~minor~~ *child or youth* in an out-of-state  
 2 group home, documents that the requirements of Section 7911.1  
 3 of the Family Code have been met.

4 (i) An approved supervised independent living setting for  
 5 nonminor dependents, as defined in subdivision (w) of Section  
 6 11400.

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

10 ~~SEC. 53.~~

11 *SEC. 56.* Section 11402 is added to the Welfare and Institutions  
 12 Code, to read:

13 11402. In order to be eligible for AFDC-FC, a child or  
 14 nonminor dependent shall be placed in one of the following:

15 (a) The approved home of a relative, provided the child or youth  
 16 is otherwise eligible for federal financial participation in the  
 17 AFDC-FC payment.

18 (b) (1) The home of a nonrelated legal guardian or the home  
 19 of a former nonrelated legal guardian when the guardianship of a  
 20 child or youth who is otherwise eligible for AFDC-FC has been  
 21 dismissed due to the child or youth attaining 18 years of age.

22 (2) The approved home of a nonrelative extended family  
 23 member, as described in Section 362.7.

24 (c) (1) The licensed family home of a nonrelative.

25 (2) The approved home of a resource family, as defined in  
 26 Section 16519.5.

27 ~~(3) A licensed foster family agency for placement into a~~  
 28 ~~nontreatment foster home, provided that the program has~~  
 29 ~~accreditation from a nationally recognized entity identified by the~~  
 30 ~~State Department of Social Services pursuant to the process~~  
 31 ~~described in paragraph (8) of subdivision (b) of Section 11463.~~

32 (d) (1) A housing model certified by a licensed transitional  
 33 housing placement provider, as described in Section 1559.110 of  
 34 the Health and Safety Code, and as defined in subdivision (r) of  
 35 Section 11400.

36 (2) An approved supervised independent living setting for  
 37 nonminor dependents, as defined in subdivision (w) of Section  
 38 11400.

39 (e) A licensed foster family ~~agency~~ *agency, as defined in*  
 40 *paragraph (4) of subdivision (a) of Section 1502 of the Health and*

1 *Safety Code*, for placement into a treatment foster home, provided  
2 that all of the following apply:

3 (1) The program has accreditation from a nationally recognized  
4 entity identified by the State Department of Social Services  
5 pursuant to the process described in paragraph (8) of subdivision  
6 (b) of Section 11463.

7 (2) The program has a mental health certificate pursuant to  
8 Section 11462.015.

9 ~~(3) The placement worker has documented in the child's or  
10 youth's case plan the need for, nature of, and anticipated duration  
11 of this specialized treatment to meet the treatment needs of the  
12 child or youth and that the facility offers those treatment services.~~

13 (f) A short-term residential treatment center licensed as a  
14 community care facility, as defined in subdivision (ad) of Section  
15 11400, provided that all of the following apply:

16 (1) The program has a national accreditation from an entity  
17 ~~selected~~ *identified* by the State Department of Social Services  
18 pursuant to the process described in paragraph (4) of subdivision  
19 (b) of Section 11462.

20 (2) The program has a mental health certificate pursuant to  
21 Section 11462.015.

22 (3) The placement worker has documented in the child's or  
23 youth's case plan the need for, nature of, and anticipated duration  
24 of this specialized treatment to meet the treatment needs of the  
25 child or youth and that the facility offers those treatment services.

26 (g) An out-of-state group home that meets the equivalent of the  
27 requirements of paragraphs (1), (2), and (3) of subdivision (f),  
28 provided that the placement worker, in addition to complying with  
29 all other statutory requirements for placing a ~~minor~~ *child or youth*  
30 in an out-of-state group home, documents that the requirements  
31 of Section 7911.1 of the Family Code have been met.

32 (h) A community treatment facility set forth in Article 5  
33 (commencing with Section 4094) of Chapter 3 of Part 1 of Division  
34 4.

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

36 ~~SEC. 54.~~

37 *SEC. 57.* Section 11402.01 is added to the Welfare and  
38 Institutions Code, immediately following Section 11402, to read:

39 11402.01. In order to be eligible for AFDC-FC, a child or  
40 nonminor dependent shall be placed in one of the following:

- 1 (a) The approved home of a relative, provided the child or youth  
2 is otherwise eligible for federal financial participation, as defined  
3 in Section 11402.1, in the AFDC-FC payment.
- 4 (b) (1) The licensed family home of a nonrelative.  
5 (2) The approved home of a nonrelative extended family  
6 member as described in Section 362.7.
- 7 (c) The approved home of a resource family as defined in  
8 Section 16519.5.
- 9 (d) A licensed group home, as defined in subdivision (h) of  
10 Section 11400, excluding a runaway and homeless youth shelter  
11 as defined in subdivision (ab) of Section 11400, provided that the  
12 placement worker has documented that the placement is necessary  
13 to meet the treatment needs of the child or youth and that the  
14 facility offers those treatment services.
- 15 (e) The home of a nonrelated legal guardian or the home of a  
16 former nonrelated legal guardian when the guardianship of a child  
17 or youth who is otherwise eligible for AFDC-FC has been  
18 dismissed due to the child or youth attaining 18 years of age.
- 19 (f) An exclusive-use home.
- 20 (g) A housing model certified by a licensed transitional housing  
21 placement provider as described in Section 1559.110 of the Health  
22 and Safety Code and as defined in subdivision (r) of Section 11400.
- 23 (h) An out-of-state group home, provided that the placement  
24 worker, in addition to complying with all other statutory  
25 requirements for placing a minor in an out-of-state group home,  
26 documents that the requirements of Section 7911.1 of the Family  
27 Code have been met.
- 28 (i) An approved supervised independent living setting for  
29 nonminor dependents, as defined in subdivision (w) of Section  
30 11400.
- 31 (j) This section shall only apply to a group home that has been  
32 granted an extension pursuant to the exception process described  
33 in subdivision (d) of Section 11462.04 or to a foster family agency  
34 that has been granted an extension pursuant to the exception  
35 process described in subdivision (d) of Section 11463.1.
- 36 (k) This section shall become operative on January 1, 2017.
- 37 (l) 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. 55.~~

2     *SEC. 58.* Section 11403.2 of the Welfare and Institutions Code  
3 is amended to read:

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

7         (1) Any foster child at least 16 years of age and not more than  
8 18 years of age, and, on or after January 1, 2012, any nonminor  
9 dependent, as defined in subdivision (v) of Section 11400, who is  
10 eligible for AFDC-FC benefits as described in Section 11401. A  
11 foster child under 18 years of age shall be eligible for placement  
12 in the program certified as a “Transitional Housing Placement  
13 Program,” pursuant to paragraph (1) of subdivision (a) of Section  
14 16522.1. A nonminor dependent shall be eligible for placement in  
15 the program certified as a “Transitional Housing Placement-Plus  
16 Foster Care Program” pursuant to paragraph (2) of subdivision (a)  
17 of Section 16522.1.

18         (2) (A) Any former foster youth at least 18 years of age and,  
19 except as provided in subparagraph (B), not more than 24 years  
20 of age who has exited from the foster care system on or after his  
21 or her 18th birthday and elects to participate in Transitional  
22 Housing Program-Plus, as defined in subdivision (s) of Section  
23 11400, if he or she has not received services under this paragraph  
24 for more than a total of 24 months, whether or not consecutive. If  
25 the person participating in a Transitional Housing Program-Plus  
26 is not receiving aid under Section 11403.1, he or she, as a condition  
27 of participation, shall enter into, and execute the provisions of, a  
28 transitional independent living plan that shall be mutually agreed  
29 upon, and annually reviewed, by the former foster youth and the  
30 applicable county welfare or probation department or independent  
31 living program coordinator. The person participating under this  
32 paragraph shall inform the county of any changes to conditions  
33 specified in the agreed-upon plan that affect eligibility, including  
34 changes in address, living circumstances, and the educational or  
35 training program.

36         (B) A county may, at its option, extend the services provided  
37 under subparagraph (A) to former foster youth not more than 25  
38 years of age, and for a total of 36 months, whether or not  
39 consecutive, if the former foster youth, in addition to the

1 requirements specified in subparagraph (A), meets either of the  
2 following criteria:

3 (i) The former foster youth is completing secondary education  
4 or a program leading to an equivalent credential.

5 (ii) The former foster youth is enrolled in an institution that  
6 provides postsecondary education.

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

29 (c) The Legislature finds and declares that this subdivision was  
30 added in 2015 to clearly codify the requirement of existing law  
31 regarding the payment made on behalf of an eligible person  
32 receiving transitional housing services. The workgroup described  
33 in subdivision (b) recommended, and the department subsequently  
34 implemented, an annual adjustment to the payment made on behalf  
35 of an eligible person receiving transitional housing services. This  
36 annual adjustment has been, and shall continue to be, equal to the  
37 California Necessities Index applicable to each fiscal year. The  
38 Legislature hereby codifies that its intent remains in making this  
39 annual adjustment to support the care and supervision, including  
40 needed services and supports, for nonminor dependents who are

1 receiving transitional housing services through the THP-Plus Foster  
2 Care Program.

3 ~~SEC. 56.~~

4 *SEC. 59.* Section 11460 of the Welfare and Institutions Code  
5 is amended to read:

6 11460. (a) Foster care providers shall be paid a per child per  
7 month rate in return for the care and supervision of the AFDC-FC  
8 child placed with them. The department is designated the single  
9 organizational unit whose duty it shall be to administer a state  
10 system for establishing rates in the AFDC-FC program. State  
11 functions shall be performed by the department or by delegation  
12 of the department to county welfare departments or Indian tribes,  
13 consortia of tribes, or tribal organizations that have entered into  
14 an agreement pursuant to Section 10553.1.

15 (b) "Care and supervision" includes food, clothing, shelter, daily  
16 supervision, school supplies, a child's personal incidentals, liability  
17 insurance with respect to a child, reasonable travel to the child's  
18 home for visitation, and reasonable travel for the child to remain  
19 in the school in which he or she is enrolled at the time of  
20 placement. Reimbursement for the costs of educational travel, as  
21 provided for in this subdivision, shall be made pursuant to  
22 procedures determined by the department, in consultation with  
23 representatives of county welfare and probation directors, and  
24 additional stakeholders, as appropriate.

25 (1) For a child or youth placed in a short-term residential  
26 treatment center or a group home, care and supervision shall also  
27 include reasonable administration and operational activities  
28 necessary to provide the items listed in this subdivision.

29 (2) For a child or youth placed in a short-term residential  
30 treatment center or a group home, care and supervision may also  
31 include reasonable activities performed by social workers employed  
32 by the program provider that are not otherwise considered daily  
33 supervision or administration activities, but are eligible for federal  
34 financial participation under Title IV-E of the federal Social  
35 Security Act.

36 (c) It is the intent of the Legislature to establish the maximum  
37 level of financial participation in out-of-state foster care group  
38 home program rates for placements in facilities described in  
39 subdivision (g) of Section 11402.

1 (1) The department shall develop regulations that establish the  
2 method for determining the level of financial participation in the  
3 rate paid for out-of-state placements in facilities described in  
4 subdivision (g) of Section 11402. The department shall consider  
5 all of the following methods:

6 (A) Until December 31, 2016, a standardized system based on  
7 the rate classification level of care and services per child per month.

8 (B) The rate developed for a short-term residential treatment  
9 center pursuant to Section 11462.

10 (C) A system that considers the actual allowable and reasonable  
11 costs of care and supervision incurred by the out-of-state program.

12 (D) A system that considers the rate established by the host  
13 state.

14 (E) Any other appropriate methods as determined by the  
15 department.

16 (2) Reimbursement for the Aid to Families with Dependent  
17 Children-Foster Care rate to be paid to an out-of-state program  
18 described in subdivision (g) of Section 11402 shall only be paid  
19 to programs that have done both of the following:

20 (A) Submitted a rate application to the department and received  
21 a determination of the level of financial participation in the rate  
22 paid.

23 (i) The level of financial participation shall not exceed the  
24 current fiscal year's standard rate for rate classification level 14  
25 for a group home; or, commencing January 1, 2017, for a  
26 short-term residential treatment center.

27 (ii) The level of financial participation shall not exceed the rate  
28 determined by the ratesetting authority of the state in which the  
29 facility is located.

30 (B) Agreed to comply with information requests, and program  
31 and fiscal audits as determined necessary by the department.

32 (3) Except as specifically provided for in statute, reimbursement  
33 for an AFDC-FC rate shall only be paid to a group home or  
34 short-term residential treatment center organized and operated on  
35 a nonprofit basis.

36 (d) A foster care provider that accepts payments, following the  
37 effective date of this section, based on a rate established under this  
38 section, shall not receive rate increases or retroactive payments as  
39 the result of litigation challenging rates established prior to the  
40 effective date of this section. This shall apply regardless of whether

1 a provider is a party to the litigation or a member of a class covered  
2 by the litigation.

3 (e) Nothing shall preclude a county from using a portion of its  
4 county funds to increase rates paid to family homes, foster family  
5 agencies, group homes, and short-term residential treatment centers  
6 within that county, and to make payments for specialized care  
7 increments, clothing allowances, or infant supplements to homes  
8 within that county, solely at that county's expense.

9 (f) Nothing shall preclude a county from providing a  
10 supplemental rate to serve commercially sexually exploited foster  
11 children to provide for the additional care and supervision needs  
12 of these children. To the extent that federal financial participation  
13 is available, it is the intent of the Legislature that the federal  
14 funding shall be utilized.

15 ~~SEC. 57.~~

16 *SEC. 60.* Section 11461.2 of the Welfare and Institutions Code  
17 is amended to read:

18 11461.2. (a) It is the intent of the Legislature to ensure quality  
19 care for children who are placed in the continuum of AFDC-FC  
20 eligible placement settings.

21 (b) The State Department of Social Services shall establish, in  
22 consultation with county welfare departments and other  
23 stakeholders, as appropriate, a working group to develop  
24 recommended revisions to the current ratesetting system, services,  
25 and programs serving children and families in the continuum of  
26 AFDC-FC eligible placement settings including, at a minimum,  
27 all programs provided by foster family agencies and group homes  
28 including those providing residentially based services, as defined  
29 in paragraph (1) of subdivision (a) of Section 18987.71.

30 (c) In developing the recommended revisions identified in  
31 subdivision (b), the working group shall consider all of the  
32 following:

33 (1) How ratesetting systems for foster care providers, including,  
34 at least, foster family agencies and group homes, can better support  
35 a continuum of programs and services that promote positive  
36 outcomes for children and families. This may include a process  
37 for matching the child's strengths and needs to the appropriate  
38 placement setting.

39 (2) How the provision of an integrated, comprehensive set of  
40 services including mental health and other critical services for

1 children and youth support the achievement of well-being,  
2 permanency, and safety outcomes.

3 (3) How to ensure the provision of services in family-like  
4 settings including aftercare services, when appropriate.

5 (4) How to provide outcome-based evaluations of foster care  
6 providers or other methods of measuring quality improvement  
7 including measures of youth and families' satisfaction with services  
8 provided and program effectiveness.

9 (5) How changes in the licensing, ratesetting, and auditing  
10 processes can improve the quality of foster care providers, the  
11 quality of services and programs provided, and enhance the  
12 oversight of care provided to children, including, but not limited  
13 to, accreditation, administrator qualifications, and the reassignment  
14 of these responsibilities within the department.

15 (d) In addition to the considerations in subdivision (c), the  
16 workgroup recommendations shall be based on the review and  
17 evaluation of the current ratesetting systems, actual cost data, and  
18 information from the provider community as well as research on  
19 other applicable ratesetting methodologies, evidence-based  
20 practices, information developed as a result of pilots approved by  
21 the director, and any other relevant information.

22 (e) (1) The workgroup shall develop the content, format, and  
23 data sources for reports to be posted by the department on a public  
24 Internet Web site describing the outcomes achieved by providers  
25 with foster care rates set by the department.

26 (2) Commencing January 1, 2017, and at least ~~annually~~  
27 *semiannually* after that date, the department shall publish and make  
28 available on a public Internet Web site, short-term residential  
29 treatment center and foster family agency provider performance  
30 indicators.

31 (f) (1) Recommendations developed pursuant to this section  
32 shall include the plan required under subdivision (d) of Section  
33 18987.7. Updates regarding the workgroup's establishment and  
34 its progress toward meeting the requirements of this section shall  
35 be provided to the Legislature during 2012–13 and 2013–14 budget  
36 hearings. The revisions recommended pursuant to the requirements  
37 of subdivision (b) shall be submitted in a report to the appropriate  
38 policy and fiscal committees of the Legislature by October 1, 2014.

1 (2) The requirement for submitting a report pursuant to this  
2 subdivision is inoperative on October 1, 2018, pursuant to Section  
3 10231.5 of the Government Code.

4 (g) The department shall retain the authority to extend the  
5 workgroup after October 1, 2014, to ensure that the objectives of  
6 this section are met and to reconvene this workgroup as necessary  
7 to address any future recommended changes to the continuum of  
8 AFDC-FC eligible placement settings pursuant to this section.

9 ~~SEC. 58.~~

10 *SEC. 61.* Section 11462 of the Welfare and Institutions Code  
11 is amended to read:

12 11462. (a) (1) Effective July 1, 1990, foster care providers  
13 licensed as group homes, as defined in departmental regulations,  
14 including public child care institutions, as defined in Section  
15 11402.5, shall have rates established by classifying each group  
16 home program and applying the standardized schedule of rates.  
17 The department shall collect information from group providers  
18 beginning January 1, 1990, in order to classify each group home  
19 program.

20 (2) Notwithstanding paragraph (1), foster care providers licensed  
21 as group homes shall have rates established only if the group home  
22 is organized and operated on a nonprofit basis as required under  
23 subdivision (h) of Section 11400. The department shall terminate  
24 the rate effective January 1, 1993, of any group home not organized  
25 and operated on a nonprofit basis as required under subdivision  
26 (h) of Section 11400.

27 (3) (A) The department shall determine, consistent with the  
28 requirements of this chapter and other relevant requirements under  
29 law, the rate classification level (RCL) for each group home  
30 program on a biennial basis. Submission of the biennial rate  
31 application shall be made according to a schedule determined by  
32 the department.

33 (B) The department shall adopt regulations to implement this  
34 paragraph. The adoption, amendment, repeal, or readoption of a  
35 regulation authorized by this paragraph is deemed to be necessary  
36 for the immediate preservation of the public peace, health and  
37 safety, or general welfare, for purposes of Sections 11346.1 and  
38 11349.6 of the Government Code, and the department is hereby  
39 exempted from the requirement to describe specific facts showing  
40 the need for immediate action.

1 (b) A group home program shall be initially classified, for  
2 purposes of emergency regulations, according to the level of care  
3 and services to be provided using a point system developed by the  
4 department and described in the report, “The Classification of  
5 Group Home Programs under the Standardized Schedule of Rates  
6 System,” prepared by the State Department of Social Services,  
7 August 30, 1989.

8 (c) The rate for each RCL has been determined by the  
9 department with data from the AFDC-FC Group Home Rate  
10 Classification Pilot Study. The rates effective July 1, 1990, were  
11 developed using 1985 calendar year costs and reflect adjustments  
12 to the costs for each fiscal year, starting with the 1986–87 fiscal  
13 year, by the amount of the California Necessities Index computed  
14 pursuant to the methodology described in Section 11453. The data  
15 obtained by the department using 1985 calendar year costs shall  
16 be updated and revised by January 1, 1993.

17 (d) As used in this section, “standardized schedule of rates”  
18 means a listing of the 14 rate classification levels, and the single  
19 rate established for each RCL.

20 (e) Except as specified in paragraph (1), the department shall  
21 determine the RCL for each group home program on a prospective  
22 basis, according to the level of care and services that the group  
23 home operator projects will be provided during the period of time  
24 for which the rate is being established.

25 (1) (A) (i) For new and existing providers requesting the  
26 establishment of an RCL, and for existing group home programs  
27 requesting an RCL increase, the department shall determine the  
28 RCL no later than 13 months after the effective date of the  
29 provisional rate. The determination of the RCL shall be based on  
30 a program audit of documentation and other information that  
31 verifies the level of care and supervision provided by the group  
32 home program during a period of the two full calendar months or  
33 60 consecutive days, whichever is longer, preceding the date of  
34 the program audit, unless the group home program requests a lower  
35 RCL. The program audit shall not cover the first six months of  
36 operation under the provisional rate.

37 (ii) For audit purposes, if the group home program serves a  
38 mixture of AFDC-FC eligible and ineligible children, the weighted  
39 hours for child care and social work services provided and the

1 capacity of the group home shall be adjusted by the ratio of  
2 AFDC-FC eligible children to all children in placement.

3 (iii) Pending the department's issuance of the program audit  
4 report that determines the RCL for the group home program, the  
5 group home program shall be eligible to receive a provisional rate  
6 that shall be based on the level of care and service that the group  
7 home program proposes it will provide. The group home program  
8 shall be eligible to receive only the RCL determined by the  
9 department during the pendency of any appeal of the department's  
10 RCL determination.

11 (B) A group home program may apply for an increase in its  
12 RCL no earlier than two years from the date the department has  
13 determined the group home program's rate, unless the host county,  
14 the primary placing county, or a regional consortium of counties  
15 submits to the department in writing that the program is needed  
16 in that county, that the provider is capable of effectively and  
17 efficiently operating the proposed program, and that the provider  
18 is willing and able to accept AFDC-FC children for placement  
19 who are determined by the placing agency to need the level of care  
20 and services that will be provided by the program.

21 (C) To ensure efficient administration of the department's audit  
22 responsibilities, and to avoid the fraudulent creation of records,  
23 group home programs shall make records that are relevant to the  
24 RCL determination available to the department in a timely manner.  
25 Except as provided in this section, the department may refuse to  
26 consider, for purposes of determining the rate, any documents that  
27 are relevant to the determination of the RCL that are not made  
28 available by the group home provider by the date the group home  
29 provider requests a hearing on the department's RCL  
30 determination. The department may refuse to consider, for purposes  
31 of determining the rate, the following records, unless the group  
32 home provider makes the records available to the department  
33 during the fieldwork portion of the department's program audit:

34 (i) Records of each employee's full name, home address,  
35 occupation, and social security number.

36 (ii) Time records showing when the employee begins and ends  
37 each work period, meal periods, split shift intervals, and total daily  
38 hours worked.

39 (iii) Total wages paid each payroll period.

1 (iv) Records required to be maintained by licensed group home  
2 providers under Title 22 of the California Code of Regulations  
3 that are relevant to the RCL determination.

4 (D) To minimize financial abuse in the startup of group home  
5 programs, when the department’s RCL determination is more than  
6 three levels lower than the RCL level proposed by the group home  
7 provider, and the group home provider does not appeal the  
8 department’s RCL determination, the department shall terminate  
9 the rate of a group home program 45 days after issuance of its  
10 program audit report. When the group home provider requests a  
11 hearing on the department’s RCL determination, and the RCL  
12 determined by the director under subparagraph (E) is more than  
13 three levels lower than the RCL level proposed by the group home  
14 provider, the department shall terminate the rate of a group home  
15 program within 30 days of issuance of the director’s decision.  
16 Notwithstanding the reapplication provisions in subparagraph (B),  
17 the department shall deny any request for a new or increased RCL  
18 from a group home provider whose RCL is terminated pursuant  
19 to this subparagraph, for a period of no greater than two years from  
20 the effective date of the RCL termination.

21 (E) A group home provider may request a hearing of the  
22 department’s RCL determination under subparagraph (A) no later  
23 than 30 days after the date the department issues its RCL  
24 determination. The department’s RCL determination shall be final  
25 if the group home provider does not request a hearing within the  
26 prescribed time. Within 60 days of receipt of the request for  
27 hearing, the department shall conduct a hearing on the RCL  
28 determination. The standard of proof shall be the preponderance  
29 of the evidence and the burden of proof shall be on the department.  
30 The hearing officer shall issue the proposed decision within 45  
31 days of the close of the evidentiary record. The director shall adopt,  
32 reject, or modify the proposed decision, or refer the matter back  
33 to the hearing officer for additional evidence or findings within  
34 100 days of issuance of the proposed decision. If the director takes  
35 no action on the proposed decision within the prescribed time, the  
36 proposed decision shall take effect by operation of law.

37 (2) Group home programs that fail to maintain at least the level  
38 of care and services associated with the RCL upon which their rate  
39 was established shall inform the department. The department shall  
40 develop regulations specifying procedures to be applied when a

1 group home fails to maintain the level of services projected,  
2 including, but not limited to, rate reduction and recovery of  
3 overpayments.

4 (3) The department shall not reduce the rate, establish an  
5 overpayment, or take other actions pursuant to paragraph (2) for  
6 any period that a group home program maintains the level of care  
7 and services associated with the RCL for children actually residing  
8 in the facility. Determinations of levels of care and services shall  
9 be made in the same way as modifications of overpayments are  
10 made pursuant to paragraph (2) of subdivision (b) of Section  
11 11466.2.

12 (4) A group home program that substantially changes its staffing  
13 pattern from that reported in the group home program statement  
14 shall provide notification of this change to all counties that have  
15 placed children currently in care. This notification shall be provided  
16 whether or not the RCL for the program may change as a result of  
17 the change in staffing pattern.

18 (f) (1) The standardized schedule of rates for the 2002–03,  
19 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08 fiscal years  
20 is:

			FY 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08
25	Rate Classification Level	Point Ranges	Standard Rate
26	1	Under 60	\$1,454
27	2	60–89	1,835
28	3	90–119	2,210
29	4	120–149	2,589
30	5	150–179	2,966
31	6	180–209	3,344
32	7	210–239	3,723
33	8	240–269	4,102
34	9	270–299	4,479
35	10	300–329	4,858
36	11	330–359	5,234
37	12	360–389	5,613
38	13	390–419	5,994
39	14	420 & Up	6,371

40

1 (2) (A) For group home programs that receive AFDC-FC  
 2 payments for services performed during the 2002–03, 2003–04,  
 3 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10  
 4 fiscal years, the adjusted RCL point ranges below shall be used  
 5 for establishing the biennial rates for existing programs, pursuant  
 6 to paragraph (3) of subdivision (a) and in performing program  
 7 audits and in determining any resulting rate reduction, overpayment  
 8 assessment, or other actions pursuant to paragraph (2) of  
 9 subdivision (e):

10	Adjusted Point Ranges for the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 Fiscal Years	
11	Rate Classification Level	
12	1	Under 54
13	2	54–81
14	3	82–110
15	4	111–138
16	5	139–167
17	6	168–195
18	7	196–224
19	8	225–253
20	9	254–281
21	10	282–310
22	11	311–338
23	12	339–367
24	13	368–395
25	14	396 & Up

26  
 27  
 28  
 29  
 30 (B) Notwithstanding subparagraph (A), foster care providers  
 31 operating group homes during the 2002–03, 2003–04, 2004–05,  
 32 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 fiscal years  
 33 shall remain responsible for ensuring the health and safety of the  
 34 children placed in their programs in accordance with existing  
 35 applicable provisions of the Health and Safety Code and  
 36 community care licensing regulations, as contained in Title 22 of  
 37 the California Code of Regulations.

