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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 403

Introduced by Assembly Member Mark Stone
(Coauthors: Senators Beall and Berryhill)

February 19, 2015

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, 1506, 1507.25, 1520.1, *1520.5*, 1522.2, 1522.4, 1522.41, 1522.43, *1524*, 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, 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~~ *11105.08*, *11105.2*, *11105.3*, *and 11170* of the Penal Code, and to amend Sections *319.3*, 706.6, 727, 727.1, 4094.2, *5600.3*, *10553.12*, 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, *16514*, 16519.5, ~~and 18251~~ *18251*, *and 18987.72* 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, *11466.2*,

and 18254 of, to add Sections 827.11, 831, 11253.2, 11462.022, 11462.041, 11466, 16003.5, 16519.52, 16519.53, 16519.54, 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. *Existing law requires the department to establish procedures to recover overpayments made to providers.*

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 also revise the procedures for recovering overpayments, and would make the failure to repay an overpayment grounds for termination of the provider's rate and cause the referral of the provider for license revocation.*

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

1 (b) Federal law requires that placements of children in foster
 2 care be in the least restrictive, most family-like environment.
 3 Federal law requires the review of the child’s case plan to assess
 4 the necessity for and appropriateness of the placement, to assess
 5 the progress that has been made toward the case plan goals, and
 6 project a likely date by which the child can be safely reunified, or
 7 placed for adoption or legal guardianship. Federal law requires the
 8 court to periodically, but no less frequently than every six months,
 9 review the case plan, the child’s status, and the extent of
 10 compliance with the case plan.

11 (c) It is therefore the intent of the Legislature to maintain
 12 children’s safety, well-being, and healthy development when they
 13 are removed from their own families by placing them, whenever
 14 possible and appropriate, with relatives or someone familiar, or,
 15 when this is not possible or appropriate, with other caregiving
 16 families that are able to meet their physical, social, and emotional
 17 needs until they can return home. When reunifying children with
 18 their family is not possible, the obligation remains to seek other
 19 forms of permanency, such as adoption or guardianship. To achieve
 20 this intent, the Legislature recognizes the following:

21 (1) That the experience and outcomes of foster youth will be
 22 improved by assessing the individual needs of each child and youth
 23 at the outset of his or her entry into foster care in order to identify
 24 and secure the most appropriate services and placement setting to
 25 meet those individualized needs.

26 ~~(A) Medically necessary physical, behavioral, and mental health~~
 27 ~~services, including, but not limited to, Early and Periodic~~
 28 ~~Screening, Diagnostic, and Treatment (EPSDT), specialty mental~~
 29 ~~health services, and services to ameliorate trauma, need to be made~~
 30 ~~available to children and youth in foster care regardless of their~~
 31 ~~placement setting.~~

32 *(A) Services are consistent with the objectives of the Katie A.*
 33 *Settlement Agreement, which include the timely provision of an*
 34 *array of appropriate services that are coordinated, comprehensive,*
 35 *and community-based, and which address the needs of children*
 36 *and youth with more intensive needs requiring medically necessary*
 37 *specialty mental health services in their own home, or an*
 38 *appropriate homelike setting in order to facilitate reunification*
 39 *and to ensure their safety, permanence, and well-being. Children*
 40 *in need of services are identified and assessed promptly. Child*

1 *welfare and mental health agencies work together in the provision*
2 *of coordinated services to these children and youth, and the child's*
3 *or youth's family's voice and choice are taken into account as*
4 *demonstrated through the Core Practice Model.*

5 (B) Efforts to achieve legal permanency and emotional
6 permanency are necessary for every child and youth. These include
7 establishing and maintaining connections to siblings, extended
8 family, culture, and, if applicable, tribes.

9 (C) If necessary to meet their treatment and safety needs, some
10 youth who enter foster care may benefit from an initial, upfront,
11 short-term residential care placement to provide crisis stabilization
12 and the structure they require, with the goal of returning them back
13 home or to a less restrictive, family-based setting as soon as
14 possible. Children should not have to first exhaust a number and
15 variety of less restrictive placements regardless of their individual
16 need, which would be detrimental to their well-being.

17 (2) That children and youth in foster care have been affected
18 by trauma, both by the fact that they have been separated from
19 their family, and by the circumstances that led to their removal.
20 Recognizing this trauma and minimizing additional trauma should
21 be structured into how practice is implemented for children and
22 youth in foster care.

23 (3) That youth in foster care under the supervision of county
24 probation departments may require additional considerations when
25 being placed outside of the parental home. When ordering
26 placement, the court and probation officers must consider the safety
27 and needs of the youth and the public safety of the community.
28 Significant reforms have been adopted in the juvenile justice
29 system by the state and by the counties in recognition of the fact
30 that detaining youth far from home is not ideal, but may be
31 necessary for a small percentage of probation youth who have
32 committed the most serious offenses. At the same time, in order
33 to serve those probation youth whose needs can be appropriately
34 met safely in least restrictive, family-based settings, sufficient
35 capacity in home-based family care must be developed.

36 (4) That research demonstrates that being cared for in a family
37 improves outcomes for children who have experienced abuse and
38 neglect. Therefore, children who cannot safely be placed in
39 home-based family care can go into residentially based care with
40 individualized, specific care plans and intensive therapeutic

1 interventions, *while emphasizing continuity of care*, as
2 demonstrated by the residentially based services pilot ~~program~~
3 *program, established pursuant to Chapter 12.87 (commencing*
4 *with Section 18987.7) of Part 6 of Division 9 of the Welfare and*
5 *Institutions Code*. These placements should be short-term in nature
6 and designed to enable children and youth to return to their birth,
7 kin, foster, or adoptive families as quickly and safely as possible,
8 supported by services designed to help the child, youth, and family
9 in this transition. With these services, relatives and foster families
10 can care for children and youth with behavioral and mental health
11 challenges that often are associated with neglect and abuse. Placing
12 agency decisions regarding a specific family need to be based on
13 a determination that the family has the ability and capacity to meet
14 the needs of the specific child or youth.

15 (5) That working with the child, youth, and family as part of a
16 team results in better outcomes. The child and family team,
17 including extended family and community or tribe, is the primary
18 vehicle for collaboration on the assessment, case planning, and
19 placement decisions that are made by placing agencies. Use of
20 these teams is based upon the wraparound model of care and is
21 intended to support social work, practice, and decisionmaking.

22 (6) That culturally relevant services and supports need to be
23 made available to children, youth, and their caregivers, regardless
24 of the placement setting, and individually tailored to their needs.

25 (7) That the practice of public agencies, private agencies, and
26 service providers should be aligned through a common core
27 practice model, with county child welfare and probation agencies
28 retaining their case management responsibilities.

29 (8) That there is a shift in the terminology used with respect to
30 foster care to describe “resource families” as “home-based family
31 care.” These families must parent and nurture vulnerable,
32 traumatized children in emergencies, through transitions and crises,
33 and sometimes make them a permanent part of their own families.
34 These families are inclusive of related or unrelated caregivers who
35 are approved to foster, adopt, or take guardianship of children in
36 foster care, regardless of whether they are approved by a public
37 or private agency.

38 (9) That the needs of children placed in residential group
39 placements can most effectively be met when there is system
40 accountability. Placement decisions should be informed by the

1 provider’s performance on common indicators that are publicly
2 available. Providers should continuously work to improve the
3 quality of the care they provide by using available data to manage
4 performance.

5 *(d) The Legislature further declares its intent to continue to*
6 *adhere to the declarations in Section 175 of the Family Code,*
7 *Section 1459 of the Probate Code, and Section 224 of the Welfare*
8 *and Institutions Code pertaining to Indian children, including that*
9 *the state is committed to protecting the essential tribal relations*
10 *and best interests of an Indian child by promoting practices, in*
11 *accordance with the federal Indian Child Welfare Act (25 U.S.C.*
12 *Sec. 1901 et seq.) and other applicable laws, designed to prevent*
13 *the child’s involuntary out-of-home placement and, whenever that*
14 *placement is necessary or ordered, by placing the child, whenever*
15 *possible, in a placement that reflects the unique values of the*
16 *child’s tribal culture and is best able to assist the child in*
17 *establishing, developing, and maintaining a political, cultural,*
18 *and social relationship with the child’s tribe and tribal community.*
19 *To that end this legislation is not intended to displace or preclude*
20 *options available to Indian children, such as placement in tribally*
21 *approved homes as allowed under the federal Indian Child Welfare*
22 *Act, or tribal customary adoptions pursuant to Section 366.24 of*
23 *the Welfare and Institutions Code.*

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

25 7911. The Legislature finds and declares all of the following:

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

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

38 (c) The Legislature also affirms its intention that, on and after
39 January 1, 2017, the licensing standards applicable to out-of-state

1 group homes certified by the department shall be those required
2 of short-term residential treatment centers operated in this state.

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

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

10 7911.1. (a) Notwithstanding any other law, the State
11 Department of Social Services or its designee shall investigate any
12 threat to the health and safety of children placed by a California
13 county social services agency or probation department in an
14 out-of-state group home pursuant to the provisions of the Interstate
15 Compact on the Placement of Children. This authority shall include
16 the authority to interview children or staff in private or review
17 their file at the out-of-state facility or wherever the child or files
18 may be at the time of the investigation. Notwithstanding any other
19 law, the State Department of Social Services or its designee shall
20 require certified out-of-state group homes to comply with the
21 reporting requirements applicable to group homes licensed in
22 California pursuant to Title 22 of the California Code of
23 Regulations for each child in care regardless of whether he or she
24 is a California placement, by submitting a copy of the required
25 reports to the Compact Administrator within regulatory timeframes.
26 The Compact Administrator within one business day of receiving
27 a serious events report shall verbally notify the appropriate
28 placement agencies and within five working days of receiving a
29 written report from the out-of-state group home, forward a copy
30 of the written report to the appropriate placement agencies.

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

37 (c) (1) The State Department of Social Services or its designee
38 shall perform initial and continuing inspection of out-of-state group
39 homes in order to either certify that the out-of-state group home
40 meets all licensure standards required of group homes operated in

1 California or that the department has granted a waiver to a specific
2 licensing standard upon a finding that there exists no adverse
3 impact to health and safety.

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

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

12 ~~(i) An accreditation from a nationally recognized accrediting~~
13 ~~entity identified by the State Department of Social Services~~
14 ~~pursuant to the process described in paragraph (5) of subdivision~~
15 ~~(b) of Section 11462 of the Welfare and Institutions Code.~~
16 ~~Notwithstanding this paragraph, the department may grant a~~
17 ~~provisional rate to an out-of-state group home program if the~~
18 ~~program meets the requirements of subparagraph (D) of paragraph~~
19 ~~(2) of subdivision (c) of Section 11460 of the Welfare and~~
20 ~~Institutions Code.~~

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

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

28 *(3) On and after January 1, 2017, an out-of-state group home*
29 *program shall, in order to receive an AFDC-FC rate, meet the*
30 *requirements of paragraph (2) of subdivision (c) of Section 11460*
31 *of the Welfare and Institutions Code.*

32 (4) Any failure by an out-of-state group home facility to make
33 children or staff available as required by subdivision (a) for a
34 private interview or make files available for review shall be
35 grounds to deny or discontinue the certification. ~~The State~~
36 ~~Department of Social Services shall grant or deny an initial~~
37 ~~certification or a waiver under this subdivision to an out-of-state~~
38 ~~group home facility that has more than six California children~~
39 ~~placed by a county social services agency or probation department~~
40 ~~by August 19, 1999. The department shall grant or deny an initial~~

1 ~~certification or a waiver under this subdivision to an out-of-state~~
2 ~~group home facility that has six or fewer California children placed~~
3 ~~by a county social services agency or probation department by~~
4 ~~February 19, 2000. Certifications made pursuant to this subdivision~~
5 ~~shall be reviewed annually.~~

6 ~~(d) Within six months of the effective date of this section, a~~
7 ~~county shall be required to obtain an assessment and placement~~
8 ~~recommendation by a county multidisciplinary team for each child~~
9 ~~in an out-of-state group home facility. On or after March 1, 1999,~~

10 a

11 (d) A county shall be required to obtain an assessment and
12 placement recommendation by a county multidisciplinary team
13 prior to placement of a child in an out-of-state group home facility.

14 (e) Any failure by an out-of-state group home to obtain or
15 maintain its certification as required by subdivision (c) shall
16 preclude the use of any public funds, whether county, state, or
17 federal, in the payment for the placement of any child in that
18 out-of-state group home, pursuant to the Interstate Compact on
19 the Placement of Children.

20 (f) (1) A multidisciplinary team shall consist of participating
21 members from county social services, county mental health, county
22 probation, county superintendents of schools, and other members
23 as determined by the county.

24 (2) Participants shall have knowledge or experience in the
25 prevention, identification, and treatment of child abuse and neglect
26 cases, and shall be qualified to recommend a broad range of
27 services related to child abuse or neglect.

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

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

36 (h) The certification requirements of this section shall not impact
37 placements of emotionally disturbed children made pursuant to an
38 individualized education program developed pursuant to the federal
39 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400

1 et seq.) if the placement is not funded with federal or state foster
2 care funds.

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

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

10 7912. (a) The Legislature finds and declares that the health
11 and safety of children in out-of-state group home care pursuant to
12 the Interstate Compact on the Placement of Children is a matter
13 of statewide concern. The Legislature therefore affirms its intention
14 that children placed by a county social services agency or probation
15 department in out-of-state group homes be accorded the same
16 personal rights and safeguards of a child placed in a California
17 group home. This section is in clarification of existing law.

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

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

29 SEC. 5. Section 6276.38 of the Government Code is amended
30 to read:

31 6276.38. Radioactive materials, dissemination of information
32 about transportation of, Section 33002, Vehicle Code.

33 Railroad infrastructure protection program, disclosure not
34 required for risk assessments filed with the Public Utilities
35 Commission, the Director of Emergency Services, or the Office
36 of Emergency Services, Section 6254.23.

37 Real estate broker, annual report to Bureau of Real Estate of
38 financial information, confidentiality of, Section 10232.2, Business
39 and Professions Code.

- 1 Real property, acquisition by state or local government,
- 2 information relating to feasibility, subdivision (h), Section 6254.
- 3 Real property, change in ownership statement, confidentiality
- 4 of, Section 27280.
- 5 Records described in Section 1620 of the Penal Code.
- 6 Records of contract purchasers, inspection by public prohibited,
- 7 Section 85, Military and Veterans Code.
- 8 Records of persons committed to a state hospital pursuant to
- 9 Section 4135 of the Welfare and Institutions Code.
- 10 Registered public obligations, inspection of records of security
- 11 interests in, Section 5060.
- 12 Registration of exempt vehicles, nondisclosure of name of person
- 13 involved in alleged violation, Section 5003, Vehicle Code.
- 14 Rehabilitation, Department of, confidential information, Section
- 15 19016, Welfare and Institutions Code.
- 16 Reinsurance intermediary-broker license information,
- 17 confidentiality of, Section 1781.3, Insurance Code.
- 18 Relocation assistance, confidential records submitted to a public
- 19 entity by a business or farm operation, Section 7262.
- 20 Rent control ordinance, confidentiality of information concerning
- 21 accommodations sought to be withdrawn from, Section 7060.4.
- 22 Report of probation officer, inspection, copies, Section 1203.05,
- 23 Penal Code.
- 24 Repossession agency licensee application, confidentiality of
- 25 information, Sections 7503, 7504, and 7506.5, Business and
- 26 Professions Code.
- 27 Reproductive health facilities, disclosure not required for
- 28 personal information regarding employees, volunteers, board
- 29 members, owners, partners, officers, and contractors of a
- 30 reproductive health services facility who have provided requisite
- 31 notification, Section 6254.18.
- 32 Residence address in any record of Department of Housing and
- 33 Community Development, confidentiality of, Section 6254.1.
- 34 Residence address in any record of Department of Motor
- 35 Vehicles, confidentiality of, Section 6254.1, Government Code,
- 36 and Section 1808.21, Vehicle Code.
- 37 Residence and mailing addresses in records of Department of
- 38 Motor Vehicles, confidentiality of, Section 1810.7, Vehicle Code.
- 39 Residential care facilities, confidentiality of resident information,
- 40 Section 1568.08, Health and Safety Code.

1 Residential care facilities for the elderly, confidentiality of client
2 information, Section 1569.315, Health and Safety Code.

3 Resource families, identifying information, Section 16519.55,
4 Welfare and Institutions Code.

5 Respiratory care practitioner, professional competency
6 examination reports, confidentiality of, Section 3756, Business
7 and Professions Code.

8 Restraint of trade, civil action by district attorney, confidential
9 memorandum, Section 16750, Business and Professions Code.

10 Reward by Governor for information leading to arrest and
11 conviction, confidentiality of person supplying information, Section
12 1547, Penal Code.

13 Safe surrender site, confidentiality of information pertaining to
14 a parent or individual surrendering a child, Section 1255.7, Health
15 and Safety Code.

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

18 1502. As used in this chapter:

19 (a) “Community care facility” means any facility, place, or
20 building that is maintained and operated to provide nonmedical
21 residential care, day treatment, adult day care, or foster family
22 agency services for children, adults, or children and adults,
23 including, but not limited to, the physically handicapped, mentally
24 impaired, incompetent persons, and abused or neglected children,
25 and includes the following:

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

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

36 (3) “Therapeutic day services facility” means any facility that
37 provides nonmedical care, counseling, educational or vocational
38 support, or social rehabilitation services on less than a 24-hour
39 basis to persons under 18 years of age who would otherwise be
40 placed in foster care or who are returning to families from foster

1 care. Program standards for these facilities shall be developed by
2 the department, pursuant to Section 1530, in consultation with
3 therapeutic day services and foster care providers.

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

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

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

28 (7) “Social rehabilitation facility” means any residential facility
29 that provides social rehabilitation services for no longer than 18
30 months in a group setting to adults recovering from mental illness
31 who temporarily need assistance, guidance, or counseling. Program
32 components shall be subject to program standards pursuant to
33 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
34 2 of Division 5 of the Welfare and Institutions Code.

35 (8) “Community treatment facility” means any residential
36 facility that provides mental health treatment services to children
37 in a group setting and that has the capacity to provide secure
38 containment. Program components shall be subject to program
39 standards developed and enforced by the State Department of

1 Health Care Services pursuant to Section 4094 of the Welfare and
2 Institutions Code.

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

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

11 (A) Assumes care, custody, and control of a child through
12 relinquishment of the child to the agency or involuntary termination
13 of parental rights to the child.

14 (B) Assesses the birth parents, prospective adoptive parents, or
15 child.

16 (C) Places children for adoption.

17 (D) Supervises adoptive placements.

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

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

29 (A) Assesses the prospective adoptive parents.

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

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

36 Private noncustodial adoption agencies shall be organized and
37 operated on a nonprofit basis. As a condition of licensure to provide
38 intercountry adoption services, a noncustodial adoption agency
39 shall be accredited and in good standing according to Part 96 of
40 Title 22 of the Code of Federal Regulations, or supervised by an

1 accredited primary provider, or acting as an exempted provider,
2 in compliance with Subpart F (commencing with Section 96.29)
3 of Part 96 of Title 22 of the Code of Federal Regulations.

4 (11) “Transitional shelter care facility” means any group care
5 facility that provides for 24-hour nonmedical care of persons in
6 need of personal services, supervision, or assistance essential for
7 sustaining the activities of daily living or for the protection of the
8 individual. Program components shall be subject to program
9 standards developed by the State Department of Social Services
10 pursuant to Section 1502.3.

11 (12) “Transitional housing placement provider” means an
12 organization licensed by the department pursuant to Section
13 1559.110 and Section 16522.1 of the Welfare and Institutions Code
14 to provide transitional housing to foster children at least 16 years
15 of age and not more than 18 years of age, and nonminor
16 dependents, as defined in subdivision (v) of Section 11400 of the
17 Welfare and Institutions Code, to promote their transition to
18 adulthood. A transitional housing placement provider shall be
19 privately operated and organized on a nonprofit basis.

20 (13) “Group home” means a residential facility that provides
21 24-hour care and supervision to children, delivered at least in part
22 by staff employed by the licensee in a structured environment. The
23 care and supervision provided by a group home shall be
24 nonmedical, except as otherwise permitted by law.

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

30 (15) “Enhanced behavioral supports home” means a facility
31 certified by the State Department of Developmental Services
32 pursuant to Article 3.6 (commencing with Section 4684.80) of
33 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
34 and licensed by the State Department of Social Services as an adult
35 residential facility or a group home that provides 24-hour
36 nonmedical care to individuals with developmental disabilities
37 who require enhanced behavioral supports, staffing, and
38 supervision in a homelike setting. An enhanced behavioral supports
39 home shall have a maximum capacity of four consumers, shall
40 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal

1 Regulations, and shall be eligible for federal Medicaid home- and
2 community-based services funding.

3 (16) “Community crisis home” means a facility certified by the
4 State Department of Developmental Services pursuant to Article
5 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
6 of the Welfare and Institutions Code, and licensed by the State
7 Department of Social Services pursuant to Article 9.7 (commencing
8 with Section 1567.80), as an adult residential facility, providing
9 24-hour nonmedical care to individuals with developmental
10 disabilities receiving regional center service, in need of crisis
11 intervention services, and who would otherwise be at risk of
12 admission to the acute crisis center at Fairview Developmental
13 Center, Sonoma Developmental Center, an acute general hospital,
14 acute psychiatric hospital, an institution for mental disease, as
15 described in Part 5 (commencing with Section 5900) of Division
16 5 of the Welfare and Institutions Code, or an out-of-state
17 placement. A community crisis home shall have a maximum
18 capacity of eight consumers, as defined in subdivision (a) of
19 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
20 42 of the Code of Federal Regulations, and shall be eligible for
21 federal Medicaid home- and community-based services funding.

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

27 (18) “Short-term residential treatment center” means a
28 residential facility licensed by the department pursuant to Section
29 1562.01 and operated by any public agency or private organization
30 that provides short-term, specialized, and intensive treatment,
31 ~~including core services as set forth, on and after January 1, 2017,~~
32 ~~in paragraph (1) of subdivision (b) of Section 11462 of the Welfare~~
33 ~~and Institutions Code,~~ and 24-hour care and supervision to children.
34 The care and supervision provided by a short-term residential
35 treatment center shall be nonmedical, except as otherwise permitted
36 by law.

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

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

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

3 1502.4. (a) (1) A community care facility licensed as a group
4 home for children pursuant to this chapter may accept for
5 placement, and provide care and supervision to, a child assessed
6 as seriously emotionally disturbed, as long as the child does not
7 need inpatient care in a licensed health facility.

8 (2) For the purpose of this chapter, the following definitions
9 shall apply:

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

13 (A) "Health facility" has the meaning set forth in Section 1250.

14 (B) "Seriously emotionally disturbed" has the same meaning
15 as that term is used in *subdivision (a) of Section 5600.3 of the*
16 *Welfare and Institutions Code.*

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 11462.01 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, *only* children who have been assessed as
24 seriously emotionally disturbed, by either of the following:

25 (A) An interagency placement committee, as described in
26 Section 4096 of the Welfare and Institutions Code or by a licensed
27 mental health professional, as defined in subdivision (g) of Section
28 4096 of the Welfare and Institutions Code.

29 (B) A licensed mental health professional as defined in
30 subdivision (g) of Section 4096 of the Welfare and Institutions
31 Code if the child is privately placed or only county funded.

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

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

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

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

6 1502.4. (a) A licensed short-term residential treatment center,
7 as defined in paragraph (18) of subdivision (a) of Section 1502,
8 may *only* accept for placement a child who does not require
9 inpatient care in a licensed health facility and who has been
10 assessed pursuant to Section 11462.01 of the Welfare and
11 Institutions Code as meeting the applicable criteria for placement
12 in a short-term residential treatment center.

13 (b) A licensed foster family agency, as defined in paragraph (4)
14 of subdivision (a) of Section 1502, may accept for placement a
15 child who does not require inpatient care in a licensed health
16 *facility facility, as defined in Section 1250*, and who has been
17 assessed pursuant to Section 11462.01 of the Welfare and
18 Institutions Code as meeting the applicable criteria for placement
19 by a foster family agency.

20 (c) For the purposes of this chapter, the following definitions
21 shall apply:

22 ~~(1) “Inpatient care in a licensed health facility” means care and~~
23 ~~supervision at a level greater than incidental medical services as~~
24 ~~specified in Section 1507.~~

25 (1) “*Health facility*” has the meaning set forth in Section 1250.

26 (2) “*Seriously emotionally disturbed*” has the same meaning as
27 that term is used in *subdivision (a) of Section 5600.3 of the Welfare*
28 *and Institutions Code*.

29 (d) The department shall not evaluate, nor have any
30 responsibility or liability with regard to the evaluation of, the
31 mental health treatment services provided pursuant to this ~~section~~
32 ~~and paragraph (3) of subdivision (f) of Section 11462.01 of the~~
33 ~~Welfare and Institutions Code.~~ *section*.

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

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

37 1502.45. (a) (1) Notwithstanding Section 1502.4, a community
38 care facility licensed as a group home for children pursuant to this
39 chapter may *only* accept for placement, and provide care and
40 supervision to, a child assessed as seriously emotionally disturbed

1 as long as the child does not need inpatient care in a licensed health
 2 ~~facility.~~ *facility, as defined in Section 1250.*

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

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

8 (A) “*Health facility*” has the meaning set forth in Section 1250.

9 (B) “*Seriously emotionally disturbed*” has the same meaning
 10 as that term is used in *subdivision (a)* of Section 5600.3 of the
 11 Welfare and Institutions Code.

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

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

20 (A) An interagency placement committee, as described in
 21 Section 4096.1 of the Welfare and Institutions Code or by a
 22 licensed mental health professional, as defined in subdivision (g)
 23 of Section 4096 of the Welfare and Institutions Code.

24 (B) A licensed mental health professional as defined in
 25 subdivision (g) of Section 4096 of the Welfare and Institutions
 26 Code if the child is privately placed or only county funded.

27 (2) The program is certified by the State Department of Health
 28 Care Services, pursuant to Section 4096.55 of the Welfare and
 29 Institutions Code, as a program that provides mental health
 30 treatment services for seriously emotionally disturbed children.

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

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

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

1 (f) This section shall remain in effect only until January 1, ~~2018~~,
2 2019, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, ~~2018~~, 2019, deletes or extends
4 that date.

5 SEC. 10. Section 1506 of the Health and Safety Code is
6 amended to read:

7 1506. (a) (1) Any holder of a valid license issued by the
8 department that authorizes the licensee to engage in foster family
9 agency functions may use only a certified family home that has
10 been certified by that agency or a licensed foster family home
11 approved for this use by the licensing county pursuant to Section
12 1506.5.

13 (2) Any home selected and certified for the reception and care
14 of children by that licensee shall not, during the time it is certified
15 and used only by that agency for these placements or care, be
16 subject to Section 1508. A certified family home may not be
17 concurrently licensed as a foster family home or as any other
18 licensed residential facility.

19 (3) A child with a developmental disability who is placed in a
20 certified family home by a foster family agency that is operating
21 under agreement with the regional center responsible for that child
22 may remain in the certified family home after the age of 18 years.
23 The determination regarding whether and how long he or she may
24 remain as a resident after the age of 18 years shall be made through
25 the agreement of all parties involved, including the resident, the
26 foster parent, the foster family agency social worker, the resident's
27 regional center case manager, and the resident's parent, legal
28 guardian, or conservator, as appropriate. This determination shall
29 include a needs and service plan that contains an assessment of
30 the child's needs to ensure continued compatibility with the other
31 children in placement. The needs and service plan shall be
32 completed no more than six months prior to the child's 18th
33 birthday. The assessment shall be documented and maintained in
34 the child's file with the foster family agency.

35 (b) (1) A foster family agency shall certify to the department
36 that the home has met the department's licensing standards. A
37 foster family agency may require a family home to meet additional
38 standards or be compatible with its treatment approach.

39 (2) The foster family agency shall issue a certificate of approval
40 to the certified family home upon its determination that it has met

1 the standards established by the department and before the
 2 placement of any child in the home. The certificate shall be valid
 3 for a period not to exceed one year. The annual recertification shall
 4 require a certified family home to complete at least 12 hours of
 5 structured applicable training or continuing education. At least
 6 one hour of training during the first six months following initial
 7 certification shall be dedicated to meeting the requirements of
 8 paragraph (1) of subdivision (b) of Section 11174.1 of the Penal
 9 Code.

10 (3) If the agency determines that the home no longer meets the
 11 standards, it shall notify the department and the local placing
 12 agency.

13 (c) As used in this chapter, “certified family home” means a
 14 family residence certified by a licensed foster family agency and
 15 issued a certificate of approval by that agency as meeting licensing
 16 standards, and used only by that foster family agency for
 17 placements.

18 (d) (1) Requirements for social work personnel for a foster
 19 family agency shall be a master’s degree from an accredited or
 20 state-approved graduate school in social work or social welfare,
 21 or equivalent education and experience, as determined by the
 22 department.

23 (2) Persons who possess a master’s degree from an accredited
 24 or state-approved graduate school in any of the following areas,
 25 or equivalent education and experience, as determined by the
 26 department, shall be considered to be qualified to perform social
 27 work activities in a foster family agency:

- 28 (A) Marriage, family, and child counseling.
- 29 (B) Child psychology.
- 30 (C) Child development.
- 31 (D) Counseling psychology.
- 32 (E) Social psychology.
- 33 (F) Clinical psychology.
- 34 (G) Educational psychology, consistent with the scope of
 35 practice as described in Section 4989.14 of the Business and
 36 Professions Code.
- 37 (H) Education, with emphasis on counseling.

38 (e) (1) In addition to the degree specifications in subdivision
 39 (d), all of the following coursework and field practice or
 40 experience, as defined in departmental regulations, shall be required

1 of all new hires for the position of social work personnel effective
2 January 1, 1995:

3 (A) At least three semester units of field practice at the master's
4 level or six months' full-time equivalent experience in a public or
5 private social service agency setting.

6 (B) At least nine semester units of coursework related to human
7 development or human behavior, or, within the first year of
8 employment, experience working with children and families as a
9 major responsibility of the position under the supervision of a
10 supervising social worker.

11 (C) At least three semester units in working with minority
12 populations or six months of experience in working with minority
13 populations or training in cultural competency and working with
14 minority populations within the first six months of employment
15 as a condition of employment.

16 (D) At least three semester units in child welfare or at least six
17 months of experience in a public or private child welfare social
18 services setting for a nonsupervisory social worker. A supervising
19 social worker shall have two years' experience in a public or private
20 child welfare social services setting.