38 (C) Subparagraph (A) shall not apply to program audits of group  
 39 home programs with provisional rates established pursuant to

1 paragraph (1) of subdivision (e). For those program audits, the  
2 RCL point ranges in paragraph (1) shall be used.

3 (D) Rates applicable for the 2009–10 fiscal year pursuant to the  
4 act that adds this subparagraph shall be effective October 1, 2009.

5 (3) (A) For group home programs that receive AFDC-FC  
6 payments for services performed during the 2009–10 fiscal year  
7 the adjusted RCL point ranges below shall be used for establishing  
8 the biennial rates for existing programs, pursuant to paragraph (3)  
9 of subdivision (a) and in performing program audits and in  
10 determining any resulting rate reduction, overpayment assessment,  
11 or other actions pursuant to paragraph (2) of subdivision (e):  
12

13	Rate	Adjusted Point Ranges
14	Classification	for the 2009–10
15	Level	Fiscal Years
16	1	Under 39
17	2	39–64
18	3	65–90
19	4	91–115
20	5	116–141
21	6	142–167
22	7	168–192
23	8	193–218
24	9	219–244
25	10	245–270
26	11	271–295
27	12	296–321
28	13	322–347
29	14	348 & Up

30  
31 (B) Notwithstanding subparagraph (A), foster care providers  
32 operating group homes during the 2009–10 fiscal year shall remain  
33 responsible for ensuring the health and safety of the children placed  
34 in their programs in accordance with existing applicable provisions  
35 of the Health and Safety Code and community care licensing  
36 regulations as contained in Title 22 of the California Code of  
37 Regulations.

38 (C) Subparagraph (A) shall not apply to program audits of group  
39 home programs with provisional rates established pursuant to

1 paragraph (1) of subdivision (e). For those program audits, the  
2 RCL point ranges in paragraph (1) shall be used.

3 (g) (1) (A) For the 1999–2000 fiscal year, the standardized  
4 rate for each RCL shall be adjusted by an amount equal to the  
5 California Necessities Index computed pursuant to the methodology  
6 described in Section 11453. The resultant amounts shall constitute  
7 the new standardized schedule of rates, subject to further  
8 adjustment pursuant to subparagraph (B).

9 (B) In addition to the adjustment in subparagraph (A),  
10 commencing January 1, 2000, the standardized rate for each RCL  
11 shall be increased by 2.36 percent, rounded to the nearest dollar.  
12 The resultant amounts shall constitute the new standardized  
13 schedule of rates.

14 (2) Beginning with the 2000–01 fiscal year, the standardized  
15 schedule of rates shall be adjusted annually by an amount equal  
16 to the CNI computed pursuant to Section 11453, subject to the  
17 availability of funds. The resultant amounts shall constitute the  
18 new standardized schedule of rates.

19 (3) Effective January 1, 2001, the amount included in the  
20 standard rate for each Rate Classification Level (RCL) for the  
21 salaries, wages, and benefits for staff providing child care and  
22 supervision or performing social work activities, or both, shall be  
23 increased by 10 percent. This additional funding shall be used by  
24 group home programs solely to supplement staffing, salaries,  
25 wages, and benefit levels of staff specified in this paragraph. The  
26 standard rate for each RCL shall be recomputed using this adjusted  
27 amount and the resultant rates shall constitute the new standardized  
28 schedule of rates. The department may require a group home  
29 receiving this additional funding to certify that the funding was  
30 utilized in accordance with the provisions of this section.

31 (4) Effective January 1, 2008, the amount included in the  
32 standard rate for each RCL for the wages for staff providing child  
33 care and supervision or performing social work activities, or both,  
34 shall be increased by 5 percent, and the amount included for the  
35 payroll taxes and other employer-paid benefits for these staff shall  
36 be increased from 20.325 percent to 24 percent. The standard rate  
37 for each RCL shall be recomputed using these adjusted amounts,  
38 and the resulting rates shall constitute the new standardized  
39 schedule of rates.

1 (5) The new standardized schedule of rates as provided for in  
2 paragraph (4) shall be reduced by 10 percent, effective October 1,  
3 2009, and the resulting rates shall constitute the new standardized  
4 schedule of rates.

5 (6) The rates of licensed group home providers, whose rates are  
6 not established under the standardized schedule of rates, shall be  
7 reduced by 10 percent, effective October 1, 2009.

8 (h) The standardized schedule of rates pursuant to subdivisions  
9 (f) and (g) shall be implemented as follows:

10 (1) Any group home program that received an AFDC-FC rate  
11 in the prior fiscal year at or above the standard rate for the RCL  
12 in the current fiscal year shall continue to receive that rate.

13 (2) Any group home program that received an AFDC-FC rate  
14 in the prior fiscal year below the standard rate for the RCL in the  
15 current fiscal year shall receive the RCL rate for the current year.

16 (i) (1) The department shall not establish a rate for a new  
17 program of a new or existing provider, or for an existing program  
18 at a new location of an existing provider, unless the provider  
19 submits a letter of recommendation from the host county, the  
20 primary placing county, or a regional consortium of counties that  
21 includes all of the following:

22 (A) That the program is needed by that county.

23 (B) That the provider is capable of effectively and efficiently  
24 operating the program.

25 (C) That the provider is willing and able to accept AFDC-FC  
26 children for placement who are determined by the placing agency  
27 to need the level of care and services that will be provided by the  
28 program.

29 (D) That, if the letter of recommendation is not being issued by  
30 the host county, the primary placing county has notified the host  
31 county of its intention to issue the letter and the host county was  
32 given the opportunity of 30 days to respond to this notification  
33 and to discuss options with the primary placing county.

34 (2) The department shall encourage the establishment of  
35 consortia of county placing agencies on a regional basis for the  
36 purpose of making decisions and recommendations about the need  
37 for, and use of, group home programs and other foster care  
38 providers within the regions.

39 (3) The department shall annually conduct a county-by-county  
40 survey to determine the unmet placement needs of children placed

1 pursuant to Section 300 and Section 601 or 602, and shall publish  
 2 its findings by November 1 of each year.

3 (j) The department shall develop regulations specifying  
 4 ratesetting procedures for program expansions, reductions, or  
 5 modifications, including increases or decreases in licensed capacity,  
 6 or increases or decreases in level of care or services.

7 (k) For the purpose of this subdivision, “program change” means  
 8 any alteration to an existing group home program planned by a  
 9 provider that will increase the RCL or AFDC-FC rate. An increase  
 10 in the licensed capacity or other alteration to an existing group  
 11 home program that does not increase the RCL or AFDC-FC rate  
 12 shall not constitute a program change.

13 (l) General unrestricted or undesignated private charitable  
 14 donations and contributions made to charitable or nonprofit  
 15 organizations shall not be deducted from the cost of providing  
 16 services pursuant to this section. The donations and contributions  
 17 shall not be considered in any determination of maximum  
 18 expenditures made by the department.

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

22 ~~SEC. 59.~~

23 *SEC. 62.* Section 11462 is added to the Welfare and Institutions  
 24 Code, to read:

25 11462. (a) The department shall commence development of  
 26 a new payment structure for short-term residential treatment center  
 27 program placements claiming Title IV-E ~~funding.~~ *funding, in*  
 28 *consultation with county placing agencies and providers.*

29 (b) The department shall develop a rate system that includes  
 30 consideration of all of the following factors:

31 (1) Core services, either directly provided or secured with formal  
 32 agreements with other agencies, that encompass community service  
 33 and supports, ~~permanency-related services, medical, physical,~~  
 34 behavioral, and mental health support and access to services,  
 35 *including specialty mental health services,* educational support,  
 36 life and social support, transitional support services ~~upon discharge,~~  
 37 ~~biological parent and resource family supports, and services for~~  
 38 ~~nonminor dependents.~~ *for children, youth, and families who assume*  
 39 *permanency, and for children, youth, and families who step down*  
 40 *into lower levels of foster care, services for transition-aged youth,*

1 *services for nonminor dependents, and trauma-informed practices*  
2 *and supports for children and youth, including treatment services.*

3 (2) *Specialized and intensive treatment supports that encompass*  
4 *the elements of nonmedical care and supervision necessary to meet*  
5 *youth safety and other needs that cannot be met in a family based*  
6 *setting.*

7 ~~(2)~~

8 (3) Staff training.

9 ~~(3)~~

10 (4) Health and Safety Code requirements.

11 ~~(4)~~

12 (5) Accreditation that includes:

13 (A) Provision for all licensed short-term residential treatment  
14 centers to *obtain and maintain* in good standing accreditation from  
15 a nationally recognized accreditation ~~agency~~ *agency, as identified*  
16 *by the department*, with expertise in programs for youth group  
17 care facilities, as determined by the department.

18 (B) Promulgation by the department of information identifying  
19 that agency or agencies from which accreditation shall be required.

20 (C) Provision for timely reporting to the department of any  
21 change in accreditation status.

22 ~~(5)~~

23 (6) Mental health certification, including a requirement to timely  
24 report to the department any change in mental health certificate  
25 status.

26 ~~(6)~~

27 (7) Maximization of federal financial participation under Title  
28 IV-E and Title XIX of the Social Security Act.

29 (c) The department shall develop a system of governmental  
30 monitoring and oversight that shall be carried out in coordination  
31 with the State Department of Health Care Services. Oversight  
32 responsibilities shall include, but not be limited to, ensuring  
33 conformity with federal and state law, including program, fiscal,  
34 and health and safety audits and reviews.

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

36 ~~SEC. 60.~~

37 *SEC. 63.* Section 11462.001 is added to the Welfare and  
38 Institutions Code, immediately following Section 11462, to read:

39 11462.001. (a) (1) Foster care providers licensed as group  
40 homes, as defined in departmental regulations, including public

1 child care institutions, as defined in Section 11402.5, shall have  
2 rates established by classifying each group home program and  
3 applying the standardized schedule of rates. The department shall  
4 collect information from group providers in order to classify each  
5 group home program.

6 (2) Notwithstanding paragraph (1), foster care providers licensed  
7 as group homes shall have rates established only if the group home  
8 is organized and operated on a nonprofit basis as required under  
9 subdivision (h) of Section 11400. The department shall terminate  
10 the rate of any group home not organized and operated on a  
11 nonprofit basis as required under subdivision (h) of Section 11400.

12 (3) (A) The department shall determine, consistent with the  
13 requirements of this chapter and other relevant requirements under  
14 law, the rate classification level (RCL) for each group home  
15 program on a biennial basis. Submission of the biennial rate  
16 application shall be made according to a schedule determined by  
17 the department.

18 (B) The department shall adopt regulations to implement this  
19 paragraph. The adoption, amendment, repeal, or readoption of a  
20 regulation authorized by this paragraph is deemed to be necessary  
21 for the immediate preservation of the public peace, health and  
22 safety, or general welfare, for purposes of Sections 11346.1 and  
23 11349.6 of the Government Code, and the department is hereby  
24 exempted from the requirement to describe specific facts showing  
25 the need for immediate action.

26 (b) A group home program shall be initially classified, for  
27 purposes of emergency regulations, according to the level of care  
28 and services to be provided using a point system developed by the  
29 department and described in the report, "The Classification of  
30 Group Home Programs under the Standardized Schedule of Rates  
31 System," prepared by the State Department of Social Services,  
32 August 30, 1989.

33 (c) The rate for each RCL has been determined by the  
34 department with data from the AFDC-FC Group Home Rate  
35 Classification Pilot Study.

36 (d) As used in this section, "standardized schedule of rates"  
37 means a listing of the 14 rate classification levels, and the single  
38 rate established for each RCL.

39 (e) Except as specified in paragraph (1), the department shall  
40 determine the RCL for each group home program on a prospective

1 basis, according to the level of care and services that the group  
2 home operator projects will be provided during the period of time  
3 for which the rate is being established.

4 (1) (A) (i) For new and existing providers requesting the  
5 establishment of an RCL, and for existing group home programs  
6 requesting an RCL increase, the department shall determine the  
7 RCL no later than 13 months after the effective date of the  
8 provisional rate. The determination of the RCL shall be based on  
9 a program audit of documentation and other information that  
10 verifies the level of care and supervision provided by the group  
11 home program during a period of the two full calendar months or  
12 60 consecutive days, whichever is longer, preceding the date of  
13 the program audit, unless the group home program requests a lower  
14 RCL. The program audit shall not cover the first six months of  
15 operation under the provisional rate.

16 (ii) For audit purposes, if the group home program serves a  
17 mixture of AFDC-FC eligible and ineligible children, the weighted  
18 hours for child care and social work services provided and the  
19 capacity of the group home shall be adjusted by the ratio of  
20 AFDC-FC eligible children to all children in placement.

21 (iii) Pending the department's issuance of the program audit  
22 report that determines the RCL for the group home program, the  
23 group home program shall be eligible to receive a provisional rate  
24 that shall be based on the level of care and service that the group  
25 home program proposes it will provide. The group home program  
26 shall be eligible to receive only the RCL determined by the  
27 department during the pendency of any appeal of the department's  
28 RCL determination.

29 (B) A group home program may apply for an increase in its  
30 RCL no earlier than two years from the date the department has  
31 determined the group home program's rate, unless the host county,  
32 the primary placing county, or a regional consortium of counties  
33 submits to the department in writing that the program is needed  
34 in that county, that the provider is capable of effectively and  
35 efficiently operating the proposed program, and that the provider  
36 is willing and able to accept AFDC-FC children for placement  
37 who are determined by the placing agency to need the level of care  
38 and services that will be provided by the program.

39 (C) To ensure efficient administration of the department's audit  
40 responsibilities, and to avoid the fraudulent creation of records,

1 group home programs shall make records that are relevant to the  
2 RCL determination available to the department in a timely manner.  
3 Except as provided in this section, the department may refuse to  
4 consider, for purposes of determining the rate, any documents that  
5 are relevant to the determination of the RCL that are not made  
6 available by the group home provider by the date the group home  
7 provider requests a hearing on the department's RCL  
8 determination. The department may refuse to consider, for purposes  
9 of determining the rate, the following records, unless the group  
10 home provider makes the records available to the department  
11 during the fieldwork portion of the department's program audit:

12 (i) Records of each employee's full name, home address,  
13 occupation, and social security number.

14 (ii) Time records showing when the employee begins and ends  
15 each work period, meal periods, split shift intervals, and total daily  
16 hours worked.

17 (iii) Total wages paid each payroll period.

18 (iv) Records required to be maintained by licensed group home  
19 providers under Title 22 of the California Code of Regulations  
20 that are relevant to the RCL determination.

21 (D) To minimize financial abuse in the startup of group home  
22 programs, when the department's RCL determination is more than  
23 three levels lower than the RCL level proposed by the group home  
24 provider, and the group home provider does not appeal the  
25 department's RCL determination, the department shall terminate  
26 the rate of a group home program 45 days after issuance of its  
27 program audit report. When the group home provider requests a  
28 hearing on the department's RCL determination, and the RCL  
29 determined by the director under subparagraph (E) is more than  
30 three levels lower than the RCL level proposed by the group home  
31 provider, the department shall terminate the rate of a group home  
32 program within 30 days of issuance of the director's decision.  
33 Notwithstanding the reapplication provisions in subparagraph (B),  
34 the department shall deny any request for a new or increased RCL  
35 from a group home provider whose RCL is terminated pursuant  
36 to this subparagraph, for a period of no greater than two years from  
37 the effective date of the RCL termination.

38 (E) A group home provider may request a hearing of the  
39 department's RCL determination under subparagraph (A) no later  
40 than 30 days after the date the department issues its RCL

1 determination. The department's RCL determination shall be final  
2 if the group home provider does not request a hearing within the  
3 prescribed time. Within 60 days of receipt of the request for  
4 hearing, the department shall conduct a hearing on the RCL  
5 determination. The standard of proof shall be the preponderance  
6 of the evidence and the burden of proof shall be on the department.  
7 The hearing officer shall issue the proposed decision within 45  
8 days of the close of the evidentiary record. The director shall adopt,  
9 reject, or modify the proposed decision, or refer the matter back  
10 to the hearing officer for additional evidence or findings within  
11 100 days of issuance of the proposed decision. If the director takes  
12 no action on the proposed decision within the prescribed time, the  
13 proposed decision shall take effect by operation of law.

14 (2) Group home programs that fail to maintain at least the level  
15 of care and services associated with the RCL upon which their rate  
16 was established shall inform the department. The department shall  
17 develop regulations specifying procedures to be applied when a  
18 group home fails to maintain the level of services projected,  
19 including, but not limited to, rate reduction and recovery of  
20 overpayments.

21 (3) The department shall not reduce the rate, establish an  
22 overpayment, or take other actions pursuant to paragraph (2) for  
23 any period that a group home program maintains the level of care  
24 and services associated with the RCL for children actually residing  
25 in the facility. Determinations of levels of care and services shall  
26 be made in the same way as modifications of overpayments are  
27 made pursuant to paragraph (2) of subdivision (b) of Section  
28 11466.2.

29 (4) A group home program that substantially changes its staffing  
30 pattern from that reported in the group home program statement  
31 shall provide notification of this change to all counties that have  
32 placed children currently in care. This notification shall be provided  
33 whether or not the RCL for the program may change as a result of  
34 the change in staffing pattern.

35 (f) The standardized schedule of rates pursuant to subdivisions  
36 (f) and (g) of Section 11462, as that section read on January 1,  
37 2015, shall be implemented as follows:

38 (1) Any group home program that received an AFDC-FC rate  
39 in the prior fiscal year at or above the standard rate for the RCL  
40 in the current fiscal year shall continue to receive that rate.

1 (2) Any group home program that received an AFDC-FC rate  
2 in the prior fiscal year below the standard rate for the RCL in the  
3 current fiscal year shall receive the RCL rate for the current year.

4 (g) (1) The department shall not establish a rate for a new  
5 program of a new or existing provider, or for an existing program  
6 at a new location of an existing provider, unless the provider  
7 submits a letter of recommendation from the host county, the  
8 primary placing county, or a regional consortium of counties that  
9 includes all of the following:

10 (A) That the program is needed by that county.

11 (B) That the provider is capable of effectively and efficiently  
12 operating the program.

13 (C) That the provider is willing and able to accept AFDC-FC  
14 children for placement who are determined by the placing agency  
15 to need the level of care and services that will be provided by the  
16 program.

17 (D) That, if the letter of recommendation is not being issued by  
18 the host county, the primary placing county has notified the host  
19 county of its intention to issue the letter and the host county was  
20 given the opportunity of 30 days to respond to this notification  
21 and to discuss options with the primary placing county.

22 (2) The department shall encourage the establishment of  
23 consortia of county placing agencies on a regional basis for the  
24 purpose of making decisions and recommendations about the need  
25 for, and use of, group home programs and other foster care  
26 providers within the regions.

27 (3) The department shall annually conduct a county-by-county  
28 survey to determine the unmet placement needs of children placed  
29 pursuant to Section 300 and Section 601 or 602, and shall publish  
30 its findings by November 1 of each year.

31 (h) The department shall develop regulations specifying  
32 ratesetting procedures for program expansions, reductions, or  
33 modifications, including increases or decreases in licensed capacity,  
34 or increases or decreases in level of care or services.

35 (i) For the purpose of this subdivision, “program change” means  
36 any alteration to an existing group home program planned by a  
37 provider that will increase the RCL or AFDC-FC rate. An increase  
38 in the licensed capacity or other alteration to an existing group  
39 home program that does not increase the RCL or AFDC-FC rate  
40 shall not constitute a program change.

1 (j) General unrestricted or undesignated private charitable  
2 donations and contributions made to charitable or nonprofit  
3 organizations shall not be deducted from the cost of providing  
4 services pursuant to this section. The donations and contributions  
5 shall not be considered in any determination of maximum  
6 expenditures made by the department.

7 (k) This section shall only apply to a group home that has been  
8 granted an extension pursuant to the exception process described  
9 in subdivision (d) of Section 11462.04.

10 (l) This section shall become operative on January 1, 2017.

11 (m) This section shall remain in effect only until January 1,  
12 2018, and as of that date is repealed, unless a later enacted statute,  
13 that is enacted before January 1, 2018, deletes or extends that date.

14 ~~SEC. 61.~~

15 *SEC. 64.* Section 11462.01 of the Welfare and Institutions  
16 Code is amended to read:

17 11462.01. (a) Commencing July 1, 1994, a group home  
18 program shall be classified at RCL 13 or RCL 14 if the program  
19 meets all of the following requirements:

20 (1) The group home program is providing, or has proposed to  
21 provide, the level of care and services necessary to generate  
22 sufficient points in the ratesetting process to be classified at RCL  
23 13 if the rate application is for RCL 13 or to be classified at RCL  
24 14 if the rate application is for RCL 14.

25 (2) (A) (i) The group home provider shall agree not to accept  
26 for placement into a group home program AFDC-FC funded  
27 children, including voluntary placements and those who have an  
28 emotional disturbance, as defined in Section 300.8(c)(4)(i) of Title  
29 34 of the Code of Federal Regulations, children placed out-of-home  
30 pursuant to an individualized education program developed under  
31 Article 2 (commencing with Section 56320) of Chapter 4 of Part  
32 3 of the Education Code, who have not been approved for  
33 placement by an interagency placement committee, as described  
34 by Section 4096. The approval shall be in writing and shall indicate  
35 that the interagency placement committee has determined that the  
36 child has an emotional disturbance, as defined in Section  
37 300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations and  
38 subject to Section 1502.4 of the Health and Safety Code, and that  
39 the child needs the level of care provided by the group home.

1 (ii) For purposes of clause (i), group home providers who accept  
2 children who are assessed as having an emotional disturbance, as  
3 defined in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal  
4 Regulations and placed out-of-home pursuant to an individualized  
5 education program developed under Section 7572.5 of the  
6 Government Code shall be deemed to have met the interagency  
7 placement committee approval for placement requirements of  
8 clause (i) if the individualized education program assessment  
9 indicates that the child has been determined to have an emotional  
10 disturbance, as defined in Section 300.8(c)(4)(i) of Title 34 of the  
11 Code of Federal Regulations and subject to Section 1502.4 of the  
12 Health and Safety Code, and needs the level of care described in  
13 clause (i).

14 (B) (i) Nothing in this subdivision shall prevent the emergency  
15 placement of a child into a group home program prior to the  
16 determination by the interagency placement committee pursuant  
17 to clause (i) of subparagraph (A) if a licensed mental health  
18 professional, as defined in the department's AFDC-FC ratesetting  
19 regulations, has evaluated, in writing, the child within 72 hours of  
20 placement, and determined the child to have an emotional  
21 disturbance, as defined in Section 300.8(c)(4)(i) of Title 34 of the  
22 Code of Federal Regulations and in need of the care and services  
23 provided by the group home program.

24 (ii) The interagency placement committee shall, within 30 days  
25 of placement pursuant to clause (i), make the determination  
26 required by clause (i) of subparagraph (A).

27 (iii) If, pursuant to clause (ii), the placement is determined to  
28 be appropriate, the committee shall transmit the approval, in  
29 writing, to the county placing agency and the group home provider.

30 (iv) If, pursuant to clause (ii) the placement is determined not  
31 to be appropriate, the child shall be removed from the group home  
32 and referred to a more appropriate placement, as specified in  
33 subdivision (f).

34 (C) Commencing December 15, 1992, with respect to AFDC-FC  
35 funded children, only those children who are approved for  
36 placement by an interagency placement committee may be accepted  
37 by a group home under this subdivision.

38 (3) The group home program is certified by the State Department  
39 of Health Care Services pursuant to Section 4096.5.

1 (b) The department shall not establish a rate for a group home  
2 requesting a program change to RCL 13 or RCL 14 unless the  
3 group home provider submits a recommendation from the host  
4 county or the primary placing county that the program is needed  
5 and that the provider is willing and capable of operating the  
6 program at the level sought. For purposes of this subdivision, “host  
7 county,” “primary placing county,” and “program change” mean  
8 the same as defined in the department’s AFDC-FC ratesetting  
9 regulations.

10 (c) The effective date of rates set at RCL 13 or RCL 14 shall  
11 be the date that all the requirements are met, but not prior to July  
12 1 of that fiscal year. Nothing in this section shall affect RCL 13  
13 or RCL 14 ratesetting determinations in prior years.

14 (d) Any group home program that has been classified at RCL  
15 13 or RCL 14 pursuant to the requirements of subdivision (a) shall  
16 be reclassified at the appropriate lower RCL with a commensurate  
17 reduction in rate if either of the following occurs:

18 (1) The group home program fails to maintain the level of care  
19 and services necessary to generate the necessary number of points  
20 for RCL 13 or RCL 14, as required by paragraph (1) of subdivision  
21 (a). The determination of points shall be made consistent with the  
22 department’s AFDC-FC ratesetting regulations for other rate  
23 classification levels.

24 (2) The group home program fails to maintain a certified mental  
25 health treatment program as required by paragraph (3) of  
26 subdivision (a).

27 (3) In the event of a determination under paragraph (1), the  
28 group home may appeal the finding or submit a corrective action  
29 plan. The appeal process specified in Section 11466.6 shall be  
30 available to RCL 13 and RCL 14 group home providers. During  
31 any appeal, the group home shall maintain the appropriate level  
32 of care.

33 (e) The interagency placement committee shall periodically  
34 review, but no less often than that required by current law, the  
35 placement of the child. If the committee determines that the child  
36 no longer needs, or is not benefiting from, placement in a RCL 13  
37 or RCL 14 group home, the committee shall require the removal  
38 of the child and a new disposition.

39 (f) (1) (A) If, at any time subsequent to placement in an RCL  
40 13 or RCL 14 group home program, the interagency placement

1 committee determines either that the child is not assessed as having  
2 an emotional disturbance, as defined in Section 300.8(c)(4)(i) of  
3 Title 34 of the Code of Federal Regulations or is not in need of  
4 the care and services provided by the group home program, it shall  
5 notify, in writing, both the county placing agency and the group  
6 home provider within 10 days of the determination.