21 (2) (A) Persons who do not meet the requirements specified in
22 subdivision (d) or (e) may apply for an exception as provided for
23 in subdivisions (f) and (g).

24 (B) Exceptions granted by the department prior to January 1,
25 1995, shall remain in effect.

26 (3) (A) Persons who are hired as social work personnel on or
27 after January 1, 1995, who do not meet the requirements listed in
28 this subdivision shall be required to successfully meet those
29 requirements in order to be employed as social work personnel in
30 a foster family agency.

31 (B) Employees who were hired prior to January 1, 1995, shall
32 not be required to meet the requirements of this subdivision in
33 order to remain employed as social work personnel in a foster
34 family agency.

35 (4) Coursework and field practice or experience completed to
36 fulfill the degree requirements of subdivision (d) may be used to
37 satisfy the requirements of this subdivision.

38 (f) Individuals seeking an exception to the requirements of
39 subdivision (d) or (e) based on completion of equivalent education

1 and experience shall apply to the department by the process
2 established by the department.

3 (g) The department shall be required to complete the process
4 for the exception to minimum education and experience
5 requirements described in subdivisions (d) and (e) within 30 days
6 of receiving the exception application of social work personnel or
7 supervising social worker qualifications from the foster family
8 agency.

9 (h) The department shall review the feasibility of instituting a
10 licensure category to cover foster homes that are established
11 specifically to care for and supervise adults with developmental
12 disabilities, as defined in subdivision (a) of Section 4512 of the
13 Welfare and Institutions Code, to prevent the institutionalization
14 of those individuals.

15 (i) For purposes of this section, “social work personnel” means
16 supervising social workers as well as nonsupervisory social
17 workers.

18 SEC. 11. Section 1506.1 is added to the Health and Safety
19 Code, to read:

20 1506.1. (a) A foster family agency shall prepare and maintain
21 a current, written plan of operation as required by the department.

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

27 (2) Notwithstanding paragraph (1), the department may issue a
28 provisional license to a foster family agency and may extend the
29 term of the provisional license in order for the foster family agency
30 to secure accreditation as set forth in subdivision (c) of Section
31 1525.5.

32 (c) (1) On and after January 1, 2017, a foster family agency’s
33 plan of operation shall demonstrate the foster family agency’s
34 ability to support the differing needs of children and their families.

35 (2) *On and after January 1, 2017, a foster family agency’s plan*
36 *of operation shall contain a plan for the supervision, evaluation,*
37 *and training of staff. The training plan shall be appropriate to*
38 *meet the needs of children, and it shall be consistent with the*
39 *training provided to resource families as set forth in Section*
40 *16519.5 of the Welfare and Institutions Code.*

1 ~~(2)~~

2 (3) In addition to complying with the rules and regulations
3 adopted pursuant to this chapter, *on and after January 1, 2017*, a
4 foster family agency’s plan of operation shall include a program
5 statement. The program statement shall contain a description of
6 all of the following:

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

12 (B) The treatment practices that will be used in serving children
13 and families.

14 (C) ~~A~~ *The procedures for the development, implementation,*
15 *and periodic updating of the needs and services plan for children*
16 *placed with the foster family agency or served by the foster family*
17 *agency, and procedures for collaborating with the child and family*
18 *team as described in paragraph (4) of subdivision (a) of Section*
19 *16501 of the Welfare and Institutions Code, that includes, but is*
20 *not limited to, a description of the services to be provided to meet*
21 *the treatment needs of the child as children assessed pursuant to*
22 *subdivision (d) or (e) of Section 11462.01 of the Welfare and*
23 *Institutions Code.*

24 (D) How the foster family agency will comply with the resource
25 family approval standards and requirements, as set forth in Section
26 16519.5 of the Welfare and Institutions Code.

27 (E) *A description of the population or populations to be served.*

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

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

36 (e) The foster family agency’s plan of operation shall
37 demonstrate the foster family agency’s ability to provide treatment
38 services to meet the individual needs of children placed in licensed,
39 approved, or certified relative and nonrelative foster families, as
40 specified in Section 11402 of the Welfare and Institutions Code.

1 (f) The department shall have the authority to inspect a foster
 2 family agency pursuant to the system of governmental monitoring
 3 and oversight developed by the department on and after January
 4 1, 2017, pursuant to subdivision (c) of Section 11463 of the
 5 Welfare and Institutions Code.

6 ~~(g) (1) Upon request of a county, a foster family agency shall~~
 7 ~~submit its plan of operation to the county which it will primarily~~
 8 ~~serve. The county may review the plan of operation to determine~~
 9 ~~whether to issue a certification of all of the following:~~

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

11 ~~(B) The provider is capable of effectively and efficiently~~
 12 ~~operating the program.~~

13 ~~(C) The provider is willing and able to accept placements who~~
 14 ~~need the level of care and services that will be provided by the~~
 15 ~~program.~~

16 ~~(D) The plan of operation is suitable to meet the needs of the~~
 17 ~~identified population.~~

18 ~~(2)~~

19 (g) The department shall establish procedures for certification
 20 pursuant to paragraph (1), a county review process, at the county's
 21 option, for foster family agencies, which may include the review
 22 of the foster family agency's program statement, and which shall
 23 be established in consultation with the County Welfare Directors
 24 Association of California, Chief Probation Officers of California,
 25 and stakeholders, as appropriate.

26 SEC. 12. Section 1507.25 of the Health and Safety Code is
 27 amended to read:

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

35 (2) The following individuals shall be authorized to administer
 36 emergency medical assistance and injections in accordance with
 37 this subdivision:

38 (A) A relative caregiver.

39 (B) A nonrelative extended family member.

40 (C) A foster family home parent.

- 1 (D) A member of a resource family, as defined in subdivision
- 2 (c) of Section 16519.5 of the Welfare and Institutions Code.
- 3 (E) A small family home parent.
- 4 (F) A certified parent of a foster family agency.
- 5 (G) A substitute caregiver of a foster family home or a certified
- 6 family home.
- 7 (H) A staff member of a small family home or a group home
- 8 who provides direct care and supervision to children and youth
- 9 residing in the small family home or group home.
- 10 (I) A staff member of a short-term residential treatment center
- 11 who provides direct care and supervision to children and youth
- 12 residing in the short-term residential treatment center.
- 13 (3) The licensed health care professional shall periodically
- 14 review, correct, or update training provided pursuant to this section
- 15 as he or she deems necessary and appropriate.
- 16 (b) (1) Notwithstanding any other law, a person described in
- 17 paragraph (2), who is not a licensed health care professional, but
- 18 who is trained to administer injections by a licensed health care
- 19 professional practicing within his or her scope of practice, may
- 20 administer subcutaneous injections of other medications, including
- 21 insulin, as prescribed by the child's physician, to a foster child in
- 22 placement.
- 23 (2) The following individuals shall be authorized to give
- 24 prescribed injections including insulin in accordance with this
- 25 subdivision:
- 26 (A) A relative caregiver.
- 27 (B) A nonrelative extended family member.
- 28 (C) A foster family home parent.
- 29 (D) A member of a resource family, as defined in subdivision
- 30 (c) of Section 16519.5 of the Welfare and Institutions Code.
- 31 (E) A small family home parent.
- 32 (F) A certified parent of a foster family agency.
- 33 (G) In the absence of a foster parent, a designated substitute
- 34 caregiver in a foster family home or a certified family home.
- 35 (H) A direct care staff member of a short-term residential
- 36 treatment center who provides direct care and supervision to
- 37 children and youth residing in the short-term residential treatment
- 38 center.

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

4 (c) For purposes of this section, administration of an insulin
5 injection shall include all necessary supportive activities related
6 to the preparation and administration of the injection, including
7 glucose testing and monitoring.

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

14 (e) This section does not supersede the requirements of Section
15 369.5 of the Welfare and Institutions Code, with respect to the
16 administration of psychotropic medication to a dependent child of
17 the court.

18 SEC. 13. Section 1517 is added to the Health and Safety Code,
19 to read:

20 1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5
21 of the Welfare and Institutions Code, the State Department of
22 Social Services, shall implement a unified, family friendly, and
23 child-centered resource family approval process to replace the
24 existing multiple processes for licensing foster family homes,
25 approving relatives and nonrelative extended family members as
26 foster care providers, and approving adoptive families.

27 (2) For purposes of this section, a “resource family” means an
28 individual or couple that ~~have~~ *has* successfully met both the home
29 environment assessment and the permanency assessment criteria,
30 as set forth in Section 16519.5 of the Welfare and Institutions
31 Code, necessary for providing care for a related or unrelated child
32 who is under the jurisdiction of the juvenile court, or otherwise in
33 the care of a county child welfare agency or probation department.

34 (b) A foster family agency that is selected and authorized to
35 participate in early implementation of the resource family approval
36 program, pursuant to subdivision (t) of Section 16519.5 of the
37 Welfare and Institutions Code, shall comply with the provisions
38 of this section.

39 (1) Notwithstanding any other law, the foster family agency
40 shall require its applicants and resource families to meet the

1 resource family approval standards set forth in Section 16519.5
2 of the Welfare and Institutions Code, the written directives adopted
3 thereto, and other applicable laws prior to approval and in order
4 to maintain approval.

5 (2) The foster family agency shall be responsible for all of the
6 following:

7 (A) Complying with the applicable provisions of ~~the Community~~
8 ~~Care Facilities Act (commencing with Section 1500); this chapter,~~
9 the regulations for foster family agencies, the resource family
10 approval standards and requirements set forth in Section 16519.5
11 of the Welfare and Institutions Code, and the applicable written
12 directives adopted thereto as directed by the department.

13 (B) Implementing the requirements for the ~~home approval and~~
14 ~~permanency assessment~~ *resource family approval* and utilizing
15 standardized documentation established by the department.

16 (C) Ensuring staff have the education and experience necessary
17 to complete the home environment and ~~permanency~~ *psychosocial*
18 assessments competently.

19 (D) *Taking the following actions, as applicable:*

20 ~~(D)~~

21 (i) ~~Approving and or denying resource family applications,~~
22 ~~including all of the following:~~ *applications.*

23 ~~(i)~~

24 (ii) ~~Rescinding resource family approvals when appropriate,~~
25 ~~consistent with the established standard.~~ *of resource families.*

26 ~~(ii)~~

27 (E) Providing to the department a log of resource families that
28 were approved or rescinded during the month by the 10th day of
29 the following month. For purposes of subdivision (d) of Section
30 1536, a certified family home includes a resource family approved
31 by the foster family agency pursuant to this section.

32 ~~(iii)~~

33 (F) Updating resource family approval annually.

34 ~~(E)~~

35 (G) Monitoring resource families through all of the following:

36 (i) Ensuring that social workers who identify a condition in the
37 home that may not meet the resource family approval standards
38 while in the course of a routine visit to children subsequently
39 placed with a resource family take appropriate action as needed.

- 1 (ii) Requiring resource families to comply with corrective action
- 2 plans as necessary to correct identified deficiencies. If corrective
- 3 action is not completed as specified in the plan, the foster family
- 4 agency or the department may rescind the approval of the resource
- 5 family in accordance with the written directives adopted pursuant
- 6 to Section 16519.5 of the Welfare and Institutions Code.
- 7 (iii) Requiring resource families to report to the foster family
- 8 agency any incidents as specified in the written directives adopted
- 9 pursuant to Section 16519.5 of the Welfare and Institutions Code.
- 10 ~~(F)~~
- 11 (H) Performing corrective action as required by the department.
- 12 ~~(G)~~
- 13 (I) Submitting information and data that the department
- 14 determines is necessary to study, monitor, and prepare the report
- 15 specified in paragraph (9) of subdivision (f) of Section 16519.5 of
- 16 the Welfare and Institutions Code.
- 17 ~~(H)~~
- 18 (J) Ensuring resource family applicants and resource families
- 19 meet the training requirements set forth in paragraphs (12) to (14),
- 20 inclusive, of subdivisions (g) and (h) of Section 16519.5 of the
- 21 Welfare and Institutions Code.
- 22 ~~(3)~~
- 23 (c) In addition to subdivision (f) of Section 16519.5 of the
- 24 Welfare and Institutions Code, the State Department of Social
- 25 Services shall be responsible for ~~investigating~~ *all of the following:*
- 26 (1) *Investigating* all complaints against a resource family
- 27 approved by ~~the~~ a foster family agency and taking any action it
- 28 deems necessary. This shall include investigating any incidents
- 29 reported about a resource family indicating that the approval
- 30 standard is not being maintained. Complaint investigations shall
- 31 be conducted in accordance with the written directives adopted
- 32 pursuant to Section 16519.5 of the Welfare and Institutions Code.
- 33 (2) *Rescinding approvals of a resource family approved by a*
- 34 *foster family agency.*
- 35 (3) *Excluding a resource family parent or other individual from*
- 36 *presence in a resource family home or licensed community care*
- 37 *facility, from being a member of the board of directors, an*
- 38 *executive director, or an officer of a licensed community care*
- 39 *facility, or prohibiting a licensed community care facility from*

1 *employing the resource family parent or other individual, if*
2 *appropriate.*

3 (4) *Issuing a temporary suspension order that suspends the*
4 *resource family approval prior to a hearing, when urgent action*
5 *is needed to protect a child or nonminor dependent from physical*
6 *or mental abuse, abandonment, or any other substantial threat to*
7 *health or safety.*

8 ~~(A)~~

9 (d) The department may enter and inspect the home of a resource
10 family approved by ~~the~~ a foster family agency to secure compliance
11 with the resource family approval standards, investigate a
12 complaint or incident, or ensure the quality of care provided.

13 ~~(4)~~

14 (e) Nothing in this section or Section 16519.5 of the Welfare
15 and Institutions Code limits the authority of the department to
16 inspect, evaluate, investigate a complaint or incident, or initiate a
17 disciplinary action against a foster family agency pursuant to this
18 chapter or to take any action it may deem necessary for the health
19 and safety of children placed with the foster family agency.

20 ~~(e)~~

21 (f) For purposes of paragraph (3) of subdivision (b) of Section
22 1523.1, a certified family home includes a resource family
23 approved by ~~the~~ a foster family agency pursuant to this section.

24 ~~(d)~~

25 (g) (1) On and after January 1, 2017, all licensed foster family
26 agencies shall approve resource families in lieu of certifying foster
27 homes. A foster family agency shall require its applicants and
28 resource families to meet the *resource family* approval standards
29 and requirements set forth in Section 16519.5 of the Welfare and
30 Institutions Code, the written directives adopted thereto, and other
31 applicable laws prior to approval and in order to maintain approval.

32 (2) No later than July 1, 2017, each foster family agency shall
33 provide the following information to all certified family homes:

34 (A) A detailed description of the resource family approval
35 program.

36 (B) Notification that, in order to care for a foster child, resource
37 family approval is required by December 31, 2019.

38 (C) Notification that a certificate of approval shall be forfeited
39 by operation of law as provided for in paragraph ~~(4)~~: (5).

1 (3) By no later than January 1, 2018, the following shall apply
2 to all certified family homes:

3 (A) A certified family home with an approved adoptive home
4 study, completed prior to January 1, 2018, shall be deemed to be
5 an approved resource family.

6 (B) A certified family home that had a child in placement ~~at~~
7 ~~any time~~, for any length of time, between January 1, 2017, and
8 December 31, 2017, inclusive, may be approved as a resource
9 family on the date of successful completion of a psychosocial
10 assessment pursuant to subparagraph (B) of paragraph (2) of
11 subdivision (d) of Section 16519.5 of the Welfare and Institutions
12 Code.

13 (4) ~~A county shall~~ *foster family agency* may provide supportive
14 services to all certified family homes with a child in placement to
15 assist with the resource family transition and to minimize
16 placement disruptions.

17 (5) All certificates of approval shall be forfeited by operation
18 of law on December 31, 2019, except as provided in this paragraph:

19 (A) A certified family home that did not have a child in
20 placement ~~at~~ *for any length of time* between January 1, 2017, and
21 December 31, 2017, inclusive, shall forfeit by operation of law its
22 certificate of approval on January 1, 2018.

23 (B) For a certified family home with a pending resource family
24 application on December 31, 2019, the certificate of approval shall
25 be forfeited by operation of law on the date of approval as a
26 resource family. If approval is denied, forfeiture by operation of
27 law shall occur on the date of completion of any proceedings
28 required by law to ensure due process.

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

31 1520.1. In addition to Section 1520, applicants for a group
32 home or short-term residential treatment center license shall meet
33 the following requirements:

34 (a) (1) During the first 12 months of operation, the facility shall
35 operate with a provisional license. After eight months of operation,
36 the department shall conduct a comprehensive review of the facility
37 for compliance with all applicable laws and regulations and help
38 develop a plan of correction with the provisional licensee, if
39 appropriate. By the end of the 12th month of operation, the

1 department shall determine if the permanent license should be
2 issued.

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

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

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

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

19 (4) At the time of its review pursuant to paragraph (3), the
20 department may extend the term of a provisional license for a
21 period not to exceed two years, only if it determines that this
22 additional time period is required to secure accreditation from an
23 entity identified by the department pursuant to the process
24 described in paragraph (5) of subdivision (b) of Section 11462 *of*
25 *the* Welfare and Institutions Code and provided that all other
26 requirements for a license have been met.

27 (5) The department may deny a group home or short-term
28 residential treatment center license application at any time during
29 the term of the provisional license to protect the health and safety
30 of clients. If the department denies the application, the group home
31 or short-term residential treatment center shall cease operation
32 immediately. Continued operation of the facility after the
33 department denies the application or the provisional license expires
34 shall constitute unlicensed operation.

35 (6) When the department notifies a city or county planning
36 authority pursuant to subdivision (c) of Section 1520.5, the
37 department shall briefly describe the provisional licensing process
38 and the timelines provided for under that process, as well as provide
39 the name, address, and telephone number of the district office
40 licensing the facility where a complaint or comment about the

1 group home’s or short-term residential treatment center’s operation
2 may be filed.

3 (b) (1) After the production of the booklet provided for in
4 paragraph (2), every member of the group home’s board of
5 directors or governing body and every member of a short-term
6 residential treatment center’s board of directors or governing body
7 shall, prior to becoming a member of the board of directors or
8 governing body sign a statement that he or she understands his or
9 her legal duties and obligations as a member of the board of
10 directors or governing body and that the group home’s or
11 short-term residential treatment center’s operation is governed by
12 laws and regulations that are enforced by the department, as set
13 forth in the booklet. The applicant, provisional licensee, and
14 licensee shall have this statement available for inspection by the
15 department. For members of the board of directors or governing
16 body when the booklet is produced, the licensee shall obtain this
17 statement by the next scheduled meeting of the board of directors
18 or governing body. Compliance with this paragraph shall be a
19 condition of licensure.

20 (2) The department shall distribute to every group home provider
21 and short-term residential treatment center provider, respectively,
22 detailed information designed to educate members of the group
23 home provider’s or short-term residential treatment center
24 provider’s board of directors or governing body of their roles and
25 responsibilities as members of a public benefit corporation under
26 the laws of this state. The information shall be included in a
27 booklet, may be revised as deemed necessary by the department,
28 and shall include, but not be limited to, all of the following:

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

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

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

36 (D) A general overview of the laws and regulations governing
37 the group home’s or short-term residential treatment center’s
38 operation that are enforced by the department.

39 (c) All financial records submitted by a facility to the
40 department, or that are submitted as part of an audit of the facility,

1 including, but not limited to, employee timecards and timesheets,
2 shall be signed and dated by the employee and by the group home
3 representative or short-term residential treatment center
4 representative who is responsible for ensuring the accuracy of the
5 information contained in the record, *or when a time clock is used,*
6 *the payroll register shall be signed and dated,* and those financial
7 records shall contain an affirmative statement that the signatories
8 understand that the information contained in the document is
9 correct to the best of their knowledge and that submission of false
10 or misleading information may be prosecuted as a crime.

11 (d) An applicant, provisional licensee, or licensee shall maintain,
12 submit, and sign financial documents to verify the legitimacy and
13 accuracy of these documents. These documents include, but are
14 not limited to, the group home or short-term residential treatment
15 center application, any financial documents and plans of corrections
16 submitted to the department, and time sheets.

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

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

- 24 (A) A member of the facility's board of directors.
- 25 (B) Members of the community where the facility is located.
- 26 (C) Neighbors of the facility.
- 27 (D) Current or former clients of the facility.
- 28 (E) A representative from a local law enforcement or other city
29 or county representative.

30 (f) Each group home or short-term residential treatment center
31 provider shall schedule and conduct quarterly meetings of its board
32 of directors or governing body. During these quarterly meetings,
33 the board of directors or governing body shall review and discuss
34 licensing reports, financial and program audit reports of its group
35 home or short-term residential treatment center operations, special
36 incident reports, and any administrative action against the licensee
37 or its employees. The minutes shall reflect the board's or governing
38 body's discussion of these documents and the group home's or
39 short-term residential treatment center's operation. The licensee
40 shall make available the minutes of group home's or short-term

1 residential treatment center’s board of directors or governing body
2 meetings to the department.

3 *SEC. 15. Section 1520.5 of the Health and Safety Code is*
4 *amended to read:*

5 1520.5. (a) The Legislature hereby declares it to be the policy
6 of the state to prevent overconcentrations of residential-care
7 facilities that impair the integrity of residential neighborhoods.
8 Therefore, the ~~director~~ *department* shall deny an application for a
9 new residential-care facility license if the ~~director~~ *department*
10 determines that the location is in a proximity to an existing
11 residential-care facility that would result in overconcentration.

12 (b) As used in this section, “overconcentration” means that if a
13 new license is issued, there will be residential-care facilities that
14 are separated by a distance of 300 feet or less, as measured from
15 any point upon the outside walls of the structures housing those
16 facilities. Based on special local needs and conditions, the ~~director~~
17 *department* may approve a separation distance of less than 300
18 feet with the approval of the city or county in which the proposed
19 facility will be located.

20 (c) At least 45 days prior to approving any application for a new
21 residential-care facility, the ~~director~~, *department*, or county
22 licensing agency, shall notify, in writing, the planning agency of
23 the city, if the facility is to be located in the city, or the planning
24 agency of the county, if the facility is to be located in an
25 unincorporated area, of the proposed location of the facility.

26 (d) Any city or county may request denial of the license applied
27 for on the basis of overconcentration of residential-care facilities.

28 (e) Nothing in this section authorizes the ~~director~~, *department*,
29 on the basis of overconcentration, to refuse to grant a license upon
30 a change of ownership of an existing residential-care facility ~~where~~
31 *when* there is no change in the location of the facility.

32 (f) Foster family homes and residential-care facilities for the
33 elderly shall not be considered in determining overconcentration
34 of residential-care facilities, and license applications for those
35 facilities shall not be denied upon the basis of overconcentration.

36 (g) ~~Any transitional~~ *Transitional* shelter care facility ~~as defined~~
37 ~~in paragraph (11) of subdivision (a) of Section 1502~~ *facilities and*
38 *temporary shelter care facilities* shall not be considered in
39 determining overconcentration of residential-care facilities, and

1 license applications for those facilities shall not be denied upon
2 the basis of overconcentration.

3 ~~SEC. 15.~~

4 *SEC. 16.* Section 1522.2 of the Health and Safety Code is
5 amended to read:

6 1522.2. If a local law enforcement agency, a probation officer,
7 or a local department or agency that provides social services
8 becomes aware that an employee of a community treatment facility,
9 a day treatment facility, a group home, a short-term residential
10 treatment center, or a foster family agency has been arrested for
11 child abuse, as defined in Section 11165.6 of the Penal Code, after
12 determining that the potential for abuse is present and that the
13 employee is free to return to the facility where children are present,
14 the local law enforcement agency, probation officer, or local
15 department or agency shall notify the licensee of the charge of
16 abuse.

17 ~~SEC. 16.~~

18 *SEC. 17.* Section 1522.4 of the Health and Safety Code is
19 amended to read:

20 1522.4. (a) In addition to any other requirements of this chapter
21 and except for foster family homes, small family homes, and
22 certified family homes of foster family agencies, all of the
23 following apply to any community care facility providing 24-hour
24 care for children:

25 (1) The facility shall have one or more facility managers.
26 “Facility manager,” as used in this section, means a person on the
27 premises with the authority and responsibility necessary to manage
28 and control the day-to-day operation of a community care facility
29 and supervise the clients. The facility manager, licensee, and
30 administrator, or any combination thereof, may be the same person
31 provided he or she meets all applicable requirements. If the
32 administrator is also the facility manager for the same facility, this
33 person shall be limited to the administration and management of
34 only one facility.

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

38 (3) A facility manager shall be at the facility at all times when
39 one or more clients are present. To ensure adequate supervision
40 of clients when clients are at the facility outside of their normal

1 schedule, a current telephone number where the facility manager
 2 can be reached shall be provided to the clients, licensing agency,
 3 school, and any other agency or person as the department
 4 determines is necessary. The facility manager shall instruct these
 5 agencies and individuals to notify him or her when clients will be
 6 returning to the facility outside of the normal hours.

7 (4) The Legislature intends to upgrade the quality of care in
 8 licensed facilities. For the purposes of Sections 1533 and 1534,
 9 the licensed facility shall be inspected and evaluated for quality
 10 of care at least once each year, without advance notice and as often
 11 as necessary, without advance notice, to ensure the quality of care
 12 being provided.

13 Paragraphs (1), (2), and (3) shall apply only to new facilities
 14 licensed for six or fewer children which apply for a license after
 15 January 1, 1985, and all other new facilities licensed for seven or
 16 more children which apply for a license after January 1, 1988.
 17 Existing facilities licensed for seven or more children shall comply
 18 by January 1, 1989.

19 (b) No employee of the state or county employed in the
 20 administration of this chapter or employed in a position that is in
 21 any way concerned with facilities licensed under this chapter shall
 22 hold a license or have a direct or indirect financial interest in a
 23 facility described in subdivision (a).

24 The department, by regulation, shall make the determination
 25 pursuant to the purposes of this section and chapter, as to what
 26 employment is in the administration of this chapter or in any way
 27 concerned with facilities licensed under this chapter and what
 28 financial interest is direct or indirect.

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

32 (c) (1) No group home, short-term residential treatment center,
 33 or foster family agency licensee, or employee, member of the board
 34 of directors, or officer of a group home, short-term residential
 35 treatment center, or foster family agency licensee, shall offer gifts
 36 or other remuneration of any type to any employee of the State
 37 Department of Social Services or placement agency that exceeds
 38 the monetary limits for gifts to employees of the State of California
 39 pursuant to Title 9 (commencing with Section 81000) of the

1 Government Code and regulations adopted thereunder by the Fair
2 Political Practices Commission.

3 (2) No employee of the department or a placement agency shall
4 accept any gift or other remuneration of any type from a group
5 home, short-term residential treatment center, or foster family
6 agency licensee or employee, member of the board of directors,
7 or officer of a group home, short-term residential treatment center,
8 or foster family agency licensee that exceeds the monetary limits
9 for gifts to employees of the State of California in Title 9
10 (commencing with Section 81000) of the Government Code and
11 regulations adopted thereunder by the Fair Political Practices
12 Commission.

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

14 ~~SEC. 17:~~

15 *SEC. 18.* Section 1522.41 of the Health and Safety Code is
16 amended to read:

17 1522.41. (a) (1) The department, in consultation and
18 collaboration with county placement officials, group home provider
19 organizations, the Director of Health Care Services, and the
20 Director of Developmental Services, shall develop and establish
21 an administrator certification training program to ensure that
22 administrators of group home facilities have appropriate training
23 to provide the care and services for which a license or certificate
24 is issued.

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

30 (b) (1) In addition to any other requirements or qualifications
31 required by the department, an administrator of a group home or
32 short-term residential treatment center shall successfully complete
33 a specified department-approved training certification program,
34 pursuant to subdivision (c), prior to employment.

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

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

- 1 (4) The licensee shall notify the department within 10 days of
 2 any change in administrators.
- 3 (c) (1) The administrator certification programs for group homes
 4 shall require a minimum of 40 hours of classroom instruction that
 5 provides training on a uniform core of knowledge in each of the
 6 following areas:
- 7 (A) Laws, regulations, and policies and procedural standards
 - 8 that impact the operations of the type of facility for which the
 - 9 applicant will be an administrator.
 - 10 (B) Business operations.
 - 11 (C) Management and supervision of staff.
 - 12 (D) Psychosocial and educational needs of the facility residents.
 - 13 (E) Community and support services.
 - 14 (F) Physical needs ~~for~~ of facility residents.
 - 15 (G) Assistance with self-administration, storage, misuse, and
 - 16 interaction of medication used by facility residents.
 - 17 (H) Resident admission, retention, and assessment procedures,
 - 18 including the right of a foster child to have fair and equal access
 - 19 to all available services, placement, care, treatment, and benefits,
 - 20 and to not be subjected to discrimination or harassment on the
 - 21 basis of actual or perceived race, ethnic group identification,
 - 22 ancestry, national origin, color, religion, sex, sexual orientation,
 - 23 gender identity, mental or physical disability, or HIV status.
 - 24 (I) Instruction on cultural competency and sensitivity ~~relating~~
 - 25 ~~to,~~ and *related* best practices ~~for,~~ for providing adequate care ~~to~~
 - 26 *for children across diverse ethnic and racial backgrounds, as well*
 - 27 *as children identifying as lesbian, gay, bisexual, and transgender*
 - 28 ~~youth in out-of-home care. or transgender.~~
 - 29 (J) Nonviolent emergency intervention and reporting
 - 30 requirements.
 - 31 (K) Basic instruction on the existing laws and procedures
 - 32 regarding the safety of foster youth at school and the ensuring of
 - 33 a harassment- and violence-free school environment contained in
 - 34 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
 - 35 19 of Division 1 of Title 1 of the Education Code.
- 36 (2) The administrator certification programs for short-term
 37 residential treatment centers shall require a minimum of 40 hours
 38 of classroom instruction that provides training on a uniform core
 39 of knowledge in each of the following areas:

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

4 (B) Business operations and management and supervision of
5 staff, including staff training.

6 (C) Physical and psychosocial needs of the children, including
7 behavior management, de-escalation techniques, and trauma
8 informed crisis management planning.

9 (D) Permanence, well-being, and educational needs of the
10 children.

11 (E) Community and support services, including accessing local
12 behavioral and mental health supports and interventions, *substance*
13 *use disorder treatments*, and culturally relevant services, as
14 appropriate.