7 (B) The county placing agency shall notify the group home  
8 provider, in writing, within five days from the date of the notice  
9 from the committee, of the county's plan for removal of the child.

10 (C) The county placing agency shall remove the child from the  
11 group home program within 30 days from the date of the notice  
12 from the interagency placement committee.

13 (2) (A) If a county placing agency does not remove a child  
14 within 30 days from the date of the notice from the interagency  
15 placement committee, the group home provider shall notify the  
16 interagency placement committee and the department, in writing,  
17 of the county's failure to remove the child from the group home  
18 program.

19 (B) The group home provider shall make the notification  
20 required by subparagraph (A) within five days of the expiration  
21 of the 30-day removal period. If notification is made, a group home  
22 provider shall not be subject to an overpayment determination due  
23 to failure of the county placing agency to remove the child.

24 (3) Any county placing agency that fails to remove a child from  
25 a group home program under this paragraph within 30 days from  
26 the date of the notice from the interagency placement committee  
27 shall be assessed a penalty in the amount of the state and federal  
28 financial participation in the AFDC-FC rate paid on behalf of the  
29 child commencing on the 31st day and continuing until the child  
30 is removed.

31 (g) (1) If any RCL 13 or RCL 14 group home provider discovers  
32 that it does not have written approval for placement of any  
33 AFDC-FC funded child placed on or after December 15, 1992,  
34 from the interagency placement committee, it shall notify the  
35 county placing agency, in writing, and shall request the county to  
36 obtain approval from the interagency placement committee or  
37 remove the child from the group home program. A group home  
38 provider shall have 30 days from the child's first day of placement  
39 to discover the placement error and to notify the county placing  
40 agency.

1 (2) Any county placing agency that receives notification  
2 pursuant to paragraph (2) of subdivision (f) shall obtain approval  
3 for placement from the interagency placement committee or remove  
4 the child from the group home program within 30 days from the  
5 date of the notice from the group home provider. The program  
6 shall not be reclassified to a lower RCL for a violation of the  
7 provisions referred to in this paragraph.

8 (3) (A) If a county placing agency does not have the placement  
9 of a child approved by the interagency placement committee or  
10 removed from the group home within 30 days from the date of the  
11 notice from the group home provider, the group home provider  
12 shall notify the county placing agency and the department, in  
13 writing, of the county's failure to have the placement of the child  
14 approved or remove the child from the group home program.

15 (B) The group home provider shall make the notification  
16 required by subparagraph (A) within five days after the expiration  
17 of the 30-day approval or removal period. If notification is made,  
18 a group home provider shall not be subject to an overpayment  
19 determination due to failure of the county placing agency to remove  
20 the child.

21 (C) Any group home provider that fails to notify the county  
22 placing agency pursuant to subparagraph (A) shall be assessed a  
23 penalty in the amount of the AFDC-FC rate paid to the group home  
24 provider on behalf of the child commencing on the 31st day of  
25 placement and continuing until the county placing agency is  
26 notified.

27 (4) Any county placing agency that fails to have the placement  
28 of a child approved or to have the child removed from the group  
29 home program within 30 days shall be assessed a penalty in the  
30 amount of the state and federal financial participation in the  
31 AFDC-FC rate paid on behalf of the child commencing on the 31st  
32 day of placement and continuing until the child is removed.

33 (h) The department shall develop regulations to obtain payment  
34 of assessed penalties as provided in this section. For audit purposes  
35 and the application of penalties for RCL 13 and RCL 14 programs,  
36 the department shall apply statutory provisions that were in effect  
37 during the period for which the audit was conducted.

38 (i) (1) Nothing in this subparagraph shall prohibit a group home  
39 classified at RCL 13 or RCL 14 for purposes of the AFDC-FC  
40 program, from accepting private placements of children.

1 (2) When a referral is not from a public agency and no public  
2 funding is involved, there shall be no requirement for public agency  
3 review or determination of need.

4 (3) Children subject to paragraphs (1) and (2) shall have been  
5 assessed as having an emotional disturbance, as defined in Section  
6 300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations and  
7 subject to Section 1502.4 of the Health and Safety Code, by a  
8 licensed mental health professional, as defined in ~~Sections 629 to~~  
9 ~~633, inclusive, of Title 9 of the California Code of Regulations.~~  
10 *subdivision (g) of Section 4096.*

11 (j) A child shall not be placed in a group home program  
12 classified at an RCL 13 or RCL 14 if the placement is paid for  
13 with county-only funds unless the child is assessed as having an  
14 emotional disturbance, as defined in Section 300.8(c)(4)(i) of Title  
15 34 of the Code of Federal Regulations, subject to Section 1502.4  
16 of the Health and Safety Code, by a licensed mental health  
17 professional, as defined in ~~Sections 629 to 633, inclusive, of Title~~  
18 ~~9 of the California Code of Regulations.~~ *subdivision (g) of Section*  
19 *4096.*

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

23 ~~SEC. 62.~~

24 *SEC. 65.* Section 11462.01 is added to the Welfare and  
25 Institutions Code, to read:

26 11462.01. (a) All short-term residential treatment centers, and  
27 foster family agencies that provide treatment services, shall  
28 maintain in good standing the appropriate mental health  
29 certification issued by the State Department of Health Care  
30 Services or a county to which the department has delegated  
31 certification authority pursuant to Section 4096.5, and additionally  
32 shall ~~meet all of the following requirements:~~

33 ~~(1) Maintain~~ *maintain* the level of care and services necessary  
34 to meet the needs of the children and youth in care.

35 ~~(A)~~

36 *(b)* The short-term residential treatment center, as defined in  
37 paragraph (18) of subdivision (a) of Section 1502 of the Health  
38 and Safety Code, may accept for placement ~~children who do not~~  
39 ~~require inpatient care in a licensed health facility and who meet at~~

1 ~~least one of the following conditions: a child who meets all of the~~  
2 ~~following criteria:~~

3 ~~(1) A child who does not require inpatient care in a licensed~~  
4 ~~health facility.~~

5 ~~(2) A child who has been assessed as requiring the level of~~  
6 ~~services provided in order to maintain the safety of the child or~~  
7 ~~others due to behaviors that render the child or those around the~~  
8 ~~child unsafe, or that prevent the effective delivery of needed~~  
9 ~~services and supports provided in the child's own home or in other~~  
10 ~~family settings, such as with a relative, guardian, foster family,~~  
11 ~~resource family, or adoptive family, and who meets at least one~~  
12 ~~of the following conditions:~~

13 ~~(i)~~

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

19 ~~(ii)~~

20 ~~(B) A child assessed as having an emotional disturbance~~  
21 ~~pursuant to Section 300.8(c)(4)(i) of Title 34 of the Code of Federal~~  
22 ~~Regulations.~~

23 ~~(iii)~~

24 ~~(C) A child who has been assessed as requiring the level of~~  
25 ~~services provided to maintain the safety of the child or others due~~  
26 ~~to behaviors that render the child or those around the child unsafe,~~  
27 ~~or that prevent the effective delivery of needed services and~~  
28 ~~supports provided in the child's own home or in other family~~  
29 ~~settings, such as with a relative, guardian, foster family, resource~~  
30 ~~family, or adoptive family. In certain in order to meet his or her~~  
31 ~~behavioral or therapeutic needs. In appropriate circumstances,~~  
32 ~~this may include the following children:~~

33 ~~(I)~~

34 ~~(i) A commercially or sexually exploited child.~~

35 ~~(II)~~

36 ~~(ii) A private voluntary placement, where if the youth exhibits~~  
37 ~~status offender behavior and where if the parents or other relative~~  
38 ~~feel they cannot control the child's behavior and short-term~~  
39 ~~intervention is needed to transition to the child back into the home.~~

40 ~~(III)~~

1 (iii) A juvenile sex offender.  
2 ~~(IV)~~  
3 (iv) A child who is affiliated with, *with* or impacted, ~~by~~ *impacted*  
4 *by* a gang.  
5 ~~(B)~~  
6 (c) The licensed foster family agency, as defined in paragraph  
7 (4) of subdivision (a) of Section 1502 of the Health and Safety  
8 Code, which provides treatment services, may accept for placement  
9 children who do not require inpatient care in a licensed health  
10 facility and who meet at least one of the following conditions:  
11 (i)  
12 (1) A child who has been assessed as meeting the medical  
13 necessity criteria for specialty mental health services under the  
14 Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment  
15 program, as the criteria are described in Section 1830.210 of Title  
16 9 of the California Code of Regulations.  
17 (ii)  
18 (2) A child assessed as having an emotional disturbance pursuant  
19 to Section 300.8 (c)(4)(i) of Title 34 of the Code of Federal  
20 Regulations.  
21 (iii)  
22 (3) A child who has been assessed as requiring the level of  
23 services to meet his or her behavioral or therapeutic needs.  
24 ~~(C)~~  
25 (d) The assessments described in ~~clauses (i) and (ii) of this~~  
26 ~~subparagraph and clauses (i) and (ii) of subparagraph (A)~~  
27 ~~subparagraphs (A) and (B) of paragraph (2) of subdivision (b)~~  
28 ~~and paragraphs (1) and (2) of subdivision (c), shall be made by~~  
29 all of the following, as applicable:  
30 (i)  
31 (1) An interagency placement committee, as described in Section  
32 4096.  
33 (ii)  
34 (2) A licensed mental health professional pursuant to paragraph  
35 ~~(3) of subdivision (i) of, or subdivision (j) of, of Section 11462.01.~~  
36 *as defined in subdivision (g) of Section 4096.*  
37 (iii)  
38 (3) For the purposes of ~~paragraph (1); this section, an AFDC-FC~~  
39 ~~funded children~~ *child* with an individualized education program  
40 developed pursuant to Article 2 (commencing with Section 56320)

1 of Chapter 4 of Part 30 of the Education Code that assesses the  
2 child as having an emotional disturbance as defined in, and subject  
3 to, this section and recommends out-of-home placement at the  
4 level of care provided by the provider, shall be deemed to have  
5 met the interagency placement committee approval for placement  
6 requirements.

7 ~~(D)~~

8 (e) The assessments described in ~~clause (iii) of subparagraph~~  
9 ~~(A) and clause (iii) of subparagraph (B)~~ *subparagraph (C) of*  
10 *paragraph (2) of subdivision (b) and paragraph (3) of subdivision*  
11 *(c)* shall be made pursuant to subdivision (b) of Section 706.6 or  
12 paragraph (2) of subdivision (c) of Section 16501.1.

13 ~~(2) (A)~~

14 (f) (I) The provider shall ensure that ~~AFD-FC AFDC-FC~~ funded  
15 children accepted for placement have been approved for placement  
16 by an interagency placement committee, as defined in paragraph  
17 (4) of subdivision (a) of Section 16501.

18 ~~(B)~~

19 (2) The approval shall be in writing and shall indicate that the  
20 interagency placement committee has determined that the child  
21 has an emotional disturbance, as defined in Section 300.8(c)(4)(i)  
22 of Title 34 of the Code of Federal Regulations and subject to  
23 Section 1502.4 of the Health and Safety Code, and that the child  
24 needs the level of care provided by the provider.

25 (3) (A) Nothing in *subdivisions (b) to (e), inclusive, or this*  
26 *subdivision* shall prevent an emergency placement of a child or  
27 youth into a short-term residential treatment center or foster family  
28 agency that provides treatment services prior to the determination  
29 by the interagency placement committee, but only if a licensed  
30 mental health professional, as defined in ~~the department's~~  
31 ~~AFDC-FC ratesetting regulations~~, *subdivision (g) of Section 4096*,  
32 has made a written determination within 72 hours of the child's  
33 or youth's placement, that the child or youth is seriously  
34 emotionally disturbed and is in need of the care and services  
35 provided by the short-term residential treatment center or foster  
36 family agency that provides treatment services.

37 ~~(B) (i)~~

38 (g) (I) The interagency placement committee, as appropriate,  
39 shall, within 30 days of placement, make the determinations, with

1 recommendations from the child and family team, required by this  
2 subdivision.

3 (ii)

4 (2) If it determines the placement is appropriate, the interagency  
5 placement committee, with recommendations from the child and  
6 family team, shall transmit the approval, in writing, to the county  
7 placing agency and the short-term residential treatment center or  
8 foster family agency that provides treatment services.

9 (iii)

10 (3) If it determines the placement is not appropriate, interagency  
11 placement committee, with recommendations from the child and  
12 family team, shall transmit the disapproval, in writing, to the county  
13 placing agency and the short-term residential treatment center or  
14 foster family agency that provides treatment services, and the child  
15 or youth shall be referred to an appropriate placement, as specified  
16 in ~~subdivision (f)~~. *this section*.

17 (E)

18 (h) Commencing January 1, 2017, for AFDC-FC funded children  
19 or youth, only those children or youth who are approved for  
20 placement by the interagency placement committee, with  
21 recommendations from the child and family team, may be accepted  
22 by a short-term residential treatment center or foster family agency  
23 that provides treatment services.

24 (D)

25 (i) (1) The department shall, through regulation, establish  
26 consequences for the failure of a short-term residential treatment  
27 center, or a foster family agency that provides treatment services,  
28 to obtain written approval for placement of an AFDC-FC funded  
29 child or youth from the ~~child and family team~~ or interagency  
30 placement ~~committee~~. *committee, in consultation with the County  
31 Welfare Directors Association of California, Chief Probation  
32 Officers of California, County Behavioral Health Directors  
33 Association of California, and stakeholders.*

34 (4)

35 (2) The short-term residential treatment center, or foster family  
36 agency that provides treatment services, shall be certified by the  
37 State Department of Health Care Services or a county to which  
38 the department has delegated certification authority pursuant to  
39 Section 4096.5.

40 (b)

1 (j) The department shall not establish a rate for a short-term  
2 residential treatment center or foster family agency that provides  
3 intensive and therapeutic treatment unless the provider submits a  
4 recommendation from the host county or the primary placing  
5 county that the program is needed and that the provider is willing  
6 and capable of operating the program at the level sought. For  
7 purposes of this subdivision, “host county,” and “primary placing  
8 county,” mean the same as defined in the department’s AFDC-FC  
9 ratesetting regulations.

10 (e)

11 (k) The effective date of rates set for a short-term residential  
12 treatment center or foster family agency that provides intensive  
13 and therapeutic treatment shall be the date that all the requirements  
14 are met.

15 (d)

16 (l) Any short-term residential treatment center or foster family  
17 agency that provides intensive and therapeutic treatment pursuant  
18 to subdivision (a) shall be reclassified and paid at the appropriate  
19 program rate for which it is qualified if either of the following  
20 occurs:

21 (1) (A) It fails to maintain the level of care and services  
22 necessary to meet the needs of the children and youth in care, as  
23 required by subdivision (a). The determination shall be made  
24 consistent with the department’s AFDC-FC ratesetting regulations  
25 developed pursuant to Sections 11462 and 11463 and shall take  
26 into consideration the highest level of care and associated rates  
27 for which the program is eligible.

28 (B) In the event of a determination under this paragraph, the  
29 short-term residential treatment center or foster family agency that  
30 provides intensive and therapeutic treatment may appeal the finding  
31 or submit a corrective action plan. The appeal process specified  
32 in Section 11466.6 shall be available to a short-term residential  
33 treatment center or foster family agency that provides intensive  
34 and therapeutic treatment. During any appeal, the short-term  
35 residential treatment center or foster family agency that provides  
36 intensive and therapeutic treatment shall maintain the appropriate  
37 level of care.

38 (2) It fails to maintain a certified mental health treatment  
39 program as required by subdivision (a).

40 (e)

1 (m) In addition to any other review required by law, the child  
 2 and family team as defined in paragraph (4) of subdivision (a) of  
 3 Section 16501 shall periodically review the placement of the child  
 4 or youth. If the child and family team make a recommendation  
 5 that the child or youth no longer needs, or is not benefiting from,  
 6 placement in a short-term residential treatment center or foster  
 7 family agency that provides intensive and therapeutic treatment,  
 8 the team shall transmit the disapproval, in writing, to the county  
 9 placing agency and the short-term residential treatment center or  
 10 foster family agency that provides intensive and therapeutic  
 11 treatment, and the child or youth shall be referred to an appropriate  
 12 placement.

13 ~~(f)~~

14 (n) The department shall develop a process to address  
 15 placements when, subsequent to the child’s or youth’s placement,  
 16 a determination is made by the interagency placement team and  
 17 shall consider the recommendations of the child and family team,  
 18 either that the child or youth is not in need of the care and services  
 19 provided by the certified program. The process shall include, but  
 20 not be limited to:

21 (1) Notice of the determination in writing to both the county  
 22 placing agency and the short-term residential treatment center or  
 23 foster family agency that provides intensive and therapeutic  
 24 treatment.

25 (2) Notice of the county’s plan, and a time frame, for removal  
 26 of the child or youth in writing to the short-term residential  
 27 treatment center or foster family agency that provides intensive  
 28 and therapeutic treatment.

29 (3) Referral to an appropriate placement.

30 (4) Actions to be taken if a child or youth is not timely removed  
 31 from the short-term residential treatment center or foster family  
 32 agency that provides intensive and therapeutic treatment or placed  
 33 in an appropriate placement.

34 ~~(g)~~

35 (o) (1) Nothing in this section shall prohibit a short-term  
 36 residential treatment center or foster family agency that provides  
 37 intensive and therapeutic treatment for purposes of the AFDC-FC  
 38 program, from accepting private placements of children or youth.

1 (2) When a referral is not from a public agency and no public  
2 funding is involved, there is no requirement for public agency  
3 review nor determination of need.

4 (3) Children and youth subject to paragraphs (1) and (2) shall  
5 have been determined to have an emotional disturbance, as defined  
6 in Section 300.8(c)(4)(i) of Title 34 of the Code of Federal  
7 Regulations and subject to Section 1502.4 of the Health and Safety  
8 Code, by a licensed mental health ~~professional~~: *professional, as*  
9 *defined in subdivision (g) of Section 4096.*

10 ~~(h)~~

11 *(p)* This section shall become operative on January 1, 2017.

12 ~~SEC. 63.~~

13 *SEC. 66.* Section 11462.015 is added to the Welfare and  
14 Institutions Code, to read:

15 11462.015. (a) A group home program shall be classified at  
16 RCL 13 or RCL 14 if the program meets all of the following  
17 requirements:

18 (1) The group home program is providing, or has proposed to  
19 provide, the level of care and services necessary to generate  
20 sufficient points in the ratesetting process to be classified at RCL  
21 13 if the rate application is for RCL 13 or to be classified at RCL  
22 14 if the rate application is for RCL 14.

23 (2) (A) (i) The group home provider shall agree not to accept  
24 for placement into a group home program AFDC-FC funded  
25 children, including voluntary placements and children who have  
26 been assessed as having an emotional disturbance as defined in  
27 Section 300.8(c)(4)(i) of Title 34 of the Code of Federal  
28 Regulations placed out-of-home pursuant to an individualized  
29 education program developed under Article 2 (commencing with  
30 Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 the  
31 Education Code, who have not been approved for placement by  
32 an interagency placement committee, as described by Section  
33 4096.1. The approval shall be in writing and shall indicate that the  
34 interagency placement committee has determined that the child  
35 has an emotional disturbance as defined in Section 300.8(c)(4)(i)  
36 of Title 34 of the Code of Federal Regulations, and subject to  
37 Section 1502.45 of the Health and Safety Code, and that the child  
38 needs the level of care provided by the group home.

39 (ii) For purposes of clause (i), group home providers who accept  
40 children who have been assessed as having emotional disturbances

1 as defined in Section 300.8(c)(4)(i) of Title 34 of the Code of  
2 Federal Regulations who are assessed and placed out-of-home  
3 pursuant to an individualized education program developed under  
4 Article 2 (commencing with Section 56320) of Chapter 4 of Part  
5 30 of Division 4 of Title 2 the Education Code shall be deemed to  
6 have met the interagency placement committee approval for  
7 placement requirements of clause (i) if the individualized education  
8 program assessment indicates that the child has been determined  
9 to have an emotional disturbance, as defined in Section 300.8  
10 (c)(4)(i) of Title 34 of the Code of Federal Regulations and subject  
11 to Section 1502.45 of the Health and Safety Code, and needs the  
12 level of care described in clause (i).

13 (B) (i) Nothing in this subdivision shall prevent the emergency  
14 placement of a child into a group home program prior to the  
15 determination by the interagency placement committee pursuant  
16 to clause (i) of subparagraph (A) if a licensed mental health  
17 professional, as defined in the department's AFDC-FC ratesetting  
18 regulations, has evaluated, in writing, the child within 72 hours of  
19 placement, and has determined the child to have an emotional  
20 disturbance as defined in Section 300.8(c)(4)(i) of Title 34 of the  
21 Code of Federal Regulations and in need of the care and services  
22 provided by the group home program.

23 (ii) The interagency placement committee shall, within 30 days  
24 of placement pursuant to clause (i), make the determination  
25 required by clause (i) of subparagraph (A).

26 (iii) If, pursuant to clause (ii), the placement is determined to  
27 be appropriate, the committee shall transmit the approval, in  
28 writing, to the county placing agency and the group home provider.

29 (iv) If, pursuant to clause (ii) the placement is determined not  
30 to be appropriate, the child shall be removed from the group home  
31 and referred to a more appropriate placement, as specified in  
32 subdivision (f).

33 (C) With respect to AFDC-FC funded children, only those  
34 children who are approved for placement by an interagency  
35 placement committee may be accepted by a group home under this  
36 subdivision.

37 (3) The group home program is certified by the State Department  
38 of Health Care Services pursuant to Section 4096.5.

39 (b) The department shall not establish a rate for a group home  
40 requesting a program change to RCL 13 or RCL 14 unless the

1 group home provider submits a recommendation from the host  
2 county or the primary placing county that the program is needed  
3 and that the provider is willing and capable of operating the  
4 program at the level sought. For purposes of this subdivision, “host  
5 county,” “primary placing county,” and “program change” mean  
6 the same as defined in the department’s AFDC-FC ratesetting  
7 regulations.

8 (c) The effective date of rates set at RCL 13 or RCL 14 shall  
9 be the date that all the requirements are met, but not prior to July  
10 1 of that fiscal year. Nothing in this section shall affect RCL 13  
11 or RCL 14 ratesetting determinations in prior years.

12 (d) Any group home program that has been classified at RCL  
13 13 or RCL 14 pursuant to the requirements of subdivision (a) shall  
14 be reclassified at the appropriate lower RCL with a commensurate  
15 reduction in rate if either of the following occurs:

16 (1) The group home program fails to maintain the level of care  
17 and services necessary to generate the necessary number of points  
18 for RCL 13 or RCL 14, as required by paragraph (1) of subdivision  
19 (a). The determination of points shall be made consistent with the  
20 department’s AFDC-FC ratesetting regulations for other rate  
21 classification levels.

22 (2) The group home program fails to maintain a certified mental  
23 health treatment program as required by paragraph (3) of  
24 subdivision (a).

25 (3) In the event of a determination under paragraph (1), the  
26 group home may appeal the finding or submit a corrective action  
27 plan. The appeal process specified in Section 11466.6 shall be  
28 available to RCL 13 and RCL 14 group home providers. During  
29 any appeal, the group home shall maintain the appropriate level  
30 of care.

31 (e) The interagency placement committee shall periodically  
32 review, but no less often than that required by current law, the  
33 placement of the child. If the committee determines that the child  
34 no longer needs, or is not benefiting from, placement in a RCL 13  
35 or RCL 14 group home, the committee shall require the removal  
36 of the child and a new disposition.

37 (f) (1) (A) If, at any time subsequent to placement in an RCL  
38 13 or RCL 14 group home program, the interagency placement  
39 committee determines either that the child is not seriously  
40 emotionally disturbed or is not in need of the care and services

1 provided by the group home program, it shall notify, in writing,  
2 both the county placing agency and the group home provider within  
3 10 days of the determination.

4 (B) The county placing agency shall notify the group home  
5 provider, in writing, within five days from the date of the notice  
6 from the committee, of the county's plan for removal of the child.

7 (C) The county placing agency shall remove the child from the  
8 group home program within 30 days from the date of the notice  
9 from the interagency placement committee.

10 (2) (A) If a county placing agency does not remove a child  
11 within 30 days from the date of the notice from the interagency  
12 placement committee, the group home provider shall notify the  
13 interagency placement committee and the department, in writing,  
14 of the county's failure to remove the child from the group home  
15 program.

16 (B) The group home provider shall make the notification  
17 required by subparagraph (A) within five days of the expiration  
18 of the 30-day removal period. If notification is made, a group home  
19 provider shall not be subject to an overpayment determination due  
20 to failure of the county placing agency to remove the child.

21 (3) Any county placing agency that fails to remove a child from  
22 a group home program under this paragraph within 30 days from  
23 the date of the notice from the interagency placement committee  
24 shall be assessed a penalty in the amount of the state and federal  
25 financial participation in the AFDC-FC rate paid on behalf of the  
26 child commencing on the 31st day and continuing until the child  
27 is removed.

28 (g) (1) If any RCL 13 or RCL 14 group home provider discovers  
29 that it does not have written approval for placement of any  
30 AFDC-FC funded child from the interagency placement committee,  
31 it shall notify the county placing agency, in writing, and shall  
32 request the county to obtain approval from the interagency  
33 placement committee or remove the child from the group home  
34 program. A group home provider shall have 30 days from the  
35 child's first day of placement to discover the placement error and  
36 to notify the county placing agency.

37 (2) Any county placing agency that receives notification  
38 pursuant to paragraph (2) of subdivision (f) shall obtain approval  
39 for placement from the interagency placement committee or remove  
40 the child from the group home program within 30 days from the

1 date of the notice from the group home provider. The program  
2 shall not be reclassified to a lower RCL for a violation of the  
3 provisions referred to in this paragraph.

4 (3) (A) If a county placing agency does not have the placement  
5 of a child approved by the interagency placement committee or  
6 removed from the group home within 30 days from the date of the  
7 notice from the group home provider, the group home provider  
8 shall notify the county placing agency and the department, in  
9 writing, of the county's failure to have the placement of the child  
10 approved or remove the child from the group home program.

11 (B) The group home provider shall make the notification  
12 required by subparagraph (A) within five days after the expiration  
13 of the 30-day approval or removal period. If notification is made,  
14 a group home provider shall not be subject to an overpayment  
15 determination due to failure of the county placing agency to remove  
16 the child.

17 (C) Any group home provider that fails to notify the county  
18 placing agency pursuant to subparagraph (A) shall be assessed a  
19 penalty in the amount of the AFDC-FC rate paid to the group home  
20 provider on behalf of the child commencing on the 31st day of  
21 placement and continuing until the county placing agency is  
22 notified.

23 (4) Any county placing agency that fails to have the placement  
24 of a child approved or to have the child removed from the group  
25 home program within 30 days shall be assessed a penalty in the  
26 amount of the state and federal financial participation in the  
27 AFDC-FC rate paid on behalf of the child commencing on the 31st  
28 day of placement and continuing until the child is removed.

29 (h) The department shall develop regulations to obtain payment  
30 of assessed penalties as provided in this section. For audit purposes  
31 and the application of penalties for RCL 13 and RCL 14 programs,  
32 the department shall apply statutory provisions that were in effect  
33 during the period for which the audit was conducted.

34 (i) (1) Nothing in this subdivision shall prohibit a group home  
35 classified at RCL 13 or RCL 14 for purposes of the AFDC-FC  
36 program, from accepting private placements of children.

37 (2) When a referral is not from a public agency and no public  
38 funding is involved, there shall be no requirement for public agency  
39 review or determination of need.

1 (3) Children subject to paragraphs (1) and (2) shall have been  
2 assessed as having an emotional disturbance, as defined in Section  
3 300.8(c)(4)(i) of Title 34 of the Code of Federal Regulations and  
4 subject to Section 1502.45 of the Health and Safety Code, by 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 *subdivision (g) of Section 4096.*

8 (j) A child shall not be placed in a group home program  
9 classified at an RCL 13 or RCL 14 if the placement is paid for  
10 with county-only funds unless the child is assessed as having an  
11 emotional disturbance, as defined in Section 300.8(c)(4)(i) of Title  
12 34 of the Code of Federal Regulations, subject to Section 1502.45  
13 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. *subdivision (g) of Section*  
16 *4096.*

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. 64.~~

25 *SEC. 67.* Section 11462.02 of the Welfare and Institutions  
26 Code is amended to read:

27 11462.02. (a) Notwithstanding paragraph (2) of subdivision  
28 (a) of Section 11462, a foster care provider licensed as a group  
29 home also may have a rate established if the group home is  
30 operated by the County of San Mateo, as provided by subdivision  
31 (h) of Section 11400.

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

35 ~~SEC. 65.~~

36 *SEC. 68.* Section 11462.02 is added to the Welfare and  
37 Institutions Code, to read:

38 11462.02. (a) Any existing county-operated foster family  
39 agency or group home, including the group home operated by the  
40 County of San Mateo, shall, commencing January 1, 2017, be

1 classified as, and shall meet all of the requirements of, a foster  
2 family agency or a short-term residential treatment center, as set  
3 forth respectively in subdivisions (e) and (f) of Section 11402, to  
4 be eligible to receive AFDC-FC funds.

5 (b) Notwithstanding any other law, the State Department of  
6 Social Services may license a county as a foster family agency or  
7 as a short-term residential treatment center.

8 (c) If a county exercises its option to operate a foster family  
9 agency or a short-term residential treatment center, the county  
10 shall submit an application and shall comply with the requirements  
11 of Chapter 3 (commencing with Section 1500) of Division 2 of  
12 the Health and Safety Code related to foster family agency  
13 programs or a short-term residential treatment center, as applicable.

14 (d) A county that requests, and is granted, a license for a foster  
15 family agency or short-term residential treatment center shall apply  
16 for an AFDC-FC rate pursuant to Section 11462 or 11463, as  
17 applicable.

18 (e) As a condition for eligibility for an AFDC-FC rate for a  
19 short-term residential treatment center or a foster family agency,  
20 the county shall comply with all applicable law concerning a  
21 short-term residential treatment center or foster family agency,  
22 including, but not limited to, the following provisions related to  
23 licensing, rate, audit, due process, enforcement, and overpayment  
24 collection:

25 (1) Chapter 3 (commencing with Section 1500) of Division 2  
26 of the Health and Safety Code.

27 (2) Article 10 (commencing with Section 360) of Chapter 2 of  
28 Part 1 of Division 2 of this code.

29 (3) Article 18 (commencing with Section 725) of Chapter 2 of  
30 Part 1 of Division 2 of this code.

31 (4) Article 22 (commencing with Section 825) of Chapter 2 of  
32 Part 1 of Division 2 of this code.

33 (5) Article 5 (commencing with Section 11400) of Chapter 2  
34 of Part 3 of Division 9 of this code.

35 (6) Article 6 (commencing with Section 11450) of Chapter 2  
36 of Part 3 of Division 9 of this code.

37 (f) The state is not obligated under Section 36 of Article XIII  
38 of the California Constitution to provide any annual funding to a  
39 county to comply with this section; with any regulation, executive  
40 order, or administrative order implementing this section; or with

1 any federal statute or regulation related to this section, because  
2 the county's operation of a licensed short-term residential treatment  
3 center or foster family agency is optional for the county and is not  
4 required by this section.

5 (g) Counties licensed to operate a foster family agency or  
6 short-term residential treatment center shall, as a condition to  
7 receiving payment, ensure that its conflict of interest mitigation  
8 plan, submitted to the department pursuant to subdivision (b) of  
9 Section 1506.1 and subdivision (c) of Section 1562.01 of the Health  
10 and Safety Code, addresses, but is not limited to, the following:

11 (1) A decision to place children and youth in a county-operated  
12 facility when alternative appropriate placement options exist.

13 (2) The reporting by county staff to the department or other  
14 agencies of observed noncompliant conditions or health and safety  
15 concerns in county-operated foster family agencies or short-term  
16 residential treatment centers.

17 (3) The cross-reporting of reports received from mandatory  
18 child abuse and neglect reporters involving county-operated foster  
19 family agencies and short-term residential treatment center  
20 programs.

21 (4) Disclosures of fatalities and near fatalities of children placed  
22 in county-operated foster family agencies and short-term residential  
23 treatment centers.

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

25 ~~SEC. 66.~~

26 *SEC. 69.* Section 11462.021 is added to the Welfare and  
27 Institutions Code, to read:

28 11462.021. (a) Notwithstanding paragraph (2) of subdivision  
29 (a) of Section 11462, a foster care provider licensed as a group  
30 home also may have a rate established if the group home is  
31 operated by the County of San Mateo, as provided by subdivision  
32 (h) of Section 11400.

33 (b) This section shall only apply to a group home that has been  
34 granted an extension pursuant to the exception process described  
35 in subdivision (d) of Section 11462.04.

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

37 (d) 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. 70. Section 11462.022 is added to the Welfare and  
2 Institutions Code, to read:

3 11462.022. (a) Upon meeting the licensure requirements  
4 pursuant to Section 1530.8 of the Health and Safety Code, a county  
5 child welfare agency operating a temporary shelter care facility,  
6 as defined in Section 1530.8 of the Health and Safety Code, shall  
7 comply with this section.

8 (b) Prior to detaining the child in the temporary shelter care  
9 facility, the child welfare agency shall make reasonable efforts,  
10 consistent with current law, to place the child with a relative, tribal  
11 member, nonrelative extended family member, or in a licensed,  
12 certified, approved or tribally approved foster family home or  
13 approved resource family. When the child welfare agency has  
14 reason to believe that the child is or may be an Indian child, the  
15 agency shall make active efforts to comply with the federal Indian  
16 Child Welfare Act placement preferences, as required by  
17 subdivision (k) of Section 361.31.

18 (c) A child may be detained or placed in a temporary shelter  
19 care facility only for the duration necessary to enable the county  
20 placing agency to perform the required assessments and to  
21 appropriately place the child.

22 (d) Upon admission, the temporary shelter care facility shall  
23 provide each child with health, mental health, and developmental  
24 screenings, as applicable. Commencing when a child is admitted  
25 into a temporary shelter care facility, and continuing until the  
26 child's discharge from the facility, the county welfare agency shall  
27 continuously strive to identify and place the child in an appropriate  
28 licensed or approved home or facility.

29 (e) The temporary shelter care facility shall ensure that the  
30 following services, at a minimum, are identified in the facility's  
31 plan of operation and are available to children detained at the  
32 facility:

33 (1) Medical, developmental, behavioral, and mental health  
34 assessments based on the information obtained through the  
35 screenings required pursuant to subdivision (d).

36 (2) Based on the screening, assessments, and other information  
37 obtained about the child, identification of the appropriate  
38 placement resources that meet the child's needs.

39 (3) Trauma-informed services and interventions.

40 (4) Crisis intervention services.

- 1     (5) *Care and supervision provided by trauma-informed trained*
- 2     *and qualified staff.*
- 3     (6) *Referrals to and coordination with service providers who*
- 4     *can meet the medical, developmental, behavioral, or mental health*
- 5     *needs of the child identified upon admission.*
- 6     (7) *Educational services to ensure the child’s educational*
- 7     *progress, including efforts to maintain the child in his or her school*
- 8     *of origin if practical.*
- 9     (8) *Visitation services, including the ability to provide*
- 10    *court-ordered, supervised visitation.*
- 11    (9) *Structured indoor and outdoor activities, including*
- 12    *recreational and social programs.*
- 13    (10) *Transportation and other forms of support to ensure, to*
- 14    *the extent possible, the child’s ability to attend and participate in*
- 15    *important milestone events.*
- 16    (11) *Mentorship and peer support-type programs.*
- 17    (f) (1) *In no case shall the detention or placement in a*
- 18    *temporary shelter care facility exceed 10 calendar days. For any*
- 19    *stay that exceeds 10 calendar days, the child welfare agency shall*
- 20    *submit a written report to the department, within 24 hours of an*
- 21    *overstay, that shall include a description of the reasons and*
- 22    *circumstances for the child’s overstay, and shall be signed by the*
- 23    *county child welfare agency director or his or her designee. The*
- 24    *department may choose not to issue a citation to the county for a*
- 25    *violation of the 10-day placement limit when, based on the*
- 26    *information contained in the report, the overstay is reasonable*
- 27    *and the county is complying with subdivision (d).*
- 28    (2) *The child welfare agency may permit any child or youth to*
- 29    *access assessment and other services described in subdivision (d)*
- 30    *or (e) while in an out-of-home placement.*
- 31    (3) *To ensure the protection of children placed in temporary*
- 32    *shelter care facilities, the child welfare agency shall separate*
- 33    *children placed in temporary shelter care facilities pursuant to*
- 34    *subdivision (b) from children returning to the shelter due to a*
- 35    *failed placement, when possible, when circumstances warrant that*
- 36    *separation. Temporary shelters shall staff as necessary to*
- 37    *adequately supervise children to ensure an appropriate*
- 38    *environment for all children present.*

1 (g) *At the request of the county, the department shall provide*  
2 *technical assistance necessary for the implementation of this*  
3 *section.*

4 (h) *The department, in consultation with the counties, shall*  
5 *provide a report to the Legislature no later than January 1, 2021,*  
6 *that shall include the number of children and youth served by*  
7 *temporary shelter care facilities, characteristics of children*  
8 *detained in these facilities, and whether there is a continued need*  
9 *for the licensing and operation of temporary shelter care facilities.*

10 ~~SEC. 67.~~

11 *SEC. 71.* 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. 68.~~

2 *SEC. 72.* 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, *except as provided in paragraph (2)*,  
24 on a case-by-case basis, when a written request and supporting  
25 documentation are provided by a county placing agency, including  
26 a county welfare or probation director, that absent the granting of  
27 that exception, there is a material risk to the welfare of children  
28 due to an inadequate supply of appropriate alternative placement  
29 options to meet the needs of children. The exception may include  
30 time to meet the program accreditation requirement or the mental  
31 health certification requirement.

32 (2) *Pursuant to Section \_\_\_\_\_, the department may grant an*  
33 *extension beyond December 31, 2017, to be reviewed every six*  
34 *months, on an individual case-by-case basis, when a written*  
35 *request and supporting documentation are provided by a county*  
36 *chief probation officer, that, absent granting of that extension,*  
37 *there is a significant risk to the safety of the youth or the public,*  
38 *due to an inadequate supply of short term residential treatment*  
39 *centers or resources families necessary to meet the needs of*  
40 *probation youth.*

1     ~~(2)~~

2     (3) The exception shall allow the provider to continue to receive  
3 the rate under the prior ratesetting system.

4     (e) Upon termination of an existing group home rate under the  
5 RCL system, a new rate shall not be paid until an application is  
6 approved and a rate is granted by the department pursuant to  
7 Section 11462 as a short-term residential treatment center or  
8 pursuant to Section 11463 as a foster family agency.

9     (f) The department shall, in the development of the new rate  
10 structures, consider and provide for placement of all children who  
11 are displaced as a result of reclassification of treatment facilities.

12     (g) This section shall become operative on January 1, 2017.

13     ~~SEC. 69.~~

14     SEC. 73. Section 11463 of the Welfare and Institutions Code  
15 is amended to read:

16     11463. (a) (1) The department, with the advice, assistance,  
17 and cooperation of the counties and foster care providers, shall  
18 develop, implement, and maintain a ratesetting system for foster  
19 family agencies.

20     (2) No county shall be reimbursed for any percentage increases  
21 in payments, made on behalf of AFDC-FC funded children who  
22 are placed with foster family agencies, that exceed the percentage  
23 cost-of-living increase provided in any fiscal year beginning on  
24 January 1, 1990, as specified in subdivision (c) of Section 11461.

25     (b) The department shall develop regulations specifying the  
26 purposes, types, and services of foster family agencies, including  
27 the use of those agencies for the provision of emergency shelter  
28 care. A distinction, for ratesetting purposes, shall be drawn between  
29 foster family agencies that provide treatment of children in foster  
30 families and those that provide nontreatment services.

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

34     (d) On and after July 1, 1998, the schedule of rates, and the  
35 components used in the rate calculations specified in the  
36 department's regulations, for foster family agencies shall be  
37 increased by 6 percent, rounded to the nearest dollar. The resultant  
38 amounts shall constitute the new schedule of rates for foster family  
39 agencies.

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

9 (2) In addition to the adjustment specified in paragraph (1),  
10 commencing January 1, 2000, the schedule of rates and the  
11 components used in the rate calculations specified in the  
12 department's regulations for foster family agencies shall be  
13 increased by 2.36 percent, rounded to the nearest dollar. The  
14 resultant amounts shall constitute the new schedule of rates for  
15 foster family agencies.

16 (f) For the 1999–2000 fiscal year, foster family agency rates  
17 that are not determined by the schedule of rates set forth in the  
18 department's regulations, shall be increased by the same percentage  
19 as provided in subdivision (e).

20 (g) (1) For the 2000–01 fiscal year and each fiscal year  
21 thereafter, the foster family agency rate shall be supplemented by  
22 one hundred dollars (\$100) for clothing per year per child in care,  
23 subject to the availability of funds. The supplemental payment  
24 shall be used to supplement, and shall not be used to supplant, any  
25 clothing allowance paid in addition to the foster family agency  
26 rate.

27 (2) Notwithstanding paragraph (1), commencing with the  
28 2012–13 fiscal year, and each fiscal year thereafter, no  
29 supplemental clothing allowance shall be provided, because the  
30 rate issued in accordance with paragraph (1) of subdivision (m)  
31 takes the cost of clothing into account.

32 (h) In addition to the adjustment made pursuant to subdivision  
33 (e), the component for social work activities in the rate calculation  
34 specified in the department's regulations for foster family agencies  
35 shall be increased by 10 percent, effective January 1, 2001. This  
36 additional funding shall be used by foster family agencies solely  
37 to supplement staffing, salaries, wages, and benefit levels of staff  
38 performing social work activities. The schedule of rates shall be  
39 recomputed using the adjusted amount for social work activities.  
40 The resultant amounts shall constitute the new schedule of rates

1 for foster family agencies. The department may require a foster  
2 family agency receiving this additional funding to certify that the  
3 funding was utilized in accordance with the provisions of this  
4 section.

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

9 (j) The total foster family agency rate by age group in effect as  
10 of January 1, 2008, paid to licensed foster family agencies for the  
11 placement of children in certified foster family homes, shall be  
12 reduced by 10 percent, effective October 1, 2009. The foster family  
13 agency shall have flexibility in applying the reduction, however,  
14 nothing shall be deducted from the child base rate, as defined in  
15 departmental regulations. When the rate is restored to at least the  
16 rate in effect on September 1, 2009, the director shall issue the  
17 declaration described in Section 1506.3 of the Health and Safety  
18 Code.

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

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

29 (2) The department shall adopt regulations to implement this  
30 subdivision. The adoption, amendment, repeal, or readoption of a  
31 regulation authorized by this subdivision is deemed to be necessary  
32 for the immediate preservation of the public peace, health and  
33 safety, or general welfare, for purposes of Sections 11346.1 and  
34 11349.6 of the Government Code, and the department is hereby  
35 exempted from the requirement to describe specific facts showing  
36 the need for immediate action.

37 (m) (1) On and after July 1, 2012, the basic rate payment that  
38 shall be made to the certified parent pursuant to this section for  
39 care and supervision of a child who is living in a certified home  
40 of a foster family agency, as defined in Section 11400, shall equal

1 the basic rate for children based in a licensed or approved home,  
2 as specified in paragraph (1) of subdivision (g) of Section 11461.

3 (2) The basic rate payment to the certified parent made pursuant  
4 to paragraph (1) shall be adjusted annually on July 1, by the annual  
5 percentage change in the California Necessities Index, in  
6 accordance with paragraph (2) of subdivision (g) of Section 11461.  
7 The adjustment in this paragraph shall be in lieu of any adjustment  
8 pursuant to subdivision (e).

9 (n) Notwithstanding any other law, the changes to the basic rate  
10 payment specified in subdivision (m) shall not change the  
11 remaining components of the foster family agency rate. The new  
12 foster family agency rate shall be increased only by the amounts  
13 specified pursuant to subdivision (m). The resulting amounts shall  
14 constitute the new schedule of rates for foster family agencies,  
15 which shall be issued by all-county letters or similar instructions  
16 from the department.

17 (o) Beginning in the 2011–12 fiscal year, and for each fiscal  
18 year thereafter, funding and expenditures for programs and  
19 activities under this section shall be in accordance with the  
20 requirements provided in Sections 30025 and 30026.5 of the  
21 Government Code.

22 (p) (1) Notwithstanding the rulemaking provisions of the  
23 Administrative Procedure Act (Chapter 3.5 (commencing with  
24 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
25 Code), the department may implement, interpret, or make specific  
26 the changes to this section made by the act that added this section,  
27 and amend and repeal regulations and orders subject to this section  
28 and adopted by the department by means of all-county letters or  
29 similar instructions from the department until regulations are  
30 adopted. The department shall adopt emergency regulations no  
31 later than July 1, 2014. The department may readopt any emergency  
32 regulation authorized by this section that is the same as, or  
33 substantially equivalent to, an emergency regulation previously  
34 adopted under this section.

35 (2) The initial adoption of emergency regulations pursuant to  
36 this section and one readoption of emergency regulations shall be  
37 deemed an emergency and necessary for the immediate  
38 preservation of the public peace, health, safety, or general welfare.  
39 Initial emergency regulations and the one readoption of emergency  
40 regulations authorized by this section shall be exempt from review

1 by the Office of Administrative Law. The initial emergency  
2 regulations and the one readoption of emergency regulations  
3 authorized by this section shall be submitted to the Office of  
4 Administrative Law for filing with the Secretary of State and each  
5 shall remain in effect for no more than 180 days, by which time  
6 final regulations may be adopted.

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

10 ~~SEC. 70.~~

11 *SEC. 74.* Section 11463 is added to the Welfare and Institutions  
12 Code, to read:

13 11463. (a) The department shall commence development of  
14 a new payment structure for the Title IV-E funded foster family  
15 agency placement option that maximizes federal ~~funding.~~ *funding,*  
16 *in consultation with county placing agencies.*

17 (b) The department shall develop a payment system for foster  
18 family agencies that provide nontreatment, treatment, intensive  
19 treatment, and therapeutic foster care programs, and shall consider  
20 all of the following factors:

21 (1) Administrative activities that are eligible for federal financial  
22 participation provided, at county request, for and to county-licensed  
23 or approved family homes and resource families, intensive case  
24 management and supervision, and services to achieve legal  
25 permanency or successful transition to adulthood.

26 (2) Social work activities that are eligible for federal financial  
27 participation under Title IV-E of the Social Security Act.

28 (3) Social work and mental health services eligible for federal  
29 financial participation under Title XIX of the Social Security Act.

30 (4) Intensive treatment or therapeutic services in the foster  
31 family agency.

32 (5) ~~Core services provided services, either directly provided or~~  
33 ~~secured through formal agreements with other agencies, that~~  
34 ~~encompass community services and supports, permanency-related~~  
35 ~~services, medical physical, behavioral, and mental health support~~  
36 ~~and access to services, including specialty mental health services,~~  
37 ~~educational support, life and social support, transitional support~~  
38 ~~services upon discharge, biological parent and resource family~~  
39 ~~supports, and services for nonminor dependents. for children,~~  
40 *youth, and families who assume permanency and for children,*

1 *youth, and families who step down into lower levels of foster care,*  
2 *services for transition-aged youth, services for nonminor*  
3 *dependents, and trauma-informed practices and supports for*  
4 *children and youth, including treatment services.*

5 (6) Staff training.

6 (7) Health and Safety Code requirements.

7 (8) A process for accreditation that includes all of the following:

8 (A) Provision for all licensed foster family agencies to maintain  
9 in good standing accreditation from a nationally recognized  
10 accreditation agency with expertise in programs for youth group  
11 care facilities, as determined by the department.

12 (B) Promulgation by the department of information identifying  
13 the agency or agencies from which accreditation shall be required.

14 (C) Provision for timely reporting to the department of any  
15 change in accreditation status.

16 (9) Mental health certification, including a requirement to timely  
17 report to the department any change in mental health certificate  
18 status.

19 (10) Populations served, including, but not limited to, any of  
20 the following:

21 (A) Children and youth assessed as having an emotional  
22 disturbance as defined in Section 300.8(c)(4)(i) of Title 34 of the  
23 Code of Federal Regulations placed out-of-home pursuant to an  
24 individualized education program developed under Chapter 26.5  
25 (commencing with Section 7570) of Division 7 of Title 1 of the  
26 Government Code.

27 (B) AFDC-FC children and youth receiving intensive and  
28 therapeutic treatment services in a foster family agency.

29 (C) AFDC-FC children and youth receiving mental health  
30 treatment services from a foster family agency.

31 (11) Maximization of federal financial participation for Title  
32 IV-E and Title XIX of the Social Security Act.

33 (c) The department shall develop a system of governmental  
34 monitoring and oversight that shall be carried out in coordination  
35 with the State Department of Health Care Services. Oversight  
36 responsibilities shall include, but not be limited to, ensuring  
37 conformity with federal and state law, including program, fiscal,  
38 and health and safety reviews.

1 (d) The department shall consider the impact on children and  
2 youth being transitioned to alternate programs as a result of the  
3 new ratesetting system.

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

5 ~~SEC. 71.~~

6 *SEC. 75.* Section 11463.01 is added to the Welfare and  
7 Institutions Code, immediately after Section 11463, to read:

8 11463.01. (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, as specified in  
16 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 procedures for the appeal of department decisions  
25 about the setting of an agency's rate.

26 (d) No supplemental clothing allowance shall be provided,  
27 because the rate issued in accordance with paragraph (1) of  
28 subdivision (g) takes the cost of clothing into account.

29 (e) The schedule of rates for foster family agencies as set forth  
30 in Section 11463, as that section read on January 1, 2015, shall  
31 apply for purposes of, and may be modified pursuant to, this  
32 section.

33 (f) (1) The department shall determine, consistent with the  
34 requirements of this section and other relevant requirements under  
35 law, the rate category for each foster family agency on a biennial  
36 basis. Submission of the biennial rate application shall be according  
37 to a schedule determined by the department.

38 (2) The department shall adopt regulations to implement this  
39 subdivision. The adoption, amendment, repeal, or readoption of a  
40 regulation authorized by this subdivision is deemed to be necessary

1 for the immediate preservation of the public peace, health and  
2 safety, or general welfare, for purposes of Sections 11346.1 and  
3 11349.6 of the Government Code, and the department is hereby  
4 exempted from the requirement to describe specific facts showing  
5 the need for immediate action.

6 (g) (1) The basic rate payment that shall be made to the certified  
7 parent pursuant to this section for care and supervision of a child  
8 who is living in a certified home of a foster family agency, as  
9 defined in Section 11400, shall equal the basic rate for children  
10 ~~based~~ *placed* in a licensed or approved home, as specified in  
11 paragraph (1) of subdivision (g) of Section 11461.

12 (2) The basic rate payment to the certified parent made pursuant  
13 to paragraph (1) shall be adjusted annually on July 1, by the annual  
14 percentage change in the California Necessities Index, in  
15 accordance with paragraph (2) of subdivision (g) of Section 11461.  
16 The adjustment in this paragraph shall be in lieu of any adjustment  
17 pursuant to subdivision (e) of Section 11463, as that section read  
18 on January 1, 2015.

19 (h) Notwithstanding any other law, the changes to the basic rate  
20 payment specified in subdivision (g) shall not change the remaining  
21 components of the foster family agency rate. The new foster family  
22 agency rate shall be increased only by the amounts specified  
23 pursuant to subdivision (g). The resulting amounts shall constitute  
24 the new schedule of rates for foster family agencies, which shall  
25 be issued by all-county letters or similar instructions from the  
26 department.

27 (i) For each fiscal year, funding and expenditures for programs  
28 and activities under this section shall be in accordance with the  
29 requirements provided in Sections 30025 and 30026.5 of the  
30 Government Code.

31 (j) (1) Notwithstanding the rulemaking provisions of the  
32 Administrative Procedure Act (Chapter 3.5 (commencing with  
33 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
34 Code), the department may implement, interpret, or make specific  
35 the changes to this section made by the act that added this section,  
36 and amend and repeal regulations and orders subject to this section  
37 and adopted by the department by means of all-county letters or  
38 similar instructions from the department until regulations are  
39 adopted. The department shall adopt emergency regulations no  
40 later than July 1, 2016. The department may readopt any emergency

1 regulation authorized by this section that is the same as, or  
2 substantially equivalent to, an emergency regulation previously  
3 adopted under this section.