15 (F) ~~(i) Authorization, *Understanding the requirements and best*~~
16 ~~*practices regarding psychotropic medications, including, but not*~~
17 ~~*limited to, court authorization, uses, benefits, side effects,*~~
18 ~~*interactions, assistance with self-administration, misuse,*~~
19 ~~*documentation, and storage of medications.*~~

20 ~~(ii) *Metabolic storage, and metabolic* monitoring of children~~
21 ~~prescribed psychotropic medications.~~

22 (G) Admission, retention, and assessment procedures, including
23 the right of a foster child to have fair and equal access to all
24 available services, placement, care, treatment, and benefits, and
25 to not be subjected to discrimination or harassment on the basis
26 of actual or perceived race, ethnic group identification, ancestry,
27 national origin, color, religion, sex, sexual orientation, gender
28 identity, mental or physical disability, or HIV status.

29 (H) *The federal Indian Child Welfare Act (25 U.S.C Sec. 1901*
30 *et seq.), its historical significance, the rights of children covered*
31 *by the act, and the best interests of Indian children as including*
32 *culturally appropriate, child-centered practices that respect Native*
33 *American history, culture, retention of tribal membership, and*
34 *connection to the tribal community and traditions.*

35 (H)

36 (I) Instruction on cultural competency and sensitivity and related
37 best practices for providing adequate care for children across
38 diverse ethnic and racial backgrounds, as well as children
39 identifying as lesbian, gay, bisexual, or transgender.

40 (I)

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

3 ~~(J)~~

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

9 (d) Administrators who possess a valid group home license,
10 issued by the department, are exempt from completing an approved
11 initial certification training program and taking a written test,
12 provided the individual completes 12 hours of classroom instruction
13 in the following uniform core of knowledge areas:

14 (1) Laws, regulations, and policies and procedural standards
15 that impact the operations of a short-term residential treatment
16 center.

17 (2) (A) Authorization, uses, benefits, side effects, interactions,
18 assistance with self-administration, misuse, documentation, and
19 storage of medications.

20 (B) Metabolic monitoring of children prescribed psychotropic
21 medications.

22 (3) Admission, retention, and assessment procedures, including
23 the right of a foster child to have fair and equal access to all
24 available services, placement, care, treatment, and benefits, and
25 to not be subjected to discrimination or harassment on the basis
26 of actual or perceived race, ethnic group identification, ancestry,
27 national origin, color, religion, sex, sexual orientation, gender
28 identity, mental or physical disability, or HIV status.

29 (4) *The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901*
30 *et seq.), its historical significance, the rights of children covered*
31 *by the act, and the best interests of Indian children as including*
32 *culturally appropriate, child-centered practices that respect Native*
33 *American history, culture, retention of tribal membership, and*
34 *connection to the tribal community and traditions.*

35 ~~(4)~~

36 (5) Instruction on cultural competency and sensitivity and related
37 best practices for providing adequate care for children across
38 diverse ethnic and racial backgrounds, as well as children
39 identifying as lesbian, gay, bisexual, or transgender.

40 ~~(5)~~

1 (6) Physical and psychosocial needs of the children, including
2 behavior management, ~~de-escalation~~ *deescalation* techniques, and
3 trauma informed crisis management planning.

4 (e) Individuals applying for administrator certification under
5 this section shall successfully complete an approved administrator
6 certification training program, pass a written test administered by
7 the department within 60 days of completing the program, and
8 submit to the department the documentation required by
9 subdivision (f) within 30 days after being notified of having passed
10 the test. The department may extend these time deadlines for good
11 cause. The department shall notify the applicant of his or her test
12 results within 30 days of administering the test.

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

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

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

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

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

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

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

31 (h) (1) Certificates issued under this section shall be renewed
32 every two years and renewal shall be conditional upon the
33 certificate holder submitting documentation of completion of 40
34 hours of continuing education related to the core of knowledge
35 specified in subdivision (c). No more than one-half of the required
36 40 hours of continuing education necessary to renew the certificate
37 may be satisfied through online courses. All other continuing
38 education hours shall be completed in a classroom setting. For
39 purposes of this section, an individual who is a group home or
40 short-term residential treatment center administrator and who is

1 required to complete the continuing education hours required by
2 the regulations of the State Department of Developmental Services,
3 and approved by the regional center, may have up to 24 of the
4 required continuing education course hours credited toward the
5 40-hour continuing education requirement of this section. The
6 department shall accept for certification, community college course
7 hours approved by the regional centers.

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

11 (3) Certificates issued under this section shall expire every two
12 years on the anniversary date of the initial issuance of the
13 certificate, except that any administrator receiving his or her initial
14 certification on or after July 1, 1999, shall make an irrevocable
15 election to have his or her recertification date for any subsequent
16 recertification either on the date two years from the date of issuance
17 of the certificate or on the individual's birthday during the second
18 calendar year following certification. The department shall send
19 a renewal notice to the certificate holder 90 days prior to the
20 expiration date of the certificate. If the certificate is not renewed
21 prior to its expiration date, reinstatement shall only be permitted
22 after the certificate holder has paid a delinquency fee equal to three
23 times the renewal fee and has provided evidence of completion of
24 the continuing education required.

25 (4) To renew a certificate, the certificate holder shall, on or
26 before the certificate expiration date, request renewal by submitting
27 to the department documentation of completion of the required
28 continuing education courses and pay the renewal fee of one
29 hundred dollars (\$100), irrespective of receipt of the department's
30 notification of the renewal. A renewal request postmarked on or
31 before the expiration of the certificate shall be proof of compliance
32 with this paragraph.

33 (5) A suspended or revoked certificate shall be subject to
34 expiration as provided for in this section. If reinstatement of the
35 certificate is approved by the department, the certificate holder,
36 as a condition precedent to reinstatement, shall submit proof of
37 compliance with paragraphs (1) and (2) of this subdivision, and
38 shall pay a fee in an amount equal to the renewal fee, plus the
39 delinquency fee, if any, accrued at the time of its revocation or
40 suspension. Delinquency fees, if any, accrued subsequent to the

1 time of its revocation or suspension and prior to an order for
2 reinstatement, shall be waived for a period of 12 months to allow
3 the individual sufficient time to complete the required continuing
4 education units and to submit the required documentation.
5 Individuals whose certificates will expire within 90 days after the
6 order for reinstatement may be granted a three-month extension
7 to renew their certificates during which time the delinquency fees
8 shall not accrue.

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

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

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

20 (i) Unless otherwise ordered by the department, the certificate
21 shall be considered forfeited under either of the following
22 conditions:

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

25 (2) The department has issued an exclusion order against the
26 administrator pursuant to Section 1558, 1568.092, 1569.58, or
27 1596.8897, after the department issued the certificate, and the
28 administrator did not appeal the exclusion order or, after the appeal,
29 the department issued a decision and order that upheld the
30 exclusion order.

31 (j) (1) The department, in consultation and collaboration with
32 county placement officials, provider organizations, the State
33 Department of Health Care Services, and the State Department of
34 Developmental Services, shall establish, by regulation, the program
35 content, the testing instrument, the process for approving
36 administrator certification training programs, and criteria to be
37 used in authorizing individuals, organizations, or educational
38 institutions to conduct certification training programs and
39 continuing education courses. The department may also grant
40 continuing education hours for continuing courses offered by

1 accredited educational institutions that are consistent with the
2 requirements in this section. The department may deny vendor
3 approval to any agency or person in any of the following
4 circumstances:

5 (A) The applicant has not provided the department with evidence
6 satisfactory to the department of the ability of the applicant to
7 satisfy the requirements of vendorization set out in the regulations
8 adopted by the department.

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

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

19 (2) The department may authorize vendors to conduct the
20 administrator's certification training program pursuant to this
21 section. The department shall conduct the written test pursuant to
22 regulations adopted by the department.

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

25 (4) The department may inspect administrator certification
26 training programs and continuing education courses, including
27 online courses, at no charge to the department, to determine if
28 content and teaching methods comply with regulations. If the
29 department determines that any vendor is not complying with the
30 requirements of this section, the department shall take appropriate
31 action to bring the program into compliance, which may include
32 removing the vendor from the approved list.

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

36 (6) The department may charge a reasonable fee, not to exceed
37 one hundred fifty dollars (\$150) every two years, to certification
38 program vendors for review and approval of the initial 40-hour
39 training program pursuant to subdivision (c). The department may
40 also charge the vendor a fee, not to exceed one hundred dollars

1 (\$100) every two years, for the review and approval of the
2 continuing education courses needed for recertification pursuant
3 to this subdivision.

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

6 (i) An interactive portion in which the participant receives
7 feedback, through online communication, based on input from the
8 participant.

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

11 (iii) A final screen displaying a printable statement, to be signed
12 by the participant, certifying that the identified participant
13 completed the course. The vendor shall obtain a copy of the final
14 screen statement with the original signature of the participant prior
15 to the issuance of a certificate of completion. The signed statement
16 of completion shall be maintained by the vendor for a period of
17 three years and be available to the department upon demand. Any
18 person who certifies as true any material matter pursuant to this
19 clause that he or she knows to be false is guilty of a misdemeanor.

20 (B) Nothing in this subdivision shall prohibit the department
21 from approving online programs for continuing education that do
22 not meet the requirements of subparagraph (A) if the vendor
23 demonstrates to the department's satisfaction that, through
24 advanced technology, the course and the course delivery meet the
25 requirements of this section.

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

29 (l) Notwithstanding any ~~provision~~ of law to the contrary, vendors
30 approved by the department who exclusively provide either initial
31 or continuing education courses for certification of administrators
32 of a group home or short-term residential treatment center as
33 defined by regulations of the department, an adult residential
34 facility as defined by regulations of the department, or a residential
35 care facility for the elderly as defined in subdivision (k) of Section
36 1569.2, shall be regulated solely by the department pursuant to
37 this chapter. No other state or local governmental entity shall be
38 responsible for regulating the activity of those vendors.

1 ~~SEC. 18.~~

2 *SEC. 19.* Section 1522.43 of the Health and Safety Code is
3 amended to read:

4 1522.43. (a) (1) For the duties the department imposes on a
5 group home administrator or short-term residential treatment center
6 administrator in this chapter and in regulations adopted by the
7 department, every group home and short-term residential treatment
8 center shall state in its plan of operation, the number of hours per
9 week that the administrator shall spend completing those duties
10 and how the group home administrator or short-term residential
11 treatment center administrator shall accomplish those duties,
12 including use of support personnel.

13 (2) For initial applicants, the information in paragraph (1) shall
14 be contained in the plan of operation submitted to the department
15 in the application.

16 (3) For current licensees, the licensee shall submit an amended
17 plan of operation that contains the information required by
18 paragraph (1) within six months of the effective date of this section.
19 For changes in the group home administrator duties imposed by
20 the department in this chapter or in regulations, a current licensee
21 shall have six months after the effective date of those duties to
22 submit an amended plan of operation to reflect the new
23 administrator duties.

24 (b) (1) The department may review a group home's or
25 short-term residential treatment center's plan of operation to
26 determine if the plan of operation is sufficient to ensure that the
27 facility will operate in compliance with applicable licensing laws
28 and regulations. As part of the review, the department may request
29 that a peer review panel review the plan of operation for a group
30 home as prescribed in paragraph (2), or for a short-term residential
31 treatment center as prescribed in paragraph (3).

32 (2) The peer review panel shall consist of two representatives
33 from the department, including one from the unit that governs
34 programs and one from the unit that governs licensing, a qualified
35 group home administrator, an experienced group home provider
36 in good standing, and a member or members from the placement
37 agency or agencies that place children in group homes, and may
38 also include the local county behavioral health department, as
39 appropriate.

1 (3) The peer review panel shall consist of two representatives
2 from the department, including one from the unit that governs
3 programs and one from the unit that governs licensing, a qualified
4 short-term residential treatment center administrator, a short-term
5 residential treatment center provider in good standing, and a
6 member or members from the placement agency or agencies that
7 place children in short-term residential treatment centers, and may
8 also include the local county behavioral health department, as
9 appropriate.

10 (c) A group home or short-term residential treatment center
11 shall develop a daily schedule of activities for the children at the
12 facility. The facility shall have this schedule available for
13 inspection by the department. The activities in which the children
14 are scheduled to participate shall be designed to meet the needs of
15 the individual child, and shall be based on that child's needs and
16 services plan.

17 (d) The department shall establish a process, no later than
18 January 1, 2017, for convening the peer review panel as set forth
19 in subdivision (b) for review of the plans of operation for
20 short-term residential treatment centers, and shall develop this
21 process in consultation with the County Welfare Directors
22 Association of California, Chief Probation Officers of California,
23 County Behavioral Health Directors Association of California,
24 and stakeholders.

25 *SEC. 20. Section 1524 of the Health and Safety Code is*
26 *amended to read:*

27 1524. A license shall be forfeited by operation of law when
28 one of the following occurs:

29 (a) The licensee sells or otherwise transfers the facility or facility
30 property, except when change of ownership applies to transferring
31 of stock when the facility is owned by a corporation, and when
32 the transfer of stock does not constitute a majority change of
33 ownership.

34 (b) The licensee surrenders the license to the department.

35 (c) (1) The licensee moves a facility from one location to
36 another. The department shall develop regulations to ensure that
37 the facilities are not charged a full licensing fee and do not have
38 to complete the entire application process when applying for a
39 license for the new location.

1 (2) This subdivision shall not apply to a licensed foster family
2 home, a home certified by a licensed foster family agency, or a
3 home approved pursuant to Sections 309, 361.4, and 361.45 of the
4 Welfare and Institutions Code. When a foster family home licensee,
5 certified home parent, or a person approved to care for children
6 pursuant to Sections 309, 361.4, and 361.45 of the Welfare and
7 Institutions Code moves to a new location, the existing license,
8 certification, or approval may be transferred to the new location.
9 All caregivers to whom this paragraph applies shall be required to
10 meet all applicable licensing laws and regulations at the new
11 location.

12 (d) The licensee is convicted of an offense specified in Section
13 220, 243.4, or 264.1, or paragraph (1) of Section 273a, Section
14 273d, 288, or 289 of the Penal Code, or is convicted of another
15 crime specified in subdivision (c) of Section 667.5 of the Penal
16 Code.

17 (e) The licensee dies. If an adult relative notifies the department
18 of his or her desire to continue operation of the facility and submits
19 an application, the department shall expedite the application. The
20 department shall promulgate regulations for expediting applications
21 submitted pursuant to this subdivision.

22 (f) The licensee abandons the facility.

23 (g) When the certification issued by the State Department of
24 Developmental Services to a licensee of an Adult Residential
25 Facility for Persons with Special Health Care Needs, licensed
26 pursuant to Article 9 (commencing with Section 1567.50), is
27 rescinded.

28 (h) When the certification issued by the State Department of
29 Developmental Services to a licensee of an enhanced behavioral
30 supports home, licensed pursuant to Article 9.5 (commencing with
31 Section 1567.61), is rescinded.

32 (i) When the certificate of program approval issued by the State
33 Department of Developmental Services, pursuant to Article 8
34 (commencing with Section 4698) of Chapter 6 of Division 4.5 of
35 the Welfare and Institutions Code, to a licensee of a community
36 crisis home, licensed pursuant to Article 9.7 (commencing with
37 Section 1567.80), is rescinded.

38 (j) *A group home license issued to a county shall be forfeited*
39 *by operation of law when the county receives a license to operate*

1 a temporary shelter care facility in accordance with Section
2 1530.8.

3 (k) A temporary shelter care facility license issued to a private,
4 nonprofit organization under contract with a county shall be
5 forfeited by operation of law upon termination of the contract in
6 accordance with Section 1530.8.

7 (l) A foster family home license shall be forfeited by operation
8 of law as provided in paragraph (4) of subdivision (r) of Section
9 16519.5 of the Welfare and Institutions Code.

10 ~~SEC. 19.~~

11 SEC. 21. Section 1524.6 of the Health and Safety Code is
12 amended to read:

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

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

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

1 (d) This section shall not apply to family homes certified by
2 foster family agencies, foster family homes, and small family
3 homes. It is not the intent of the Legislature that this section be
4 applied in a way that is contrary to the child’s best interests.

5 ~~SEC. 20.~~

6 *SEC. 22.* Section 1525.5 of the Health and Safety Code is
7 amended to read:

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

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

27 (c) Notwithstanding subdivision (a), the department may extend
28 the term of a provisional license issued to a foster family agency,
29 not to exceed two years, if it determines that this additional time
30 is required to secure accreditation from an entity identified by the
31 department pursuant to paragraph (8) of subdivision (b) of Section
32 11463 of the Welfare and Institutions Code and provided that all
33 other requirements for a license have been met.

34 ~~SEC. 21.~~

35 *SEC. 23.* Section 1529.2 of the Health and Safety Code is
36 amended to read:

37 1529.2. (a) In addition to the foster parent training provided
38 by community colleges, foster family agencies shall provide a
39 program of training for their certified foster families.

1 (b) (1) Every licensed foster parent shall complete a minimum
2 of 12 hours of foster parent training, as prescribed in paragraph
3 (3), before the placement of any foster children with the foster
4 parent. In addition, a foster parent shall complete a minimum of
5 eight hours of foster parent training annually, as prescribed in
6 paragraph (4). No child shall be placed in a foster family home
7 unless these requirements are met by the persons in the home who
8 are serving as the foster parents.

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

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

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

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

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

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

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

31 (D) Health issues in foster care, including, but not limited to,
32 the authorization, uses, risks, benefits, assistance with
33 self-administration, oversight, and monitoring of psychotropic or
34 other medications, and trauma, mental health, and substance use
35 disorder treatments, for children in foster care under the jurisdiction
36 of the juvenile court, including how to access those treatments.

37 (E) Accessing education and health services available to foster
38 children.

39 (F) The right of a foster child to have fair and equal access to
40 all available services, placement, care, treatment, and benefits, and

1 to not be subjected to discrimination or harassment on the basis
2 of actual or perceived race, ethnic group identification, ancestry,
3 national origin, color, religion, sex, sexual orientation, gender
4 identity, mental or physical disability, or HIV status.

5 (G) Instruction on cultural competency and sensitivity ~~and~~
6 ~~related~~ *relating to* best practices for providing adequate care ~~for~~
7 ~~children across diverse ethnic and racial backgrounds, as well as~~
8 ~~children identifying as~~ to lesbian, gay, bisexual, ~~or transgender.~~
9 *and transgender youth in out-of-home care.*

10 (H) Basic instruction on the existing laws and procedures
11 regarding the safety of foster youth at school and the ensuring of
12 a harassment- and violence-free school environment contained in
13 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
14 19 of Division 1 of Title 1 of the Education Code.

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

17 (A) Age-appropriate child development.

18 (B) Health issues in foster care.

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

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

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

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

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

35 (6) A candidate for placement of foster children shall submit a
36 certificate of training to document completion of the training
37 requirements. The certificate shall be submitted with the initial
38 consideration for placements and provided at the time of the annual
39 visit by the licensing agency thereafter.

1 ~~(e) In addition to any training required by this section, a foster~~
2 ~~parent may be required to receive specialized training, as relevant,~~
3 ~~for the purpose of preparing the foster parent to meet the needs of~~
4 ~~a particular child in care. This training may include, but is not~~
5 ~~limited to, the following:~~

6 ~~(1) Understanding how to use best practices for providing care~~
7 ~~and supervision to commercially sexually exploited children.~~

8 ~~(2) Understanding cultural needs of children, including, but not~~
9 ~~limited to, cultural competency and sensitivity and related use best~~
10 ~~practices for providing adequate care to children across diverse~~
11 ~~ethnic and racial backgrounds, as well as children identifying as~~
12 ~~lesbian, gay, bisexual, or transgender.~~

13 ~~(3) Understanding the requirements and best practices regarding~~
14 ~~psychotropic medications, including, but not limited to, court~~
15 ~~authorization, benefits, uses, side effects, interactions, assistance~~
16 ~~with self-administration, misuse, documentation, storage, and~~
17 ~~metabolic monitoring of children prescribed psychotropic~~
18 ~~medications.~~

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

26 ~~(5) Understanding how to use best practices for providing care~~
27 ~~and supervision to nonminor dependents.~~

28 ~~(6) Understanding how to use best practices for providing care~~
29 ~~and supervision to children with special health care needs.~~

30 ~~(d)~~

31 ~~(c) Nothing in this section shall preclude a county from requiring~~
32 ~~county-provided preplacement or postplacement foster parent~~
33 ~~training in excess of the requirements in this section.~~

34 ~~(e)~~

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

38 ~~SEC. 22.~~

39 ~~SEC. 24.~~ Section 1529.2 is added to the Health and Safety
40 Code, to read:

1 1529.2. (a) It is the intent of the Legislature that all foster
2 parents have the necessary knowledge, skills, and abilities to
3 support the safety, permanency, and well-being of children in foster
4 care. Initial and ongoing preparation and training of foster parents
5 should support the foster parent's role in parenting vulnerable
6 children, youth, and young adults, including supporting the
7 children's connection with their families. Their training should be
8 ongoing in order to provide foster parents with information on new
9 practices and requirements and other helpful topics within the child
10 welfare and probation systems and may be offered in a classroom
11 setting, online, or individually.

12 (b) A licensed or certified foster parent shall complete a
13 minimum of eight training hours annually, a portion of which shall
14 be from one or more of the following topics, as prescribed by the
15 department, pursuant to subdivision (a):

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

17 (2) Health issues in foster care, including, but not limited to,
18 the authorization, uses, risks, benefits, assistance with
19 self-administration, oversight, and monitoring of psychotropic or
20 other medications, and trauma, mental health, and substance use
21 disorder treatments for children in foster care under the jurisdiction
22 of the juvenile court, including how to access those treatments.

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

24 (4) Preparation of children *and youth* for a successful transition
25 to adulthood.

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

32 (6) Instruction on cultural competency and sensitivity and related
33 best practices for providing adequate care for children across
34 diverse ethnic and racial backgrounds, as well as children
35 identifying as lesbian, gay, bisexual, or transgender.

36 (c) In addition to any training required by this section, a foster
37 parent may be required to receive specialized training, as relevant,
38 for the purpose of preparing the foster parent to meet the needs of
39 a particular child in care. This training may include, but is not
40 limited to, the following:

- 1 (1) Understanding how to use best practices for providing care
2 and supervision to commercially sexually exploited children.
- 3 (2) Understanding cultural needs of children, including, but not
4 limited to, cultural competency and sensitivity and related best
5 practices for providing adequate care to children across diverse
6 ethnic and racial backgrounds, as well as children identifying as
7 lesbian, gay, bisexual, or transgender.
- 8 (3) Understanding the requirements and best practices regarding
9 psychotropic medications, including, but not limited to, court
10 authorization, benefits, uses, side effects, interactions, assistance
11 with self-administration, misuse, documentation, storage, and
12 metabolic monitoring of children prescribed psychotropic
13 medications.
- 14 (4) Understanding the *federal Indian Child Welfare Act, Act*
15 *(25 U.S.C. Sec. 1901 et seq.)*, its historical significance, the rights
16 of children covered by the act, and the best interests of ~~Native~~
17 ~~American~~ *Indian* children, including the role of the caregiver in
18 supporting culturally appropriate, child-centered practices that
19 respect Native American history, culture, retention of tribal
20 membership and connection to the tribal community and traditions.
- 21 (5) Understanding how to use best practices for providing care
22 and supervision to nonminor dependents.
- 23 (6) Understanding how to use best practices for providing care
24 and supervision to children with special health care needs.
- 25 (d) No child shall be placed with a foster parent unless each
26 foster parent in the home meets the requirements of this section.
- 27 (e) (1) Upon the request of the licensed or certified foster parent
28 for a hardship waiver from the annual training requirement or a
29 request for an extension of the deadline, the county may, at its
30 option, on a case-by-case basis, waive the training requirement or
31 extend any established deadline for a period not to exceed one
32 year, if the training requirement presents a severe and unavoidable
33 obstacle to continuing as a foster parent.
- 34 (2) Obstacles for which a county may grant a hardship waiver
35 or extension are:
- 36 (A) Lack of access to training due to the cost or travel required
37 or lack of child care to participate in the training, when online
38 resources are not available.
- 39 (B) Family emergency.

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

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

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

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

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

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

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

20 (j) *This section shall remain in effect only until January 1, 2019,*
21 *and as of that date is repealed, unless a later enacted statute, that*
22 *is enacted before January 1, 2019, deletes or extends that date.*

23 ~~SEC. 23.~~

24 SEC. 25. Section 1530.7 of the Health and Safety Code is
25 amended to read:

26 1530.7. (a) Group homes, short-term residential treatment
27 centers, foster family agencies, small family homes, transitional
28 housing placement providers, and crisis nurseries licensed pursuant
29 to this chapter shall maintain a smoke-free environment in the
30 facility.

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

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

1 ~~SEC. 24.~~

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

4 1530.8. (a) (1) The department shall adopt regulations for
5 community care facilities licensed as group homes, and for
6 temporary shelter care facilities as defined in subdivision (c), that
7 care for dependent children, children placed by a regional center,
8 or voluntary placements, who are younger than six years of age.
9 The department shall adopt regulations that apply to short-term
10 residential treatment centers that care for children younger than
11 six years of age. The regulations shall include the standards set
12 forth in subdivision (c) of Section 11467.1 of the Welfare and
13 Institutions Code.

14 (2) The department shall adopt regulations under this section
15 that apply to minor parent programs serving children younger than
16 six years of age who reside in a group home with a minor parent
17 who is the primary caregiver of the child. The department shall
18 adopt regulations under this section that apply to short-term
19 residential treatment centers that provide minor parent programs
20 serving children younger than six years of age.

21 (3) To the extent that the department determines they are
22 necessary, the department shall adopt regulations under this section
23 that apply to group homes or short-term residential treatment
24 centers that care for dependent children who are 6 to 12 years of
25 age, inclusive. In order to determine whether such regulations are
26 necessary, and what any resulting standards should include, the
27 department shall consult with interested parties that include, but
28 are not limited to, representatives of current and former foster
29 youth, advocates for children in foster care, county welfare and
30 mental health directors, chief probation officers, representatives
31 of care providers, experts in child development, and representatives
32 of the Legislature. The standards may provide normative guidelines
33 differentiated by the needs specific to children in varying age
34 ranges that fall between 6 and 12 years of age, inclusive. Prior to
35 adopting regulations, the department shall submit for public
36 comment, by July 1, ~~2016~~, 2017, any proposed regulations.

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

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

4 (1) It is owned and operated by the county or on behalf of a
 5 county by a private, nonprofit agency.

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

11 (d) (1) The department may license a temporary shelter care
 12 facility pursuant to this chapter on or after January 1, 2016. A
 13 temporary shelter care license may be issued only to a county
 14 operating a licensed group home, or to an agency on behalf of a
 15 county, as of January 1, 2016.

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

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

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

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

35 ~~SEC. 25.~~

36 *SEC. 27.* Section 1531.1 of the Health and Safety Code is
 37 amended to read:

38 1531.1. (a) A residential facility licensed as an adult residential
 39 facility, group home, short-term residential treatment center, small
 40 family home, foster family home, or a family home certified by a

1 foster family agency may install and utilize delayed egress devices
2 of the time delay type.

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

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

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

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

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

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

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

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

38 (g) The facility shall develop a plan of operation approved by
39 the State Department of Social Services that includes a description
40 of how the facility is to be equipped with egress control devices

1 that are consistent with regulations adopted by the State Fire
2 Marshal pursuant to Section 13143.

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

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

8 (2) A description of how the facility will ensure the protection
9 of the residents’ personal rights consistent with Sections 4502,
10 4503, and 4504 of the Welfare and Institutions Code.

11 (3) A description of how the facility will manage the person’s
12 lack of hazard awareness and impulse control behavior.

13 (4) A description of the facility’s emergency evacuation
14 procedures.

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

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

21 ~~SEC. 26.~~

22 *SEC. 28.* Section 1531.15 of the Health and Safety Code is
23 amended to read:

24 1531.15. (a) A licensee of an adult residential facility,
25 short-term residential treatment center, or group home for no more
26 than six residents, except for the larger facilities provided for in
27 paragraph (1) of subdivision (k), that is utilizing delayed egress
28 devices pursuant to Section 1531.1, may install and utilize secured
29 perimeters in accordance with the provisions of this section.

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

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

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

37 (2) The person shall be receiving services and case management
38 from a regional center under the Lanterman Developmental
39 Disabilities Services Act (Division 4.5 (commencing with Section
40 4500) of the Welfare and Institutions Code).

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

3 (B) Notwithstanding subparagraph (A), a child who is at least
4 10 years of age and less than 14 years of age may be placed in a
5 licensed group home described in subdivision (a) using secured
6 perimeters only if both of the following occur:

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

15 (ii) The regional center requests placement of the child in a
16 licensed group home described in subdivision (a) using secured
17 perimeters on the basis that the placement is necessary to prevent
18 out-of-state placement or placement in a more restrictive, locked
19 residential setting such as a developmental center, institution for
20 mental disease or psychiatric facility, and the State Department of
21 Developmental Services approves the request.

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

25 (5) (A) An interdisciplinary team, through the individual
26 program plan (IPP) process pursuant to Section 4646.5 of the
27 Welfare and Institutions Code, shall have determined the person
28 lacks hazard awareness or impulse control and, for his or her safety
29 and security, requires the level of supervision afforded by a facility
30 equipped with secured perimeters, and, but for this placement, the
31 person would be at risk of admission to, or would have no option
32 but to remain in, a more restrictive placement. The individual
33 program planning team shall convene every 90 days after admission
34 to determine and document the continued appropriateness of the
35 current placement and progress in implementing the transition
36 plan.

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

1 (d) The licensee shall be subject to all applicable fire and
2 building codes, regulations, and standards, and shall receive
3 approval by the county or city fire department, the local fire
4 prevention district, or the State Fire Marshal for the installed
5 secured perimeters.

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

10 (f) The licensee shall revise its facility plan of operation. These
11 revisions shall first be approved by the State Department of
12 Developmental Services. The plan of operation shall not be
13 approved by the State Department of Social Services unless the
14 licensee provides certification that the plan was approved by the
15 State Department of Developmental Services. The plan shall
16 include, but not be limited to, all of the following:

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

20 (2) A description of how the facility will provide training for
21 staff.

22 (3) A description of how the facility will ensure the protection
23 of the residents' personal rights consistent with Sections 4502,
24 4503, and 4504 of the Welfare and Institutions Code, and any
25 applicable personal rights provided in Title 22 of the California
26 Code of Regulations.

27 (4) A description of how the facility will manage residents' lack
28 of hazard awareness and impulse control behavior, which shall
29 emphasize positive behavioral supports and techniques that are
30 alternatives to physical, chemical, or mechanical restraints, or
31 seclusion.

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

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

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

37 (h) Emergency fire and earthquake drills shall be conducted on
38 each shift in accordance with existing licensing requirements, and
39 shall include all facility staff providing resident care and
40 supervision on each shift.

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

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

7 (k) Except as provided in subdivision (k) of Section 4684.81 of
8 the Welfare and Institutions Code, the state shall not authorize or
9 fund more than a combined total of 150 beds statewide in facilities
10 with secured perimeters under this section and under Section
11 1267.75. The department shall notify the appropriate fiscal and
12 policy committees of the Legislature through the January and May
13 budget estimates prior to authorizing an increase above a combined
14 total of 100 beds statewide in facilities with secured perimeters
15 under this section and under Section 1267.75.

16 (1) A minimum of 50 beds shall be available within programs
17 designed for individuals who are designated incompetent to stand
18 trial pursuant to Section 1370.1 of the Penal Code. These beds
19 shall be within facilities that are exclusively used to provide care
20 for individuals who are placed and participating in forensic
21 competency training pursuant to Section 1370.1 of the Penal Code,
22 except as provided in paragraph (2). No more than half of these
23 facilities may have more than six beds and no facility may have
24 more than 15 beds.

25 (2) When, in the joint determination of the regional center and
26 the facility administrator, an individual would be most
27 appropriately served in a specific program, regardless of whether
28 the facility meets the criteria established in paragraph (1),
29 individuals who are not similarly designated may be placed in the
30 same facility. That placement may occur only when the individual's
31 planning team determines that the placement and the facility plan
32 of operation meet the individual's needs and that placement is not
33 incompatible with the needs and safety of other facility residents.

34 (l) This section shall become operative only upon the publication
35 in Title 17 of the California Code of Regulations of emergency
36 regulations filed by the State Department of Developmental
37 Services. These regulations shall be developed with stakeholders,
38 including the State Department of Social Services, consumer
39 advocates, and regional centers. The regulations shall establish
40 program standards for homes that include secured perimeters,

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

12 ~~SEC. 27.~~

13 *SEC. 29.* Section 1534 of the Health and Safety Code, as
 14 amended by Section 4 of Chapter 20 of the Statutes of 2015, is
 15 amended to read:

16 1534. (a) (1) (A) Except for foster family homes, every
 17 licensed community care facility shall be subject to unannounced
 18 inspections by the department.

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

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

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

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

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

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

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

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

6 (iv) If the total citations issued by the department to facilities
7 exceed the previous year's total by 10 percent, the following year
8 the department shall increase the random sample by an additional
9 10 percent of the facilities not subject to an inspection under
10 subparagraph (B). The department may request additional resources
11 to increase the random sample by 10 percent.

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

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

24 (4) The department shall notify the community care facility in
25 writing of all deficiencies in its compliance with the provisions of
26 this chapter and the rules and regulations adopted pursuant to this
27 chapter, and shall set a reasonable length of time for compliance
28 by the facility.

29 (5) Reports on the results of each inspection, evaluation, or
30 consultation shall be kept on file in the department, and all
31 inspection reports, consultation reports, lists of deficiencies, and
32 plans of correction shall be open to public inspection.

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

38 (2) (A) A foster family agency shall conduct an announced
39 inspection of a certified family home during the annual
40 recertification described in Section 1506 in order to ensure that

1 the certified family home meets all applicable licensing standards.
2 A foster family agency may inspect a certified family home as
3 often as necessary to ensure the quality of care provided.

4 (B) In addition to the inspections required pursuant to
5 subparagraph (A), a foster family agency shall conduct an
6 unannounced inspection of a certified family home under any of
7 the following circumstances:

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

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

11 (iii) When an accusation against a certified family home is
12 pending.

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

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

17 (3) Upon a finding of noncompliance by the department, the
18 department may require a foster family agency to deny or revoke
19 the certificate of approval of a certified family home, or take other
20 action the department may deem necessary for the protection of a
21 child placed with the certified family home. The certified parent
22 or prospective foster parent shall be afforded the due process
23 provided pursuant to this chapter.

24 (4) If the department requires a foster family agency to deny or
25 revoke the certificate of approval, the department shall serve an
26 order of denial or revocation upon the certified or prospective
27 foster parent and foster family agency that shall notify the certified
28 or prospective foster parent of the basis of the department's action
29 and of the certified or prospective foster parent's right to a hearing.

30 (5) Within 15 days after the department serves an order of denial
31 or revocation, the certified or prospective foster parent may file a
32 written appeal of the department's decision with the department.
33 The department's action shall be final if the certified or prospective
34 foster parent does not file a written appeal within 15 days after the
35 department serves the denial or revocation order.

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

1 (7) A certified or prospective foster parent who files a written
2 appeal of the department's order with the department pursuant to
3 this section shall, as part of the written request, provide his or her
4 current mailing address. The certified or prospective foster parent
5 shall subsequently notify the department in writing of any change
6 in mailing address, until the hearing process has been completed
7 or terminated.

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

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

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

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

28 ~~SEC. 28.~~

29 *SEC. 30.* Section 1534 of the Health and Safety Code, as added
30 by Section 5 of Chapter 20 of the Statutes of 2015, is amended to
31 read:

32 1534. (a) (1) (A) Except for foster family homes, every
33 licensed community care facility shall be subject to unannounced
34 inspections by the department.

35 (B) Foster family homes shall be subject to announced
36 inspections by the department, except that a foster family home
37 shall be subject to unannounced inspections in response to a
38 complaint, a plan of correction, or under any of the circumstances
39 set forth in subparagraph (B) of paragraph (2).

- 1 (2) (A) The department may inspect these facilities as often as
2 necessary to ensure the quality of care provided.
- 3 (B) The department shall conduct an annual unannounced
4 inspection of a facility under any of the following circumstances:
5 (i) When a license is on probation.
6 (ii) When the terms of agreement in a facility compliance plan
7 require an annual inspection.
8 (iii) When an accusation against a licensee is pending.
9 (iv) When a facility requires an annual inspection as a condition
10 of receiving federal financial participation.
11 (v) In order to verify that a person who has been ordered out of
12 a facility by the department is no longer at the facility.
- 13 (C) On and after January 1, 2017, and until January 1, 2018,
14 the following shall apply:
15 (i) Except for foster family homes, the department shall conduct
16 annual unannounced inspections of no less than 30 percent of every
17 licensed community care facility not subject to an inspection under
18 subparagraph (B).
19 (ii) The department shall conduct annual announced inspections
20 of no less than 30 percent of foster family homes not subject to an
21 inspection under subparagraph (B).
22 (iii) These inspections shall be conducted based on a random
23 sampling methodology developed by the department.
24 (iv) The department shall inspect a licensed community care
25 facility at least once every three years.
- 26 (D) On and after January 1, 2018, and until January 1, 2019,
27 the following shall apply:
28 (i) The department shall conduct annual unannounced
29 inspections of no less than 20 percent of adult residential facilities,
30 adult day programs, social rehabilitation facilities, enhanced
31 behavioral support homes for adults, and community crisis homes,
32 as defined in Section 1502, which are not subject to an inspection
33 under subparagraph (B).
34 (ii) These inspections shall be conducted based on a random
35 sampling methodology developed by the department.
36 (iii) The department shall inspect an adult residential facility,
37 adult day program, social rehabilitation facility, enhanced
38 behavioral support home for adults, and community crisis home,
39 as defined in Section 1502, at least once every two years.

1 (E) On and after January 1, 2019, the department shall conduct
2 annual unannounced inspections of all adult residential facilities,
3 adult day programs, social rehabilitation facilities, enhanced
4 behavioral support homes for adults, and community crisis homes,
5 as defined in Section 1502, and adult residential facilities for
6 persons with special health care needs, as defined in Section
7 4684.50 of the Welfare and Institutions Code.

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

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

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

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

21 (iv) The department shall conduct unannounced inspections of
22 residential care facilities for children, as defined in Section 1502,
23 including enhanced behavioral support homes for children,
24 transitional housing placement providers, and foster family
25 agencies, and announced inspections of foster family homes, at
26 least once every two years.

27 (3) In order to facilitate direct contact with group home or
28 short-term residential treatment center clients, the department may
29 interview children who are clients of group homes or short-term
30 residential treatment centers at any public agency or private agency
31 at which the client may be found, including, but not limited to, a
32 juvenile hall, recreation or vocational program, or a public or
33 nonpublic school. The department shall respect the rights of the
34 child while conducting the interview, including informing the child
35 that he or she has the right not to be interviewed and the right to
36 have another adult present during the interview.

37 (4) The department shall notify the community care facility in
38 writing of all deficiencies in its compliance with the provisions of
39 this chapter and the rules and regulations adopted pursuant to this

1 chapter, and shall set a reasonable length of time for compliance
2 by the facility.

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

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

12 (2) (A) A foster family agency shall conduct an announced
13 inspection of a certified family home during the annual
14 recertification described in Section 1506 in order to ensure that
15 the certified family home meets all applicable licensing standards.
16 A foster family agency may inspect a certified family home as
17 often as necessary to ensure the quality of care provided.

18 (B) In addition to the inspections required pursuant to
19 subparagraph (A), a foster family agency shall conduct an
20 unannounced inspection of a certified family home under any of
21 the following circumstances:

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

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

25 (iii) When an accusation against a certified family home is
26 pending.

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

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

31 (3) Upon a finding of noncompliance by the department, the
32 department may require a foster family agency to deny or revoke
33 the certificate of approval of a certified family home, or take other
34 action the department may deem necessary for the protection of a
35 child placed with the certified family home. The certified parent
36 or prospective foster parent shall be afforded the due process
37 provided pursuant to this chapter.

38 (4) If the department requires a foster family agency to deny or
39 revoke the certificate of approval, the department shall serve an
40 order of denial or revocation upon the certified or prospective

1 foster parent and foster family agency that shall notify the certified
2 or prospective foster parent of the basis of the department's action
3 and of the certified or prospective foster parent's right to a hearing.

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

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

14 (7) A certified or prospective foster parent who files a written
15 appeal of the department's order with the department pursuant to
16 this section shall, as part of the written request, provide his or her
17 current mailing address. The certified or prospective foster parent
18 shall subsequently notify the department in writing of any change
19 in mailing address, until the hearing process has been completed
20 or terminated.

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

26 (9) The department may institute or continue a disciplinary
27 proceeding against a certified or prospective foster parent upon
28 any ground provided by this section or Section 1550, enter an order
29 denying or revoking the certificate of approval, or otherwise take
30 disciplinary action against the certified or prospective foster parent,
31 notwithstanding any resignation, withdrawal of application,
32 surrender of the certificate of approval, or denial or revocation of
33 the certificate of approval by the foster family agency.

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

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

1 ~~SEC. 29.~~

2 *SEC. 31.* Section 1536 of the Health and Safety Code is
 3 amended to read:

4 1536. (a) (1) At least annually, the department shall publish
 5 and make available to interested persons a list or lists covering all
 6 licensed community care facilities, other than foster family homes
 7 and certified family homes of foster family agencies providing
 8 24-hour care for six or fewer foster children, and the services for
 9 which each facility has been licensed or issued a special permit.

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

14 (A) The number of licensing complaints, types of complaint,
 15 and outcomes of complaints, including citations, fines, exclusion
 16 orders, license suspensions, revocations, and surrenders.

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

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

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

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

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

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

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

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

25 (A) Violating licensing rules and regulations.

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

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

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

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

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

36 ~~SEC. 30.~~

37 *SEC. 32.* Section 1538.3 of the Health and Safety Code is
38 amended to read:

39 1538.3. A county may develop a cooperative agreement with
40 the department to access disclosable, public record information

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

7 ~~SEC. 31.~~

8 *SEC. 33.* Section 1538.5 of the Health and Safety Code is
 9 amended to read:

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

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

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

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

38 (1) In the case of a substantiated complaint relating to resident
 39 physical or sexual abuse, the facility shall have three days from

1 the date the facility receives the licensing report from the
2 department to comply.

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

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

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

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

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

1 ~~SEC. 32.~~

2 *SEC. 34.* Section 1538.6 of the Health and Safety Code is
3 amended to read:

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

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

24 ~~SEC. 33.~~

25 *SEC. 35.* Section 1538.7 of the Health and Safety Code is
26 amended to read:

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

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

7 (2) An inspection conducted pursuant to paragraph (1) does not
8 constitute an unannounced inspection required pursuant to Section
9 1534.

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

18 ~~SEC. 34.~~

19 *SEC. 36.* Section 1548 of the Health and Safety Code, as added
20 by Section 2 of Chapter 813 of the Statutes of 2014, is amended
21 to read:

22 1548. (a) In addition to the suspension, temporary suspension,
23 or revocation of a license issued under this chapter, the department
24 may levy a civil penalty.

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

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

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

- 1 (i) Requested the appropriate fire clearance based on ambulatory,
2 nonambulatory, or bedridden status, and the decision is pending.
- 3 (ii) Initiated eviction proceedings.
- 4 (B) A licensee denied a clearance for bedridden residents may
5 appeal to the fire authority, and, if that appeal is denied, may
6 subsequently appeal to the Office of the State Fire Marshal, and
7 shall not be assessed an immediate civil penalty until the final
8 appeal is decided, or after 60 days has passed from the date of the
9 citation, whichever is earlier.
- 10 (2) Absence of supervision, as required by statute or regulation.
- 11 (3) Accessible bodies of water when prohibited in this chapter
12 or regulations adopted pursuant to this chapter.
- 13 (4) Accessible firearms, ammunition, or both.
- 14 (5) Refused entry to a facility or any part of a facility in violation
15 of Section 1533, 1534, or 1538.
- 16 (6) The presence of an excluded person on the premises.
- 17 (d) (1) For a violation that the department determines resulted
18 in the death of a resident at an adult residential facility, social
19 rehabilitation facility, enhanced behavioral supports home, or
20 community crisis home, the civil penalty shall be fifteen thousand
21 dollars (\$15,000).
- 22 (2) For a violation that the department determines resulted in
23 the death of a person receiving care at an adult day program, the
24 civil penalty shall be assessed as follows:
- 25 (A) Seven thousand five hundred dollars (\$7,500) for a licensee
26 licensed, among all of the licensee's facilities, to care for 50 or
27 less persons.
- 28 (B) Ten thousand dollars (\$10,000) for a licensee licensed,
29 among all of the licensee's facilities, to care for more than 50
30 persons.
- 31 (3) For a violation that the department determines resulted in
32 the death of a person receiving care at a therapeutic day services
33 facility, foster family agency, community treatment facility,
34 full-service adoption agency, noncustodial adoption agency,
35 transitional shelter care facility, transitional housing placement
36 provider, group home, or short-term residential treatment center,
37 the civil penalty shall be assessed as follows:
- 38 (A) Seven thousand five hundred dollars (\$7,500) for a licensee
39 licensed, among all of the licensee's facilities, to care for 40 or
40 less children.

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

4 (C) Fifteen thousand dollars (\$15,000) for a licensee licensed,
5 among all of the licensee’s facilities, to care for more than 100
6 children.

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

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

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

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

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

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

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

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

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

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

12 (2) For purposes of subparagraphs (C) and (D), “physical abuse”
13 includes physical injury inflicted upon a child by another person
14 by other than accidental means, sexual abuse as defined in Section
15 11165.1 of the Penal Code, neglect as defined in Section 11165.2
16 of the Penal Code, or unlawful corporal punishment or injury as
17 defined in Section 11165.4 of the Penal Code when the person
18 responsible for the child’s welfare is a licensee, administrator, or
19 employee of any facility licensed to care for children.

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

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

28 (h) Any facility that is assessed a civil penalty pursuant to
29 subdivision (g) that repeats the same violation of this chapter within
30 12 months of the violation subject to subdivision (g) is subject to
31 an immediate civil penalty of one hundred fifty dollars (\$150) for
32 each day the violation continues until the deficiency is corrected.

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

35 (2) A licensee shall have the right to submit to the department
36 a written request for a formal review of a civil penalty assessed
37 pursuant to subdivisions (d) and (e) within 10 days of receipt of
38 the notice of a civil penalty assessment and shall provide all
39 supporting documentation at that time. The review shall be
40 conducted by a regional manager of the Community Care Licensing

1 Division. If the regional manager determines that the civil penalty
2 was not assessed in accordance with applicable statutes or
3 regulations of the department, he or she may amend or dismiss the
4 civil penalty. The licensee shall be notified in writing of the
5 regional manager's decision within 60 days of the request to review
6 the assessment of the civil penalty.

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

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

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

34 (6) If, in addition to an assessment of civil penalties, the
35 department elects to file an administrative action to suspend or
36 revoke the facility license that includes violations relating to the
37 assessment of the civil penalties, the department review of the
38 pending appeal shall cease and the assessment of the civil penalties
39 shall be heard as part of the administrative action process.

1 (j) The department shall adopt regulations implementing this
2 section.

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

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

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

16 ~~SEC. 35.~~

17 *SEC. 37.* Section 1562 of the Health and Safety Code is
18 amended to read:

19 1562. (a) The department shall ensure that operators and staffs
20 of community care facilities have appropriate training to provide
21 the care and services for which a license or certificate is issued.
22 The section shall not apply to a facility licensed as an Adult
23 Residential Facility for Persons with Special Health Care Needs
24 pursuant to Article 9 (commencing with Section 1567.50).

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

1 (c) (1) Each person employed as a facility manager or staff
2 member of a group home or short-term residential treatment center,
3 as defined in paragraphs (13) and (18) of subdivision (a) of Section
4 1502, who provides direct care and supervision to children and
5 youth residing in the group home or short-term residential treatment
6 center shall be at least 21 years of age.

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

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

11 ~~SEC. 36.~~

12 *SEC. 38.* Section 1562.01 is added to the Health and Safety
13 Code, to read:

14 1562.01. (a) ~~Commencing January 1, 2017, the~~ *The* department
15 shall license short-term residential treatment centers, as defined
16 in paragraph (18) of subdivision (a) of Section 1502, pursuant to
17 this chapter. ~~The department may license a facility as a short-term~~
18 ~~residential treatment center prior to January 1, 2017.~~ A short-term
19 residential treatment center shall comply with all requirements of
20 this chapter that are applicable to group homes and to the
21 requirements of this section.

22 (b) (1) A short-term residential treatment center shall have
23 national accreditation from an entity identified by the department
24 pursuant to the process described in paragraph (5) of subdivision
25 (b) of Section 11462 of the Welfare and Institutions Code.

26 (2) Notwithstanding paragraph (1), the department may issue a
27 provisional license to a short-term residential treatment center and
28 may extend the term of the provisional license not to exceed two
29 years in order for the short-term residential treatment center to
30 secure accreditation as set forth in subdivision (a) of Section
31 1520.1.

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

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

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

40 (A) A statement of purposes and goals.

1 (B) A plan for the supervision, evaluation, and training of staff.
2 The training plan shall be appropriate to meet the needs of staff
3 and children.

4 (C) A program statement that includes all of the following:

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

8 (ii) Description of the core services, as set forth, on and after
9 January 1, 2017, in paragraph (1) of subdivision (b) of Section
10 11462 of the Welfare and Institutions Code, to be offered to
11 children and their families, as appropriate or necessary.

12 (iii) Procedures for the development, implementation, and
13 periodic updating of the needs and services plan for children
14 ~~serviced~~ *served* by the short-term residential treatment center, in
15 ~~collaboration with~~ *center and procedures for collaborating with*
16 the child and family team described in paragraph (4) of subdivision
17 (a) of Section 16501 of the Welfare and Institutions Code, that
18 ~~includes, but is~~ *include, but are* not limited to, a description of the
19 services to be provided to meet the treatment needs of the child as
20 assessed, on and after January 1, 2017, pursuant to subdivision (d)
21 or (e) of Section 11462.01 of the Welfare and Institutions Code,
22 the anticipated duration of the ~~treatment~~ *treatment*, and the
23 timeframe and plan for transitioning the child to a less-restrictive
24 family environment.

25 (iv) *A description of the population or populations to be served.*

26 ~~(iv)~~

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

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

35 (f) The department shall establish procedures for a county ~~letter~~
36 ~~of support process~~ *review process, at the county's option*, for
37 short-term residential treatment centers, which may include the
38 review of the short-term residential treatment center's program
39 statement, ~~pursuant to paragraph (1)~~, and which shall be established
40 in consultation with the County Welfare Directors Association of

1 California, Chief Probation Officers of California, and stakeholders,
2 as appropriate.

3 (g) (1) The department shall adopt regulations to establish
4 requirements for the education, qualification, and training of facility
5 managers and ~~child-care~~ staff *who provide care and supervision*
6 *to children or who have regular, direct contact with children in*
7 *the course of their responsibilities* in short-term residential
8 treatment centers consistent with the intended role of these facilities
9 to provide short-term, specialized, and intensive treatment.

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

12 (A) Staff classifications.

13 (B) Specification of the date by which employees shall be
14 required to meet the education and qualification requirements.

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

17 (h) The department shall adopt regulations to specify training
18 requirements for staff who provide care and supervision to children
19 or who have regular, direct contact with children in the course of
20 their responsibilities. These requirements shall include the
21 following:

22 (1) Timeframes for completion of training, including the
23 following:

24 (A) Training that shall be completed prior to unsupervised care
25 of children.

26 (B) Training to be completed within the first 180 days of
27 employment.

28 (C) Training to be completed annually.

29 (2) Topics to be covered in the training shall include, but are
30 not limited to, the following:

31 (A) Child and adolescent ~~development~~ *development*, including
32 sexual orientation, gender identity, and gender expression.

33 (B) The effects of trauma, including grief and loss, and child
34 abuse ~~or~~ *and* neglect on child development and behavior and
35 methods to behaviorally support children impacted by that trauma
36 or child abuse and neglect.

37 (C) The rights of a child in foster care, including the right to
38 have fair and equal access to all available services, placement,
39 care, treatment, and benefits, and to not be subjected to
40 discrimination or harassment on the basis of actual or perceived

- 1 race, ethnic group identification, ancestry, national origin, color,
- 2 religion, sex, sexual orientation, gender identity, mental or physical
- 3 disability, or HIV status.
- 4 (D) Positive discipline and the importance of self-esteem.
- 5 (E) Core practice model.
- 6 (F) An overview of the child welfare and probation systems.
- 7 (G) Reasonable and prudent parent standard.
- 8 (H) Instruction on cultural competency and sensitivity and
- 9 related best practices for providing adequate care for children
- 10 across diverse ethnic and racial backgrounds, as well as children
- 11 identifying as lesbian, gay, bisexual, or transgender.
- 12 (I) Awareness and identification of commercial sexual
- 13 exploitation and best practices for providing care and supervision
- 14 to commercially sexually exploited children.
- 15 (J) ~~The federal Indian Child Welfare Act, Act (25 U.S.C. Sec.~~
- 16 ~~1901 et seq.), its historical significance, the rights of children~~
- 17 ~~covered by the act, and the best interests of Indian children as~~
- 18 ~~including children, including the role of the caregiver in supporting~~
- 19 ~~culturally appropriate child centered practice practices that respects~~
- 20 ~~respect Native American Indian history, culture, and retention of~~
- 21 ~~tribal membership membership, and connection to the tribal~~
- 22 ~~community. community and traditions.~~
- 23 (K) Permanence, well-being, and educational needs of children.
- 24 (L) Basic instruction on existing laws and procedures regarding
- 25 the safety of foster youth at school; and ensuring a harassment and
- 26 violence free school environment pursuant to Article 3.6
- 27 (commencing with Section 32228) of Chapter 2 of Part 19 of
- 28 Division 1 of Title 1 of the Education Code.
- 29 ~~(M) Preparation of children for a successful transition to~~
- 30 ~~adulthood including, but not limited to, emancipation and~~
- 31 ~~independent living skills.~~
- 32 (M) *Best practices for providing care and supervision to*
- 33 *nonminor dependents.*
- 34 (N) Health issues in foster care, including, but not limited to,
- 35 ~~the authorization, uses, risks, benefits, assistance with~~
- 36 ~~self-administration, oversight, and monitoring of psychotropic~~
- 37 ~~medications, and trauma, mental health, and substance use disorder~~
- 38 ~~treatments for children in foster care under the jurisdiction of the~~
- 39 ~~juvenile court, including how to access those treatments. care.~~

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

3 *(O) Physical and psychosocial needs of children, including*
4 *behavior management, deescalation techniques, and*
5 *trauma-informed crisis management planning.*

6 (i) (1) Each person employed as a facility manager or staff
7 member of a short-term residential treatment center, who provides
8 direct care and supervision to children and youth residing in the
9 short-term residential treatment center shall be at least 21 years of
10 age.

11 (2) This subdivision shall not apply to a facility manager or staff
12 member employed, before October 1, 2014, at a short-term
13 residential treatment center which was operating under a group
14 home license prior to January 1, 2016.

15 (j) Notwithstanding any other section of this chapter, the
16 department may establish requirements for licensed group homes
17 that are transitioning to short-term residential treatment centers,
18 which may include, but not be limited to, requirements related to
19 application and plan of operation.

20 (k) A short-term residential treatment center shall have a
21 qualified and certified administrator, as set forth in Section
22 1522.41.

23 (l) The department shall have the authority to inspect a
24 short-term residential treatment center pursuant to the system of
25 governmental monitoring and oversight developed by the
26 department on and after January 1, 2017, pursuant to subdivision
27 (c) of Section 11462 of the Welfare and Institutions Code.

28 ~~SEC. 37.~~

29 *SEC. 39.* Section 1562.35 of the Health and Safety Code is
30 amended to read:

31 1562.35. Notwithstanding any law to the contrary, including,
32 but not limited to Section 1562.3, vendors approved by the
33 department who exclusively provide either initial or continuing
34 education courses for certification of administrators of an adult
35 residential facility as defined by the department, a group home
36 facility as defined by the department, a short-term residential
37 treatment center as defined by the department, or a residential care
38 facility for the elderly as defined in subdivision (k) of Section
39 1569.2, shall be regulated solely by the department pursuant to

1 this chapter. No other state or local governmental entity shall be
2 responsible for regulating the activity of those vendors.

3 ~~SEC. 38.~~

4 *SEC. 40.* Section 1563 of the Health and Safety Code is
5 amended to read:

6 1563. (a) The department shall ensure that licensing personnel
7 at the department have appropriate training to properly carry out
8 this chapter.

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

13 (1) Provide staff with 36 hours of training per year that reflects
14 the needs of persons served by community care facilities. This
15 training shall, where appropriate, include specialized instruction
16 in the needs of foster children, persons with mental disorders, or
17 developmental or physical disabilities, or other groups served by
18 specialized community care facilities.

19 (2) Give priority to applications for employment from persons
20 with experience as care providers to persons served by community
21 care facilities.

22 (3) Provide new staff with comprehensive training within the
23 first six months of employment. This comprehensive training shall,
24 at a minimum, include the following core areas: administrative
25 action process, client populations, conducting facility visits, cultural
26 awareness, documentation skills, facility operations, human relation
27 skills, interviewing techniques, investigation processes, and
28 regulation administration.

29 (c) In addition to the requirements in subdivision (b), group
30 home, short-term residential treatment center, and foster family
31 agency licensing personnel shall receive a minimum of 24 hours
32 of training per year to increase their understanding of children in
33 group homes, short-term residential treatment centers, certified
34 homes, and foster family homes. The training shall cover, but not
35 be limited to, all of the following topics:

36 (1) The types and characteristics of emotionally troubled
37 children.

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

39 (3) The biological, psychological, interpersonal, and social
40 contributors to these behaviors.

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

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

10 (d) The training described in subdivisions (b) and (c) may
11 include the following topics:

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

13 (2) The effects of trauma, including grief and loss, and child
14 abuse or neglect on child development and behavior, and methods
15 to behaviorally support children impacted by that ~~trauma~~: *trauma*
16 *or child abuse and neglect*.

17 (3) ~~Positive discipline, discipline and the importance of~~
18 ~~self-esteem, and interpersonal skills~~: *self-esteem*.

19 (4) Health issues in foster care, including, but not limited to,
20 the authorization, uses, risks, benefits, assistance with
21 self-administration, oversight, and monitoring of psychotropic
22 medications, and trauma, mental health, and substance use disorder
23 treatments for children in foster care under the jurisdiction of the
24 juvenile court, including how to access those treatments.

25 (5) ~~Accessing education, the services and supports available to~~
26 ~~foster children to address educational needs, physical, mental,~~
27 ~~and behavioral health, and mental health and substance use~~
28 ~~disorder treatment services available to foster children~~: *disorders,*
29 *and culturally relevant services*.

30 (6) ~~Cultural needs of children, including, but not limited to,~~
31 ~~instruction~~ *Instruction* on cultural competency and ~~respect relating~~
32 ~~to, and sensitivity and related best practices for, providing adequate~~
33 ~~care to for children across diverse ethnic and racial backgrounds,~~
34 ~~as well as for children identifying as lesbian, gay, bisexual, and~~
35 ~~transgender youth in out-of-home care~~: *transgender*.

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

38 (8) Understanding the *federal Indian Child Welfare Act, Act*
39 *(25 U.S.C. Sec. 1901 et seq.)*, its historical significance, the rights
40 of children covered by the act, and the best interests of ~~those~~ *Indian*

1 children, including the role of the caregiver in supporting culturally
 2 appropriate, child-centered practices that respect Native American
 3 history, culture, retention of tribal membership, and connection to
 4 the tribal community and traditions.
 5 (9) *Understanding how to use best practices for providing care*
 6 *and supervision to nonminor dependents.*
 7 (10) *Understanding how to use best practices for providing care*
 8 *and supervision to children with special health care needs.*
 9 ~~(9)~~
 10 (11) Basic instruction on existing laws and procedures regarding
 11 the safety of foster youth at school; and ensuring a harassment and
 12 violence free school environment pursuant to Article 3.6
 13 (commencing with Section 32228) of Chapter 2 of Part 19 of
 14 Division 1 of Title 1 of the Education Code.
 15 ~~(10) Permanence and well-being~~
 16 (12) *Permanence, well-being, and educational needs of children.*
 17 ~~(11)~~
 18 (13) *Child and adolescent—development—and development,*
 19 *including sexual orientation, gender-identify, identity, and gender*
 20 *expression.*
 21 ~~(12)~~
 22 (14) The role of foster parents, including working cooperatively
 23 with the child welfare *or probation* agency, the child’s family, and
 24 other service providers implementing the case plan.
 25 ~~(13)~~
 26 (15) A foster parent’s responsibility to act as a reasonable and
 27 prudent—parent; *parent*, and to provide a family setting that
 28 promotes normal childhood experiences ~~and that serves~~ *that serve*
 29 the needs of the child.
 30 ~~(14) Preparation of children for a successful transition to~~
 31 ~~adulthood.~~
 32 ~~(15) De-escalation, crisis intervention, and positive behavior~~
 33 ~~management techniques.~~
 34 (16) *Physical and psychosocial needs of children, including*
 35 *behavior management, deescalation techniques, and trauma*
 36 *informed crisis management planning.*
 37 ~~SEC. 39.~~
 38 *SEC. 41.* Section 1567.4 of the Health and Safety Code is
 39 amended to read:

1 1567.4. The State Department of Social Services shall provide,
2 at cost, quarterly to each county and to each city, upon the request
3 of the county or city, and to the chief probation officer of each
4 county and city and county, a roster of all community care facilities
5 licensed as small family homes, short-term residential treatment
6 centers, or group homes located in the county, which provide
7 services to wards of the juvenile court, including information as
8 to whether each facility is licensed by the state or the county, the
9 type of facility, and the licensed bed capacity of each such facility.
10 Information concerning the facility shall be limited to that available
11 through the computer system of the State Department of Social
12 Services.