4 (2) The initial adoption of emergency regulations pursuant to  
5 this section and one readoption of emergency regulations shall be  
6 deemed an emergency and necessary for the immediate  
7 preservation of the public peace, health, safety, or general welfare.  
8 Initial emergency regulations and the one readoption of emergency  
9 regulations authorized by this section shall be exempt from review  
10 by the Office of Administrative Law. The initial emergency  
11 regulations and the one readoption of emergency regulations  
12 authorized by this section shall be submitted to the Office of  
13 Administrative Law for filing with the Secretary of State and each  
14 shall remain in effect for no more than 180 days, by which time  
15 final regulations may be adopted.

16 (k) This section shall only apply to a foster family agency that  
17 has been granted an extension pursuant to the exception process  
18 described in subdivision (d) of Section 11463.1.

19 (l) This section shall become operative on January 1, 2017.

20 (m) This section shall remain in effect only until January 1,  
21 2018, and as of that date is repealed, unless a later enacted statute,  
22 that is enacted before January 1, 2018, deletes or extends that date.

23 ~~SEC. 72.~~

24 *SEC. 76.* Section 11463.1 is added to the Welfare and  
25 Institutions Code, to read:

26 11463.1. (a) Notwithstanding any other law, commencing  
27 January 1, 2017, no new foster family agency shall be established  
28 pursuant to the rate in effect through December 31, 2016.

29 (b) Notwithstanding subdivision (a), the department may grant  
30 an exception as appropriate, on a case-by-case basis, when a written  
31 request and supporting documentation are provided by a county  
32 placing agency, including a county welfare or probation director,  
33 that absent the granting of that exception, there is a material risk  
34 to the welfare of children due to an inadequate supply of  
35 appropriate alternative placement options to meet the needs of  
36 children or youth.

37 (c) Rates for foster family agencies paid under the prior rate  
38 system, and those granted an exception pursuant to subdivision  
39 (b), shall terminate on December 31, 2016, unless granted an  
40 extension under the exception process in subdivision (d).

1 (d) A foster family agency may request an exception to extend  
2 its rate as follows:

3 (1) The department may grant an extension for up to one year,  
4 through December 31, 2017, on a case-by-case basis, when a  
5 written request and supporting documentation are provided by a  
6 county placing agency, including a county welfare or probation  
7 director, that absent the granting of that exception, there is a  
8 material risk to the welfare of children or youth due to an  
9 inadequate supply of appropriate alternative placement options to  
10 meet the needs of children. The exception may include time to  
11 meet the accreditation requirement or the mental health certification  
12 requirement.

13 (2) The exception shall allow the provider to continue to receive  
14 the rate under the prior ratesetting system.

15 (e) Upon termination of an existing foster family agency rate  
16 under the prior rate system, a new rate shall not be paid until an  
17 application is approved and a rate is granted by the department  
18 pursuant to Section 11463 as a foster family agency or Section  
19 11462 as a short-term residential treatment center.

20 (f) The department shall, in the development of the new rate  
21 structures, consider and provide for placement of all children who  
22 are displaced as a result of reclassification of treatment facilities.

23 (g) This section shall remain in effect only until January 1, 2018,  
24 and as of that date is repealed, unless a later enacted statute, that  
25 is enacted before January 1, 2018, deletes or extends that date.

26 ~~SEC. 73:~~

27 *SEC. 77.* Section 11465 of the Welfare and Institutions Code  
28 is amended to read:

29 11465. (a) When a child is living with a parent who receives  
30 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on  
31 behalf of the parent shall include an amount for care and  
32 supervision of the child.

33 (b) For each category of eligible licensed community care  
34 facility, as defined in Section 1502 of the Health and Safety Code,  
35 the department shall adopt regulations setting forth a uniform rate  
36 to cover the cost of care and supervision of the child in each  
37 category of eligible licensed community care facility.

38 (c) (1) On and after July 1, 1998, the uniform rate to cover the  
39 cost of care and supervision of a child pursuant to this section shall

1 be increased by 6 percent, rounded to the nearest dollar. The  
2 resultant amounts shall constitute the new uniform rate.

3 (2) (A) On and after July 1, 1999, the uniform rate to cover the  
4 cost of care and supervision of a child pursuant to this section shall  
5 be adjusted by an amount equal to the California Necessities Index  
6 computed pursuant to Section 11453, rounded to the nearest dollar.  
7 The resultant amounts shall constitute the new uniform rate, subject  
8 to further adjustment pursuant to subparagraph (B).

9 (B) In addition to the adjustment specified in subparagraph (A),  
10 on and after January 1, 2000, the uniform rate to cover the cost of  
11 care and supervision of a child pursuant to this section shall be  
12 increased by 2.36 percent, rounded to the nearest dollar. The  
13 resultant amounts shall constitute the new uniform rate.

14 (3) Subject to the availability of funds, for the 2000–01 fiscal  
15 year and annually thereafter, these rates shall be adjusted for cost  
16 of living pursuant to procedures in Section 11453.

17 (4) On and after January 1, 2008, the uniform rate to cover the  
18 cost of care and supervision of a child pursuant to this section shall  
19 be increased by 5 percent, rounded to the nearest dollar. The  
20 resulting amount shall constitute the new uniform rate.

21 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the  
22 payment made pursuant to this section for care and supervision of  
23 a child who is living with a teen parent in a whole family foster  
24 home, as defined in Section 11400, shall equal the basic rate for  
25 children placed in a licensed or approved home as specified in  
26 subdivisions (a) to (d), inclusive, and subdivision (g), of Section  
27 11461.

28 (2) (A) The amount paid for care and supervision of a dependent  
29 infant living with a dependent teen parent receiving AFDC-FC  
30 benefits in a group home placement shall equal the infant  
31 supplement rate for group home placements.

32 (B) Commencing January 1, 2017, the amount paid for care and  
33 supervision of a dependent infant living with a dependent teenage  
34 parent receiving AFDC-FC benefits in a short-term residential  
35 treatment center shall equal the infant supplement rate for  
36 short-term residential treatment centers established by the  
37 department.

38 (3) (A) The caregiver shall provide the county child welfare  
39 agency or probation department with a copy of the shared  
40 responsibility plan developed pursuant to Section 16501.25 and

1 shall advise the county child welfare agency or probation  
2 department of any subsequent changes to the plan. Once the plan  
3 has been completed and provided to the appropriate agencies, the  
4 payment made pursuant to this section shall be increased by an  
5 additional two hundred dollars (\$200) per month to reflect the  
6 increased care and supervision while he or she is placed in the  
7 whole family foster home.

8 (B) A nonminor dependent parent residing in a supervised  
9 independent living placement, as defined in subdivision (w) of  
10 Section 11400, who develops a written parenting support plan  
11 pursuant to Section 16501.26 shall provide the county child welfare  
12 agency or probation department with a copy of the plan and shall  
13 advise the county child welfare agency or probation department  
14 of any subsequent changes to the plan. The payment made pursuant  
15 to this section shall be increased by an additional two hundred  
16 dollars (\$200) per month after all of the following have been  
17 satisfied:

18 (i) The plan has been completed and provided to the appropriate  
19 county agency.

20 (ii) The plan has been approved by the appropriate county  
21 agency.

22 (iii) The county agency has determined that the identified  
23 responsible adult meets the criteria specified in Section 16501.27.

24 (4) In a year in which the payment provided pursuant to this  
25 section is adjusted for the cost of living as provided in paragraph  
26 (1) of subdivision (c), the payments provided for in this subdivision  
27 shall also be increased by the same procedures.

28 (5) A Kin-GAP relative who, immediately prior to entering the  
29 Kin-GAP program, was designated as a whole family foster home  
30 shall receive the same payment amounts for the care and  
31 supervision of a child who is living with a teen parent they received  
32 in foster care as a whole family foster home.

33 (6) On and after January 1, 2012, the rate paid for a child living  
34 with a teen parent in a whole family foster home as defined in  
35 Section 11400 shall also be paid for a child living with a nonminor  
36 dependent parent who is eligible to receive AFDC-FC or Kin-GAP  
37 pursuant to Section 11403.

38 ~~SEC. 74.~~

39 *SEC. 78.* Section 11466 is added to the Welfare and Institutions  
40 Code, to read:

1 11466. For the purposes of this section to Section 114691.1,  
2 inclusive, “provider” shall mean a group home, short-term  
3 residential treatment center, a foster family agency that provides  
4 treatment services, and similar foster care business entities.

5 ~~SEC. 75.~~

6 *SEC. 79.* Section 11466.21 of the Welfare and Institutions  
7 Code is amended to read:

8 11466.21. (a) In accordance with subdivision (b), as a  
9 condition to receive an AFDC-FC rate for a program including,  
10 but not limited to, a group home, a foster family agency that  
11 provides treatment services, or a short-term residential treatment  
12 center, the following shall apply:

13 (1) Any provider who expends in combined federal funds an  
14 amount at or above the federal funding threshold in accordance  
15 with the federal Single Audit Act, as amended, and Section 200.501  
16 of Title 2 of the Code of Federal Regulations shall arrange to have  
17 a financial audit conducted on an annual basis, and shall submit  
18 the annual financial audit to the department in accordance with  
19 regulations adopted by the department.

20 (2) Any provider who expends in combined federal funds an  
21 amount below the federal funding threshold in accordance with  
22 the federal Single Audit Act, as amended, and Section 200.501 of  
23 Title 2 of the Code of Federal Regulations shall submit to the  
24 department a financial audit on its most recent fiscal period at least  
25 once every three years. The department shall provide timely notice  
26 to the providers of the date that submission of the financial audit  
27 is required. That date of submission of the financial audit shall be  
28 established in accordance with regulations adopted by the  
29 department.

30 (3) The scope of the financial audit shall include all of the  
31 programs and activities operated by the provider and shall not be  
32 limited to those funded in whole or in part by the AFDC-FC  
33 program. The financial audits shall include, but not be limited to,  
34 an evaluation of the accounting and control systems of the provider.

35 (4) The provider shall have its financial audit conducted by  
36 certified public accountants or by state-licensed public accountants  
37 who have no direct or indirect relationship with the functions or  
38 activities being audited, or with the provider, its board of directors,  
39 officers, or staff.

1 (5) The provider shall have its financial audits conducted in  
2 accordance with Government Auditing Standards issued by the  
3 Comptroller General of the United States and in compliance with  
4 generally accepted accounting principles applicable to private  
5 entities organized and operated on a nonprofit basis.

6 (6) (A) Each provider shall have the flexibility to define the  
7 calendar months included in its fiscal year.

8 (B) A provider may change the definition of its fiscal year.  
9 However, the financial audit conducted following the change shall  
10 cover all of the months since the last audit, even though this may  
11 cover a period that exceeds 12 months.

12 (b) (1) In accordance with subdivision (a), as a condition to  
13 receive an AFDC-FC rate that becomes effective on or after July  
14 1, 2000, a provider shall submit a copy of its most recent financial  
15 audit report, except as provided in paragraph (3).

16 (2) The department shall terminate the rate of a provider who  
17 fails to submit a copy of its most recent financial audit pursuant  
18 to subdivision (a). A terminated rate shall only be reinstated upon  
19 the provider's submission of an acceptable financial audit.

20 (3) Effective July 1, 2000, a new provider that has been  
21 incorporated for fewer than 12 calendar months shall not be  
22 required to submit a copy of a financial audit to receive an  
23 AFDC-FC rate for a new program. The financial audit shall be  
24 conducted on the provider's next full fiscal year of operation. The  
25 provider shall submit the financial audit to the department in  
26 accordance with subdivision (a).

27 (c) The department shall implement this section through the  
28 adoption of emergency regulations.

29 ~~SEC. 76.~~

30 *SEC. 80.* Section 11466.22 of the Welfare and Institutions  
31 Code is amended to read:

32 11466.22. (a) It is the intent of the Legislature to ensure overall  
33 program integrity in the AFDC-FC program through the  
34 establishment of an effective and efficient process for the collection  
35 of provider sustained overpayments. Furthermore, the intent of the  
36 Legislature is to ensure that children placed in AFDC-FC programs,  
37 including, but not limited to, group homes, short-term residential  
38 treatment centers, and foster family agencies that provide treatment  
39 services, receive the level of care and supervision commensurate  
40 with the program's paid rate.

1 (b) For the purposes of this section, a provider is a licensee of  
2 an AFDC-FC program listed in Section 11402, including, but not  
3 limited to, a group home, short-term residential treatment center,  
4 foster family agency that provides treatment services, or a similar  
5 business entity, receiving foster care maintenance payments under  
6 the AFDC-FC program. The department may collect a sustained  
7 overpayment from the party responsible for the sustained  
8 overpayment, regardless of whether the party remains in the  
9 business of providing any AFDC-FC programs, and regardless of  
10 whether the provider remains licensed by the department.

11 (c) For the purposes of this section, a provider overpayment is  
12 an overpayment that results in an audit period when a provider  
13 receives a rate reimbursement to which it is not entitled. If a  
14 provider receives a rate reimbursement to which it is not entitled,  
15 it shall be liable to repay the overpayment.

16 (d) (1) Overpayments shall be determined by either a provider  
17 audit or a provider self-reporting an overpayment.

18 (2) If an informal hearing is not requested, or on the 60th day  
19 after an informal decision if a provider or the department does not  
20 file a notice of intent to file a formal appeal, or on the 30th day  
21 following a formal appeal hearing decision, whichever is latest, a  
22 group home provider overpayment shall be sustained for collection  
23 purposes and the department shall issue a demand letter for  
24 repayment of the sustained overpayment.

25 (3) The department shall establish a voluntary repayment  
26 agreement procedure with a maximum repayment period of nine  
27 years. The procedure shall take into account the amount of the  
28 overpayment, projected annual income of the program that caused  
29 the overpayment, a minimum repayment amount, including  
30 principal and interest, of 3 percent of annual income prorated on  
31 a monthly basis, simple interest for the first seven years of the  
32 voluntary repayment agreement on the overpayment amount based  
33 on the Surplus Money Investment Fund, and simple interest for  
34 the eighth and ninth years of the voluntary repayment agreement  
35 based on the prime rate at that time plus 3 percent. The department  
36 may adopt regulations permitting the director, at his or her  
37 discretion, to renegotiate the volunteer repayment agreement if  
38 the director determines that the agreement would cause severe  
39 harm to children in placement.

1 (4) The department shall establish an involuntary overpayment  
2 collection procedure, that shall take into account the amount of  
3 the overpayment, projected annual income, a minimum required  
4 repayment amount, including principal and interest, of 5 percent  
5 of the annual income prorated on a monthly basis, simple interest  
6 on the overpayment amount based on the Surplus Money  
7 Investment Fund, and a maximum repayment period of seven  
8 years. The department may establish regulations permitting the  
9 director at his or her discretion to renegotiate the involuntary  
10 payment agreement if the director determines that the agreement  
11 would cause severe harm to children in placement.

12 (e) The department shall develop regulations for recovery of  
13 any provider sustained overpayments. The regulations shall  
14 prioritize collection methods, which shall include voluntary  
15 repayment agreement procedures, involuntary overpayment  
16 collection procedures, including the use of a statutory lien, rate  
17 request denials, rate decreases, and rate terminations.

18 (f) Whenever the department determines that a provider  
19 sustained overpayment has occurred, the department shall recover  
20 from the provider the full amount of the sustained overpayment,  
21 and simple interest on the sustained overpayment amount, pursuant  
22 to methods described in subdivision (e), against the provider's  
23 income or assets.

24 (g) If a provider is successful in its appeal of a collected  
25 overpayment, it shall be repaid the collected overpayment plus  
26 simple interest based on the Surplus Money Investment Fund.

27 ~~SEC. 77.~~

28 *SEC. 81.* Section 11466.25 of the Welfare and Institutions  
29 Code is amended to read:

30 11466.25. Interest begins to accrue on a provider overpayment  
31 on the date of the issuance of the final audit report.

32 ~~SEC. 78.~~

33 *SEC. 82.* Section 11466.3 of the Welfare and Institutions Code  
34 is amended to read:

35 11466.3. (a) The department shall offer a voluntary repayment  
36 agreement procedure to providers that owe a sustained  
37 overpayment. A provider may enter into a voluntary repayment  
38 agreement with the department to repay a sustained overpayment.  
39 The voluntary repayment agreement shall, at a minimum, meet

1 the requirements developed pursuant to paragraph (3) of  
2 subdivision (d) of Section 11466.2.

3 (b) The department shall charge simple interest on the voluntary  
4 repayment agreement in accordance with paragraph (3) of  
5 subdivision (d) of Section 11466.2.

6 ~~SEC. 79.~~

7 *SEC. 83.* Section 11466.31 of the Welfare and Institutions  
8 Code is amended to read:

9 11466.31. (a) When it has been determined that a provider  
10 participating in the AFDC-FC program owes an overpayment that  
11 is due and payable, the department may implement involuntary  
12 offset collection procedures to collect sustained overpayments  
13 from a provider if the provider does not enter into a voluntary  
14 repayment agreement with the department or the provider has three  
15 outstanding payments on a voluntary repayment agreement before  
16 the overpayment is repaid.

17 (b) The minimum monthly overpayment offset amount from  
18 monthly rate reimbursements shall be determined using the  
19 involuntary collection procedures developed pursuant to paragraph  
20 (4) of subdivision (d) of Section 11466.2. Overpayments shall be  
21 offset against current monthly rate reimbursement payments due  
22 and payable to a provider under this chapter.

23 ~~SEC. 80.~~

24 *SEC. 84.* Section 11466.32 of the Welfare and Institutions  
25 Code is amended to read:

26 11466.32. (a) If a provider that owes a sustained overpayment  
27 pursuant to paragraph (2) of subdivision (d) of Section 11466.2  
28 does not enter into a voluntary repayment agreement with the  
29 department, or the provider has three outstanding payments on a  
30 voluntary repayment agreement before the overpayment is repaid,  
31 in addition to the monthly overpayment offset amount, 50 percent  
32 of any increases resulting from California Necessities Index (CNI)  
33 adjustments and provider's rate adjustments to the standard rate  
34 that are due to a provider shall be withheld until the sustained  
35 overpayment amount is collected. Once the overpayment amount  
36 is collected, the provider shall begin to prospectively receive the  
37 full amount of any California Necessities Index and rate adjustment  
38 to which it is entitled.

39 (b) Any provider subject to involuntary repayment of a sustained  
40 overpayment pursuant to Section 11466.31 shall be ineligible to

1 receive any rate increase until the repayment is completed or until  
2 the host county or the primary placement county provide the  
3 department with a request for waiver of this paragraph.

4 ~~SEC. 81.~~

5 *SEC. 85.* Section 11466.33 of the Welfare and Institutions  
6 Code is amended to read:

7 11466.33. (a) If any amount is due and payable to the  
8 department as a result of sustained overpayment to a provider for  
9 care and services in the AFDC-FC program, the department may  
10 file, in the office of any county clerk of any county in which the  
11 provider has real or personal property, a certificate if any of the  
12 following conditions are met:

13 (1) No informal hearing is requested and if a provider has not  
14 submitted a voluntary repayment agreement with the first payment,  
15 and 60 days have elapsed from the notice of audit results.

16 (2) No formal appeal is requested and if a provider has not  
17 submitted a voluntary repayment agreement along with the first  
18 payment, and 60 days have elapsed from the notice of the informal  
19 hearing decision.

20 (3) A provider has not submitted a voluntary repayment  
21 agreement along with the first payment, and 30 days have elapsed  
22 after an adverse appeal decision by a hearing officer that sustains  
23 an overpayment.

24 (b) The certificate provided for pursuant to subdivision (a) shall  
25 contain:

26 (1) The amount due, owing, and unpaid, plus simple interest on  
27 the amount owing and unpaid beginning on the date the certificate  
28 is filed.

29 (2) A statement that the department has complied with this  
30 section prior to the filing of the certificate.

31 (3) A request that a lien be recorded against the provider in the  
32 amount set forth in the certificate.

33 (c) The county clerk immediately upon the filing of the  
34 certificate shall record the lien for the State of California against  
35 the provider in the amount set forth in the certificate. The lien may  
36 be filed in the chain of title of the property.

37 (d) The department shall pay the cost of the first lien, and  
38 providers shall be responsible for any subsequent liens on a  
39 sustained overpayment.

1 (e) For the first certificate filed by the department pursuant to  
2 this section, the county shall waive all filing fees.

3 ~~SEC. 82.~~

4 *SEC. 86.* Section 11466.34 of the Welfare and Institutions  
5 Code is amended to read:

6 11466.34. (a) (1) At any time within 10 years of the recording  
7 of a lien pursuant to Section 11466.33, the department may bring  
8 an action, in a superior court in the county in which the lien is  
9 filed, seeking a judgment to establish the lien as a judgment lien.

10 (2) If a judgment is obtained pursuant to paragraph (1), the  
11 county recorder shall record the lien as a judgment lien.

12 (b) An abstract of a judgment obtained pursuant to subdivision  
13 (a) or a copy thereof may be recorded with the county recorder of  
14 any county. From the time of recording, the judgment shall  
15 constitute a lien upon all real or personal property of the provider  
16 in that county owned by the provider at the time, or that the  
17 provider may afterwards, but before the lien expires, acquire. The  
18 judgment lien shall continue for 10 years from the time of recording  
19 of the abstract of judgment obtained pursuant to subdivision (a),  
20 unless sooner released or otherwise discharged.

21 (c) The judgment lien may, within 10 years from the date of  
22 recording of the abstract of judgment or within 10 years from the  
23 date of the last extension of the lien in the manner provided in this  
24 section, be extended by recording a new abstract in the office of  
25 the county recorder of any county. From the date of that recording,  
26 the lien shall be extended for 10 years, unless sooner released or  
27 otherwise discharged.

28 (d) The department may release any lien imposed pursuant to  
29 this chapter, at the provider's cost, in which case any judgment  
30 pertaining to that lien is for all purposes null and void, if all of the  
31 following conditions are met:

32 (1) No temporary suspension order or license revocation actions  
33 by the department's community care licensing division is pending  
34 against a provider.

35 (2) A provider has made at least three timely payments on a  
36 voluntary repayment agreement.

37 (3) The provider submits to the department corroborative  
38 evidence that it is unable to obtain a loan from an institutional  
39 lender unless the lien is released.

1 (e) Execution shall issue upon a judgment obtained pursuant to  
2 this section upon request of the department in the same manner as  
3 execution may issue upon other judgments. Sale shall be held under  
4 that execution as prescribed in the Code of Civil Procedure. In all  
5 proceedings under this section, the director or his or her authorized  
6 agents may act on behalf of the state.

7 ~~SEC. 83.~~

8 *SEC. 87.* Section 11466.35 of the Welfare and Institutions  
9 Code is amended to read:

10 11466.35. (a) Any licensee who has been determined to owe  
11 a sustained overpayment under this chapter, and who, subsequent  
12 to notice of the sustained overpayment, has its rate terminated,  
13 shall be ineligible to apply or receive a rate for any future program  
14 until the overpayment is repaid.

15 (b) A rate application shall be denied for a provider that meets  
16 either of the following conditions:

17 (1) A provider owing a sustained overpayment under this  
18 chapter, upon the occurrence of any additional sustained  
19 overpayment, shall be ineligible to apply or receive a rate for an  
20 existing or future program until the sustained overpayments are  
21 repaid, unless a voluntary repayment agreement is approved by  
22 the department.

23 (2) A provider incurring a sustained overpayment that constitutes  
24 more than 60 percent of the provider's annual rate reimbursement  
25 shall be ineligible to apply or receive a rate for any existing or  
26 future programs until the sustained overpayments are repaid, unless  
27 a voluntary repayment agreement is approved by the department.

28 ~~SEC. 84.~~

29 *SEC. 88.* Section 11466.36 of the Welfare and Institutions  
30 Code is amended to read:

31 11466.36. (a) The department may terminate a program rate  
32 if any of the following conditions are met:

33 (1) The department determines that, based upon the findings of  
34 a hearing officer, a rate application or information submitted by a  
35 provider was fraudulently submitted to the department.

36 (2) A provider with an outstanding sustained overpayment incurs  
37 a second sustained overpayment, and is unable to repay the  
38 sustained overpayments.

39 (3) A provider has a sustained overpayment that represents 100  
40 percent of a provider's annual rate reimbursement.

1 (b) This chapter shall not be construed to affect the department's  
2 authority under other provisions of law for collection of provider  
3 sustained overpayments.

4 ~~SEC. 85.~~

5 *SEC. 89.* Section 11466.5 of the Welfare and Institutions Code  
6 is amended to read:

7 11466.5. The department shall collect cost data and monitor  
8 the cost of providing care and supervision, and social work  
9 services, to AFDC-FC recipients. These data shall include, but not  
10 be limited to, the costs incurred for employee wages and benefits.

11 ~~SEC. 86.~~

12 *SEC. 90.* Section 11466.6 of the Welfare and Institutions Code  
13 is amended to read:

14 11466.6. A provider who disagrees with the rate determined  
15 by the department or adjusted by a program audit may request in  
16 writing an appeal by the director or the director's designee. The  
17 department shall adopt regulations establishing procedures for the  
18 departmental appeal process.

19 ~~SEC. 87.~~

20 *SEC. 91.* Section 11468 of the Welfare and Institutions Code  
21 is amended to read:

22 11468. The department shall establish administrative  
23 procedures to review the rate set by the department for AFDC-FC  
24 programs, including, but not limited to, group homes, short-term  
25 residential treatment centers, and foster family agencies that  
26 provide treatment services.

27 ~~SEC. 88.~~

28 *SEC. 92.* Section 16000 of the Welfare and Institutions Code  
29 is amended to read:

30 16000. (a) It is the intent of the Legislature to preserve and  
31 strengthen a child's family ties whenever possible, removing the  
32 child from the custody of his or her parents only when necessary  
33 for his or her welfare or for the safety and protection of the public.  
34 If a child is removed from the physical custody of his or her  
35 parents, preferential consideration shall be given whenever possible  
36 to the placement of the child with the relative as required by  
37 Section 7950 of the Family Code. If the child is removed from his  
38 or her own family, it is the purpose of this chapter to secure as  
39 nearly as possible for the child the custody, care, and discipline  
40 equivalent to that which should have been given to the child by

1 his or her parents. It is further the intent of the Legislature to  
2 reaffirm its commitment to children who are in out-of-home  
3 placement to live in the least restrictive, most familylike setting  
4 and to live as close to the child's family as possible pursuant to  
5 subdivision (c) of Section 16501.1. Family reunification services  
6 shall be provided for expeditious reunification of the child with  
7 his or her family, as required by law. If reunification is not possible  
8 or likely, a permanent alternative shall be developed.