13 *SEC. 42. Section 11105.08 of the Penal Code is amended to*
14 *read:*

15 11105.08. (a) Notwithstanding any other law, a tribal-child
16 welfare agency may request from the Department of Justice state
17 and federal level summary criminal history information for the
18 purpose of approving a tribal home for the placement of an Indian
19 child into foster or adoptive care.

20 (b) A tribal-child welfare agency shall submit to the Department
21 of Justice fingerprint images and related information required by
22 the Department of Justice of an individual applying with the tribal
23 agency as a prospective foster ~~parent~~, *parent or* adoptive parent,
24 any adult who resides or is employed in the home of an applicant,
25 *any person who has a familial or intimate relationship with any*
26 *person living in the home of an applicant*, or employee of the child
27 welfare agency who may have contact with a child, for the purposes
28 of obtaining information as to the existence and content of a record
29 of state or federal convictions and state or federal arrests and also
30 information as to the existence and content of a record of state or
31 federal arrests for which the Department of Justice establishes that
32 the person is released on bail or on his or her own recognizance
33 pending trial or appeal.

34 (c) Upon receipt of a request for federal summary criminal
35 history information received pursuant to this section, the
36 Department of Justice shall forward the request to the Federal
37 Bureau of Investigation. The Department of Justice shall review
38 the information returned from the Federal Bureau of Investigation
39 and compile and disseminate a response to the requesting tribal
40 child welfare agency.

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

4 (e) A ~~child-welfare~~ *tribal* agency shall request from the
 5 Department of Justice subsequent notification service pursuant to
 6 Section 11105.2 of the Penal Code for persons described in
 7 paragraph (b).

8 (f) The Department of Justice may charge a fee sufficient to
 9 cover the reasonable and appropriate costs of processing the request
 10 pursuant to this section.

11 (g) As used in this section a “tribal ~~child-welfare~~ agency” means
 12 an entity designated by a federally recognized tribe as authorized
 13 to approve a home consistent with the federal Indian Child Welfare
 14 Act (25 U.S.C. 1903 et seq.), for the purpose of placement of an
 15 Indian child into foster or adoptive care, including the authority
 16 to conduct a criminal or child abuse background check ~~of~~ *of, and*
 17 *grant exemptions to*, an individual who is a prospective foster
 18 ~~parent~~ or adoptive parent, an adult who resides or is employed in
 19 the home of an applicant for approval, *any person who has a*
 20 *familial or intimate relationship with any person living in the home*
 21 *of an applicant*, or an employee of a tribal child welfare agency
 22 who may have contact with a child.

23 ~~SEC. 40.~~

24 *SEC. 43.* Section 11105.2 of the Penal Code is amended to
 25 read:

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

1 the department supplies subsequent arrest or disposition notification
2 to a receiving entity, the entity shall, at the same time, expeditiously
3 furnish a copy of the information to the person to whom it relates
4 if the information is a basis for an adverse employment, licensing,
5 or certification decision. When furnished other than in person, the
6 copy shall be delivered to the last contact information provided
7 by the applicant.

8 (b) For purposes of this section, “approval” means those duties
9 described in subdivision (d) of Section 309 of the Welfare and
10 Institutions Code for approving the home of a relative caregiver
11 or of a nonrelative extended family member for placement of a
12 child supervised by the juvenile court, and those duties in Section
13 16519.5 of the Welfare and Institutions Code for resource families.

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

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

33 (e) Any entity that receives a notification of a state or federal
34 subsequent arrest or disposition for a person unknown to the entity,
35 or for a person no longer employed by the entity, or no longer
36 eligible to renew the certificate or license for which subsequent
37 notification service was established shall immediately return the
38 subsequent notification to the Department of Justice, informing
39 the department that the entity is no longer interested in the

1 applicant. The entity shall not record or otherwise retain any
2 information received as a result of the subsequent notice.

3 (f) Any entity that submits the fingerprints of an applicant for
4 employment, licensing, certification, or approval to the Department
5 of Justice for the purpose of establishing a record at the department
6 or the Federal Bureau of Investigation to receive notification of
7 subsequent arrest or disposition shall immediately notify the
8 department if the applicant is not subsequently employed, or if the
9 applicant is denied licensing certification, or approval.

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

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

17 ~~SEC. 41.~~

18 *SEC. 44.* Section 11105.3 of the Penal Code is amended to
19 read:

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

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

1 (c) (1) When a request pursuant to this section reveals that a
2 prospective employee or volunteer has been convicted of a
3 violation or attempted violation of Section 220, 261.5, 262, 273a,
4 273d, or 273.5, or any sex offense listed in Section 290, except
5 for the offense specified in subdivision (d) of Section 243.4, and
6 where the agency or employer hires the prospective employee or
7 volunteer, the agency or employer shall notify the parents or
8 guardians of any minor who will be supervised or disciplined by
9 the employee or volunteer. A conviction for a violation or
10 attempted violation of an offense committed outside the State of
11 California shall be included in this notice if the offense would have
12 been a crime specified in this subdivision if committed in
13 California. The notice shall be given to the parents or guardians
14 with whom the child resides, and shall be given at least 10 days
15 prior to the day that the employee or volunteer begins his or her
16 duties or tasks. Notwithstanding any other law, any person who
17 conveys or receives information in good faith and in conformity
18 with this section is exempt from prosecution under Section 11142
19 or 11143 for that conveying or receiving of information.
20 Notwithstanding subdivision (d), the notification requirements of
21 this subdivision shall apply as an additional requirement of any
22 other provision of law requiring criminal record access or
23 dissemination of criminal history information.

24 (2) The notification requirement pursuant to paragraph (1) shall
25 not apply to a misdemeanor conviction for violating Section 261.5
26 or to a conviction for violating Section 262 or 273.5. Nothing in
27 this paragraph shall preclude an employer from requesting records
28 of convictions for violating Section 261.5, 262, or 273.5 from the
29 Department of Justice pursuant to this section.

30 (d) Nothing in this section supersedes any law requiring criminal
31 record access or dissemination of criminal history information. In
32 any conflict with another statute, dissemination of criminal history
33 information shall be pursuant to the mandatory statute. This
34 subdivision applies to, but is not limited to, requirements pursuant
35 to Article 1 (commencing with Section 1500) of Chapter 3 of, and
36 Chapter 3.2 (commencing with Section 1569) and Chapter 3.4
37 (commencing with Section 1596.70) of, Division 2 of, and Section
38 1522 of, the Health and Safety Code, and Sections 8712, 8811,
39 and 8908 of the Family Code, and Section 16519.5 of the Welfare
40 and Institutions Code.

- 1 (e) The department may adopt regulations to implement the
 2 provisions of this section as necessary.
- 3 (f) As used in this section, “employer” means any nonprofit
 4 corporation or other organization specified by the Attorney General
 5 that employs or uses the services of volunteers in positions in
 6 which the volunteer or employee has supervisory or disciplinary
 7 power over a child or children.
- 8 (g) As used in this section, “human resource agency” means a
 9 public or private entity, excluding any agency responsible for
 10 licensing of facilities pursuant to the California Community Care
 11 Facilities Act (Chapter 3 (commencing with Section 1500)), the
 12 California Residential Care Facilities for the Elderly Act (Chapter
 13 3.2 (commencing with Section 1569)), Chapter 3.01 (commencing
 14 with Section 1568.01), and the California Child Day Care Facilities
 15 Act (Chapter 3.4 (commencing with Section 1596.70)) of Division
 16 2 of the Health and Safety Code, responsible for determining the
 17 character and fitness of a person who is:
- 18 (1) Applying for a license, employment, or as a volunteer within
 19 the human services field that involves the care and security of
 20 children, the elderly, the handicapped, or the mentally impaired.
- 21 (2) Applying to be a volunteer who transports individuals
 22 impaired by drugs or alcohol.
- 23 (3) Applying to adopt a child or to be a foster parent.
- 24 (h) Except as provided in subdivision (c), any criminal history
 25 information obtained pursuant to this section is confidential and
 26 no recipient shall disclose its contents other than for the purpose
 27 for which it was acquired.
- 28 (i) As used in this subdivision, “community youth athletic
 29 program” means an employer having as its primary purpose the
 30 promotion or provision of athletic activities for youth under 18
 31 years of age.
- 32 (j) A community youth athletic program, as defined in
 33 subdivision (i), may request state and federal level criminal history
 34 information pursuant to subdivision (a) for a volunteer coach or
 35 hired coach candidate. The director of the community youth athletic
 36 program shall be the custodian of records.
- 37 (k) The community youth athletic program may request from
 38 the Department of Justice subsequent arrest notification service,
 39 as provided in Section 11105.2, for a volunteer coach or a hired
 40 coach candidate.

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

3 *SEC. 45. Section 11170 of the Penal Code is amended to read:*

4 11170. (a) (1) The Department of Justice shall maintain an
5 index of all reports of child abuse and severe neglect submitted
6 pursuant to Section 11169. The index shall be continually updated
7 by the department and shall not contain any reports that are
8 determined to be not substantiated. The department may adopt
9 rules governing recordkeeping and reporting pursuant to this article.

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

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

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

27 (1) The Department of Justice shall immediately notify an
28 agency that submits a report pursuant to Section 11169, or a
29 prosecutor who requests notification, of any information maintained
30 pursuant to subdivision (a) that is relevant to the known or
31 suspected instance of child abuse or severe neglect reported by the
32 agency. The agency shall make that information available to the
33 reporting health care practitioner who is treating a person reported
34 as a possible victim of known or suspected child abuse. The agency
35 shall make that information available to the reporting child
36 custodian, Child Abuse Prevention and Treatment Act guardian
37 ad litem appointed under Rule 5.662 of the California Rules of
38 Court, or counsel appointed under Section 317 or 318 of the
39 Welfare and Institutions Code, or the appropriate licensing agency,

1 if he or she or the licensing agency is handling or investigating a
2 case of known or suspected child abuse or severe neglect.

3 (2) When a report is made pursuant to subdivision (a) of Section
4 11166, or Section 11166.05, the investigating agency, upon
5 completion of the investigation or after there has been a final
6 disposition in the matter, shall inform the person required or
7 authorized to report of the results of the investigation and of any
8 action the agency is taking with regard to the child or family.

9 (3) The Department of Justice shall make relevant information
10 from the CACI available to a law enforcement agency, county
11 welfare department, *tribal agency pursuant to Section 10553.12*
12 *of the Welfare and Institutions Code*, or county probation
13 department that is conducting a child abuse investigation.

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

32 (5) The Department of Justice shall make available to a Court
33 Appointed Special Advocate program that is conducting a
34 background investigation of an applicant seeking employment
35 with the program or a volunteer position as a Court Appointed
36 Special Advocate, as defined in Section 101 of the Welfare and
37 Institutions Code, information contained in the index regarding
38 known or suspected child abuse by the applicant.

39 (6) For purposes of child death review, the Department of Justice
40 shall make available to the chairperson, or the chairperson's

1 designee, for each county child death review team, or the State
2 Child Death Review Council, information for investigative
3 purposes only that is maintained in the CACI pursuant to
4 subdivision (a) relating to the death of one or more children and
5 any prior child abuse or neglect investigation reports maintained
6 involving the same victims, siblings, or suspects. Local child death
7 review teams may share any relevant information regarding case
8 reviews involving child death with other child death review teams.

9 (7) The department shall make available to investigative
10 agencies or probation officers, or court investigators acting
11 pursuant to Section 1513 of the Probate Code, responsible for
12 placing children or assessing the possible placement of children
13 pursuant to Article 6 (commencing with Section 300), Article 7
14 (commencing with Section 305), Article 10 (commencing with
15 Section 360), or Article 14 (commencing with Section 601) of
16 Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions
17 Code, or Article 2 (commencing with Section 1510) or Article 3
18 (commencing with Section 1540) of Chapter 1 of Part 2 of Division
19 4 of the Probate Code, information regarding a known or suspected
20 child abuser contained in the index concerning any adult residing
21 in the home where the child may be placed, when this information
22 is requested for purposes of ensuring that the placement is in the
23 best interest of the child. Upon receipt of relevant information
24 concerning child abuse or neglect investigation reports contained
25 in the CACI from the Department of Justice pursuant to this
26 subdivision, the agency or court investigator shall notify, in writing,
27 the person listed in the CACI that he or she is in the index. The
28 notification shall include the name of the reporting agency and the
29 date of the report.

30 (8) Pursuant to Section 10553.12 of the Welfare and Institutions
31 Code, the department shall make available to a tribal-child-welfare
32 agency information regarding a known or suspected child abuser
33 maintained pursuant to this section or subdivision (a) of Section
34 11169 who is being considered as a prospective foster-parent or
35 adoptive parent, an adult who resides or is employed in the home
36 of an applicant for approval, *any person who has a familial or*
37 *intimate relationship with any person living in the home of an*
38 *applicant*, or an employee of the tribal-child-welfare agency who
39 may have contact with children.

1 (9) The Department of Justice shall make available to a
2 government agency conducting a background investigation
3 pursuant to Section 1031 of the Government Code of an applicant
4 seeking employment as a peace officer, as defined in Section 830,
5 information regarding a known or suspected child abuser
6 maintained pursuant to this section concerning the applicant.

7 (10) The Department of Justice shall make available to a county
8 child welfare agency or delegated county adoption agency, as
9 defined in Section 8515 of the Family Code, conducting a
10 background investigation, or a government agency conducting a
11 background investigation on behalf of one of those agencies,
12 information regarding a known or suspected child abuser
13 maintained pursuant to this section and subdivision (a) of Section
14 11169 concerning any applicant seeking employment or volunteer
15 status with the agency who, in the course of his or her employment
16 or volunteer work, will have direct contact with children who are
17 alleged to have been, are at risk of, or have suffered, abuse or
18 neglect.

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

1 investigation, prosecution, licensing, placement of a child,
2 employment or volunteer positions with a CASA program, or
3 employment as a peace officer.

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

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

21 (B) All moneys received by the department pursuant to this
22 section to process trustline applications for purposes of Chapter
23 3.35 (commencing with Section 1596.60) of Division 2 of the
24 Health and Safety Code shall be deposited in a special account in
25 the General Fund that is hereby established and named the
26 Department of Justice Child Abuse Fund. Moneys in the fund shall
27 be available, upon appropriation by the Legislature, for expenditure
28 by the department to offset the costs incurred to process trustline
29 automated child abuse or neglect system checks pursuant to this
30 section.

31 (C) All moneys, other than those described in subparagraph (B),
32 received by the department pursuant to this paragraph shall be
33 deposited in a special account in the General Fund which is hereby
34 created and named the Department of Justice Sexual Habitual
35 Offender Fund. The funds shall be available, upon appropriation
36 by the Legislature, for expenditure by the department to offset the
37 costs incurred pursuant to Chapter 9.5 (commencing with Section
38 13885) and Chapter 10 (commencing with Section 13890) of Title
39 6 of Part 4, and the DNA and Forensic Identification Data Base
40 and Data Bank Act of 1998 (Chapter 6 (commencing with Section

1 295) of Title 9 of Part 1), and for maintenance and improvements
 2 to the statewide Sexual Habitual Offender Program and the
 3 California DNA offender identification file (CAL-DNA) authorized
 4 by Chapter 9.5 (commencing with Section 13885) of Title 6 of
 5 Part 4 and the DNA and Forensic Identification Data Base and
 6 Data Bank Act of 1998 (Chapter 6 (commencing with Section 295)
 7 of Title 9 of Part 1).

8 (c) (1) The Department of Justice shall make available to any
 9 agency responsible for placing children pursuant to Article 7
 10 (commencing with Section 305) of Chapter 2 of Part 1 of Division
 11 2 of the Welfare and Institutions Code, upon request, relevant
 12 information concerning child abuse or neglect reports contained
 13 in the index, when making a placement with a responsible relative
 14 pursuant to Sections 281.5, 305, and 361.3 of the Welfare and
 15 Institutions Code. Upon receipt of relevant information concerning
 16 child abuse or neglect reports contained in the index from the
 17 Department of Justice pursuant to this subdivision, the agency
 18 shall also notify in writing the person listed in the CACI that he
 19 or she is in the index. The notification shall include the location
 20 of the original investigative report and the submitting agency. The
 21 notification shall be submitted to the person listed at the same time
 22 that all other parties are notified of the information, and no later
 23 than the actual judicial proceeding that determines placement.

24 (2) If information is requested by an agency for the placement
 25 of a child with a responsible relative in an emergency situation
 26 pursuant to Article 7 (commencing with Section 305) of Chapter
 27 2 of Part 1 of Division 2 of the Welfare and Institutions Code, the
 28 department is exempt from the requirements of Section 1798.18
 29 of the Civil Code if compliance would cause a delay in providing
 30 an expedited response to the child protective agency’s inquiry and
 31 if further delay in placement may be detrimental to the child.

32 (d) The department shall make available any information
 33 maintained pursuant to subdivision (a) to out-of-state law
 34 enforcement agencies conducting investigations of known or
 35 suspected child abuse or neglect only when an agency makes the
 36 request for information in writing and on official letterhead, or as
 37 designated by the department, identifying the suspected abuser or
 38 victim by name and date of birth or approximate age. The request
 39 shall be signed by the department supervisor of the requesting law
 40 enforcement agency. The written requests shall cite the out-of-state

1 statute or interstate compact provision that requires that the
2 information contained within these reports shall be disclosed only
3 to law enforcement, prosecutorial entities, or multidisciplinary
4 investigative teams, and shall cite the safeguards in place to prevent
5 unlawful disclosure of any confidential information provided by
6 the requesting state or the applicable interstate compact provision.

7 (e) (1) The department shall make available to an out-of-state
8 agency, for purposes of approving a prospective foster or adoptive
9 parent in compliance with the Adam Walsh Child Protection and
10 Safety Act of 2006 (Public Law 109-248), information regarding
11 a known or suspected child abuser maintained pursuant to
12 subdivision (a) concerning the prospective foster or adoptive
13 parent, and any other adult living in the home of the prospective
14 foster or adoptive parent. The department shall make that
15 information available only when the out-of-state agency makes
16 the request indicating that continual compliance will be maintained
17 with the requirement in paragraph (20) of subsection (a) of Section
18 671 of Title 42 of the United States Code that requires the state to
19 have in place safeguards to prevent the unauthorized disclosure of
20 information in any child abuse and neglect registry maintained by
21 the state and prevent the information from being used for a purpose
22 other than the conducting of background checks in foster or
23 adoption placement cases.

24 (2) With respect to any information provided by the department
25 in response to the out-of-state agency's request, the out-of-state
26 agency is responsible for obtaining the original investigative report
27 from the reporting agency, and for drawing independent
28 conclusions regarding the quality of the evidence disclosed and
29 its sufficiency for making decisions regarding the approval of
30 prospective foster or adoptive parents.

31 (3) (A) Whenever information contained in the index is
32 furnished pursuant to this subdivision, the department shall charge
33 the out-of-state agency making the request a fee. The fee shall not
34 exceed the reasonable costs to the department of providing the
35 information. The only increase shall be at a rate not to exceed the
36 legislatively approved cost-of-living adjustment for the department.
37 In no case shall the fee exceed fifteen dollars (\$15).

38 (B) All moneys received by the department pursuant to this
39 subdivision shall be deposited in the Department of Justice Child
40 Abuse Fund, established under subparagraph (B) of paragraph (12)

1 of subdivision (b). Moneys in the fund shall be available, upon
 2 appropriation by the Legislature, for expenditure by the department
 3 to offset the costs incurred to process requests for information
 4 pursuant to this subdivision.

5 (f) (1) Any person may determine if he or she is listed in the
 6 CACI by making a request in writing to the Department of Justice.
 7 The request shall be notarized and include the person’s name,
 8 address, date of birth, and either a social security number or a
 9 California identification number. Upon receipt of a notarized
 10 request, the Department of Justice shall make available to the
 11 requesting person information identifying the date of the report
 12 and the submitting agency. The requesting person is responsible
 13 for obtaining the investigative report from the submitting agency
 14 pursuant to paragraph (11) of subdivision (b) of Section 11167.5.

15 (2) No person or agency shall require or request another person
 16 to furnish a copy of a record concerning himself or herself, or
 17 notification that a record concerning himself or herself exists or
 18 does not exist, pursuant to paragraph (1).

19 (g) If a person is listed in the CACI only as a victim of child
 20 abuse or neglect, and that person is 18 years of age or older, that
 21 person may have his or her name removed from the index by
 22 making a written request to the Department of Justice. The request
 23 shall be notarized and include the person’s name, address, social
 24 security number, and date of birth.

25 *SEC. 46. Section 319.3 of the Welfare and Institutions Code*
 26 *is amended to read:*

27 319.3. Notwithstanding Section 319, a dependent child who is
 28 6 to 12 years of age, inclusive, may be placed in a community care
 29 facility licensed as a group home for ~~children~~ *children, a short-term*
 30 *residential treatment center*, or in a temporary shelter care facility,
 31 as defined in Section 1530.8 of the Health and Safety Code, only
 32 when the court finds that placement is necessary to secure a
 33 complete and adequate evaluation, including placement planning
 34 and transition time. The placement period shall not exceed 60 days
 35 unless a case plan has been developed and the need for additional
 36 time is documented in the case plan and has been approved by a
 37 deputy director or director of the county child welfare department
 38 or an assistant chief probation officer or chief probation officer of
 39 the county probation department.

1 ~~SEC. 42.~~

2 *SEC. 47.* Section 361.2 of the Welfare and Institutions Code
3 is amended to read:

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

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

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

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

38 ~~(1)~~

39 (3) Order that the parent assume custody subject to the
40 supervision of the juvenile court. In that case the court may order

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

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

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

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

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

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

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

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

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

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

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

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

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

1 shelter care facility as defined in Section 1530.8 of the Health and
2 Safety Code, only under any of the following circumstances:

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

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

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

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

- 1 (i) The child’s parent is also a ward of the court and resides in
- 2 the facility.
- 3 (ii) The child’s parent is participating in a treatment program
- 4 affiliated with the facility and the child’s placement in the facility
- 5 facilitates the coordination and provision of reunification services.
- 6 (iii) Placement in the facility is the only alternative that permits
- 7 the parent to have daily 24-hour access to the child in accordance
- 8 with the case plan, to participate fully in meeting all of the daily
- 9 needs of the child, including feeding and personal hygiene, and to
- 10 have access to necessary reunification services.
- 11 (10) (A) A child who is 6 to 12 years of age, inclusive, may be
- 12 placed in a community care facility licensed as a group home for
- 13 children only when a case plan indicates that placement is for
- 14 purposes of providing short term, specialized, and intensive
- 15 treatment for the child, the case plan specifies the need for, nature
- 16 of, and anticipated duration of this treatment, pursuant to paragraph
- 17 (2) of subdivision (c) of Section 16501.1, and is approved by the
- 18 deputy director or director of the county child welfare department
- 19 or an assistant chief probation officer or chief probation officer of
- 20 the county probation department.
- 21 (B) The short term, specialized, and intensive treatment period
- 22 shall not exceed six months, unless the county has made progress
- 23 or is actively working toward implementing the case plan that
- 24 identifies the services or supports necessary to transition the child
- 25 to a family setting, circumstances beyond the county’s control
- 26 have prevented the county from obtaining those services or
- 27 supports within the timeline documented in the case plan, and the
- 28 need for additional time pursuant to the case plan is documented
- 29 by the caseworker and approved by a deputy director or director
- 30 of the county child welfare department or an assistant chief
- 31 probation officer or chief probation officer of the county probation
- 32 department.
- 33 (C) To the extent that placements pursuant to this paragraph are
- 34 extended beyond an initial six months, the requirements of
- 35 subparagraphs (A) and (B) shall apply to each extension. In
- 36 addition, the deputy director or director of the county child welfare
- 37 department or an assistant chief probation officer or chief probation
- 38 officer of the county probation department shall approve the
- 39 continued placement no less frequently than every 60 days.

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

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

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

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

14 (A) Placement with a relative.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (j) ~~Where~~ *If* the court has ordered removal of the child from the
37 physical custody of his or her parents pursuant to Section 361, the
38 court shall consider whether there are any siblings under the court's
39 jurisdiction, or any nondependent siblings in the physical custody
40 of a parent subject to the court's jurisdiction, the nature of the

1 relationship between the child and his or her siblings, the
2 appropriateness of developing or maintaining the sibling
3 relationships pursuant to Section 16002, and the impact of the
4 sibling relationships on the child’s placement and planning for
5 legal permanence.

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

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

12 (B) The child’s caregiver is permitted to maintain the least
13 restrictive family setting that promotes normal childhood
14 experiences and serves the day-to-day needs of the child.

15 (C) The child is permitted to engage in reasonable,
16 age-appropriate day-to-day activities that promote normal
17 childhood experiences for the foster child.

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

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

28 ~~SEC. 43.~~

29 *SEC. 48.* Section 361.2 is added to the Welfare and Institutions
30 Code, to read:

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

1 child to reside with his or her parent shall not be, for that reason
2 alone, prima facie evidence that placement with that parent would
3 be detrimental.

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

6 (1) Order that the parent become legal and physical custodian
7 of the child. The court may also provide reasonable visitation by
8 the noncustodial parent. The court shall then terminate its
9 jurisdiction over the child. The custody order shall continue unless
10 modified by a subsequent order of the superior court. The order
11 of the juvenile court shall be filed in any domestic relation
12 proceeding between the parents.

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

25 (3) Order that the parent assume custody subject to the
26 supervision of the juvenile court. In that case the court may order
27 that reunification services be provided to the parent or guardian
28 from whom the child is being removed, or the court may order that
29 services be provided solely to the parent who is assuming physical
30 custody in order to allow that parent to retain later custody without
31 court supervision, or that services be provided to both parents, in
32 which case the court shall determine, at review hearings held
33 pursuant to Section 366, which parent, if either, shall have custody
34 of the child.

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

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

- 1 (e) When the court orders removal pursuant to Section 361, the
 2 court shall order the care, custody, control, and conduct of the
 3 child to be under the supervision of the social worker who may
 4 place the child in any of the following:
- 5 (1) The home of a noncustodial parent as described in
 6 subdivision (a), regardless of the parent’s immigration status.
- 7 (2) The approved home of a relative, regardless of the relative’s
 8 immigration status.
- 9 (3) The approved home of a nonrelative extended family
 10 member as defined in Section 362.7.
- 11 (4) The approved home of a resource family as defined in
 12 Section 16519.5.
- 13 (5) A foster home considering first a foster home in which the
 14 child has been placed before an interruption in foster care, if that
 15 placement is in the best interest of the child and space is available.
- 16 (6) A home or facility in accordance with the federal Indian
 17 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).
- 18 (7) A suitable licensed community care facility, except a
 19 runaway and homeless youth shelter licensed by the State
 20 Department of Social Services pursuant to Section 1502.35 of the
 21 Health and Safety Code.
- 22 (8) ~~With a foster family agency that meets the mental health~~
 23 ~~certification requirements of Section 11462.01, agency, as defined~~
 24 ~~in subdivision (g) of Section 11400 and paragraph (4) of~~
 25 ~~subdivision (a) of Section 1502 of the Health and Safety Code, to~~
 26 ~~be placed in a suitable family home certified or approved by the~~
 27 ~~agency as meeting licensing standards. agency.~~
- 28 (9) A child of any age who is placed in a community care facility
 29 licensed as a group home for children or a short-term residential
 30 ~~treatment center center~~, as defined in subdivision (ad) of Section
 31 ~~11400, 11400 and paragraph (18) of subdivision (a) of Section~~
 32 ~~1502 of the Health and Safety Code, shall have a case plan that~~
 33 ~~indicates that placement is for purposes of providing short term,~~
 34 ~~specialized, and intensive treatment for the child, the case plan~~
 35 ~~specifies the need for, nature of, and anticipated duration of this~~
 36 ~~treatment, pursuant to paragraph (2) of subdivision (c) of Section~~
 37 ~~16501.1, and the case plan includes transitioning the child to a less~~
 38 ~~restrictive environment and the projected timeline by which the~~
 39 ~~child will be transitioned to a less restrictive environment, and~~
 40 ~~environment. If the placement is longer than six months, the~~

1 placement ~~is~~ shall be documented consistent with paragraph (3)
2 of subdivision (a) of Section 16501.1 and shall be approved by the
3 deputy director or director of the county child welfare department
4 or an assistant chief probation officer or chief probation officer of
5 the county probation department.

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

11 (i) When the facility meets the applicable regulations adopted
12 under Section 1530.8 of the Health and Safety Code and standards
13 developed pursuant to Section 11467.1 of this code, and the deputy
14 director or director of the county child welfare department or an
15 assistant chief probation officer or chief probation officer of the
16 county probation department has approved the case plan.

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

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

36 (iv) In addition, when a case plan indicates that placement is
37 for purposes of providing family reunification services. The facility
38 shall offer family reunification services that meet the needs of the
39 individual child and his or her family, permit parents to have
40 reasonable access to their children 24 hours a day, encourage

1 extensive parental involvement in meeting the daily needs of their
2 children, and employ staff trained to provide family reunification
3 services. In addition, one of the following conditions exists:

4 (I) The child's parent is also ~~a ward~~ *under the jurisdiction* of
5 the court and resides in the facility.

6 (II) The child's parent is participating in a treatment program
7 affiliated with the facility and the child's placement in the facility
8 facilitates the coordination and provision of reunification services.

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

14 (B) A child who is 6 to 12 years of age, inclusive, may be placed
15 in a community care facility licensed as a group home for children
16 or a short-term residential treatment center under the following
17 conditions.

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

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

37 (10) Any child placed in a short-term residential treatment center
38 shall be either of the following:

1 (A) A child who has been assessed as meeting one of the
2 placement requirements set forth in subdivisions (d) and (e) of
3 Section 11462.01.

4 (B) A child under 6 years of age who is placed with his or her
5 minor parent or for the purpose of reunification pursuant to clause
6 (iv) of subparagraph (A) of paragraph (9).

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

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

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

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

20 (A) Placement with a relative.

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

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

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

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

26 (F) Social, cultural, and educational needs of the dependent
27 child.

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

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

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

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

1 (g) (1) If the child is taken from the physical custody of the
2 child's parent or guardian and unless the child is placed with
3 relatives, the child shall be placed in foster care in the county of
4 residence of the child's parent or guardian in order to facilitate
5 reunification of the family.

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

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

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

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

1 available to the receiving county upon placement of the child in
2 the receiving county. If placement occurs on a weekend or holiday,
3 the information shall be made available to the receiving county on
4 or before the end of the next business day.

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

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

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

1 (j) If the court has ordered removal of the child from the physical
 2 custody of his or her parents pursuant to Section 361, the court
 3 shall consider whether there are any siblings under the court’s
 4 jurisdiction, or any nondependent siblings in the physical custody
 5 of a parent subject to the court’s jurisdiction, the nature of the
 6 relationship between the child and his or her siblings, the
 7 appropriateness of developing or maintaining the sibling
 8 relationships pursuant to Section 16002, and the impact of the
 9 sibling relationships on the child’s placement and planning for
 10 legal permanence.

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

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

17 (B) The child’s caregiver is permitted to maintain the least
 18 restrictive family setting that promotes normal childhood
 19 experiences and that serves the day-to-day needs of the child.

20 (C) The child is permitted to engage in reasonable,
 21 age-appropriate day-to-day activities that promote normal
 22 childhood experiences for the foster child.

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

30 (l) This section shall become operative on January 1, 2017.

31 ~~SEC. 44.~~

32 *SEC. 49.* Section 706.6 of the Welfare and Institutions Code
 33 is amended to read:

34 706.6. (a) Services to minors are best provided in a framework
 35 that integrates service planning and delivery among multiple
 36 service systems, including the mental health system, using a
 37 team-based approach, such as a child and family team. A child
 38 and family team brings together individuals that engage with the
 39 child or youth and family in assessing, planning, and delivering
 40 services. Use of a team approach increases efficiency, and thus

1 reduces cost, by increasing coordination of formal services and
2 integrating the natural and informal supports available to the child
3 or youth and family.

4 (b) (1) For the purposes of this section, “child and family team”
5 has the same meaning as in paragraph (4) of subdivision (a) of
6 Section 16501.

7 ~~(2) The case plan shall be developed in collaboration with the~~
8 ~~child and family team. The~~ *In its development of the case plan,*
9 *the probation agency shall consider the any recommendations of*
10 *the child and family team. team, as defined in paragraph (4) of*
11 *subdivision (a) of Section 16501.* The agency shall document the
12 rationale for any inconsistencies between the case plan and the
13 child and family team recommendations.

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

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

22 ~~(2) A preplacement~~ *Documentation of the preplacement*
23 *assessment of the minor’s and family’s strengths and service needs*
24 ~~documentation that preplacement~~ *showing that preventive services*
25 *have been provided, and that reasonable efforts to prevent*
26 *out-of-home placement have been made. The assessment shall*
27 *include the type of placement best equipped to meet those needs.*

28 (3) (A) A description of the type of home or institution in which
29 the minor is to be placed, and the reasons for that placement
30 decision, including a discussion of the safety and appropriateness
31 of the placement, including the recommendations of the child and
32 family team, if available.

33 (B) An appropriate placement is a placement in the least
34 restrictive, most family-like ~~environment,~~ *environment that*
35 *promotes normal childhood experiences,* in closest proximity to
36 the minor’s home, that meets the minor’s best interests and special
37 needs.

38 (d) The following shall apply:

39 (1) The agency selecting a placement shall consider, in order
40 of priority:

1 (A) Placement with relatives, nonrelated extended family
2 members, and tribal members.

3 (B) Foster family homes and certified homes or resource families
4 of foster family agencies.

5 (C) Treatment and intensive treatment certified homes or
6 resource families of foster family agencies, or multidimensional
7 treatment foster homes or therapeutic foster care homes.

8 (D) Group care placements in the following order:

9 (i) Short-term residential treatment centers.

10 (ii) Group homes.

11 (iii) Community treatment facilities.

12 (iv) Out-of-state residential treatment pursuant to Part 5
13 (commencing with Section 7900) of Division 12 of the Family
14 Code.

15 (2) *Although the placement options shall be considered in the*
16 *preferential order specified in paragraph (1), the placement of a*
17 *child may be with any of these placement settings in order to ensure*
18 *the selection of a safe placement setting that is in the child’s best*
19 *interests and meets the child’s special needs.*

20 ~~(2)~~

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

30 (e) Effective January 1, 2010, a case plan shall ensure the
31 educational stability of the child while in foster care and shall
32 include both of the following:

33 (1) Assurances that the placement takes into account the
34 appropriateness of the current educational setting and the proximity
35 to the school in which the child is enrolled at the time of placement.

36 (2) An assurance that the placement agency has coordinated
37 with appropriate local educational agencies to ensure that the child
38 remains in the school in which the child is enrolled at the time of
39 placement, or, if remaining in that school is not in the best interests
40 of the child, assurances by the placement agency and the local

1 educational agency to provide immediate and appropriate
2 enrollment in a new school and to provide all of the child's
3 educational records to the new school.

4 (f) Specific time-limited goals and related activities designed
5 to enable the safe return of the minor to his or her home, or in the
6 event that return to his or her home is not possible, activities
7 designed to result in permanent placement or emancipation.
8 Specific responsibility for carrying out the planned activities shall
9 be assigned to one or more of the following:

10 (1) The probation department.

11 (2) The minor's parent or parents or legal guardian or guardians,
12 as applicable.

13 (3) The minor.

14 (4) The foster parents or licensed agency providing foster care.

15 (g) The projected date of completion of the case plan objectives
16 and the date services will be terminated.

17 (h) (1) Scheduled visits between the minor and his or her family
18 and an explanation if no visits are made.

19 (2) Whether the child has other siblings, and, if any siblings
20 exist, all of the following:

21 (A) The nature of the relationship between the child and his or
22 her siblings.

23 (B) The appropriateness of developing or maintaining the sibling
24 relationships pursuant to Section 16002.

25 (C) If the siblings are not placed together in the same home,
26 why the siblings are not placed together and what efforts are being
27 made to place the siblings together, or why those efforts are not
28 appropriate.

29 (D) If the siblings are not placed together, all of the following:

30 (i) The frequency and nature of the visits between the siblings.

31 (ii) If there are visits between the siblings, whether the visits
32 are supervised or unsupervised. If the visits are supervised, a
33 discussion of the reasons why the visits are supervised, and what
34 needs to be accomplished in order for the visits to be unsupervised.

35 (iii) If there are visits between the siblings, a description of the
36 location and length of the visits.

37 (iv) Any plan to increase visitation between the siblings.

38 (E) The impact of the sibling relationships on the child's
39 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. 45.~~

29 *SEC. 50.* 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.

20 (4) It is the sole responsibility pursuant to 42 U.S.C. Section
21 672(a)(2)(B) of the probation agency to determine the appropriate
22 placement for the ward once the court issues a placement order.
23 In determination of the appropriate placement for the ward, the
24 probation officer shall consider ~~the any~~ recommendations of the
25 child and family team and shall document the rationale for any
26 inconsistencies ~~between the child and family team~~
27 ~~recommendations and the final placement of the ward.~~ *family*. 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~~ *caregiver* were the custodial
36 parent of the minor.

37 (B) A foster home, the approved home of a resource family as
38 defined in Section 16519.5, or a home or facility in accordance
39 with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
40 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 *subdivision (g) of*
6 *Section 11400 and* paragraph (4) of subdivision (a) of Section 1502
7 of the Health and Safety Code, in a suitable program in a family
8 home, which has been certified by the agency as meeting licensing
9 standards. ~~If placement is in a treatment program, Commencing~~
10 ~~January 1, 2017, the requirements of Section 11462.01 shall be~~
11 ~~met.~~

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 *subdivision (ad) of Section 11400 and*
15 *paragraph (18) of subdivision (a) of Section 1502 of the Health*
16 *and Safety Code, or a foster family agency, as defined in paragraph*
17 *(4) of subdivision (a) of Section 1502 of the Health and Safety*
18 *Code. The placing agency shall also comply with requirements set*
19 *forth in paragraph (9) of subdivision (e) of Section 361.2, which*
20 *includes, but is not limited to, authorization, limitation on length*
21 *of stay, extensions, and additional requirements related to minors.*
22 *If the placement is longer than 12 months, the placement shall be*
23 *approved by the chief probation officer of the county probation*
24 *department, or his or her designee.*

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

28 (G)

29 (F) (i) Every minor adjudged a ward of the juvenile court shall
30 be entitled to participate in age-appropriate extracurricular,
31 enrichment, and social activities. A state or local regulation or
32 policy shall not prevent, or create barriers to, participation in those
33 activities. Each state and local entity shall ensure that private
34 agencies that provide foster care services to wards have policies
35 consistent with this section and that those agencies promote and
36 protect the ability of wards to participate in age-appropriate
37 extracurricular, enrichment, and social activities. A group home
38 administrator, a facility manager, or his or her responsible designee,
39 and a caregiver, as defined in paragraph (1) of subdivision (a) of
40 Section 362.04, shall use a reasonable and prudent parent standard,

1 as defined in paragraph (2) of subdivision (a) of Section 362.04,
2 in determining whether to give permission for a minor residing in
3 foster care to participate in extracurricular, enrichment, and social
4 activities. A group home administrator, a facility manager, or his
5 or her responsible designee, and a caregiver shall take reasonable
6 steps to determine the appropriateness of the activity taking into
7 consideration the minor's age, maturity, and developmental level.

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

13 (H)

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

17 (5) The minor or nonminor shall be released from juvenile
18 detention upon an order being entered under paragraph (3), unless
19 the court determines that a delay in the release from detention is
20 reasonable pursuant to Section 737.

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

36 (2) The court has no authority to order services unless it has
37 been determined through the administrative process of an agency
38 that has been joined as a party, that the minor, nonminor, or
39 nonminor dependent is eligible for those services. With respect to
40 mental health assessment, treatment, and case management services

1 pursuant to an individualized education program developed
2 pursuant to Article 2 (commencing with Section 56320) of Chapter
3 4 of Part 30 of Division 4 of Title 2 of the Education Code, the
4 court’s determination shall be limited to whether the agency has
5 complied with that chapter.

6 (3) For the purposes of this subdivision, “agency” means any
7 governmental agency or any private service provider or individual
8 that receives federal, state, or local governmental funding or
9 reimbursement for providing services directly to a child, nonminor,
10 or nonminor dependent.

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

21 (d) The juvenile court may direct any reasonable orders to the
22 parents and guardians of the minor who is the subject of any
23 proceedings under this chapter as the court deems necessary and
24 proper to carry out subdivisions (a), (b), and (c), including orders
25 to appear before a county financial evaluation officer, to ensure
26 the minor’s regular school attendance, and to make reasonable
27 efforts to obtain appropriate educational services necessary to meet
28 the needs of the minor.

29 If counseling or other treatment services are ordered for the
30 minor, the parent, guardian, or foster parent shall be ordered to
31 participate in those services, unless participation by the parent,
32 guardian, or foster parent is deemed by the court to be inappropriate
33 or potentially detrimental to the minor.

34 ~~SEC. 46.~~

35 *SEC. 51.* Section 727.1 of the Welfare and Institutions Code
36 is amended to read:

37 727.1. (a) When the court orders the care, custody, and control
38 of the minor to be under the supervision of the probation officer
39 for foster care placement pursuant to subdivision (a) of Section
40 727, the decision regarding choice of ~~placement~~ *placement*,

1 *pursuant to Section 706.6*, shall be based upon selection of a safe
2 setting that is the least restrictive or most family like, and the most
3 appropriate setting that *meets the individual needs of the minor*
4 *and* is available, in proximity to the parent's home, consistent with
5 the selection of the environment best suited to meet the minor's
6 special needs and best interests. The selection shall consider, in
7 order of priority, placement with relatives, tribal members, and
8 foster family, group care, and residential treatment pursuant to
9 Section 7950 of the Family Code.

10 (b) Unless otherwise authorized by law, the court may not order
11 the placement of a minor who is adjudged a ward of the court on
12 the basis that he or she is a person described by either Section 601
13 or 602 in a private residential facility or program that provides
14 24-hour supervision, outside of the state, unless the court finds, in
15 its order of placement, that all of the following conditions are met:

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

18 (2) The State Department of Social Services or its designee has
19 performed initial and continuing inspection of the out-of-state
20 residential facility or program and has either certified that the
21 facility or program meets the greater of all licensure standards
22 required of group homes or of short-term residential treatment
23 centers operated in California, or that the department has granted
24 a waiver to a specific licensing standard upon a finding that there
25 exists no adverse impact to health and safety, pursuant to
26 subdivision (c) of Section 7911.1 of the Family Code.

27 (3) The requirements of Section 7911.1 of the Family Code are
28 met.

29 (c) If, upon inspection, the probation officer of the county in
30 which the minor is adjudged a ward of the court determines that
31 the out-of-state facility or program is not in compliance with the
32 standards required under paragraph (2) of subdivision (b) or has
33 an adverse impact on the health and safety of the minor, the
34 probation officer may temporarily remove the minor from the
35 facility or program. The probation officer shall promptly inform
36 the court of the minor's removal, and shall return the minor to the
37 court for a hearing to review the suitability of continued out-of-state
38 placement. The probation officer shall, within one business day
39 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. 47.~~

11 *SEC. 52.* 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. 48.~~

10 *SEC. 53.* 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 child's attorney
 31 or other authorized individual may consent on behalf of the child.

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

37 (3) This authorization shall not include release of adoption
 38 records.

39 (4) The knowing and informed consent to release information
 40 given pursuant to this section shall only be in force for the time

1 that the child or youth, or family, or nonminor dependent, is
2 participating in the child and family team.

3 (c) Upon obtaining the authorization to release information as
4 described in subdivision (b), relevant information and records may
5 be shared with members of the team. If the team determines that
6 the disclosure of information would present a reasonable risk of a
7 significant adverse or detrimental effect on the child’s or youth’s
8 psychological or physical safety, the information shall not be
9 released.

10 (d) Information and records communicated or provided to the
11 team, by all providers, programs, and agencies, as well as
12 information and records created by the team in the course of serving
13 its children, youth, and their families, shall be deemed private and
14 confidential and shall be protected from discovery and disclosure
15 by all applicable statutory and common law. Nothing in this section
16 shall be construed to affect the authority of a health care provider
17 to disclose medical information pursuant to paragraph (1) of
18 subdivision (c) of Section 56.10 of the Civil Code.

19 (e) If the child welfare agency files or records, or any portions
20 thereof, are privileged or confidential, pursuant to any other state
21 law, except Section 827, or federal law or regulation, the
22 requirements of that state law or federal law or regulation
23 prohibiting or limiting release of the child welfare agency files or
24 records, or any portions thereof, shall prevail.

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

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

35 ~~SEC. 49.~~

36 *SEC. 54.* Section 4094.2 of the Welfare and Institutions Code
37 is amended to read:

38 4094.2. (a) For the purpose of establishing payment rates for
39 community treatment facility programs, the private nonprofit
40 agencies selected to operate these programs shall prepare a budget

1 that covers the total costs of providing residential care and
2 supervision and mental health services for their proposed programs.
3 These costs shall include categories that are allowable under
4 California's Foster Care program and existing programs for mental
5 health services. They shall not include educational, nonmental
6 health medical, and dental costs.

7 (b) Each agency operating a community treatment facility
8 program shall negotiate a final budget with the local mental health
9 department in the county in which its facility is located (the host
10 county) and other local agencies, as appropriate. This budget
11 agreement shall specify the types and level of care and services to
12 be provided by the community treatment facility program and a
13 payment rate that fully covers the costs included in the negotiated
14 budget. All counties that place children in a community treatment
15 facility program shall make payments using the budget agreement
16 negotiated by the community treatment facility provider and the
17 host county.

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

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

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

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

37 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the
38 2003–04 fiscal year, and the 2004–05 fiscal year, community
39 treatment facility programs shall also be paid a community
40 treatment facility supplemental rate of up to two thousand five

1 hundred dollars (\$2,500) per child per month on behalf of children
2 eligible under the foster care program and children placed out of
3 home pursuant to an individualized education program developed
4 under Section 7572.5 of the Government Code. Subject to the
5 availability of funds, the supplemental rate shall be shared by the
6 state and the counties. Counties shall be responsible for paying a
7 county share of cost equal to 60 percent of the community
8 treatment rate for children placed by counties in community
9 treatment facilities and the state shall be responsible for 40 percent
10 of the community treatment facility supplemental rate. The
11 community treatment facility supplemental rate is intended to
12 supplement, and not to supplant, the payments for which children
13 placed in community treatment facilities are eligible to receive
14 under the foster care program and the existing programs for mental
15 health services.

16 (e) For initial ratesetting purposes for community treatment
17 facility funding, the cost of mental health services shall be
18 determined by deducting the foster care rate and the community
19 treatment facility supplemental rate from the total allowable cost
20 of the community treatment facility program. Payments to certified
21 providers for mental health services shall be based on eligible
22 services provided to children who are Medi-Cal beneficiaries, up
23 to the approved federal rate for these services.

24 (f) The State Department of Health Care Services shall provide
25 the community treatment facility supplemental rates to the counties
26 for advanced payment to the community treatment facility
27 providers in the same manner as the regular foster care payment
28 and within the same required payment time limits.

29 (g) In order to facilitate the study of the costs of community
30 treatment facilities, licensed community treatment facilities shall
31 provide all documents regarding facility operations, treatment, and
32 placements requested by the department.

33 (h) It is the intent of the Legislature that the State Department
34 of Health Care Services and the State Department of Social
35 Services work to maximize federal financial participation in
36 funding for children placed in community treatment facilities
37 through funds available pursuant to Titles IV-E and XIX of the
38 federal Social Security Act (Title 42 U.S.C. Sec. 670 et seq. and
39 Sec. 1396 et seq.) and other appropriate federal programs.

1 (i) The State Department of Health Care Services and the State
 2 Department of Social Services may adopt emergency regulations
 3 necessary to implement joint protocols for the oversight of
 4 community treatment facilities, to modify existing licensing
 5 regulations governing reporting requirements and other procedural
 6 and administrative mandates to take into account the seriousness
 7 and frequency of behaviors that are likely to be exhibited by
 8 seriously emotionally disturbed children placed in community
 9 treatment facility programs, to modify the existing foster care
 10 ratesetting regulations, and to pay the community treatment facility
 11 supplemental rate. The adoption of these regulations shall be
 12 deemed to be an emergency and necessary for the immediate
 13 preservation of the public peace, health and safety, and general
 14 welfare. The regulations shall become effective immediately upon
 15 filing with the Secretary of State. The regulations shall not remain
 16 in effect more than 180 days unless the adopting agency complies
 17 with all the provisions of Chapter 3.5 (commencing with Section
 18 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
 19 as required by subdivision (e) of Section 11346.1 of the
 20 Government Code.

21 ~~SEC. 50.~~

22 *SEC. 55.* Section 4096 of the Welfare and Institutions Code is
 23 amended to read:

24 4096. (a) (1) Interagency collaboration and children’s program
 25 services shall be structured in a manner that will facilitate future
 26 implementation of the goals of Part 4 (commencing with Section
 27 5850) of Division 5 to develop protocols outlining the roles and
 28 responsibilities of placing agencies and group homes regarding
 29 emergency and nonemergency placements of foster children in
 30 group homes.

31 (2) Components shall be added to state-county performance
 32 contracts required in Section 5650 that provide for reports from
 33 counties on how this section is implemented.

34 (3) The department shall develop performance contract
 35 components required by paragraph (2).

36 (4) Performance contracts subject to this section shall document
 37 that the procedures to be implemented in compliance with this
 38 section have been approved by the county social services
 39 department and the county probation department.

1 (b) Funds specified in subdivision (a) of Section 17601 for
2 services to wards of the court and dependent children of the court
3 shall be allocated and distributed to counties based on the number
4 of wards of the court and dependent children of the court in the
5 county.

6 (c) A county may utilize funds allocated pursuant to subdivision
7 (b) only if the county has an established and operational
8 interagency placement committee, with a membership that includes
9 at least the county placement agency and a licensed mental health
10 professional from the county department of mental health. If
11 necessary, the funds may be used for costs associated with
12 establishing the interagency placement committee.

13 (d) Subsequent to the establishment of an interagency placement
14 committee, funds allocated pursuant to subdivision (b) shall be
15 used to provide services to wards of the court and dependent
16 children of the court jointly identified by county mental health,
17 social services, and probation departments as the highest priority.
18 Every effort shall be made to match those funds with funds
19 received pursuant to Title XIX of the federal Social Security Act,
20 contained in Subchapter 19 (commencing with Section 1396) of
21 Chapter 7 of Title 42 of the United States Code.

22 (e) (1) Each interagency placement committee shall establish
23 procedures whereby a ward of the court or dependent child of the
24 court, or a voluntarily placed child whose placement is funded by
25 the Aid to Families with Dependent Children-Foster Care Program,
26 who is to be placed or is currently placed in a group home program
27 at a rate classification level 13 or rate classification level 14 as
28 specified in Section 11462.01, is assessed as seriously emotionally
29 disturbed, as described in *subdivision (a) of* Section 5600.3.

30 (2) The assessment required by paragraph (1) shall also indicate
31 that the child or youth is in need of the care and services provided
32 by that group home program.

33 (f) The interagency placement committee shall document the
34 results of the assessment required by subdivision (e) and shall
35 notify the appropriate group home provider and county placing
36 agency, in writing, of those results within 10 days of the completion
37 of the assessment.

38 (g) If the child's or youth's placement is not funded by the Aid
39 to Families with Dependent Children-Foster Care Program, a
40 licensed mental health professional, which is defined to include a

1 physician licensed under Section 2050 of the Business and
 2 Professions Code, a licensed psychologist within the meaning of
 3 subdivision (a) of Section 2902 of the Business and Professions
 4 Code, a licensed clinical social worker within the meaning of
 5 subdivision (a) of Section 4996 of the Business and Professions
 6 Code, a licensed marriage and family therapist within the meaning
 7 of subdivision (b) of Section 4980 of the Business and Professions
 8 Code, or a licensed professional clinical counselor within the
 9 meaning of subdivision (e) of Section 4999.12, shall certify that
 10 the child is assessed as seriously emotionally disturbed, as
 11 described in *subdivision (a) of Section 5600.3*.

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

15 ~~SEC. 51.~~

16 *SEC. 56.* Section 4096 is added to the Welfare and Institutions
 17 Code, to read:

18 4096. (a) (1) Interagency collaboration and children's program
 19 services shall be structured in a manner that will facilitate
 20 implementation of the goals of Part 4 (commencing with Section
 21 5850) of Division 5 to develop protocols outlining the roles and
 22 responsibilities of placing ~~agencies, agencies and~~ short-term
 23 residential treatment centers, ~~and foster family agencies regarding~~
 24 ~~emergency and~~ *centers regarding* nonemergency placements of
 25 foster children in *certified* short-term residential treatment centers
 26 or foster family agencies.

27 (2) Components shall be added to state-county performance
 28 contracts required in Section 5650 that provide for reports from
 29 counties on how this section is implemented.

30 (3) The State Department of Health Care Services shall develop
 31 performance contract components required by paragraph (2).

32 (4) Performance contracts subject to this section shall document
 33 that the procedures to be implemented in compliance with this
 34 section have been approved by the county social services
 35 department and the county probation department.

36 (b) Funds specified in subdivision (a) of Section 17601 for
 37 services to wards of the court and dependent children of the court
 38 shall be allocated and distributed to counties based on the number
 39 of wards of the court and dependent children of the court in the
 40 county.

1 (c) A county may utilize funds allocated pursuant to subdivision
2 (b) only if the county has established an operational interagency
3 placement committee with a membership that includes at least the
4 county placement agency and a licensed mental health professional
5 from the county department of mental health. If necessary, the
6 funds may be used for costs associated with establishing the
7 interagency placement committee.

8 (d) Funds allocated pursuant to subdivision (b) shall be used to
9 provide services to wards of the court and dependent children of
10 the court jointly identified by county mental health, social services,
11 and probation departments as the highest priority. Every effort
12 shall be made to match those funds with funds received pursuant
13 to Title XIX of the federal Social Security Act, contained in
14 Subchapter 19 (commencing with Section 1396) of Chapter 7 of
15 Title 42 of the United States Code.

16 (e) (1) Each interagency placement committee shall establish
17 procedures whereby a ward of the court or dependent child of the
18 court, or a voluntarily placed child whose placement is funded by
19 the Aid to Families with Dependent Children-Foster Care Program,
20 who is to be placed or is currently placed in a short-term residential
21 treatment center ~~or foster family agency that provides treatment~~
22 ~~services; program~~, as specified in Section 11462.01, or a group
23 home granted an extension pursuant to Section 11462.04, ~~is shall~~
24 ~~be assessed to determine whether he or she meets the medical~~
25 ~~necessity criteria for Medi-Cal specialty mental health Early and~~
26 ~~Periodic Screening, Diagnosis, and Treatment services, as the~~
27 ~~criteria are described in Section 1830.210 of Title 9 of the~~
28 ~~California Code of Regulations, or assessed as seriously~~
29 ~~emotionally disturbed, as described in subdivision (a) of Section~~
30 ~~5600.3.~~

31 (2) The assessment required by paragraph (1) shall also indicate
32 that the child is in need of the care and services provided by a
33 short-term residential center ~~or foster family agency that provides~~
34 ~~treatment services; treatment center.~~

35 (3) ~~In lieu of an assessment by the interagency placement~~
36 ~~committee required under paragraph (1), a child and family team,~~
37 ~~as defined in paragraph (4) of subdivision (a) of Section 16501,~~
38 ~~may utilize an assessment by a licensed mental health professional~~
39 ~~that was developed consistent with procedures established by the~~
40 ~~county under paragraph (1). Nothing~~

1 (3) ~~Nothing in this paragraph subdivision shall prohibit the child~~
 2 ~~and family team an interagency placement committee~~ from
 3 considering an assessment *that was provided by an interagency*
 4 ~~placement committee: a licensed mental health professional, as~~
 5 *described in subdivision (g), and that was developed consistent*
 6 *with procedures established by the county pursuant to paragraph*
 7 *(1).*

8 (f) ~~The interagency placement committee or the child and family~~
 9 ~~team, as appropriate,~~ shall document the results of the assessment
 10 required by subdivision (e) and shall notify the appropriate provider
 11 in writing, of those results within 10 days of the completion of the
 12 assessment.

13 (g) If the child’s or youth’s placement is not funded by the Aid
 14 to Families with Dependent Children-Foster Care Program, a
 15 licensed mental health professional, *or an otherwise recognized*
 16 *provider of mental health services, shall certify that the child has*
 17 *been assessed as meeting the medical necessity criteria for*
 18 *Medi-Cal specialty mental health Early and Periodic Screening,*
 19 *Diagnosis, and Treatment services, as the criteria are described*
 20 *in Section 1830.210 of Title 9 of the California Code of*
 21 *Regulations, or assessed as seriously emotionally disturbed, as*
 22 *described in subdivision (a) of Section 5600.3. A “licensed mental*
 23 *health professional” includes a physician licensed under Section*
 24 *2050 of the Business and Professions Code, a licensed psychologist*
 25 *within the meaning of subdivision (a) of Section 2902 of the*
 26 *Business and Professions Code, a licensed clinical social worker*
 27 *within the meaning of subdivision (a) of Section 4996 of the*
 28 *Business and Professions Code, a licensed marriage and family*
 29 *therapist within the meaning of subdivision (b) of Section 4980*
 30 *of the Business and Professions Code, or a licensed professional*
 31 *clinical counselor within the meaning of subdivision (e) of Section*
 32 ~~4999.12, shall certify that the child has been assessed as seriously~~
 33 ~~emotionally disturbed, as described in Section 5600.3. 4999.12.~~

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

35 ~~SEC. 52.~~

36 ~~SEC. 57.~~ Section 4096.1 is added to the Welfare and Institutions
 37 Code, to read:

38 4096.1. (a) (1) Interagency collaboration and children’s
 39 program services shall be structured in a manner that will facilitate
 40 future implementation of the goals of Part 4 (commencing with

1 Section 5850) of Division 5 to develop protocols outlining the
2 roles and responsibilities of placing agencies and group homes
3 regarding emergency and nonemergency placements of foster
4 children in group homes.

5 (2) Components shall be added to state-county performance
6 contracts required in Section 5650 that provide for reports from
7 counties on how this section is implemented.

8 (3) The State Department of Health Care Services shall develop
9 performance contract components required by paragraph (2).

10 (4) Performance contracts subject to this section shall document
11 that the procedures to be implemented in compliance with this
12 section have been approved by the county social services
13 department and the county probation department.

14 (b) Funds specified in subdivision (a) of Section 17601 for
15 services to wards of the court and dependent children of the court
16 shall be allocated and distributed to counties based on the number
17 of wards of the court and dependent children of the court in the
18 county.

19 (c) A county may utilize funds allocated pursuant to subdivision
20 (b) only if the county has established an operational interagency
21 placement committee, with a membership that includes at least the
22 county placement agency and a licensed mental health professional
23 from the county department of mental health. If necessary, the
24 funds may be used for costs associated with establishing the
25 interagency placement committee.

26 (d) Subsequent to the establishment of an interagency placement
27 committee, funds allocated pursuant to subdivision (b) shall be
28 used to provide services to wards of the court and dependent
29 children of the court jointly identified by county mental health,
30 social services, and probation departments as the highest priority.
31 Every effort shall be made to match those funds with funds
32 received pursuant to Title XIX of the federal Social Security Act,
33 contained in Subchapter 19 (commencing with Section 1396) of
34 Chapter 7 of Title 42 of the United States Code.