9 (b) It is further the intent of the Legislature that all children live  
10 with a committed, permanent, and nurturing family. Services and  
11 supports should be tailored to meet the needs of the individual  
12 child and family being served, with the ultimate goal of maintaining  
13 the family, or when this is not possible, transitioning the child or  
14 youth to a permanent family or preparing the youth for a successful  
15 transition into adulthood. When needed, short-term residential  
16 treatment center program services are a short-term, specialized,  
17 and intensive intervention that is just one part of a continuum of  
18 care available for children, youth, young adults, and their families.

19 (c) It is further the intent of the Legislature to ensure that all  
20 pupils in foster care and those who are homeless as defined by the  
21 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.  
22 Sec. 11301 et seq.) have the opportunity to meet the challenging  
23 state pupil academic achievement standards to which all pupils  
24 are held. In fulfilling their responsibilities to pupils in foster care,  
25 educators, county placing agencies, care providers, advocates, and  
26 the juvenile courts shall work together to maintain stable school  
27 placements and to ensure that each pupil is placed in the least  
28 restrictive educational programs, and has access to the academic  
29 resources, services, and extracurricular and enrichment activities  
30 that are available to all pupils. In all instances, educational and  
31 school placement decisions shall be based on the best interests of  
32 the child.

33 ~~SEC. 89.~~

34 *SEC. 93.* Section 16003 of the Welfare and Institutions Code  
35 is amended to read:

36 16003. (a) In order to promote the successful implementation  
37 of the statutory preference for foster care placement with a relative  
38 ~~caretaker~~ *caregiver* as set forth in Section 7950 of the Family Code,  
39 each community college district with a foster care education  
40 program shall make available orientation and training to the relative

1 or nonrelative extended family member caregiver into whose care  
2 the county has placed a foster child pursuant to Section 1529.2 of  
3 the Health and Safety Code, including, but not limited to, courses  
4 that cover the following:

5 (1) The role, rights, and responsibilities of a relative or  
6 nonrelative extended family member caregiver caring for a child  
7 in foster care, including the right of a foster child to have fair and  
8 equal access to all available services, placement, care, treatment,  
9 and benefits, and to not be subjected to discrimination or  
10 harassment on the basis of actual or perceived race, ethnic group  
11 identification, ancestry, national origin, color, religion, sex, sexual  
12 orientation, gender identity, mental or physical disability, or HIV  
13 status.

14 (2) An overview of the child protective system.

15 (3) The effects of child abuse and neglect on child development.

16 (4) Positive discipline and the importance of self-esteem.

17 (5) Health issues in foster care.

18 (6) Accessing education and health services that are available  
19 to foster children.

20 (7) Relationship and safety issues regarding contact with one  
21 or both of the birth parents.

22 (8) Permanency options for relative or nonrelative extended  
23 family member caregivers, including legal guardianship, the  
24 Kinship Guardianship Assistance Payment Program, and kin  
25 adoption.

26 (9) Information on resources available for those who meet  
27 eligibility criteria, including out-of-home care payments, the  
28 Medi-Cal program, in-home supportive services, and other similar  
29 resources.

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

33 (11) Basic instruction on the existing laws and procedures  
34 regarding the safety of foster youth at school and the ensuring of  
35 a harassment and violence free school environment contained in  
36 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part  
37 19 of Division 1 of Title 1 of the Education Code.

38 (b) In addition to training made available pursuant to subdivision  
39 (a), each community college district with a foster care education  
40 program shall make training available to a relative or nonrelative

- 1 extended family member caregiver that includes, but need not be  
2 limited to, courses that cover all of the following:
- 3 (1) Age-appropriate child development.
  - 4 (2) Health issues in foster care.
  - 5 (3) Positive discipline and the importance of self-esteem.
  - 6 (4) Emancipation and independent living.
  - 7 (5) Accessing education and health services available to foster  
8 children.
  - 9 (6) Relationship and safety issues regarding contact with one  
10 or both of the birth parents.
  - 11 (7) Permanency options for relative or nonrelative extended  
12 family member caregivers, including legal guardianship, the  
13 Kinship Guardianship Assistance Payment Program, and kin  
14 adoption.
  - 15 (8) Basic instruction on the existing laws and procedures  
16 regarding the safety of foster youth at school and the ensuring of  
17 a harassment and violence free school environment contained in  
18 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part  
19 19 of Division 1 of Title 1 of the Education Code.
- 20 (c) In addition to the requirements of subdivisions (a) and (b),  
21 each community college district with a foster care education  
22 program, in providing the orientation program, shall develop  
23 appropriate program parameters in collaboration with the counties.
- 24 (d) Each community college district with a foster care education  
25 program shall make every attempt to make the training and  
26 orientation programs for relative or nonrelative extended family  
27 member caregivers highly accessible in the communities in which  
28 they reside.
- 29 (e) When a child is placed with a relative or nonrelative extended  
30 family member caregiver, the county shall inform the caregiver  
31 of the availability of training and orientation programs and it is  
32 the intent of the Legislature that the county shall forward the names  
33 and addresses of relative or nonrelative extended family member  
34 caregivers to the appropriate community colleges providing the  
35 training and orientation programs.
- 36 (f) This section shall not be construed to preclude counties from  
37 developing or expanding existing training and orientation programs  
38 for foster care providers to include relative or nonrelative extended  
39 family member caregivers.

1 (g) 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. 90.~~

5 *SEC. 94.* Section 16501 of the Welfare and Institutions Code  
6 is amended to read:

7 16501. (a) (1) As used in this chapter, “child welfare services”  
8 means public social services that are directed toward the  
9 accomplishment of any or all of the following purposes: protecting  
10 and promoting the welfare of all children, including disabled,  
11 homeless, dependent, or neglected children; preventing or  
12 remedying, or assisting in the solution of problems which may  
13 result in, the neglect, abuse, exploitation, or delinquency of  
14 children; preventing the unnecessary separation of children from  
15 their families by identifying family problems, assisting families  
16 in resolving their problems, and preventing breakup of the family  
17 where the prevention of child removal is desirable and possible;  
18 restoring to their families children who have been removed, by  
19 the provision of services to the child and the families; identifying  
20 children to be placed in suitable adoptive homes, in cases where  
21 restoration to the biological family is not possible or appropriate;  
22 and ensuring adequate care of children away from their homes, in  
23 cases where the child cannot be returned home or cannot be placed  
24 for adoption.

25 (2) “Child welfare services” also means services provided on  
26 behalf of children alleged to be the victims of child abuse, neglect,  
27 or exploitation. The child welfare services provided on behalf of  
28 each child represent a continuum of services, including emergency  
29 response services, family preservation services, family maintenance  
30 services, family reunification services, and permanent placement  
31 services, including supportive transition services. The individual  
32 child’s case plan is the guiding principle in the provision of these  
33 services. The case plan shall be developed within a maximum of  
34 60 days of the initial removal of the child or of the in-person  
35 response required under subdivision (f) if the child has not been  
36 removed from his or her home, or by the date of the dispositional  
37 hearing pursuant to Section 358, whichever comes first.

38 (3) “Child welfare services” are best provided in a framework  
39 that integrates service planning and delivery among multiple  
40 service systems, including the mental health system, using a

1 team-based approach, such as a child and family team. A child  
2 and family team brings together individuals that engage with the  
3 child or youth and family in assessing, planning, and delivering  
4 services. 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 not  
16 limited to, *the child’s attorney*, behavioral health representatives  
17 and other formal supports, such as educational professionals and  
18 representatives from other agencies providing services to the child  
19 or youth and family. For purposes of this definition, the child and  
20 family team also may include extended family and informal support  
21 persons, such as friends, coaches, faith-based connections, and  
22 tribes as identified by the child or youth and family. If placement  
23 into a short-term residential treatment center or a foster family  
24 agency 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 (5) Child welfare services may include, but are not limited to,  
28 a range of service-funded activities, including case management,  
29 counseling, emergency shelter care, emergency in-home caretakers,  
30 temporary in-home caretakers, respite care, therapeutic day  
31 services, teaching and demonstrating homemakers, parenting  
32 training, substance abuse testing, and transportation. These  
33 service-funded activities shall be available to children and their  
34 families in all phases of the child welfare program in accordance  
35 with the child’s case plan and departmental regulations. Funding  
36 for services is limited to the amount appropriated in the annual  
37 Budget Act and other available county funds.

38 (6) Service-funded activities to be provided may be determined  
39 by each county, based upon individual child and family needs as  
40 reflected in the service plan.

1 (7) As used in this chapter, “emergency shelter care” means  
2 emergency shelter provided to children who have been removed  
3 pursuant to Section 300 from their parent or parents or their  
4 guardian or guardians. The department may establish, by  
5 regulation, the time periods for which emergency shelter care shall  
6 be funded. For the purposes of this paragraph, “emergency shelter  
7 care” may include “transitional shelter care facilities” as defined  
8 in paragraph (11) of subdivision (a) of Section 1502 of the Health  
9 and Safety Code.

10 (b) As used in this chapter, “respite care” means temporary care  
11 for periods not to exceed ~~72 hours~~; *hours, and, in order to preserve*  
12 *the placement, may be extended up to 14 days in any one month*  
13 *pending the development of policies and regulations in consultation*  
14 *with county placing agencies and stakeholders.* This care may be  
15 provided to the child’s parents or guardians. This care shall not be  
16 limited by regulation to care over 24 hours. These services shall  
17 not be provided for the purpose of routine, ongoing child care.

18 (c) The county shall provide child welfare services as needed  
19 pursuant to an approved service plan and in accordance with  
20 regulations promulgated, in consultation with the counties, by the  
21 department. Counties may contract for service-funded activities  
22 as defined in paragraph (1) of subdivision (a). Counties shall not  
23 contract for needs assessment, client eligibility determination, or  
24 any other activity as specified by regulations of the State  
25 Department of Social Services, except as specifically authorized  
26 in Section 16100.

27 (d) Nothing in this chapter shall be construed to affect duties  
28 which are delegated to probation officers pursuant to Sections 601  
29 and 654.

30 (e) Any county may utilize volunteer individuals to supplement  
31 professional child welfare services by providing ancillary support  
32 services in accordance with regulations adopted by the State  
33 Department of Social Services.

34 (f) As used in this chapter, emergency response services consist  
35 of a response system providing in-person response, 24 hours a day,  
36 seven days a week, to reports of abuse, neglect, or exploitation, as  
37 required by Article 2.5 (commencing with Section 11164) of  
38 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of  
39 investigation pursuant to Section 11166 of the Penal Code and to  
40 determine the necessity for providing initial intake services and

1 crisis intervention to maintain the child safely in his or her own  
2 home or to protect the safety of the child. County welfare  
3 departments shall respond to any report of imminent danger to a  
4 child immediately and all other reports within 10 calendar days.  
5 An in-person response is not required when the county welfare  
6 department, based upon an evaluation of risk, determines that an  
7 in-person response is not appropriate. This evaluation includes  
8 collateral, contacts, a review of previous referrals, and other  
9 relevant information, as indicated.

10 (g) As used in this chapter, family maintenance services are  
11 activities designed to provide in-home protective services to  
12 prevent or remedy neglect, abuse, or exploitation, for the purposes  
13 of preventing separation of children from their families.

14 (h) As used in this chapter, family reunification services are  
15 activities designed to provide time-limited foster care services to  
16 prevent or remedy neglect, abuse, or exploitation, when the child  
17 cannot safely remain at home, and needs temporary foster care,  
18 while services are provided to reunite the family.

19 (i) As used in this chapter, permanent placement services are  
20 activities designed to provide an alternate permanent family  
21 structure for children who because of abuse, neglect, or exploitation  
22 cannot safely remain at home and who are unlikely to ever return  
23 home. These services shall be provided on behalf of children for  
24 whom there has been a judicial determination of a permanent plan  
25 for adoption, legal guardianship, or long-term foster care, and, as  
26 needed, shall include supportive transition services to nonminor  
27 dependents, as described in subdivision (v) of Section 11400.

28 (j) As used in this chapter, family preservation services include  
29 those services specified in Section 16500.5 to avoid or limit  
30 out-of-home placement of children, and may include those services  
31 specified in that section to place children in the least restrictive  
32 environment possible.

33 (k) (1) (A) In any county electing to implement this  
34 subdivision, all county welfare department employees who have  
35 frequent and routine contact with children shall, by February 1,  
36 1997, and all welfare department employees who are expected to  
37 have frequent and routine contact with children and who are hired  
38 on or after January 1, 1996, and all such employees whose duties  
39 change after January 1, 1996, to include frequent and routine  
40 contact with children, shall, if the employees provide services to

1 children who are alleged victims of abuse, neglect, or exploitation,  
2 sign a declaration under penalty of perjury regarding any prior  
3 criminal conviction, and shall provide a set of fingerprints to the  
4 county welfare director.

5 (B) The county welfare director shall secure from the  
6 Department of Justice a criminal record to determine whether the  
7 employee has ever been convicted of a crime other than a minor  
8 traffic violation. The Department of Justice shall deliver the  
9 criminal record to the county welfare director.

10 (C) If it is found that the employee has been convicted of a  
11 crime, other than a minor traffic violation, the county welfare  
12 director shall determine whether there is substantial and convincing  
13 evidence to support a reasonable belief that the employee is of  
14 good character so as to justify frequent and routine contact with  
15 children.

16 (D) No exemption shall be granted pursuant to subparagraph  
17 (C) if the person has been convicted of a sex offense against a  
18 minor, or has been convicted of an offense specified in Section  
19 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in  
20 paragraph (1) of Section 273a of, or subdivision (a) or (b) of  
21 Section 368 of, the Penal Code, or has been convicted of an offense  
22 specified in subdivision (c) of Section 667.5 of the Penal Code.  
23 The county welfare director shall suspend such a person from any  
24 duties involving frequent and routine contact with children.

25 (E) Notwithstanding subparagraph (D), the county welfare  
26 director may grant an exemption if the employee or prospective  
27 employee, who was convicted of a crime against an individual  
28 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5  
29 of the Penal Code, has been rehabilitated as provided in Section  
30 4852.03 of the Penal Code and has maintained the conduct required  
31 in Section 4852.05 of the Penal Code for at least 10 years and has  
32 the recommendation of the district attorney representing the  
33 employee's or prospective employee's county of residence, or if  
34 the employee or prospective employee has received a certificate  
35 of rehabilitation pursuant to Chapter 3.5 (commencing with Section  
36 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the  
37 county welfare director may give the employee or prospective  
38 employee an opportunity to explain the conviction and shall  
39 consider that explanation in the evaluation of the criminal  
40 conviction record.

1 (F) If no criminal record information has been recorded, the  
2 county welfare director shall cause a statement of that fact to be  
3 included in that person's personnel file.

4 (2) For purposes of this subdivision, a conviction means a plea  
5 or verdict of guilty or a conviction following a plea of nolo  
6 contendere. Any action that the county welfare director is permitted  
7 to take following the establishment of a conviction may be taken  
8 when the time for appeal has elapsed, or the judgment of conviction  
9 has been affirmed on appeal or when an order granting probation  
10 is made suspending the imposition of sentence, notwithstanding  
11 a subsequent order pursuant to Sections 1203.4 and 1203.4a of the  
12 Penal Code permitting the person to withdraw his or her plea of  
13 guilty and to enter a plea of not guilty, or setting aside the verdict  
14 of guilty, or dismissing the accusation, information, or indictment.  
15 For purposes of this subdivision, the record of a conviction, or a  
16 copy thereof certified by the clerk of the court or by a judge of the  
17 court in which the conviction occurred, shall be conclusive  
18 evidence of the conviction.

19 ~~SEC. 91.~~

20 *SEC. 95.* Section 16501.1 of the Welfare and Institutions Code  
21 is amended to read:

22 16501.1. (a) (1) The Legislature finds and declares that the  
23 foundation and central unifying tool in child welfare services is  
24 the case plan.

25 (2) The Legislature further finds and declares that a case plan  
26 ensures that the child receives protection and safe and proper care  
27 and case management, and that services are provided to the child  
28 and parents or other caretakers, as appropriate, in order to improve  
29 conditions in the parent's home, to facilitate the safe return of the  
30 child to a safe home or the permanent placement of the child, and  
31 to address the needs of the child while in foster care.

32 (3) The case plan shall be developed in collaboration with the  
33 child and family team as defined in paragraph (4) of subdivision  
34 (a) of Section 16501. The agency shall consider the  
35 recommendations of the child and family team. The agency shall  
36 document the rationale for any inconsistencies between the case  
37 plan and the child and family team recommendations.

38 (b) (1) A case plan shall be based upon the principles of this  
39 section and the input from the child and family team.

1 (2) The case plan shall document that a preplacement assessment  
2 of the service needs of the child and family, and preplacement  
3 preventive services, have been provided, and that reasonable efforts  
4 to prevent out-of-home placement have been made.

5 (3) In determining the reasonable services to be offered or  
6 provided, the child's health and safety shall be the paramount  
7 concerns.

8 (4) Upon a determination pursuant to paragraph (1) of  
9 subdivision (e) of Section 361.5 that reasonable services will be  
10 offered to a parent who is incarcerated in a county jail or state  
11 prison, detained by the United States Department of Homeland  
12 Security, or deported to his or her country of origin, the case plan  
13 shall include information, to the extent possible, about a parent's  
14 incarceration in a county jail or the state prison, detention by the  
15 United States Department of Homeland Security, or deportation  
16 during the time that a minor child of that parent is involved in  
17 dependency care.

18 (5) Reasonable services shall be offered or provided to make it  
19 possible for a child to return to a safe home environment, unless,  
20 pursuant to subdivisions (b) and (e) of Section 361.5, the court  
21 determines that reunification services shall not be provided.

22 (6) If reasonable services are not ordered, or are terminated,  
23 reasonable efforts shall be made to place the child in a timely  
24 manner in accordance with the permanent plan and to complete  
25 all steps necessary to finalize the permanent placement of the child.

26 (c) If out-of-home placement is used to attain case plan goals,  
27 the case plan shall consider the recommendations of the child and  
28 family team.

29 (d) (1) The case plan shall include a description of the type of  
30 home or institution in which the child is to be placed, and the  
31 reasons for that placement decision. The decision regarding choice  
32 of placement shall be based upon selection of a safe setting that is  
33 the least restrictive or most familylike and the most appropriate  
34 setting that is available and in close proximity to the parent's home,  
35 proximity to the child's school, and consistent with the selection  
36 of the environment best suited to meet the child's special needs  
37 and best interests. The selection shall consider, in order of priority,  
38 placement with relatives, nonrelated extended family members,  
39 and tribal members; ~~foster and resource family homes~~ *family*  
40 *homes, resource families,* and nontreatment certified homes of

1 foster family agencies; followed by treatment and intensive  
 2 treatment certified homes of foster family agencies; or  
 3 multidimensional treatment foster care homes or therapeutic foster  
 4 care homes; group care placements in the order of short-term  
 5 residential treatment centers, group homes, community treatment  
 6 facilities, and out-of-state residential treatment pursuant to Part 5  
 7 (commencing with Section 7900) of Division 12 of the Family  
 8 Code.

9 (2) If a treatment placement is selected for a child, the case plan  
 10 shall indicate the needs of the child that necessitate this placement,  
 11 the plan for transitioning the child to a less restrictive environment,  
 12 and the projected timeline by which the child will be transitioned  
 13 to a less restrictive environment. This section of the case plan shall  
 14 be reviewed and updated at least semiannually.

15 (A) The case plan for placements in a group home, or  
 16 commencing January 1, 2017, in a short-term residential treatment  
 17 center, shall indicate that the county has taken into consideration  
 18 Section 16010.8.

19 (B) After January 1, ~~2016~~, if a treatment foster care placement,  
 20 such as a treatment foster family agency, intensive treatment foster  
 21 care, therapeutic foster care, or short-term residential treatment  
 22 center, is being considered for the child or youth, *2017*, a child  
 23 and family team meeting as described in Sections 831 and *defined*  
 24 *in Section 16501* shall be convened for the purpose of determining  
 25 the appropriateness of the placement and whether there are any  
 26 appropriate, less restrictive, and more family-like alternatives. *by*  
 27 *the county placing agency for the purpose of identifying the*  
 28 *supports and services needed to achieve permanency and enable*  
 29 *the child or youth to be placed in the least restrictive, most*  
 30 *family-like setting.*

31 (3) On or after January 1, 2012, for a nonminor dependent, as  
 32 defined in subdivision (v) of Section 11400, who is receiving  
 33 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,  
 34 in addition to the above requirements, the selection of the  
 35 placement, including a supervised independent living placement,  
 36 as described in subdivision (w) of Section 11400, shall also be  
 37 based upon the developmental needs of young adults by providing  
 38 opportunities to have incremental responsibilities that prepare a  
 39 nonminor dependent to transition to independent living. If  
 40 admission to, or continuation in, a group home placement is being

1 considered for a nonminor dependent, the group home placement  
2 approval decision shall include a youth-driven, team-based case  
3 planning process, as defined by the department, in consultation  
4 with stakeholders. The case plan shall consider the full range of  
5 placement options, and shall specify why admission to, or  
6 continuation in, a group home placement is the best alternative  
7 available at the time to meet the special needs or well-being of the  
8 nonminor dependent, and how the placement will contribute to the  
9 nonminor dependent's transition to independent living. The case  
10 plan shall specify the treatment strategies that will be used to  
11 prepare the nonminor dependent for discharge to a less restrictive  
12 and more familylike setting, including a target date for discharge  
13 from the group home placement. The placement shall be reviewed  
14 and updated on a regular, periodic basis to ensure that continuation  
15 in the group home remains in the best interests of the nonminor  
16 dependent and that progress is being made in achieving case plan  
17 goals leading to independent living. The group home placement  
18 planning process shall begin as soon as it becomes clear to the  
19 county welfare department or probation office that a foster child  
20 in group home placement is likely to remain in group home  
21 placement on his or her 18th birthday, in order to expedite the  
22 transition to a less restrictive and more familylike setting if he or  
23 she becomes a nonminor dependent. The case planning process  
24 shall include informing the youth of all of his or her options,  
25 including, but not limited to, admission to or continuation in a  
26 group home placement. Consideration for continuation of existing  
27 group home placement for a nonminor dependent under 19 years  
28 of age may include the need to stay in the same placement in order  
29 to complete high school. After a nonminor dependent either  
30 completes high school or attains his or her 19th birthday, whichever  
31 is earlier, continuation in or admission to a group home is  
32 prohibited unless the nonminor dependent satisfies the conditions  
33 of paragraph (5) of subdivision (b) of Section 11403, and group  
34 home placement functions as a short-term transition to the  
35 appropriate system of care. Treatment services provided by the  
36 group home placement to the nonminor dependent to alleviate or  
37 ameliorate the medical condition, as described in paragraph (5) of  
38 subdivision (b) of Section 11403, shall not constitute the sole basis  
39 to disqualify a nonminor dependent from the group home  
40 placement.

1 (4) In addition to the requirements of paragraphs (1) to (3),  
2 inclusive, and taking into account other statutory considerations  
3 regarding placement, the selection of the most appropriate home  
4 that will meet the child's special needs and best interests shall also  
5 promote educational stability by taking into consideration  
6 proximity to the child's school of origin, and school attendance  
7 area, the number of school transfers the child has previously  
8 experienced, and the child's school matriculation schedule, in  
9 addition to other indicators of educational stability that the  
10 Legislature hereby encourages the State Department of Social  
11 Services and the State Department of Education to develop.

12 (e) A written case plan shall be completed within a maximum  
13 of 60 days of the initial removal of the child or of the in-person  
14 response required under subdivision (f) of Section 16501 if the  
15 child has not been removed from his or her home, or by the date  
16 of the dispositional hearing pursuant to Section 358, whichever  
17 occurs first. The case plan shall be updated, as the service needs  
18 of the child and family dictate. At a minimum, the case plan shall  
19 be updated in conjunction with each status review hearing  
20 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and  
21 the hearing conducted pursuant to Section 366.26, but no less  
22 frequently than once every six months. Each updated case plan  
23 shall include a description of the services that have been provided  
24 to the child under the plan and an evaluation of the appropriateness  
25 and effectiveness of those services.

26 (1) It is the intent of the Legislature that extending the maximum  
27 time available for preparing a written case plan from 30 to 60 days  
28 will afford caseworkers time to actively engage families, and to  
29 solicit and integrate into the case plan the input of the child and  
30 the child's family, as well as the input of relatives and other  
31 interested parties.

32 (2) The extension of the maximum time available for preparing  
33 a written case plan from the 30 to 60 days shall be effective 90  
34 days after the date that the department gives counties written notice  
35 that necessary changes have been made to the Child Welfare  
36 Services Case Management System to account for the 60-day  
37 timeframe for preparing a written case plan.

38 (f) The child welfare services case plan shall be comprehensive  
39 enough to meet the juvenile court dependency proceedings

1 requirements pursuant to Article 6 (commencing with Section 300)  
2 of Chapter 2 of Part 1 of Division 2.

3 (g) The case plan shall be developed in collaboration with the  
4 child and family team, as follows:

5 (1) The case plan shall be based upon an assessment of the  
6 circumstances that required child welfare services intervention.  
7 The child shall be involved in developing the case plan as age and  
8 developmentally appropriate.

9 (2) The case plan shall identify specific goals and the  
10 appropriateness of the planned services in meeting those goals.

11 (3) The case plan shall identify the original allegations of abuse  
12 or neglect, as defined in Article 2.5 (commencing with Section  
13 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the  
14 conditions cited as the basis for declaring the child a dependent of  
15 the court pursuant to Section 300, or all of these, and the other  
16 precipitating incidents that led to child welfare services  
17 intervention.