35 (e) (1) Each interagency placement committee shall establish
36 procedures whereby a ward of the court or dependent child of the
37 court, or a voluntarily placed child whose placement is funded by
38 the Aid to Families with Dependent Children-Foster Care Program,
39 who is to be placed or is currently placed in a group home program
40 at a rate classification level 13 or rate classification level 14 as

1 specified in Section 11462.001, is assessed as seriously emotionally
2 disturbed, as described in *subdivision (a)* of Section 5600.3.

3 (2) The assessment required by paragraph (1) shall also indicate
4 that the child or youth is in need of the care and services provided
5 by that group home program.

6 (f) The interagency placement committee shall document the
7 results of the assessment required by subdivision (e) and shall
8 notify the appropriate group home provider and county placing
9 agency, in writing, of those results within 10 days of the completion
10 of the 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, as defined in subdivision (g)
14 of Section 4096, shall certify that the child has been assessed as
15 seriously emotionally disturbed, as described in *subdivision (a)* of
16 Section 5600.3.

17 (h) 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 or to a foster family agency
20 that has been granted an extension pursuant to the exception
21 process described in subdivision (d) of Section 11463.1.

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

23 (j) This section shall remain in effect only until January 1, 2018,
24 2019, and as of that date is repealed, unless a later enacted statute,
25 that is enacted before January 1, 2018, 2019, deletes or extends
26 that date.

27 ~~SEC. 53.~~

28 *SEC. 58.* Section 4096.5 of the Welfare and Institutions Code
29 is amended to read:

30 4096.5. (a) The State Department of Health Care Services
31 shall make a determination, within 45 days of receiving a request
32 from a group home to be classified at RCL 13 or RCL 14 pursuant
33 to Section 11462.01, to certify or deny certification that the group
34 home program includes provisions for mental health treatment
35 services that meet the needs of children who have been assessed
36 as seriously emotionally disturbed, as described in *subdivision (a)*
37 *of* Section 5600.3. The department shall issue each certification
38 for a period of one year and shall specify the effective date the
39 program met the certification requirements. A program may be

1 recertified if the program continues to meet the criteria for
2 certification.

3 (b) The State Department of Health Care Services shall, in
4 consultation with the County Behavioral Health Directors
5 Association of California and representatives of provider
6 organizations, develop the criteria for the certification required by
7 subdivision (a) by July 1, 1992.

8 (c) (1) The State Department of Health Care Services may,
9 upon the request of a county, delegate to that county the
10 certification task.

11 (2) Any county to which the certification task is delegated
12 pursuant to paragraph (1) shall use the criteria and format
13 developed by the department.

14 (d) The State Department of Health Care Services or delegated
15 county shall notify the State Department of Social Services
16 Community Care Licensing Division immediately upon the
17 termination of any certification issued in accordance with
18 subdivision (a).

19 (e) Upon receipt of notification from the State Department of
20 Social Services Community Care Licensing Division of any adverse
21 licensing action taken after the finding of noncompliance during
22 an inspection conducted pursuant to Section 1538.7 of the Health
23 and Safety Code, the State Department of Health Care Services or
24 the delegated county shall review the certification issued pursuant
25 to this section.

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

29 ~~SEC. 54.~~

30 *SEC. 59.* Section 4096.5 is added to the Welfare and Institutions
31 Code, to read:

32 4096.5. (a) All short-term residential treatment ~~programs and~~
33 ~~all foster family programs that provide treatment services~~ *centers*
34 *that operate a mental health program that serves children who*
35 *have either been assessed as meeting the medical necessity criteria*
36 *for Medi-Cal specialty mental health services under Early and*
37 *Periodic Screening, Diagnosis, and Treatment services, as the*
38 *criteria are described in Section 1830.20 of Title 9 of the California*
39 *Code of Regulations, or who have been assessed as seriously*
40 *emotionally disturbed, as described in subdivision (a) of Section*

1 5600.3, shall obtain and have in good standing a mental health
 2 certification, as described in Section 11462.01, issued by the State
 3 Department of Health Care Services or a county *mental health*
 4 *plan* to which the department has delegated certification authority.
 5 This certification is a condition for receiving an Aid to Families
 6 with Dependent Children-Foster Care rate pursuant to Section
 7 ~~11462.015~~. *11462.01*.

8 (b) The State Department of Health Care Services or a county
 9 *mental health plan* to which the department has delegated
 10 certification authority shall certify or deny certification within 45
 11 days of receiving a certification request. The State Department of
 12 Health Care Services or a county *mental health plan* to which the
 13 department has delegated certification authority shall issue each
 14 certification for a period of one year and shall specify the effective
 15 date that the program met the program standards. Certified entities
 16 shall meet all program standards to be recertified.

17 (c) The State Department of Health Care Services shall
 18 promulgate regulations regarding program standards, oversight,
 19 enforcement, and due process for the mental health certification
 20 of short-term residential treatment ~~centers and foster family~~
 21 ~~agencies that provide intensive or therapeutic treatment services.~~
 22 *centers*.

23 (d) (1) Except for certification of short-term residential
 24 treatment centers ~~or foster family agencies~~ operated by a county,
 25 the State Department of Health Care Services may, upon the
 26 request of a county, delegate to that county *mental health plan* the
 27 certification of short-term residential treatment ~~centers and foster~~
 28 ~~family agencies~~ *center programs* within its borders.

29 (2) Any county to which certification is delegated pursuant to
 30 paragraph (1) shall be responsible for the oversight and
 31 enforcement of program standards and the provision of due process
 32 for certified entities.

33 (e) The State Department of Health Care Services or a county
 34 *mental health plan* to which the department has delegated
 35 certification authority shall notify the State Department of Social
 36 Services immediately upon the termination of any certification
 37 issued in accordance with subdivisions (a) and (b).

38 (f) The State Department of Social Services shall notify the
 39 State Department of Health Care Services or a county to which
 40 the department has delegated certification authority immediately

1 upon the revocation of any license issued pursuant to Chapter 3
2 (commencing with Section 1500) of Division 2 of the Health and
3 Safety Code.

4 (g) Revocation of a license or a mental health certification shall
5 be a basis for rate termination.

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

7 ~~SEC. 55.~~

8 *SEC. 60.* Section 4096.55 is added to the Welfare and
9 Institutions Code, to read:

10 4096.55. (a) The State Department of Health Care Services
11 shall make a determination, within 45 days of receiving a request
12 from a group home to be classified at rate classification level 13
13 or rate classification level 14 pursuant to Section 11462.015, to
14 certify or deny certification that the group home program includes
15 provisions for mental health treatment services that meet the needs
16 of children who have been assessed as seriously emotionally
17 disturbed, as described in *subdivision (a) of* Section 5600.3. The
18 department shall issue each certification for a period of one year
19 and shall specify the effective date the program met the certification
20 requirements. A program may be recertified if the program
21 continues to meet the criteria for certification.

22 (b) The State Department of Health Care Services shall, in
23 consultation with the ~~California~~ *County* Behavioral Health
24 Directors Association of California and representatives of provider
25 organizations, develop the criteria for the certification required by
26 subdivision (a).

27 (c) (1) The State Department of Health Care Services may,
28 upon the request of a county, delegate to that county the
29 certification task.

30 (2) Any county to which the certification task is delegated
31 pursuant to paragraph (1) shall use the criteria and format
32 developed by the department.

33 (d) The State Department of Health Care Services or delegated
34 county shall notify the State Department of Social Services
35 Community Care Licensing Division immediately upon the
36 termination of any certification issued in accordance with
37 subdivision (a).

38 (e) Upon receipt of notification from the State Department of
39 Social Services Community Care Licensing Division of any adverse
40 licensing action taken after the finding of noncompliance during

1 an inspection conducted pursuant to Section 1538.7 of the Health
2 and Safety Code, the State Department of Health Care Services or
3 the delegated county shall review the certification issued pursuant
4 to this section.

5 (f) This section shall only apply to a group home that has been
6 granted an extension pursuant to the exception process described
7 in subdivision (d) of Section 11462.04.

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

9 (h) This section shall remain in effect only until January 1, ~~2018~~,
10 2019, and as of that date is repealed, unless a later enacted statute,
11 that is enacted before January 1, ~~2018~~, 2019, deletes or extends
12 that date.

13 *SEC. 61. Section 5600.3 of the Welfare and Institutions Code*
14 *is amended to read:*

15 5600.3. To the extent resources are available, the primary goal
16 of the use of funds deposited in the mental health account of the
17 local health and welfare trust fund should be to serve the target
18 populations identified in the following categories, which shall not
19 be construed as establishing an order of priority:

20 (a) (1) Seriously emotionally disturbed children or adolescents.

21 (2) For the purposes of this part, “seriously emotionally
22 disturbed children or adolescents” means minors under the age of
23 18 years who have a mental disorder as identified in the most recent
24 edition of the Diagnostic and Statistical Manual of Mental
25 Disorders, other than a primary substance use disorder or
26 developmental disorder, which results in behavior inappropriate
27 to the child’s age according to expected developmental norms.
28 Members of this target population shall meet one or more of the
29 following criteria:

30 (A) As a result of the mental disorder, the child has substantial
31 impairment in at least two of the following areas: self-care, school
32 functioning, family relationships, or ability to function in the
33 community; and either of the following occur:

34 (i) The child is at risk of removal from home or has already
35 been removed from the home.

36 (ii) The mental disorder and impairments have been present for
37 more than six months or are likely to continue for more than one
38 year without treatment.

39 (B) The child displays one of the following: psychotic features,
40 risk of suicide or risk of violence due to a mental disorder.

1 (C) ~~The child meets special education eligibility requirements~~
2 ~~under Chapter 26.5 (commencing with Section 7570) of Division~~
3 ~~7 of Title 1 of the Government Code.~~ *has been assessed pursuant*
4 *to Article 2 (commencing with Section 56320) of Chapter 4 of Part*
5 *30 of Division 4 of Title 2 of the Education Code and determined*
6 *to have an emotional disturbance, as defined in paragraph (4) of*
7 *subdivision (c) of Section 300.8 of Title 34 of the Code of Federal*
8 *Regulations.*

9 (b) (1) Adults and older adults who have a serious mental
10 disorder.

11 (2) For the purposes of this part, “serious mental disorder”
12 means a mental disorder that is severe in degree and persistent in
13 duration, which may cause behavioral functioning which interferes
14 substantially with the primary activities of daily living, and which
15 may result in an inability to maintain stable adjustment and
16 independent functioning without treatment, support, and
17 rehabilitation for a long or indefinite period of time. Serious mental
18 disorders include, but are not limited to, schizophrenia, bipolar
19 disorder, post-traumatic stress disorder, as well as major affective
20 disorders or other severely disabling mental disorders. This section
21 shall not be construed to exclude persons with a serious mental
22 disorder and a diagnosis of substance abuse, developmental
23 disability, or other physical or mental disorder.

24 (3) Members of this target population shall meet all of the
25 following criteria:

26 (A) The person has a mental disorder as identified in the most
27 recent edition of the Diagnostic and Statistical Manual of Mental
28 Disorders, other than a substance use disorder or developmental
29 disorder or acquired traumatic brain injury pursuant to subdivision
30 (a) of Section 4354 unless that person also has a serious mental
31 disorder as defined in paragraph (2).

32 (B) (i) As a result of the mental disorder, the person has
33 substantial functional impairments or symptoms, or a psychiatric
34 history demonstrating that without treatment there is an imminent
35 risk of decompensation to having substantial impairments or
36 symptoms.

37 (ii) For the purposes of this part, “functional impairment” means
38 being substantially impaired as the result of a mental disorder in
39 independent living, social relationships, vocational skills, or
40 physical condition.

1 (C) As a result of a mental functional impairment and
2 circumstances, the person is likely to become so disabled as to
3 require public assistance, services, or entitlements.

4 (4) For the purpose of organizing outreach and treatment options,
5 to the extent resources are available, this target population includes,
6 but is not limited to, persons who are any of the following:

7 (A) Homeless persons who are mentally ill.

8 (B) Persons evaluated by appropriately licensed persons as
9 requiring care in acute treatment facilities including state hospitals,
10 acute inpatient facilities, institutes for mental disease, and crisis
11 residential programs.

12 (C) Persons arrested or convicted of crimes.

13 (D) Persons who require acute treatment as a result of a first
14 episode of mental illness with psychotic features.

15 (5) California veterans in need of mental health services and
16 who meet the existing eligibility requirements of this section, shall
17 be provided services to the extent services are available to other
18 adults pursuant to this section. Veterans who may be eligible for
19 mental health services through the United States Department of
20 Veterans Affairs should be advised of these services by the county
21 and assisted in linking to those services.

22 (A) No eligible veteran shall be denied county mental health
23 services based solely on his or her status as a veteran.

24 (B) Counties shall refer a veteran to the county veterans service
25 officer, if any, to determine the veteran's eligibility for, and the
26 availability of, mental health services provided by the United States
27 Department of Veterans Affairs or other federal health care
28 provider.

29 (C) Counties should consider contracting with community-based
30 veterans' services agencies, where possible, to provide high-quality,
31 veteran specific mental health services.

32 (c) Adults or older adults who require or are at risk of requiring
33 acute psychiatric inpatient care, residential treatment, or outpatient
34 crisis intervention because of a mental disorder with symptoms of
35 psychosis, suicidality, or violence.

36 (d) Persons who need brief treatment as a result of a natural
37 disaster or severe local emergency.

38 *SEC. 62. Section 10553.12 of the Welfare and Institutions Code*
39 *is amended to read:*

1 10553.12. (a) Notwithstanding any other law, a federally
2 recognized tribe is ~~authorized~~ *authorized, but not required*, to
3 approve a home for the purpose of foster or adoptive placement
4 of an Indian child pursuant to the Federal Indian Child Welfare
5 Act (25 U.S.C. Sec. 1915).

6 (b) An Indian child, as defined by ~~Section 224(a) and (b) of that~~
7 ~~act, subdivisions (a) and (b) of Section 224~~, that has been removed
8 pursuant to Section 361, from the custody or his or her parents or
9 Indian custodian may be placed in a tribally approved home
10 pursuant to ~~Section 361.31(b)(2) of that act. Section 1915 of the~~
11 *federal Indian Child Welfare Act*.

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

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

37 (e) A county social worker may place an Indian child in a tribally
38 approved home without having to conduct a separate background
39 check, upon certification ~~of both~~ *by the tribal agency* of the
40 following:

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

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

15 (3) *If the tribal agency in its certification states that the*
 16 *individual was granted a criminal record exemption, the*
 17 *certification shall specify that the exemption was evaluated in*
 18 *accord with the standards and limitations set forth in paragraph*
 19 *(1) of subdivision (g) of Section 1522 of the Health and Safety*
 20 *Code and was not granted to an individual ineligible for an*
 21 *exemption under that provision.*

22 ~~SEC. 56.~~

23 SEC. 63. Section 11253.2 is added to the Welfare and
 24 Institutions Code, to read:

25 11253.2. (a) Notwithstanding any other law, an application
 26 for aid filed on behalf of a child to whom Section ~~309 or 361.45~~
 27 *309, 361.45, or 16519.5* applies shall be processed pursuant to an
 28 expedited process as determined by the department in consultation
 29 with the counties.

30 (b) Subdivision (a) shall not apply if the person who applies for
 31 aid on behalf of a child described in subdivision (a) is also an
 32 applicant for or a recipient of benefits under this chapter.

33 (c) (1) Except as provided in paragraph (2), a person who applies
 34 for aid on behalf of a child described in subdivision (a) shall be
 35 exempt from Chapter 4.6 (commencing with Section 10830) of
 36 Part 2 governing the statewide fingerprint imaging system.

37 (2) A relative caregiver who is also an applicant for or a recipient
 38 of benefits under this chapter shall comply with the statewide
 39 fingerprint imaging system requirements.

1 ~~SEC. 57.~~

2 ~~SEC. 64.~~ Section 11400 of the Welfare and Institutions Code
3 is amended to read:

4 11400. For purposes of this article, the following definitions
5 shall apply:

6 (a) “Aid to Families with Dependent Children-Foster Care
7 (AFDC-FC)” means the aid provided on behalf of needy children
8 in foster care under the terms of this division.

9 (b) “Case plan” means a written document that, at a minimum,
10 specifies the type of home in which the child shall be placed, the
11 safety of that home, and the appropriateness of that home to meet
12 the child’s needs. It shall also include the agency’s plan for
13 ensuring that the child receive proper care and protection in a safe
14 environment, and shall set forth the appropriate services to be
15 provided to the child, the child’s family, and the foster parents, in
16 order to meet the child’s needs while in foster care, and to reunify
17 the child with the child’s family. In addition, the plan shall specify
18 the services that will be provided or steps that will be taken to
19 facilitate an alternate permanent plan if reunification is not possible.

20 (c) “Certified family home” means a family residence certified
21 by a licensed foster family agency and issued a certificate of
22 approval by that agency as meeting licensing standards, and used
23 only by that foster family agency for placements.

24 (d) “Family home” means the family residence of a licensee in
25 which 24-hour care and supervision are provided for children.

26 (e) “Small family home” means any residential facility, in the
27 licensee’s family residence, which provides 24-hour care for six
28 or fewer foster children who have mental disorders or
29 developmental or physical disabilities and who require special care
30 and supervision as a result of their disabilities.

31 (f) “Foster care” means the 24-hour out-of-home care provided
32 to children whose own families are unable or unwilling to care for
33 them, and who are in need of temporary or long-term substitute
34 parenting.

35 (g) “Foster family agency” means a licensed community care
36 facility, as defined in paragraph (4) of subdivision (a) of Section
37 1502 of the Health and Safety Code, ~~that provides treatment~~
38 ~~services, as described in Section 111462.01. Code.~~ Private foster
39 family agencies shall be organized and operated on a nonprofit
40 basis.

1 (h) “Group home” means a nondetention privately operated
2 residential home, organized and operated on a nonprofit basis only,
3 of any capacity, or a nondetention licensed residential care home
4 operated by the County of San Mateo with a capacity of up to 25
5 beds, that accepts children in need of care and supervision in a
6 group home, as defined by paragraph (13) of subdivision (a) of
7 Section 1502 of the Health and Safety Code.

8 (i) “Periodic review” means review of a child’s status by the
9 juvenile court or by an administrative review panel, that shall
10 include a consideration of the safety of the child, a determination
11 of the continuing need for placement in foster care, evaluation of
12 the goals for the placement and the progress toward meeting these
13 goals, and development of a target date for the child’s return home
14 or establishment of alternative permanent placement.

15 (j) “Permanency planning hearing” means a hearing conducted
16 by the juvenile court in which the child’s future status, including
17 whether the child shall be returned home or another permanent
18 plan shall be developed, is determined.

19 (k) “Placement and care” refers to the responsibility for the
20 welfare of a child vested in an agency or organization by virtue of
21 the agency or organization having (1) been delegated care, custody,
22 and control of a child by the juvenile court, (2) taken responsibility,
23 pursuant to a relinquishment or termination of parental rights on
24 a child, (3) taken the responsibility of supervising a child detained
25 by the juvenile court pursuant to Section 319 or 636, or (4) signed
26 a voluntary placement agreement for the child’s placement; or to
27 the responsibility designated to an individual by virtue of his or
28 her being appointed the child’s legal guardian.

29 (l) “Preplacement preventive services” means services that are
30 designed to help children remain with their families by preventing
31 or eliminating the need for removal.

32 (m) “Relative” means an adult who is related to the child by
33 blood, adoption, or affinity within the fifth degree of kinship,
34 including stepparents, stepsiblings, and all relatives whose status
35 is preceded by the words “great,” “great-great,” or “grand” or the
36 spouse of any of these persons even if the marriage was terminated
37 by death or dissolution.

38 (n) “Nonrelative extended family member” means an adult
39 caregiver who has an established familial or mentoring relationship
40 with the child, as described in Section 362.7.

1 (o) “Voluntary placement” means an out-of-home placement
2 of a child by (1) the county welfare department, probation
3 department, or Indian tribe that has entered into an agreement
4 pursuant to Section 10553.1, after the parents or guardians have
5 requested the assistance of the county welfare department and have
6 signed a voluntary placement agreement; or (2) the county welfare
7 department licensed public or private adoption agency, or the
8 department acting as an adoption agency, after the parents have
9 requested the assistance of either the county welfare department,
10 the licensed public or private adoption agency, or the department
11 acting as an adoption agency for the purpose of adoption planning,
12 and have signed a voluntary placement agreement.

13 (p) “Voluntary placement agreement” means a written agreement
14 between either the county welfare department, probation
15 department, or Indian tribe that has entered into an agreement
16 pursuant to Section 10553.1, licensed public or private adoption
17 agency, or the department acting as an adoption agency, and the
18 parents or guardians of a child that specifies, at a minimum, the
19 following:

20 (1) The legal status of the child.

21 (2) The rights and obligations of the parents or guardians, the
22 child, and the agency in which the child is placed.

23 (q) “Original placement date” means the most recent date on
24 which the court detained a child and ordered an agency to be
25 responsible for supervising the child or the date on which an agency
26 assumed responsibility for a child due to termination of parental
27 rights, relinquishment, or voluntary placement.

28 (r) (1) “Transitional housing placement provider” means an
29 organization licensed by the State Department of Social Services
30 pursuant to Section 1559.110 of the Health and Safety Code, to
31 provide transitional housing to foster children at least 16 years of
32 age and not more than 18 years of age, and nonminor dependents,
33 as defined in subdivision (v). A transitional housing placement
34 provider shall be privately operated and organized on a nonprofit
35 basis.

36 (2) Prior to licensure, a provider shall obtain certification from
37 the applicable county, in accordance with Section 16522.1.

38 (s) “Transitional Housing Program-Plus” means a provider
39 certified by the applicable county, in accordance with subdivision
40 (c) of Section 16522, to provide transitional housing services to

1 former foster youth who have exited the foster care system on or
2 after their 18th birthday.

3 (t) “Whole family foster home” means a new or existing family
4 home, approved relative caregiver or nonrelative extended family
5 member’s home, the home of a nonrelated legal guardian whose
6 guardianship was established pursuant to Section 360 or 366.26,
7 certified family home, or a host family home placement of a
8 transitional housing placement provider, that provides foster care
9 for a minor or nonminor dependent parent and his or her child,
10 and is specifically recruited and trained to assist the minor or
11 nonminor dependent parent in developing the skills necessary to
12 provide a safe, stable, and permanent home for his or her child.
13 The child of the minor or nonminor dependent parent need not be
14 the subject of a petition filed pursuant to Section 300 to qualify
15 for placement in a whole family foster home.

16 (u) “Mutual agreement” means any of the following:

17 (1) A written voluntary agreement of consent for continued
18 placement and care in a supervised setting between a minor or, on
19 and after January 1, 2012, a nonminor dependent, and the county
20 welfare services or probation department or tribal agency
21 responsible for the foster care placement, that documents the
22 nonminor’s continued willingness to remain in supervised
23 out-of-home placement under the placement and care of the
24 responsible county, tribe, consortium of tribes, or tribal
25 organization that has entered into an agreement with the state
26 pursuant to Section 10553.1, remain under the jurisdiction of the
27 juvenile court as a nonminor dependent, and report any change of
28 circumstances relevant to continued eligibility for foster care
29 payments, and that documents the nonminor’s and social worker’s
30 or probation officer’s agreement to work together to facilitate
31 implementation of the mutually developed supervised placement
32 agreement and transitional independent living case plan.

33 (2) An agreement, as described in paragraph (1), between a
34 nonminor former dependent or ward in receipt of Kin-GAP
35 payments under Article 4.5 (commencing with Section 11360) or
36 Article 4.7 (commencing with Section 11385), and the agency
37 responsible for the Kin-GAP benefits, provided that the nonminor
38 former dependent or ward satisfies the conditions described in
39 Section 11403.01, or one or more of the conditions described in
40 paragraphs (1) to (5), inclusive, of subdivision (b) of Section

1 11403. For purposes of this paragraph and paragraph (3),
2 “nonminor former dependent or ward” has the same meaning as
3 described in subdivision (aa).

4 (3) An agreement, as described in paragraph (1), between a
5 nonminor former dependent or ward in receipt of AFDC-FC
6 payments under subdivision (e) or (f) of Section 11405 and the
7 agency responsible for the AFDC-FC benefits, provided that the
8 nonminor former dependent or ward described in subdivision (e)
9 of Section 11405 satisfies one or more of the conditions described
10 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
11 11403, and the nonminor described in subdivision (f) of Section
12 11405 satisfies the secondary school or equivalent training or
13 certificate program conditions described in that subdivision.

14 (v) “Nonminor dependent” means, on and after January 1, 2012,
15 a foster child, as described in Section 675(8)(B) of Title 42 of the
16 United States Code under the federal Social Security Act who is
17 a current dependent child or ward of the juvenile court, or who is
18 a nonminor under the transition jurisdiction of the juvenile court,
19 as described in Section 450, and who satisfies all of the following
20 criteria:

21 (1) He or she has attained 18 years of age while under an order
22 of foster care placement by the juvenile court, and is not more than
23 19 years of age on or after January 1, 2012, not more than 20 years
24 of age on or after January 1, 2013, or not more than 21 years of
25 age on or after January 1, 2014, and as described in Section
26 10103.5.

27 (2) He or she is in foster care under the placement and care
28 responsibility of the county welfare department, county probation
29 department, Indian tribe, consortium of tribes, or tribal organization
30 that entered into an agreement pursuant to Section 10553.1.

31 (3) He or she has a transitional independent living case plan
32 pursuant to Section 475(8) of the federal Social Security Act (42
33 U.S.C. Sec. 675(8)), as contained in the federal Fostering
34 Connections to Success and Increasing Adoptions Act of 2008
35 (Public Law 110-351), as described in Section 11403.

36 (w) “Supervised independent living placement” means, on and
37 after January 1, 2012, an independent supervised setting, as
38 specified in a nonminor dependent’s transitional independent living
39 case plan, in which the youth is living independently, pursuant to

1 Section 472(c)(2) of the federal Social Security Act (42 U.S.C.
2 Sec. 672(c)(2)).

3 (x) “Supervised independent living setting,” pursuant to Section
4 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
5 672(c)(2)), includes both a supervised independent living
6 placement, as defined in subdivision (w), and a residential housing
7 unit certified by the transitional housing placement provider
8 operating a Transitional Housing Placement-Plus Foster Care
9 program, as described in paragraph (2) of subdivision (a) of Section
10 16522.1.

11 (y) “Transitional independent living case plan” means, on or
12 after January 1, 2012, a child’s case plan submitted for the last
13 review hearing held before he or she reaches 18 years of age or
14 the nonminor dependent’s case plan, updated every six months,
15 that describes the goals and objectives of how the nonminor will
16 make progress in the transition to living independently and assume
17 incremental responsibility for adult decisionmaking, the
18 collaborative efforts between the nonminor and the social worker,
19 probation officer, or Indian tribal placing entity and the supportive
20 services as described in the transitional independent living plan
21 (TILP) to ensure active and meaningful participation in one or
22 more of the eligibility criteria described in paragraphs (1) to (5),
23 inclusive, of subdivision (b) of Section 11403, the nonminor’s
24 appropriate supervised placement setting, and the nonminor’s
25 permanent plan for transition to living independently, which
26 includes maintaining or obtaining permanent connections to caring
27 and committed adults, as set forth in paragraph (16) of subdivision
28 (f) of Section 16501.1.

29 (z) “Voluntary reentry agreement” means a written voluntary
30 agreement between a former dependent child or ward or a former
31 nonminor dependent, who has had juvenile court jurisdiction
32 terminated pursuant to Section 391, 452, or 607.2, and the county
33 welfare or probation department or tribal placing entity that
34 documents the nonminor’s desire and willingness to reenter foster
35 care, to be placed in a supervised setting under the placement and
36 care responsibility of the placing agency, the nonminor’s desire,
37 willingness, and ability to immediately participate in one or more
38 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
39 (b) of Section 11403, the nonminor’s agreement to work
40 collaboratively with the placing agency to develop his or her

1 transitional independent living case plan within 60 days of reentry,
2 the nonminor’s agreement to report any changes of circumstances
3 relevant to continued eligibility for foster care payments, and (1)
4 the nonminor’s agreement to participate in the filing of a petition
5 for juvenile court jurisdiction as a nonminor dependent pursuant
6 to subdivision (e) of Section 388 within 15 judicial days of the
7 signing of the agreement and the placing agency’s efforts and
8 supportive services to assist the nonminor in the reentry process,
9 or (2) if the nonminor meets the definition of a nonminor former
10 dependent or ward, as described in subdivision (aa), the nonminor’s
11 agreement to return to the care and support of his or her former
12 juvenile court-appointed guardian and meet the eligibility criteria
13 for AFDC-FC pursuant to subdivision (e) of Section 11405.

14 (aa) “Nonminor former dependent or ward” means, on and after
15 January 1, 2012, either of the following:

16 (1) A nonminor who reached 18 years of age while subject to
17 an order for foster care placement, and for whom dependency,
18 delinquency, or transition jurisdiction has been terminated, and
19 who is still under the general jurisdiction of the court.

20 (2) A nonminor who is over 18 years of age and, while a minor,
21 was a dependent child or ward of the juvenile court when the
22 guardianship was established pursuant to Section 360 or 366.26,
23 or subdivision (d), of Section 728 and the juvenile court
24 dependency or wardship was dismissed following the establishment
25 of the guardianship.

26 (ab) “Runaway and homeless youth shelter” means a type of
27 group home, as defined in paragraph (14) of subdivision (a) of
28 Section 1502 of the Health and Safety Code, that is not an eligible
29 placement option under Sections 319, 361.2, 450, and 727, and
30 that is not eligible for AFDC-FC funding pursuant to subdivision
31 (c) of Section 11402 or Section 11462.

32 (ac) “Transition dependent” is a minor between 17 years and
33 five months and 18 years of age who is subject to the court’s
34 transition jurisdiction under Section 450.

35 (ad) “Short-term residential treatment center” means a
36 *nondetention*, licensed community care facility, as defined in
37 paragraph (18) of subdivision (a) of Section 1502 of the Health
38 and Safety Code, that provides short-term, specialized, and
39 intensive treatment for the child or youth, when the child’s or

1 youth's case plan specifies the need for, nature of, and anticipated
2 duration of this specialized treatment.

3 (ae) "Resource family" means an approved caregiver, as defined
4 in subdivision (c) of Section 16519.5.

5 (af) "*Core Services*" mean services, made available to children,
6 youth, and nonminor dependents either directly or secured through
7 formal agreement with other agencies, which are trauma informed
8 and culturally relevant as specified in Sections 11462 and 11463.