18 (4) The case plan shall include a description of the schedule of  
19 the placement agency contacts with the child and the family or  
20 other caretakers. The frequency of these contacts shall be in  
21 accordance with regulations adopted by the State Department of  
22 Social Services. If the child has been placed in foster care out of  
23 state, the county social worker or probation officer, or a social  
24 worker or probation officer on the staff of the agency in the state  
25 in which the child has been placed, shall visit the child in a foster  
26 family home or the home of a relative, consistent with federal law  
27 and in accordance with the department's approved state plan. For  
28 children in out-of-state group home facilities, visits shall be  
29 conducted at least monthly, pursuant to Section 16516.5. At least  
30 once every six months, at the time of a regularly scheduled  
31 placement agency contact with the foster child, the child's social  
32 worker or probation officer shall inform the child of his or her  
33 rights as a foster child, as specified in Section 16001.9. The social  
34 worker or probation officer shall provide the information to the  
35 child in a manner appropriate to the age or developmental level of  
36 the child.

37 (5) (A) When out-of-home services are used, the frequency of  
38 contact between the natural parents or legal guardians and the child  
39 shall be specified in the case plan. The frequency of those contacts

1 shall reflect overall case goals, and consider other principles  
2 outlined in this section.

3 (B) Information regarding any court-ordered visitation between  
4 the child and the natural parents or legal guardians, and the terms  
5 and conditions needed to facilitate the visits while protecting the  
6 safety of the child, shall be provided to the child's out-of-home  
7 caregiver as soon as possible after the court order is made.

8 (6) When out-of-home placement is made, the case plan shall  
9 include provisions for the development and maintenance of sibling  
10 relationships as specified in subdivisions (b), (c), and (d) of Section  
11 16002. If appropriate, when siblings who are dependents of the  
12 juvenile court are not placed together, the social worker for each  
13 child, if different, shall communicate with each of the other social  
14 workers and ensure that the child's siblings are informed of  
15 significant life events that occur within their extended family.  
16 Unless it has been determined that it is inappropriate in a particular  
17 case to keep siblings informed of significant life events that occur  
18 within the extended family, the social worker shall determine the  
19 appropriate means and setting for disclosure of this information  
20 to the child commensurate with the child's age and emotional  
21 well-being. These significant life events shall include, but shall  
22 not be limited to, the following:

23 (A) The death of an immediate relative.

24 (B) The birth of a sibling.

25 (C) Significant changes regarding a dependent child, unless the  
26 child objects to the sharing of the information with his or her  
27 siblings, including changes in placement, major medical or mental  
28 health diagnoses, treatments, or hospitalizations, arrests, and  
29 changes in the permanent plan.

30 (7) If out-of-home placement is made in a foster family home,  
31 group home, or other child care institution that is either a  
32 substantial distance from the home of the child's parent or out of  
33 state, the case plan shall specify the reasons why that placement  
34 is in the best interest of the child. When an out-of-state group home  
35 placement is recommended or made, the case plan shall, in  
36 addition, specify compliance with Section 7911.1 of the Family  
37 Code.

38 (8) Effective January 1, 2010, a case plan shall ensure the  
39 educational stability of the child while in foster care and shall  
40 include both of the following:

1 (A) An assurance that the placement takes into account the  
2 appropriateness of the current educational setting and the proximity  
3 to the school in which the child is enrolled at the time of placement.

4 (B) An assurance that the placement agency has coordinated  
5 with the person holding the right to make educational decisions  
6 for the child and appropriate local educational agencies to ensure  
7 that the child remains in the school in which the child is enrolled  
8 at the time of placement or, if remaining in that school is not in  
9 the best interests of the child, assurances by the placement agency  
10 and the local educational agency to provide immediate and  
11 appropriate enrollment in a new school and to provide all of the  
12 child's educational records to the new school.

13 (9) (A) If out-of-home services are used, or if parental rights  
14 have been terminated and the case plan is placement for adoption,  
15 the case plan shall include a recommendation regarding the  
16 appropriateness of unsupervised visitation between the child and  
17 any of the child's siblings. This recommendation shall include a  
18 statement regarding the child's and the siblings' willingness to  
19 participate in unsupervised visitation. If the case plan includes a  
20 recommendation for unsupervised sibling visitation, the plan shall  
21 also note that information necessary to accomplish this visitation  
22 has been provided to the child or to the child's siblings.

23 (B) Information regarding the schedule and frequency of the  
24 visits between the child and siblings, as well as any court-ordered  
25 terms and conditions needed to facilitate the visits while protecting  
26 the safety of the child, shall be provided to the child's out-of-home  
27 caregiver as soon as possible after the court order is made.

28 (10) If out-of-home services are used and the goal is  
29 reunification, the case plan shall describe the services to be  
30 provided to assist in reunification and the services to be provided  
31 concurrently to achieve legal permanency if efforts to reunify fail.  
32 The plan shall also consider in-state and out-of-state placements,  
33 the importance of developing and maintaining sibling relationships  
34 pursuant to Section 16002, and the desire and willingness of the  
35 caregiver to provide legal permanency for the child if reunification  
36 is unsuccessful.

37 (11) If out-of-home services are used, the child has been in care  
38 for at least 12 months, and the goal is not adoptive placement, the  
39 case plan shall include documentation of the compelling reason  
40 or reasons why termination of parental rights is not in the child's

1 best interest. A determination completed or updated within the  
2 past 12 months by the department when it is acting as an adoption  
3 agency or by a licensed adoption agency that it is unlikely that the  
4 child will be adopted, or that one of the conditions described in  
5 paragraph (1) of subdivision (c) of Section 366.26 applies, shall  
6 be deemed a compelling reason.

7 (12) (A) Parents and legal guardians shall have an opportunity  
8 to review the case plan, and to sign it whenever possible, and then  
9 shall receive a copy of the plan. In a voluntary service or placement  
10 agreement, the parents or legal guardians shall be required to  
11 review and sign the case plan. Whenever possible, parents and  
12 legal guardians shall participate in the development of the case  
13 plan. Commencing January 1, 2012, for nonminor dependents, as  
14 defined in subdivision (v) of Section 11400, who are receiving  
15 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant  
16 to Section 11403, the transitional independent living case plan, as  
17 set forth in subdivision (y) of Section 11400, shall be developed  
18 with, and signed by, the nonminor.

19 (B) Parents and legal guardians shall be advised that, pursuant  
20 to Section 1228.1 of the Evidence Code, neither their signature on  
21 the child welfare services case plan nor their acceptance of any  
22 services prescribed in the child welfare services case plan shall  
23 constitute an admission of guilt or be used as evidence against the  
24 parent or legal guardian in a court of law. However, they shall also  
25 be advised that the parent's or guardian's failure to cooperate,  
26 except for good cause, in the provision of services specified in the  
27 child welfare services case plan may be used in any hearing held  
28 pursuant to Section 366.21, 366.22, or 366.25 as evidence.

29 (13) A child shall be given a meaningful opportunity to  
30 participate in the development of the case plan and state his or her  
31 preference for foster care placement. A child who is 12 years of  
32 age or older and in a permanent placement shall also be given the  
33 opportunity to review the case plan, sign the case plan, and receive  
34 a copy of the case plan.

35 (14) The case plan shall be included in the court report and shall  
36 be considered by the court at the initial hearing and each review  
37 hearing. Modifications to the case plan made during the period  
38 between review hearings need not be approved by the court if the  
39 casework supervisor for that case determines that the modifications  
40 further the goals of the plan. If out-of-home services are used with

1 the goal of family reunification, the case plan shall consider and  
2 describe the application of subdivision (b) of Section 11203.

3 (15) If the case plan has as its goal for the child a permanent  
4 plan of adoption or placement in another permanent home, it shall  
5 include a statement of the child's wishes regarding their permanent  
6 placement plan and an assessment of those stated wishes. The  
7 agency shall also include documentation of the steps the agency  
8 is taking to find an adoptive family or other permanent living  
9 arrangements for the child; to place the child with an adoptive  
10 family, an appropriate and willing relative, a legal guardian, or in  
11 another planned permanent living arrangement; and to finalize the  
12 adoption or legal guardianship. At a minimum, the documentation  
13 shall include child-specific recruitment efforts, such as the use of  
14 state, regional, and national adoption exchanges, including  
15 electronic exchange systems, when the child has been freed for  
16 adoption. If the plan is for kinship guardianship, the case plan shall  
17 document how the child meets the kinship guardianship eligibility  
18 requirements.

19 (16) (A) When appropriate, for a child who is 16 years of age  
20 or older and, commencing January 1, 2012, for a nonminor  
21 dependent, the case plan shall include the transitional independent  
22 living plan (TILP), a written description of the programs and  
23 services that will help the child, consistent with the child's best  
24 interests, to prepare for the transition from foster care to  
25 independent living, and, in addition, whether the youth has an  
26 in-progress application pending for Title XVI Supplemental  
27 Security Income benefits or for Special Immigrant Juvenile Status  
28 or other applicable application for legal residency and an active  
29 dependency case is required for that application. When appropriate,  
30 for a nonminor dependent, the transitional independent living case  
31 plan, as described in subdivision (v) of Section 11400, shall include  
32 the TILP, a written description of the programs and services that  
33 will help the nonminor dependent, consistent with his or her best  
34 interests, to prepare for transition from foster care and assist the  
35 youth in meeting the eligibility criteria set forth in paragraphs (1)  
36 to (5), inclusive, of subdivision (b) Section 11403. If applicable,  
37 the case plan shall describe the individualized supervision provided  
38 in the supervised independent living placement as defined in  
39 subdivision (w) of Section 11400. The case plan shall be developed  
40 with the child or nonminor dependent and individuals identified

1 as important to the child or nonminor dependent, and shall include  
2 steps the agency is taking to ensure that the child or nonminor  
3 dependent achieves permanence, including maintaining or  
4 obtaining permanent connections to caring and committed adults.

5 (B) During the 90-day period prior to the participant attaining  
6 18 years of age or older as the state may elect under Section  
7 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.  
8 675(8)(B)(iii)), whether during that period foster care maintenance  
9 payments are being made on the child's behalf or the child is  
10 receiving benefits or services under Section 477 of the federal  
11 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other  
12 appropriate agency staff or probation officer and other  
13 representatives of the participant, as appropriate, shall provide the  
14 youth or nonminor with assistance and support in developing the  
15 written 90-day transition plan, that is personalized at the direction  
16 of the child, information as detailed as the participant elects that  
17 shall include, but not be limited to, options regarding housing,  
18 health insurance, education, local opportunities for mentors and  
19 continuing support services, and workforce supports and  
20 employment services, a power of attorney for health care, and  
21 information regarding the advance health care directive form.

22 (C) For youth 16 years of age or older, the case plan shall  
23 include documentation that a consumer credit report was requested  
24 annually from each of the three major credit reporting agencies at  
25 no charge to the youth and that any results were provided to the  
26 youth. For nonminor dependents, the case plan shall include  
27 documentation that the county assisted the nonminor dependent  
28 in obtaining his or her reports. The case plan shall include  
29 documentation of barriers, if any, to obtaining the credit reports.  
30 If the consumer credit report reveals any accounts, the case plan  
31 shall detail how the county ensured the youth received assistance  
32 with interpreting the credit report and resolving any inaccuracies,  
33 including any referrals made for the assistance.

34 (h) If the court finds, after considering the case plan, that  
35 unsupervised sibling visitation is appropriate and has been  
36 consented to, the court shall order that the child or the child's  
37 siblings, the child's current caregiver, and the child's prospective  
38 adoptive parents, if applicable, be provided with information  
39 necessary to accomplish this visitation. This section does not

1 require or prohibit the social worker’s facilitation, transportation,  
2 or supervision of visits between the child and his or her siblings.

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

7 (j) When a child is 10 years of age or older and has been in  
8 out-of-home placement for six months or longer, the case plan  
9 shall include an identification of individuals, other than the child’s  
10 siblings, who are important to the child and actions necessary to  
11 maintain the child’s relationship with those individuals, provided  
12 that those relationships are in the best interest of the child. The  
13 social worker or probation officer shall ask every child who is 10  
14 years of age or older and who has been in out-of-home placement  
15 for six months or longer to identify individuals other than the  
16 child’s siblings who are important to the child, and may ask any  
17 other child to provide that information, *or may seek that*  
18 *information from the child and family team*, as appropriate. The  
19 social worker or probation officer shall make efforts to identify  
20 other individuals who are important to the child, consistent with  
21 the child’s best interests.

22 (k) The child’s caregiver shall be provided a copy of a plan  
23 outlining the child’s needs and services. The nonminor dependent’s  
24 caregiver shall be provided with a copy of the nonminor’s TILP.

25 (l) On or before June 30, 2008, the department, in consultation  
26 with the County Welfare Directors Association of California and  
27 other advocates, shall develop a comprehensive plan to ensure that  
28 90 percent of foster children are visited by their caseworkers on a  
29 monthly basis by October 1, 2011, and that the majority of the  
30 visits occur in the residence of the child. The plan shall include  
31 any data reporting requirements necessary to comply with the  
32 provisions of the federal Child and Family Services Improvement  
33 Act of 2006 (Public Law 109-288).

34 (m) The implementation and operation of the amendments to  
35 subdivision (i) enacted at the 2005–06 Regular Session shall be  
36 subject to appropriation through the budget process and by phase,  
37 as provided in Section 366.35.

38 ~~SEC. 92.~~

39 *SEC. 96.* Section 16519.5 of the Welfare and Institutions Code  
40 is amended to read:

1 16519.5. (a) The State Department of Social Services, in  
2 consultation with county child welfare agencies, foster parent  
3 associations, and other interested community parties, shall  
4 implement a unified, family friendly, and child-centered resource  
5 family approval process to replace the existing multiple processes  
6 for licensing foster family homes, approving relatives and  
7 nonrelative extended family members as foster care providers, and  
8 approving adoptive families.

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

18 (2) Additional counties may participate in the early  
19 implementation of the program upon authorization by the  
20 department.

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

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

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

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

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

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

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

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

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

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

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

28 (A) (i) Criminal records clearance of all adults residing ~~in~~ *in,*  
29 *or regularly present in,* the home, *and not exempted from*  
30 *fingerprinting, as set forth in subdivision (b) of Section 1522 of*  
31 *the Health and Safety Code, pursuant to Section 8712 of the Family*  
32 *Code, utilizing a check of the Child Abuse Central Index (CACI),*  
33 ~~a check of the Child Welfare Services/Case Management System~~  
34 ~~(CWS/CMS),~~ and receipt of a fingerprint-based state and federal  
35 criminal offender record information search response. The criminal  
36 history information shall include subsequent state and federal arrest  
37 and disposition notifications pursuant to Section 11105.2 of the  
38 Penal Code.

39 (ii) Consideration of any substantiated allegations of child abuse  
40 or neglect against either the applicant or any other adult residing

1 in the home. An approval may not be granted to applicants whose  
2 criminal record indicates a conviction for any of the offenses  
3 specified in subdivision (g) of Section 1522 of the Health and  
4 Safety Code.

5 (iii) ~~Exemptions~~ *If the resource family parent, applicant, or any*  
6 *other person specified in subdivision (b) of Section 1522 of the*  
7 *Health and Safety Code has been convicted of a crime other than*  
8 *a minor traffic violation, except for the civil penalty language, the*  
9 *criminal background check provisions specified in subdivisions*  
10 *(d) through (f) of Section 1522 of the Health and Safety Code shall*  
11 *apply. Exemptions* from the criminal records clearance  
12 requirements set forth in this section may be granted by the director  
13 or the early implementation county, if that county has been granted  
14 permission by the director to issue criminal records exemptions  
15 pursuant to Section 361.4, using the exemption criteria currently  
16 used for foster care licensing as specified in subdivision (g) of  
17 Section 1522 of the Health and Safety Code.

18 (B) Buildings and grounds and storage requirements set forth  
19 in Sections 89387 and 89387.2 of Title 22 of the California Code  
20 of Regulations.

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

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

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

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

37 (D) The results of a caregiver risk assessment are consistent  
38 with the factors listed in subparagraphs (A) to (D), inclusive, of  
39 paragraph (1) of subdivision (c). A caregiver risk assessment shall  
40 include, but not be limited to, physical and mental health, alcohol

1 and other substance use and abuse, and family and domestic  
2 violence.

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

5 (A) The applicant shall complete caregiver training.

6 (B) The applicant shall complete a psychosocial ~~evaluation.~~  
7 *assessment.*

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

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

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

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

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

25 (5) A child may be placed with a relative, as defined in Section  
26 319, or nonrelative extended family member, as defined in Section  
27 362.7, prior to home approval and completion of the permanency  
28 assessment only on an emergency basis if all of the following  
29 requirements are met:

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

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

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

39 (D) For any placement made pursuant to this paragraph, the  
40 county shall initiate the home approval process no later than five

1 business days after the placement, which shall include a  
2 face-to-face interview with the resource family applicant and child.

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

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

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

10 (1) Selecting early implementation counties, based on criteria  
11 established by the department in consultation with the County  
12 Welfare Directors Association.

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

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

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

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

30 (6) Adopting and requiring the use of standardized  
31 documentation for the home approval and permanency assessment  
32 of resource families.

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

35 (A) Investigating complaints of resource families.

36 (B) Developing and monitoring resource family corrective action  
37 plans to correct identified deficiencies and to rescind resource  
38 family approval if compliance with corrective action plans is not  
39 achieved.

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

3 (A) Reviewing the county’s implementation of the program.

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

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

17 (D) Investigating unresolved complaints against participating  
18 counties.

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

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

25 ~~(A) An analysis, utilizing available data, of state and federal~~  
26 ~~data indicators related to the length of time to permanency~~  
27 ~~including reunification, guardianship and adoption, child safety~~  
28 ~~factors, and placement stability.~~

29 ~~(B) An analysis of resource family recruitment and retention~~  
30 ~~elements, including resource family satisfaction with approval~~  
31 ~~processes and changes regarding the population of available~~  
32 ~~resource families.~~

33 ~~(C) An analysis of cost, utilizing available data, including~~  
34 ~~funding sources.~~

35 ~~(D) An analysis of regulatory or statutory barriers to~~  
36 ~~implementing the program on a statewide basis.~~

37 *(9) Updating the Legislature on the early implementation phase*  
38 *of the program, including the status of implementation, successes,*  
39 *and challenges during the early implementation phase, and*  
40 *relevant available data, including resource family satisfaction.*

- 1     (10) *Implementing due process procedures, including all of the*  
 2 *following:*  
 3     (A) *Providing a statewide fair hearing process for denials,*  
 4 *rescissions, or exclusion actions.*  
 5     (B) *Amending applicable state hearing procedures and*  
 6 *regulations.*  
 7     (C) *Use of the Administrative Procedure Act, as necessary for*  
 8 *the administration of the program.*  
 9     (g) Counties participating in the program shall be responsible  
 10 for all of the following:  
 11     (1) Submitting an implementation plan, entering into terms and  
 12 conditions for participation in the program, consulting with the  
 13 county probation department in the development of the  
 14 implementation plan, training appropriate staff, and accepting  
 15 applications from resource families within the timeframes  
 16 established by the department.  
 17     (2) Complying with the written directives pursuant to paragraph  
 18 (4) of subdivision (f).  
 19     (3) Implementing the requirements for resource family home  
 20 approval and permanency assessment and utilizing standardized  
 21 documentation established by the department.  
 22     (4) (A) Ensuring staff have the education and experience  
 23 necessary to complete the home approval and permanency  
 24 assessment competently.  
 25     (B) A county may contract with a licensed adoption agency to  
 26 complete the permanency assessment. A permanency assessment  
 27 completed by a licensed adoption agency shall be reviewed and  
 28 approved by the county.  
 29     (5) Approving and denying resource family applications,  
 30 *rescinding home approval, or related actions, including all of the*  
 31 *following:*  
 32     (A) ~~Rescinding home approvals and resource family approvals~~  
 33 ~~where approvals, excluding a resource family parent or other~~  
 34 ~~individual from presence in a resource family home, or from being~~  
 35 ~~a member of the board of directors, an executive director, or an~~  
 36 ~~officer of a licensee, or prohibiting a licensee from employing the~~  
 37 ~~resource family parent or other individual, if appropriate, consistent~~  
 38 ~~with the established standard.~~  
 39     (B) ~~Providing an applicant and disapproved resource family a~~  
 40 ~~resource family parent, applicant, or excluded individual~~

1 requesting review of that decision with due process pursuant to  
2 the department's ~~regulations~~. *statutes, regulations, and written*  
3 *directives.*

4 (C) Notifying the department of any decisions denying a  
5 resource family's application or rescinding the approval of a  
6 resource ~~family~~. *family, excluding an individual, or taking other*  
7 *administrative action.*

8 (D) *Issuing a temporary suspension order that suspends the*  
9 *resource family approval prior to a hearing, when urgent action*  
10 *is needed to protect a child or nonminor dependent who is or may*  
11 *be placed in the home from physical or mental abuse,*  
12 *abandonment, or any other substantial threat to health or safety.*

13 (6) Updating resource family approval annually.

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

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

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

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

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

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

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

39 (C) The department shall be notified of any serious incidents  
40 or serious complaints or any incident that falls within the definition

1 of Section 11165.5 of the Penal Code. If those incidents or  
 2 complaints result in an investigation, the department shall also be  
 3 notified as to the status and disposition of that investigation.

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

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

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

11 (12) Ensuring that resource families have the necessary  
 12 knowledge, skills, and abilities to support children in foster care  
 13 by completing caregiver training. The training should include a  
 14 curriculum that supports the role of a resource family in parenting  
 15 vulnerable children and should be ongoing in order to provide  
 16 resource families with information on trauma-informed practices  
 17 and ~~changes requirements and other topics~~ within the foster care  
 18 system.

19 (13) Ensuring that a resource family applicant completes a  
 20 minimum number of training hours which shall include a minimum  
 21 of 12 hours of preapproval training. The preapproval training shall  
 22 include, but not be limited to, all of the following training courses:

23 (A) An overview of the child protective ~~system~~ *and probation*  
 24 *systems.*

25 (B) The effects of *trauma, including grief and loss, and child*  
 26 *abuse and neglect neglect, on child development. development and*  
 27 *behavior, and methods to behaviorally support children impacted*  
 28 *by that trauma or child abuse and neglect.*

29 (C) Positive discipline and the importance of self-esteem.

30 (D) Health issues in foster care, ~~including the administration of~~  
 31 ~~psychotropic and other medications.~~ *including, but not limited to,*  
 32 *the authorization, uses, risks, benefits, assistance with*  
 33 *self-administration, oversight, and monitoring of psychotropic and*  
 34 *other medications, and trauma, behavioral health, and other*  
 35 *available behavioral health treatments, for children receiving child*  
 36 *welfare services, including how to access those treatments.*

37 (E) Accessing education and health services available to foster  
 38 children.

39 (F) The rights of a child in foster care, and the resource family's  
 40 responsibility to safeguard those rights, including the right to have

1 fair and equal access to all available services, placement, care,  
2 treatment, and benefits, and to not be subjected to discrimination  
3 or harassment on the basis of actual or perceived race, ethnic group  
4 identification, ancestry, national origin, color, religion, sex, sexual  
5 orientation, gender identity, mental or physical disability, or HIV  
6 status.

7 (G) Cultural needs of children, including instruction on cultural  
8 competency and sensitivity relating to, and best practices for,  
9 providing adequate care to lesbian, gay, bisexual, and transgender  
10 youth in out-of-home care.

11 (H) Basic instruction on existing laws and procedures regarding  
12 the safety of foster youth at school; and ensuring a harassment and  
13 violence free school environment pursuant to Article 3.6  
14 (commencing with Section 32228) of Chapter 2 of Part 19 of  
15 Division 1 of Title 1 of the Education Code.

16 (I) Permanence and well-being needs of children.

17 (J) Child and adolescent development.

18 (K) The role of ~~foster parents~~, *resource families*, including  
19 working cooperatively with the child welfare *or probation* agency,  
20 the child's family, and other service providers implementing the  
21 case plan.

22 (L) The role of *a* resource family on the child and family team  
23 as defined in paragraph (4) of subdivision (a) of Section 16501.

24 (M) A resource family's responsibility to act as a reasonable  
25 and prudent parent; and to maintain the least restrictive, most  
26 family-like environment that serves the needs of the child.

27 (N) *Preparation of children for a successful transition to*  
28 *adulthood.*

29 (O) *Understanding the federal Indian Child Welfare Act, its*  
30 *historical significance, the rights of children covered by the act,*  
31 *and the best interests of those children, including the role of the*  
32 *caregiver in supporting culturally appropriate, child-centered*  
33 *practices that respect Native American history, culture, retention*  
34 *of tribal membership, and connection to the tribal community and*  
35 *traditions.*

36 (14) Ensuring approved resource families complete a minimum  
37 of eight training hours annually. The annual training shall include,  
38 but not be limited to, all of the following training courses:

39 (A) Age-appropriate child development.

1 (B) Health issues in foster care, ~~including the administration of~~  
 2 ~~psychotropic and other medications:~~ *including, but not limited to,*  
 3 *the authorization, uses, risks, benefits, assistance with*  
 4 *self-administration, oversight, and monitoring of psychotropic and*  
 5 *other medications, and trauma, behavioral health, and other*  
 6 *available behavioral health treatments, for children receiving child*  
 7 *welfare services, including how to access those treatments.*

8 (C) Positive discipline and the importance of self-esteem.

9 ~~(D) Emancipation and independent living skills if a resource~~  
 10 ~~family is caring for youth.~~

11 (D) *Preparation of children for a successful transition to*  
 12 *adulthood.*

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

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

22 (h) *In addition to any training required by this section, a*  
 23 *resource family may be required to receive specialized training,*  
 24 *as relevant, for the purpose of preparing the resource family to*  
 25 *meet the needs of a particular child in care. This training may*  
 26 *include, but is not limited to, the following:*

27 (1) *Understanding how to use best practices for providing care*  
 28 *and supervision to commercially sexually exploited children.*

29 (2) *Understanding how to use best practices for providing care*  
 30 *and supervision to lesbian, gay, bisexual, and transgender children.*

31 (3) *Understanding the requirements and best practices*  
 32 *regarding psychotropic medications, including, but not limited to,*  
 33 *court authorization, benefits, uses, side effects, interactions,*  
 34 *assistance with self-administration, misuse, documentation,*  
 35 *storage, and metabolic monitoring of children using medications.*

36 (4) *Understanding the federal Indian Child Welfare Act, its*  
 37 *historical significance, the rights of children covered by the act,*  
 38 *and the best interests of those children, including the role of the*  
 39 *caregiver in supporting culturally appropriate, child-centered*  
 40 *practices that respect Native American history, culture, retention*

1 *of tribal membership and connection to the tribal community and*  
2 *traditions.*

3 *(5) Understanding how to use best practices for providing care*  
4 *and supervision to nonminor dependents.*

5 *(6) Understanding how to use best practices for providing care*  
6 *and supervision to medically fragile children.*

7 ~~(h)~~

8 *(i) Nothing in this section shall preclude a county or a foster*  
9 *family agency from requiring resource family training in excess*  
10 *of the requirements in this section.*

11 ~~(i)~~

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

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

23 ~~(j)~~

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

29 ~~(k)~~

30 *(l) Resource families approved under initial implementation of*  
31 *the program, who move within an early implementation county or*  
32 *who move to another early implementation county, shall retain*  
33 *their resource family status if the new building and grounds,*  
34 *outdoor activity areas, and storage areas meet home approval*  
35 *standards. The State Department of Social Services or early*  
36 *implementation county may allow a program-affiliated individual*  
37 *to transfer his or her subsequent arrest notification if the individual*  
38 *moves from one early implementation county to another early*  
39 *implementation county, as specified in subdivision (h) of Section*  
40 *1522 of the Health and Safety Code.*

1     ~~(t)~~

2     ~~(m)~~ (1) The approval of a resource family who moves to a  
3 nonparticipating county remains in full force and effect pending  
4 a determination by the county approval agency or the department,  
5 as appropriate, whether the new building and grounds and storage  
6 areas meet applicable standards, and whether all adults residing  
7 in the home have a criminal records clearance or exemptions  
8 granted, using the exemption criteria used for foster care licensing,  
9 as specified in subdivision (g) of Section 1522 of the Health and  
10 Safety Code. Upon this determination, the nonparticipating county  
11 shall either approve the family as a relative or nonrelative extended  
12 family member, as applicable, or the department shall license the  
13 family as a foster family home.

14     (2) Subject to the requirements in paragraph (1), the family shall  
15 continue to be approved for guardianship and adoption. Nothing  
16 in this subdivision shall limit a county or adoption agency from  
17 determining that the family is not approved for guardianship or  
18 adoption based on changes in the family's circumstances or  
19 permanency assessment.

20     (3) A program-affiliated individual who moves to a  
21 nonparticipating county may not transfer his or her subsequent  
22 arrest notification from a participating county to the  
23 nonparticipating county.

24     ~~(m)~~

25     ~~(n)~~ (n) Implementation of the program shall be contingent upon the  
26 continued availability of federal Social Security Act Title IV-E  
27 (42 U.S.C. Sec. 670) funds for costs associated with placement of  
28 children with resource families assessed and approved under the  
29 program.

30     ~~(n)~~

31     ~~(o)~~ (o) A child placed with a resource family shall be eligible for  
32 AFDC-FC payments. A resource family, or a foster family agency  
33 pursuant to subdivisions ~~(r) and (s)~~, (s) and (t), shall be paid an  
34 AFDC-FC rate pursuant to Sections 11460, 11461, and 11463.  
35 Sharing ratios for nonfederal expenditures for all costs associated  
36 with activities related to the approval of relatives and nonrelative  
37 extended family members shall be in accordance with Section  
38 10101.

39     ~~(o)~~

1 (p) The Department of Justice shall charge fees sufficient to  
2 cover the cost of initial or subsequent criminal offender record  
3 information and Child Abuse Central Index searches, processing,  
4 or responses, as specified in this section.

5 ~~(p) Approved~~

6 (q) *Except as provided, approved* resource families under this  
7 program shall be exempt from all of the following:

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

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

14 (3) Adoptions approval and reporting requirements set forth  
15 under Section 8712 of the Family Code, and all regulations  
16 promulgated thereto.

17 ~~(q)~~

18 (r) Early implementation counties shall be authorized to continue  
19 through the end of the 2016–17 fiscal year, or through the end of  
20 the third full fiscal year following the date that counties commence  
21 implementation, whichever of these dates is later. The program is  
22 authorized in all counties effective July 1, 2017. *December 31,*  
23 *2016.* The program shall be implemented by each county on or  
24 before ~~July 1, 2019.~~ *January 1, 2017.*

25 ~~(r) Notwithstanding any other law, on and after July 1, 2017, a~~  
26 ~~licensed foster family agency shall require a certified family home~~  
27 ~~applicant~~

28 (s) *On and after January 1, 2017, all licensed foster family*  
29 *agencies shall approve resource families in lieu of certifying foster*  
30 *homes. A foster family agency shall require its applicants and*  
31 *resource families to meet the resource family approval standards*  
32 *and requirements set forth in this chapter and in the written*  
33 *directives adopted pursuant to paragraph (4) of subdivision (f),*  
34 *prior to approval. pursuant to this chapter prior to approval and*  
35 *in order to maintain approval.*

36 ~~(s) No later than July 1, 2017,~~

37 (t) *Commencing January 1, 2016, the department may establish*  
38 *participation conditions, and select and authorize a foster family*  
39 *agency that voluntarily submits an implementation plan and revised*  
40 *plan foster family agencies that voluntarily submit implementation*

1 *plans and revised plans* of operation in accordance with  
2 requirements established by the department, to approve resource  
3 families in lieu of certifying foster homes.

4 ~~(1) Except for subdivision (g), a participating foster family~~  
5 ~~agency shall comply with the resource family approval standards~~  
6 ~~set forth in this chapter and in the written directives issued pursuant~~  
7 ~~to paragraph (4) of subdivision (f).~~

8 ~~(2) Notwithstanding any other law, the department shall enforce~~  
9 ~~the resource family approval standards and requirements set forth~~  
10 ~~in this chapter and in the written directives issued pursuant to~~  
11 ~~paragraph (4) of subdivision (f) against a participating foster family~~  
12 ~~agency. In the event of any conflict with the Community Care~~  
13 ~~Facilities Act (Chapter 3 (commencing with Section 1500) of~~  
14 ~~Division 2 of the Health and Safety Code), this section shall be~~  
15 ~~controlling. This subdivision does not impose any new~~  
16 ~~responsibilities upon the counties as described in subdivision (g).~~

17 ~~(3) Nothing in this subdivision shall limit the department's~~  
18 ~~authority to take administrative action against a foster family~~  
19 ~~agency or a certified family home of a foster family agency. For~~  
20 ~~purposes of Article 5 of Chapter 3 of Division 2 of the Health and~~  
21 ~~Safety Code, a certified family home includes a resource family~~  
22 ~~approved by a foster family agency pursuant to this subdivision.~~

23 ~~(1) Notwithstanding any other law, a participating foster family~~  
24 ~~agency shall require resource families to meet and maintain the~~  
25 ~~resource family approval standards and requirements set forth in~~  
26 ~~this chapter and in the written directives adopted hereto prior to~~  
27 ~~approval and in order to maintain approval.~~

28 ~~(2) A participating foster family agency shall implement the~~  
29 ~~resource family approval program pursuant to Section 1517 of~~  
30 ~~the Health and Safety Code.~~

31 ~~(3) Nothing in this section shall be construed to limit the~~  
32 ~~authority of the department to inspect, evaluate, or investigate a~~  
33 ~~complaint or incident, or initiate a disciplinary action against a~~  
34 ~~foster family agency pursuant to Article 5 (commencing with~~  
35 ~~Section 1550) of Chapter 3 of Division 2 of the Health and Safety~~  
36 ~~Code, or to take any action it may deem necessary for the health~~  
37 ~~and safety of children placed with the foster family agency.~~

38 (4) The department may adjust the foster family agency  
39 AFDC-FC rate pursuant to Section 11463 for implementation of  
40 this subdivision.

1     ~~SEC. 93.~~

2     *SEC. 97.* Section 16519.52 is added to the Welfare and  
3 Institutions Code, to read:

4     16519.52. (a) A resource family may install and use delayed  
5 egress devices of the time delay type in the home of the resource  
6 family.

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

11     (c) Within the 30 seconds of delay, a resource family may  
12 attempt to redirect a resident who attempts to leave the home.

13     (d) Any person accepted by a resource family using delayed  
14 egress devices in the home shall meet all of the following  
15 conditions:

16     (1) The person shall have a developmental disability, as defined  
17 in Section 4512.

18     (2) The person shall be receiving services and case management  
19 from a regional center under the Lanterman Developmental  
20 Disabilities Services Act (Division 4.5 (commencing with Section  
21 4500)).

22     (3) An interdisciplinary team, through the Individual Program  
23 Plan (IPP) process pursuant to Section 4646.5, shall have  
24 determined that the person lacks hazard awareness or impulse  
25 control and requires the level of supervision afforded by a resource  
26 family in a home equipped with delayed egress devices, and that,  
27 but for this placement, the person would be at risk of admission  
28 to, or would have no option but to remain in, a more restrictive  
29 state hospital or state developmental center placement.

30     (e) The home shall be subject to all fire and building codes,  
31 regulations, and standards applicable to residential care facilities  
32 for the elderly utilizing delayed egress devices, and shall receive  
33 approval by the county or city fire department, the local fire  
34 prevention district, or the State Fire Marshal for the installed  
35 delayed egress devices.

36     (f) The resource family shall provide training regarding the use  
37 and operation of the egress control devices used by any person  
38 caring for a resident, protection of residents’ personal rights, lack  
39 of hazard awareness and impulse control behavior, and emergency  
40 evacuation procedures.

1 (g) The resource family shall develop a plan of operation that  
2 is authorized by the approving county and includes a description  
3 of how the home is to be equipped with egress control devices that  
4 are consistent with regulations adopted by the State Fire Marshal  
5 pursuant to Section 13143 of the Health and Safety Code.

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

8 (1) A description of how the resource family will provide  
9 training for persons caring for a resident regarding the use and  
10 operation of the egress control devices used in the home.

11 (2) A description of how the resource family will ensure the  
12 protection of the residents’ personal rights consistent with Sections  
13 4502, 4503, and 4504.

14 (3) A description of how the resource family will manage the  
15 person’s lack of hazard awareness and impulse control behavior.

16 (4) A description of the resource family’s emergency evacuation  
17 procedures.

18 (i) Delayed egress devices shall not substitute for adequate  
19 supervision. The capacity of the home shall not exceed six  
20 residents.

21 (j) Emergency fire and earthquake drills shall be conducted at  
22 least once every three months, and shall include all persons  
23 providing resident care and supervision.

24 ~~SEC. 94.~~

25 SEC. 98. Section 16519.53 is added to the Welfare and  
26 Institutions Code, to read:

27 16519.53. (a) A resource family shall be authorized to  
28 administer emergency medical assistance and injections for severe  
29 diabetic hypoglycemia and anaphylactic shock to a foster child in  
30 placement in accordance with subdivision (a) of Section 1507.25  
31 of the Health and Safety Code.

32 (b) A resource family shall be authorized to administer  
33 subcutaneous injections of other medications, including insulin,  
34 as prescribed by a child’s physician, to a foster child in placement  
35 in accordance with subdivision (b) of Section 1507.25 of the Health  
36 and Safety Code.

37 ~~SEC. 95.~~

38 SEC. 99. Section 16519.54 is added to the Welfare and  
39 Institutions Code, to read:

1 16519.54. Notwithstanding any other law, a resource family  
2 shall not be subject to civil penalties imposed pursuant to the  
3 Community Care Facilities Care Act (Chapter 3 (commencing  
4 with Section 1500) of Division 2 of the Health and Safety Code).

5 ~~SEC. 96.~~

6 *SEC. 100.* Section 16519.55 is added to the Welfare and  
7 Institutions Code, to read:

8 16519.55. (a) Subject to subdivision (b), to encourage the  
9 recruitment of resource families, to protect their personal privacy,  
10 and to preserve the security of confidentiality of the placements  
11 with resource families, the names, addresses, and other identifying  
12 information of resource families shall be considered personal  
13 information for purposes of the Information Practices Act of 1977  
14 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part  
15 4 of Division 3 of the Civil Code). This information shall not be  
16 disclosed by any state or local agency pursuant to the California  
17 Public Records Act (Chapter 3.5 (commencing with Section 6250)  
18 of Division 7 of Title 1 of the Government Code), except as  
19 necessary for administering the resource family approval program,  
20 facilitating the placement of children with resource families, and  
21 providing names and addresses only to bona fide professional  
22 foster parent organizations upon request.

23 (b) The department, a county, or a foster family agency may  
24 request information from, or divulge information to, the  
25 department, a county, or a foster family agency, regarding a  
26 prospective resource family for the purpose of and as necessary  
27 to conduct a reference check to determine whether it is safe and  
28 appropriate to approve an applicant to be a resource family.

29 *SEC. 101.* Section 16519.6 is added to the Welfare and  
30 Institutions Code, to read:

31 16519.6. (a) All hearings conducted pursuant to Section  
32 16519.5 shall be conducted in accordance with the requirements  
33 of this section.

34 (b) The procedures set forth in Chapter 7 (commencing with  
35 Section 10950) of Part 2 apply to matters set before the State  
36 Hearings Division, except as otherwise provided in this section.

37 (c) The procedures for conducting a hearing for a matter  
38 governed by Chapter 3 (commencing with Section 1500) of Division  
39 2 of the Health and Safety Code, and the procedures set forth in

1 *the Administrative Procedure Act apply, except as otherwise*  
2 *provided in this section.*

3 *(d) Notwithstanding Section 10951, a resource family, applicant,*  
4 *or excluded individual may file an appeal within 25 days of service*  
5 *of a notice of action. Pursuant to Section 1013 of the Code of Civil*  
6 *Procedure, if the notice of action is served by mail, the time to*  
7 *respond shall be extended five days, not to exceed 30 days to file*  
8 *the appeal.*

9 *(e) Notwithstanding Section 10951, a county's action shall be*  
10 *final, or for matters set before the division or office designated to*  
11 *conduct state hearings, an action shall be subject to dismissal, if*  
12 *the resource family, applicant, or excluded individual does not file*  
13 *an appeal to the notice of action within the prescribed time.*

14 *(f) Except as provided in subdivisions (g) and (h), and*  
15 *notwithstanding Section 10952, a hearing under this section shall*  
16 *be held within 90 days following the receipt of a timely appeal or*  
17 *notice of defense, unless a continuance of the hearing is granted*  
18 *for good cause.*

19 *(g) If the county or department has issued an immediate*  
20 *exclusion order, the timelines and provisions set forth in Section*  
21 *1558 of the Health and Safety Code shall apply, unless a*  
22 *continuance of the hearing is granted for good cause.*

23 *(h) If the county or department has issued a temporary*  
24 *suspension order, the hearing shall be held within 30 days*  
25 *following the receipt of a timely appeal or notice of defense. The*  
26 *temporary suspension order shall remain in effect until the time*  
27 *the hearing is completed and the director has made a final*  
28 *determination on the merits. However, the temporary suspension*  
29 *order shall be deemed vacated if the director fails to make a final*  
30 *determination on the merits within 30 days after receipt of the*  
31 *proposed decision by the county or department.*

32 *(i) Upon a finding of noncompliance, the department may*  
33 *require a foster family agency to deny or rescind the approval of*  
34 *a home, or take other action deemed necessary for the protection*  
35 *of a child who is or who may be placed in the home. The resource*  
36 *family, applicant, or excluded individual shall be afforded the due*  
37 *process provided pursuant to this section.*

38 *(1) If the department requires a foster family agency to deny or*  
39 *rescind the approval, the department shall serve an order of denial*  
40 *or rescission notifying the resource family, applicant, and foster*

1 *family agency of the basis of the department's action and of the*  
2 *right to a hearing.*

3 *(2) The department's order of the denial or rescission of the*  
4 *approval shall remain in effect until the hearing is completed and*  
5 *the director has made a final determination on the merits.*

6 *(3) A foster family agency's failure to comply with the*  
7 *department's order to deny or rescind the approval by placing or*  
8 *retaining a child in care shall be grounds for disciplining the foster*  
9 *family agency pursuant to Section 1550 of the Health and Safety*  
10 *Code.*

11 *(j) A resource family, applicant, or excluded individual who*  
12 *files an appeal to a notice of action pursuant to this section shall,*  
13 *as part of the appeal, provide his or her current mailing address.*  
14 *The resource family, applicant, or excluded individual shall*  
15 *subsequently notify the county, or department if applicable, in*  
16 *writing of any change in mailing address, until the hearing process*  
17 *has been completed or terminated.*

18 *(k) Service by mail of a notice or other writing on a resource*  
19 *family, applicant, or excluded individual in a procedure provided*  
20 *herein is effective if served to the last mailing address on file with*  
21 *the county or department. Service of a notice of action may be by*  
22 *personal service or by first class mail. If the last day for*  
23 *performance of any action required herein falls on a holiday, then*  
24 *such period shall be extended to the next day which is not a*  
25 *holiday.*

26 *(l) In all proceedings conducted in accordance with this section*  
27 *the burden of proof shall be by a preponderance of the evidence.*

28 *(m) The county or department may institute or continue an*  
29 *administrative proceeding against a resource family, applicant,*  
30 *or excluded individual upon any ground provided by this section,*  
31 *enter an order denying or rescinding the approval, exclude an*  
32 *associated individual, issue a temporary suspension order, or*  
33 *otherwise take disciplinary action against a resource family,*  
34 *applicant, or excluded individual, notwithstanding any resignation,*  
35 *withdrawal, surrender of approval, or denial or rescission of the*  
36 *approval by a foster family agency.*

37 ~~SEC. 97.~~

38 *SEC. 102.* Section 18251 of the Welfare and Institutions Code  
39 is amended to read:

40 18251. As used in this chapter:

1 (a) “County” means each county participating in an  
2 individualized or wraparound services program.

3 (b) “County placing agency” means a county welfare or  
4 probation department, or a county mental health department.

5 (c) “Eligible child” means a child or nonminor dependent, as  
6 described in subdivision (v) of Section 11400, who is any of the  
7 following:

8 (1) A child or nonminor dependent who has been adjudicated  
9 as either a dependent, transition dependent, or ward of the juvenile  
10 court pursuant to Section 300, 450, 601, or 602 and who would be  
11 placed in a group home licensed by the department at a rate  
12 classification level of 10 or higher, or commencing January 1,  
13 2017, would be placed in a short-term residential treatment center.

14 (2) A child or nonminor dependent who is currently, or who  
15 would be, placed in a group home licensed by the department at  
16 a rate classification level of 10 or higher, or commencing January  
17 1, 2017, would be placed in a short-term residential treatment  
18 center.

19 (3) A child who is eligible for adoption assistance program  
20 benefits when the responsible public agency has approved the  
21 provision of wraparound services in lieu of out-of-home placement  
22 care at a rate classification level of 10 or higher, or commencing  
23 January 1, 2017, would be placed in a short-term residential  
24 treatment center.

25 (d) “Wraparound services” means community-based intervention  
26 services that emphasize the strengths of the child and family and  
27 includes the delivery of coordinated, highly individualized  
28 unconditional services to address needs and achieve positive  
29 outcomes in their lives.

30 (e) “Service allocation slot” means a specified amount of funds  
31 available to the county to pay for an individualized intensive  
32 wraparound services package for an eligible child. A service  
33 allocation slot may be used for more than one child on a successive  
34 basis.

35 ~~SEC. 98.~~

36 *SEC. 103.* Section 18254 of the Welfare and Institutions Code  
37 is amended to read:

38 18254. (a) Rates for wraparound services, under the  
39 wraparound services program, shall be based on the following  
40 factors:

1 (1) The average cost of rate classification 10 to 11 in each  
2 county, minus the cost of any concurrent out-of-home placement,  
3 for children who are or would be placed in a rate level 10 or 11  
4 group home.

5 (2) The average cost of rate classification 12 to 14 in each  
6 county, minus the cost of any concurrent out-of-home placement,  
7 for children who are or would be placed in a rate level 12 to 14  
8 group home.

9 (b) (1) Prior to the 2011–12 fiscal year, the department shall  
10 reimburse each county, for the purpose of providing intensive  
11 wraparound services, up to 100 percent of the state share of  
12 nonfederal funds, to be matched by each county’s share of cost as  
13 established by law, and to the extent permitted by federal law, up  
14 to 100 percent of the federal funds allocated for group home  
15 placements of eligible children, at the rate authorized pursuant to  
16 subdivision (a).

17 (2) Beginning in the 2011–12 fiscal year, and for each fiscal  
18 year thereafter, funding and expenditures for programs and  
19 activities under this section shall be in accordance with the  
20 requirements provided in Sections 30025 and 30026.5 of the  
21 Government Code.

22 (c) County, and to the extent permitted by federal law, federal,  
23 foster care funds shall remain with the administrative authority of  
24 the county, which may enter into an interagency agreement to  
25 transfer those funds, and shall be used to provide intensive  
26 wraparound services.

27 (d) Costs for the provision of benefits to eligible children, at  
28 rates authorized by subdivision (a), through the wraparound  
29 services program authorized by this chapter, shall not exceed the  
30 costs which would otherwise have been incurred had the eligible  
31 children been placed in a group home.

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

35 ~~SEC. 99.~~

36 *SEC. 104.* Section 18254 is added to the Welfare and  
37 Institutions Code, to read:

38 18254. (a) Commencing January 1, 2017, the rate for  
39 wraparound services, under the wraparound services program,  
40 shall be eight thousand five hundred seventy-three dollars (\$8,573),

1 based on the average cost of rate classification levels 10.5 and 13  
2 in effect for the 2014–15 fiscal year.

3 (1) The rate was determined by using the existing rates  
4 determined for the 2014–15 fiscal year for rate classification levels  
5 10.5 and 13.

6 (A) Combining and calculating the average of the two.

7 (B) Minus the cost of any concurrent out-of-home placement  
8 for children who are or would be placed in a rate classification  
9 level 10 to 11 and 12 to 14 group home, respectively.

10 (b) For each fiscal year, funding and expenditures for programs  
11 and 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 (c) County and federal foster care funds, to the extent permitted  
15 by federal law, shall remain with the administrative authority of  
16 the county, which may enter into an interagency agreement to  
17 transfer those funds, and shall be used to provide intensive  
18 wraparound services.

19 (d) Costs for the provision of benefits to eligible children, at  
20 rates authorized by subdivision (a), through the wraparound  
21 services program authorized by this chapter, shall not exceed the  
22 costs that otherwise would have been incurred had the eligible  
23 children been placed in a short-term residential treatment center.

24 (e) Commencing January 1, 2018, and each January 1 thereafter,  
25 an annual cost-of-living increase shall be applied to the wraparound  
26 rate, subject to the availability of county funds, equal to the  
27 California Necessities Index used in the preparation of the May  
28 Revision for the current fiscal year.

29 ~~SEC. 100.~~

30 *SEC. 105.* Notwithstanding the provisions of this act, on and  
31 after January 1, 2017, facilities with licensed capacity ~~greater than~~  
32 of 184 that were in operation prior to January 1, 2015, that offer  
33 placements for the purpose of attending an onsite high school, may  
34 continue to operate under an appropriate licensing category  
35 determined by the State Department of Social Services as long as  
36 those facilities submit to the department a transition plan describing  
37 how the program will comply with the provisions of this act,  
38 pursuant to a timeframe to be determined with the department.

1     ~~SEC. 101.~~

2     *SEC. 106.* (a) The State Department of Social Services and  
3 the State Department of Health Care Services shall adopt  
4 regulations as required to implement the provisions of this act.

5     (b) Notwithstanding the rulemaking provisions of the  
6 Administrative Procedure Act (Chapter 3.5 (commencing with  
7 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
8 Code), the departments identified in subdivision (a) may implement  
9 and administer the changes made by this legislation through  
10 all-county letters or similar written instructions until regulations  
11 are adopted.

12     *SEC. 107.* *The State Department of Social Services shall*  
13 *provide periodic progress updates to the Legislature on the*  
14 *implementation of this act.*

15     ~~SEC. 102.~~

16     *SEC. 108.* The State Department of Social Services shall work  
17 with counties that operate shelters, probation agencies, homeless  
18 shelter providers, residential education providers, and others to  
19 identify jointly developed alternative timeframes or criteria to be  
20 met in order to address the unique circumstances and needs of the  
21 populations they serve, while remaining consistent with the  
22 principles of this act.

23     ~~SEC. 103.~~

24     *SEC. 109.* The Legislature finds and declares that this act,  
25 which adds Section 16519.55 to the Welfare and Institutions Code,  
26 imposes a limitation on the public's right of access to the meetings  
27 of public bodies or the writings of public officials and agencies  
28 within the meaning of Section 3 of Article I of the California  
29 Constitution. Pursuant to that constitutional provision, the  
30 Legislature makes the following findings to demonstrate the interest  
31 protected by this limitation and the need for protecting that interest:

32     In order to encourage the recruitment of resource families, to  
33 protect their personal privacy, and to preserve the security of  
34 confidentiality of the placements with resource families, it is  
35 necessary that the names, addresses, and other identifying  
36 information of resource families not be disclosed by any state or  
37 local agency pursuant to the California Public Records Act  
38 (Chapter 3.5 (commencing with Section 6250) of Division 7 of  
39 Title 1 of the Government Code), except as necessary for  
40 administering the resource family approval program, facilitating

1 the placement of children with resource families, and providing  
2 names and addresses only to bona fide professional foster parent  
3 organizations upon request.

4 ~~SEC. 104.~~

5 *SEC. 110.* Except as required by Section 36 of Article XIII of  
6 the California Constitution, no reimbursement is required by this  
7 act pursuant to Section 6 of Article XIII B of the California  
8 Constitution for certain costs because, in that regard, this act  
9 implements a federal law or regulation and results in costs  
10 mandated by the federal government, within the meaning of Section  
11 17556 of the Government Code.

12 No reimbursement is required by this act pursuant to Section 6  
13 of Article XIII B of the California Constitution for certain costs  
14 that may be incurred by a local agency or school district because,  
15 in that regard, this act creates a new crime or infraction, eliminates  
16 a crime or infraction, or changes the penalty for a crime or  
17 infraction, within the meaning of Section 17556 of the Government  
18 Code, or changes the definition of a crime within the meaning of  
19 Section 6 of Article XIII B of the California Constitution.

20 With regard to other costs, to the extent that this act has an  
21 overall effect of increasing the costs already borne by a local  
22 agency for programs or levels of service mandated by the 2011  
23 Realignment Legislation within the meaning of Section 36 of  
24 Article XIII of the California Constitution, it shall apply to local  
25 agencies only to the extent that the state provides annual funding  
26 for the cost increase. Any new program or higher level of service  
27 provided by a local agency pursuant to this act above the level for  
28 which funding has been provided shall not require a subvention  
29 of funds by the state nor otherwise be subject to Section 6 of Article  
30 XIII B of the California Constitution.