9 ~~SEC. 58.~~

10 *SEC. 65.* Section 11402 of the Welfare and Institutions Code
11 is amended to read:

12 11402. In order to be eligible for AFDC-FC, a child or
13 nonminor dependent shall be placed in one of the following:

14 (a) ~~The~~ Prior to January 1, 2019, the approved home of a
15 relative, provided the child or youth is otherwise eligible for federal
16 financial participation in the AFDC-FC payment.

17 (b) (1) ~~The~~ Prior to January 1, 2019, the licensed family home
18 of a nonrelative.

19 (2) ~~The~~ Prior to January 1, 2019, the approved home of a
20 nonrelative extended family member as described in Section 362.7.

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

23 (d) A licensed group home, as defined in subdivision (h) of
24 Section 11400, excluding a runaway and homeless youth shelter
25 as defined in subdivision (ab) of Section 11400, provided that the
26 placement worker has documented that the placement is necessary
27 to meet the treatment needs of the child or youth and that the
28 facility offers those treatment services.

29 (e) The home of a nonrelated legal guardian or the home of a
30 former nonrelated legal guardian when the guardianship of a child
31 or youth who is otherwise eligible for AFDC-FC has been
32 dismissed due to the child or youth attaining 18 years of age.

33 (f) An exclusive-use home.

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

37 (h) An out-of-state group home, provided that the placement
38 worker, in addition to complying with all other statutory
39 requirements for placing a child or youth in an out-of-state group

1 home, documents that the requirements of Section 7911.1 of the
2 Family Code have been met.

3 (i) An approved supervised independent living setting for
4 nonminor dependents, as defined in subdivision (w) of Section
5 11400.

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

9 ~~SEC. 59.~~

10 *SEC. 66.* Section 11402 is added to the Welfare and Institutions
11 Code, to read:

12 11402. In order to be eligible for AFDC-FC, a child or
13 nonminor dependent shall be placed in one of the following:

14 (a) ~~The~~ *Prior to January 1, 2019, the* approved home of a
15 relative, provided the child or youth is otherwise eligible for federal
16 financial participation in the AFDC-FC payment.

17 (b) (1) ~~The~~ *Prior to January 1, 2019, the* home of a nonrelated
18 legal guardian or the home of a former nonrelated legal guardian
19 when the guardianship of a child or youth who is otherwise eligible
20 for AFDC-FC has been dismissed due to the child or youth
21 attaining 18 years of age.

22 (2) ~~The~~ *Prior to January 1, 2019, the* approved home of a
23 nonrelative extended family member, as described in Section 362.7.

24 (c) (1) ~~The~~ *Prior to January 1, 2019, the* licensed family home
25 of a nonrelative.

26 (2) The approved home of a resource family, as defined in
27 Section 16519.5.

28 (d) (1) A housing model certified by a licensed transitional
29 housing placement provider, as described in Section 1559.110 of
30 the Health and Safety Code, and as defined in subdivision (r) of
31 Section 11400.

32 (2) An approved supervised independent living setting for
33 nonminor dependents, as defined in subdivision (w) of Section
34 11400.

35 (e) A licensed foster family agency, as defined in *subdivision*
36 *(g) of Section 11400 and* paragraph (4) of subdivision (a) of Section
37 1502 of the Health and Safety Code, for placement into a ~~treatment~~
38 ~~foster home, provided that all of the following apply:~~ *certified or*
39 *approved home.*

- 1 ~~(1) The program has accreditation from a nationally recognized~~
 2 ~~entity identified by the State Department of Social Services~~
 3 ~~pursuant to the process described in paragraph (8) of subdivision~~
 4 ~~(b) of Section 11463.~~
 5 ~~(2) The program has a mental health certificate pursuant to~~
 6 ~~Section 11462.015.~~
 7 (f) A short-term residential treatment center licensed as a
 8 community care facility, as defined in subdivision (ad) of Section
 9 11400, ~~provided that all of the following apply: 11400 and~~
 10 ~~paragraph (18) of subdivision (a) of Section 1502 of the Health~~
 11 ~~and Safety Code.~~
 12 ~~(1) The program has a national accreditation from an entity~~
 13 ~~identified by the State Department of Social Services pursuant to~~
 14 ~~the process described in paragraph (4) of subdivision (b) of Section~~
 15 ~~11462.~~
 16 ~~(2) The program has a mental health certificate pursuant to~~
 17 ~~Section 11462.015.~~
 18 ~~(3) The placement worker has documented in the child's or~~
 19 ~~youth's case plan the need for, nature of, and anticipated duration~~
 20 ~~of this specialized treatment to meet the treatment needs of the~~
 21 ~~child or youth and that the facility offers those treatment services.~~
 22 (g) An out-of-state group home that meets the equivalent of the
 23 requirements of paragraphs (1), (2), and (3) of subdivision (f),
 24 requirements of paragraph (2) of subdivision (c) of Section 11460,
 25 provided that the placement worker, in addition to complying with
 26 all other statutory requirements for placing a child or youth in an
 27 out-of-state group home, documents that the requirements of
 28 Section 7911.1 of the Family Code have been met.
 29 (h) A community treatment facility set forth in Article 5
 30 (commencing with Section 4094) of Chapter 3 of Part 1 of Division
 31 4.
 32 (i) This section shall become operative on January 1, 2017.
 33 ~~SEC. 60.~~
 34 SEC. 67. Section 11402.01 is added to the Welfare and
 35 Institutions Code, immediately following Section 11402, to read:
 36 11402.01. In order to be eligible for AFDC-FC, a child or
 37 nonminor dependent shall be placed in one of the following:
 38 (a) ~~The~~ Prior to January 1, 2019, the approved home of a
 39 relative, provided the child or youth is otherwise eligible for federal

1 financial participation, as defined in Section 11402.1, in the
2 AFDC-FC payment.

3 (b) (1) ~~The~~ *Prior to January 1, 2019, the* licensed family home
4 of a nonrelative.

5 (2) ~~The~~ *Prior to January 1, 2019, the* approved home of a
6 nonrelative extended family 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 (f) *A licensed foster family agency, as defined in subdivision*
21 *(g) of Section 11400 and paragraph (4) of subdivision (a) of*
22 *Section 1502 of the Health and Safety Code for placement into a*
23 *home certified by the agency as meeting licensing standards.*

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

27 (h) An out-of-state group home, provided that the placement
28 worker, in addition to complying with all other statutory
29 requirements for placing a minor in an out-of-state group home,
30 documents that the requirements of Section 7911.1 of the Family
31 Code have been met.

32 (i) An approved supervised independent living setting for
33 nonminor dependents, as defined in subdivision (w) of Section
34 11400.

35 (j) This section shall only apply to a group home that has been
36 granted an extension pursuant to the exception process described
37 in subdivision (d) of Section 11462.04 or to a foster family agency
38 that has been granted an extension pursuant to the exception
39 process described in subdivision (d) of Section 11463.1.

40 (k) This section shall become operative on January 1, 2017.

1 (l) This section shall remain in effect only until January 1, ~~2018,~~
2 2019, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, ~~2018,~~ 2019, deletes or extends
4 that date.

5 ~~SEC. 61.~~

6 SEC. 68. Section 11403.2 of the Welfare and Institutions Code
7 is amended to read:

8 11403.2. (a) The following persons shall be eligible for
9 transitional housing provided pursuant to Article 4 (commencing
10 with Section 16522) of Chapter 5 of Part 4:

11 (1) Any foster child at least 16 years of age and not more than
12 18 years of age, and, on or after January 1, 2012, any nonminor
13 dependent, as defined in subdivision (v) of Section 11400, who is
14 eligible for AFDC-FC benefits as described in Section 11401. A
15 foster child under 18 years of age shall be eligible for placement
16 in the program certified as a “Transitional Housing Placement
17 Program,” pursuant to paragraph (1) of subdivision (a) of Section
18 16522.1. A nonminor dependent shall be eligible for placement in
19 the program certified as a “Transitional Housing Placement-Plus
20 Foster Care Program” pursuant to paragraph (2) of subdivision (a)
21 of Section 16522.1.

22 (2) (A) Any former foster youth at least 18 years of age and,
23 except as provided in subparagraph (B), not more than 24 years
24 of age who has exited from the foster care system on or after his
25 or her 18th birthday and elects to participate in Transitional
26 Housing Program-Plus, as defined in subdivision (s) of Section
27 11400, if he or she has not received services under this paragraph
28 for more than a total of 24 months, whether or not consecutive. If
29 the person participating in a Transitional Housing Program-Plus
30 is not receiving aid under Section 11403.1, he or she, as a condition
31 of participation, shall enter into, and execute the provisions of, a
32 transitional independent living plan that shall be mutually agreed
33 upon, and annually reviewed, by the former foster youth and the
34 applicable county welfare or probation department or independent
35 living program coordinator. The person participating under this
36 paragraph shall inform the county of any changes to conditions
37 specified in the agreed-upon plan that affect eligibility, including
38 changes in address, living circumstances, and the educational or
39 training program.

1 (B) A county may, at its option, extend the services provided
2 under subparagraph (A) to former foster youth not more than 25
3 years of age, and for a total of 36 months, whether or not
4 consecutive, if the former foster youth, in addition to the
5 requirements specified in subparagraph (A), meets either of the
6 following criteria:

7 (i) The former foster youth is completing secondary education
8 or a program leading to an equivalent credential.

9 (ii) The former foster youth is enrolled in an institution that
10 provides postsecondary education.

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

33 (c) The Legislature finds and declares that this subdivision was
34 added in 2015 to clearly codify the requirement of existing law
35 regarding the payment made on behalf of an eligible person
36 receiving transitional housing services. The workgroup described
37 in subdivision (b) recommended, and the department subsequently
38 implemented, an annual adjustment to the payment made on behalf
39 of an eligible person receiving transitional housing services. This
40 annual adjustment has been, and shall continue to be, equal to the

1 California Necessities Index applicable to each fiscal year. The
2 Legislature hereby codifies that its intent remains in making this
3 annual adjustment to support the care and supervision, including
4 needed services and supports, for nonminor dependents who are
5 receiving transitional housing services through the THP-Plus Foster
6 Care Program.

7 ~~SEC. 62.~~

8 *SEC. 69.* Section 11460 of the Welfare and Institutions Code
9 is amended to read:

10 11460. (a) Foster care providers shall be paid a per child per
11 month rate in return for the care and supervision of the AFDC-FC
12 child placed with them. The department is designated the single
13 organizational unit whose duty it shall be to administer a state
14 system for establishing rates in the AFDC-FC program. State
15 functions shall be performed by the department or by delegation
16 of the department to county welfare departments or Indian tribes,
17 consortia of tribes, or tribal organizations that have entered into
18 an agreement pursuant to Section 10553.1.

19 (b) “Care and supervision” includes food, clothing, shelter, daily
20 supervision, school supplies, a child’s personal incidentals, liability
21 insurance with respect to a child, reasonable travel to the child’s
22 home for visitation, and reasonable travel for the child to remain
23 in the school in which he or she is enrolled at the time of
24 placement. Reimbursement for the costs of educational travel, as
25 provided for in this subdivision, shall be made pursuant to
26 procedures determined by the department, in consultation with
27 representatives of county welfare and probation directors, and
28 additional stakeholders, as appropriate.

29 (1) For a child or youth placed in a short-term residential
30 treatment center or a group home, care and supervision shall also
31 include reasonable administration and operational activities
32 necessary to provide the items listed in this subdivision.

33 (2) For a child or youth placed in a short-term residential
34 treatment center or a group home, care and supervision may also
35 include reasonable activities performed by social workers employed
36 by the program provider that are not otherwise considered daily
37 supervision or administration activities, but are eligible for federal
38 financial participation under Title IV-E of the federal Social
39 Security Act.

1 (3) *The department, in consultation with the California State*
2 *Foster Parent Association, and other interested stakeholders, shall*
3 *provide information to the Legislature, no later than January 1,*
4 *2017, regarding the availability and cost for liability and property*
5 *insurance covering acts committed by children in care, and shall*
6 *make recommendations for any needed program development in*
7 *this area.*

8 (c) It is the intent of the Legislature to establish the maximum
9 level of financial participation in out-of-state foster care group
10 home program rates for placements in facilities described in
11 subdivision (g) of Section 11402.

12 (1) The department shall develop regulations that establish the
13 method for determining the level of financial participation in the
14 rate paid for out-of-state placements in facilities described in
15 subdivision (g) of Section 11402. The department shall consider
16 all of the following methods:

17 (A) Until December 31, 2016, a standardized system based on
18 the rate classification level of care and services per child per month.

19 (B) The rate developed for a short-term residential treatment
20 center pursuant to Section 11462.

21 (C) A system that considers the actual allowable and reasonable
22 costs of care and supervision incurred by the out-of-state program.

23 (D) A system that considers the rate established by the host
24 state.

25 (E) Any other appropriate methods as determined by the
26 department.

27 (2) Reimbursement for the Aid to Families with Dependent
28 Children-Foster Care rate to be paid to an out-of-state program
29 described in subdivision (g) of Section 11402 shall only be paid
30 to programs that have done ~~both~~ *all* of the following:

31 (A) ~~Submitted a rate application to the department and received~~
32 ~~a determination of the level of financial participation in the rate~~
33 ~~paid.~~ *department, which shall include, but not be limited to, both*
34 *of the following:*

35 (i) *Commencing January 1, 2017, the equivalent of the mental*
36 *health certification required in Section 4096.5.*

37 (ii) *Commencing January 1, 2017, unless granted an extension*
38 *from the department pursuant to subdivision (d) of Section*
39 *11462.04, the national accreditation required in paragraph (5) of*
40 *subdivision (b) of Section 11462.*

1 ~~(i) The~~
2 (B) Maintained a level of financial participation that shall not
3 exceed ~~the~~ any of the following:
4 (i) The current fiscal year’s standard rate for rate classification
5 level 14 for a group home; or, commencing home.
6 (ii) Commencing January 1, 2017, the current fiscal year’s rate
7 for a short-term residential treatment center.
8 ~~(ii) The level of financial participation shall not exceed the~~
9 (iii) The rate determined by the ratesetting authority of the state
10 in which the facility is located.
11 ~~(B)~~
12 (C) Agreed to comply with information requests, and program
13 and fiscal audits as determined necessary by the department.
14 (3) Except as specifically provided for in statute, reimbursement
15 for an AFDC-FC rate shall only be paid to a group home or
16 short-term residential treatment center organized and operated on
17 a nonprofit basis.
18 (d) A foster care provider that accepts payments, following the
19 effective date of this section, based on a rate established under this
20 section, shall not receive rate increases or retroactive payments as
21 the result of litigation challenging rates established prior to the
22 effective date of this section. This shall apply regardless of whether
23 a provider is a party to the litigation or a member of a class covered
24 by the litigation.
25 (e) Nothing shall preclude a county from using a portion of its
26 county funds to increase rates paid to family homes, foster family
27 agencies, group homes, and short-term residential treatment centers
28 within that county, and to make payments for specialized care
29 increments, clothing allowances, or infant supplements to homes
30 within that county, solely at that county’s expense.
31 (f) Nothing shall preclude a county from providing a
32 supplemental rate to serve commercially sexually exploited foster
33 children to provide for the additional care and supervision needs
34 of these children. To the extent that federal financial participation
35 is available, it is the intent of the Legislature that the federal
36 funding shall be utilized.
37 ~~SEC. 63.~~
38 SEC. 70. Section 11461.2 of the Welfare and Institutions Code
39 is amended to read:

1 11461.2. (a) It is the intent of the Legislature to ensure quality
2 care for children who are placed in the continuum of AFDC-FC
3 eligible placement settings.

4 (b) The State Department of Social Services shall establish, in
5 consultation with county welfare departments and other
6 stakeholders, as appropriate, a working group to develop
7 recommended revisions to the current ratesetting system, services,
8 and programs serving children and families in the continuum of
9 AFDC-FC eligible placement settings including, at a minimum,
10 all programs provided by foster family agencies and group homes
11 including those providing residentially based services, as defined
12 in paragraph (1) of subdivision (a) of Section 18987.71.

13 (c) In developing the recommended revisions identified in
14 subdivision (b), the working group shall consider all of the
15 following:

16 (1) How ratesetting systems for foster care providers, including,
17 at least, foster family agencies and group homes, can better support
18 a continuum of programs and services that promote positive
19 outcomes for children and families. This may include a process
20 for matching the child's strengths and needs to the appropriate
21 placement setting.

22 (2) How the provision of an integrated, comprehensive set of
23 services including mental health and other critical services for
24 children and youth support the achievement of well-being,
25 permanency, and safety outcomes.

26 (3) How to ensure the provision of services in ~~family-like~~
27 *settings a family setting that promotes normal childhood*
28 *experiences and that serves the needs of the child*, including
29 aftercare services, when appropriate.

30 (4) How to provide outcome-based evaluations of foster care
31 providers or other methods of measuring quality improvement
32 including measures of youth and families' satisfaction with services
33 provided and program effectiveness.

34 (5) How changes in the licensing, ratesetting, and auditing
35 processes can improve the quality of foster care providers, the
36 quality of services and programs provided, and enhance the
37 oversight of care provided to children, including, but not limited
38 to, accreditation, administrator qualifications, and the reassignment
39 of these responsibilities within the department.

1 (d) In addition to the considerations in subdivision (c), the
2 workgroup recommendations shall be based on the review and
3 evaluation of the current ratesetting systems, actual cost data, and
4 information from the provider community as well as research on
5 other applicable ratesetting methodologies, evidence-based
6 practices, information developed as a result of pilots approved by
7 the director, and any other relevant information.

8 (e) (1) The workgroup shall develop the content, format, and
9 data sources for reports to be posted by the department on a public
10 Internet Web site describing the outcomes achieved by providers
11 with foster care rates set by the department.

12 (2) Commencing January 1, 2017, and at least semiannually
13 after that date, the department shall publish and make available
14 on a public Internet Web site, short-term residential treatment
15 center and foster family agency provider performance indicators.

16 (f) (1) Recommendations developed pursuant to this section
17 shall include the plan required under subdivision (d) of Section
18 18987.7. Updates regarding the workgroup's establishment and
19 its progress toward meeting the requirements of this section shall
20 be provided to the Legislature during 2012–13 and 2013–14 budget
21 hearings. The revisions recommended pursuant to the requirements
22 of subdivision (b) shall be submitted in a report to the appropriate
23 policy and fiscal committees of the Legislature by October 1, 2014.

24 (2) The requirement for submitting a report pursuant to this
25 subdivision is inoperative on October 1, 2018, pursuant to Section
26 10231.5 of the Government Code.

27 (g) The department shall retain the authority to extend the
28 workgroup after October 1, 2014, to ensure that the objectives of
29 this section are met and to reconvene this workgroup as necessary
30 to address any future recommended changes to the continuum of
31 AFDC-FC eligible placement settings pursuant to this section.

32 ~~SEC. 64.~~

33 *SEC. 71.* Section 11462 of the Welfare and Institutions Code
34 is amended to read:

35 11462. (a) (1) Effective July 1, 1990, foster care providers
36 licensed as group homes, as defined in departmental regulations,
37 including public child care institutions, as defined in Section
38 11402.5, shall have rates established by classifying each group
39 home program and applying the standardized schedule of rates.
40 The department shall collect information from group providers

1 beginning January 1, 1990, in order to classify each group home
2 program.

3 (2) Notwithstanding paragraph (1), foster care providers licensed
4 as group homes shall have rates established only if the group home
5 is organized and operated on a nonprofit basis as required under
6 subdivision (h) of Section 11400. The department shall terminate
7 the rate effective January 1, 1993, of any group home not organized
8 and operated on a nonprofit basis as required under subdivision
9 (h) of Section 11400.

10 (3) (A) The department shall determine, consistent with the
11 requirements of this chapter and other relevant requirements under
12 law, the rate classification level (RCL) for each group home
13 program on a biennial basis. Submission of the biennial rate
14 application shall be made according to a schedule determined by
15 the department.

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

24 (b) A group home program shall be initially classified, for
25 purposes of emergency regulations, according to the level of care
26 and services to be provided using a point system developed by the
27 department and described in the report, "The Classification of
28 Group Home Programs under the Standardized Schedule of Rates
29 System," prepared by the State Department of Social Services,
30 August 30, 1989.

31 (c) The rate for each RCL has been determined by the
32 department with data from the AFDC-FC Group Home Rate
33 Classification Pilot Study. The rates effective July 1, 1990, were
34 developed using 1985 calendar year costs and reflect adjustments
35 to the costs for each fiscal year, starting with the 1986–87 fiscal
36 year, by the amount of the California Necessities Index computed
37 pursuant to the methodology described in Section 11453. The data
38 obtained by the department using 1985 calendar year costs shall
39 be updated and revised by January 1, 1993.

1 (d) As used in this section, “standardized schedule of rates”
2 means a listing of the 14 rate classification levels, and the single
3 rate established for each RCL.

4 (e) Except as specified in paragraph (1), the department shall
5 determine the RCL for each group home program on a prospective
6 basis, according to the level of care and services that the group
7 home operator projects will be provided during the period of time
8 for which the rate is being established.

9 (1) (A) (i) For new and existing providers requesting the
10 establishment of an RCL, and for existing group home programs
11 requesting an RCL increase, the department shall determine the
12 RCL no later than 13 months after the effective date of the
13 provisional rate. The determination of the RCL shall be based on
14 a program audit of documentation and other information that
15 verifies the level of care and supervision provided by the group
16 home program during a period of the two full calendar months or
17 60 consecutive days, whichever is longer, preceding the date of
18 the program audit, unless the group home program requests a lower
19 RCL. The program audit shall not cover the first six months of
20 operation under the provisional rate.

21 (ii) For audit purposes, if the group home program serves a
22 mixture of AFDC-FC eligible and ineligible children, the weighted
23 hours for child care and social work services provided and the
24 capacity of the group home shall be adjusted by the ratio of
25 AFDC-FC eligible children to all children in placement.

26 (iii) Pending the department’s issuance of the program audit
27 report that determines the RCL for the group home program, the
28 group home program shall be eligible to receive a provisional rate
29 that shall be based on the level of care and service that the group
30 home program proposes it will provide. The group home program
31 shall be eligible to receive only the RCL determined by the
32 department during the pendency of any appeal of the department’s
33 RCL determination.

34 (B) A group home program may apply for an increase in its
35 RCL no earlier than two years from the date the department has
36 determined the group home program’s rate, unless the host county,
37 the primary placing county, or a regional consortium of counties
38 submits to the department in writing that the program is needed
39 in that county, that the provider is capable of effectively and
40 efficiently operating the proposed program, and that the provider

1 is willing and able to accept AFDC-FC children for placement
2 who are determined by the placing agency to need the level of care
3 and services that will be provided by the program.

4 (C) To ensure efficient administration of the department's audit
5 responsibilities, and to avoid the fraudulent creation of records,
6 group home programs shall make records that are relevant to the
7 RCL determination available to the department in a timely manner.
8 Except as provided in this section, the department may refuse to
9 consider, for purposes of determining the rate, any documents that
10 are relevant to the determination of the RCL that are not made
11 available by the group home provider by the date the group home
12 provider requests a hearing on the department's RCL
13 determination. The department may refuse to consider, for purposes
14 of determining the rate, the following records, unless the group
15 home provider makes the records available to the department
16 during the fieldwork portion of the department's program audit:

17 (i) Records of each employee's full name, home address,
18 occupation, and social security number.

19 (ii) Time records showing when the employee begins and ends
20 each work period, meal periods, split shift intervals, and total daily
21 hours worked.

22 (iii) Total wages paid each payroll period.

23 (iv) Records required to be maintained by licensed group home
24 providers under Title 22 of the California Code of Regulations
25 that are relevant to the RCL determination.

26 (D) To minimize financial abuse in the startup of group home
27 programs, when the department's RCL determination is more than
28 three levels lower than the RCL level proposed by the group home
29 provider, and the group home provider does not appeal the
30 department's RCL determination, the department shall terminate
31 the rate of a group home program 45 days after issuance of its
32 program audit report. When the group home provider requests a
33 hearing on the department's RCL determination, and the RCL
34 determined by the director under subparagraph (E) is more than
35 three levels lower than the RCL level proposed by the group home
36 provider, the department shall terminate the rate of a group home
37 program within 30 days of issuance of the director's decision.
38 Notwithstanding the reapplication provisions in subparagraph (B),
39 the department shall deny any request for a new or increased RCL
40 from a group home provider whose RCL is terminated pursuant

1 to this subparagraph, for a period of no greater than two years from
2 the effective date of the RCL termination.

3 (E) A group home provider may request a hearing of the
4 department's RCL determination under subparagraph (A) no later
5 than 30 days after the date the department issues its RCL
6 determination. The department's RCL determination shall be final
7 if the group home provider does not request a hearing within the
8 prescribed time. Within 60 days of receipt of the request for
9 hearing, the department shall conduct a hearing on the RCL
10 determination. The standard of proof shall be the preponderance
11 of the evidence and the burden of proof shall be on the department.
12 The hearing officer shall issue the proposed decision within 45
13 days of the close of the evidentiary record. The director shall adopt,
14 reject, or modify the proposed decision, or refer the matter back
15 to the hearing officer for additional evidence or findings within
16 100 days of issuance of the proposed decision. If the director takes
17 no action on the proposed decision within the prescribed time, the
18 proposed decision shall take effect by operation of law.

19 (2) Group home programs that fail to maintain at least the level
20 of care and services associated with the RCL upon which their rate
21 was established shall inform the department. The department shall
22 develop regulations specifying procedures to be applied when a
23 group home fails to maintain the level of services projected,
24 including, but not limited to, rate reduction and recovery of
25 overpayments.

26 (3) The department shall not reduce the rate, establish an
27 overpayment, or take other actions pursuant to paragraph (2) for
28 any period that a group home program maintains the level of care
29 and services associated with the RCL for children actually residing
30 in the facility. Determinations of levels of care and services shall
31 be made in the same way as modifications of overpayments are
32 made pursuant to paragraph (2) of subdivision (b) of Section
33 11466.2.

34 (4) A group home program that substantially changes its staffing
35 pattern from that reported in the group home program statement
36 shall provide notification of this change to all counties that have
37 placed children currently in care. This notification shall be provided
38 whether or not the RCL for the program may change as a result of
39 the change in staffing pattern.

1 (f) (1) The standardized schedule of rates for the 2002–03,
2 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08 fiscal years
3 is:

4			
5			FY 2002–03, 2003–04,
6			2004–05, 2005–06,
7			2006–07, and 2007–08
8	Rate Classification Level	Point Ranges	Standard Rate
9	1	Under 60	\$1,454
10	2	60–89	1,835
11	3	90–119	2,210
12	4	120–149	2,589
13	5	150–179	2,966
14	6	180–209	3,344
15	7	210–239	3,723
16	8	240–269	4,102
17	9	270–299	4,479
18	10	300–329	4,858
19	11	330–359	5,234
20	12	360–389	5,613
21	13	390–419	5,994
22	14	420 & Up	6,371

23
24 (2) (A) For group home programs that receive AFDC-FC
25 payments for services performed during the 2002–03, 2003–04,
26 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10
27 fiscal years, the adjusted RCL point ranges below shall be used
28 for establishing the biennial rates for existing programs, pursuant
29 to paragraph (3) of subdivision (a) and in performing program
30 audits and in determining any resulting rate reduction, overpayment
31 assessment, or other actions pursuant to paragraph (2) of
32 subdivision (e):

33		
34		Adjusted Point Ranges
35		for the 2002–03, 2003–04,
36		2004–05, 2005–06, 2006–07, 2007–08, 2008–09,
37	Rate Classification Level	and 2009–10 Fiscal Years
38	1	Under 54
39	2	54–81
40	3	82–110

1	4	111–138
2	5	139–167
3	6	168–195
4	7	196–224
5	8	225–253
6	9	254–281
7	10	282–310
8	11	311–338
9	12	339–367
10	13	368–395
11	14	396 & Up

13 (B) Notwithstanding subparagraph (A), foster care providers
 14 operating group homes during the 2002–03, 2003–04, 2004–05,
 15 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 fiscal years
 16 shall remain responsible for ensuring the health and safety of the
 17 children placed in their programs in accordance with existing
 18 applicable provisions of the Health and Safety Code and
 19 community care licensing regulations, as contained in Title 22 of
 20 the California Code of Regulations.

21 (C) Subparagraph (A) shall not apply to program audits of group
 22 home programs with provisional rates established pursuant to
 23 paragraph (1) of subdivision (e). For those program audits, the
 24 RCL point ranges in paragraph (1) shall be used.

25 (D) Rates applicable for the 2009–10 fiscal year pursuant to the
 26 act that adds this subparagraph shall be effective October 1, 2009.

27 (3) (A) For group home programs that receive AFDC-FC
 28 payments for services performed during the 2009–10 fiscal year
 29 the adjusted RCL point ranges below shall be used for establishing
 30 the biennial rates for existing programs, pursuant to paragraph (3)
 31 of subdivision (a) and in performing program audits and in
 32 determining any resulting rate reduction, overpayment assessment,
 33 or other actions pursuant to paragraph (2) of subdivision (e):

35	Rate	Adjusted Point Ranges
36	Classification	for the 2009–10
37	Level	Fiscal Years
38	1	Under 39
39	2	39–64
40	3	65–90

1	4	91-115
2	5	116-141
3	6	142-167
4	7	168-192
5	8	193-218
6	9	219-244
7	10	245-270
8	11	271-295
9	12	296-321
10	13	322-347
11	14	348 & Up

12
13 (B) Notwithstanding subparagraph (A), foster care providers
14 operating group homes during the 2009–10 fiscal year shall remain
15 responsible for ensuring the health and safety of the children placed
16 in their programs in accordance with existing applicable provisions
17 of the Health and Safety Code and community care licensing
18 regulations as contained in Title 22 of the California Code of
19 Regulations.

20 (C) Subparagraph (A) shall not apply to program audits of group
21 home programs with provisional rates established pursuant to
22 paragraph (1) of subdivision (e). For those program audits, the
23 RCL point ranges in paragraph (1) shall be used.

24 (g) (1) (A) For the 1999–2000 fiscal year, the standardized
25 rate for each RCL shall be adjusted by an amount equal to the
26 California Necessities Index computed pursuant to the methodology
27 described in Section 11453. The resultant amounts shall constitute
28 the new standardized schedule of rates, subject to further
29 adjustment pursuant to subparagraph (B).

30 (B) In addition to the adjustment in subparagraph (A),
31 commencing January 1, 2000, the standardized rate for each RCL
32 shall be increased by 2.36 percent, rounded to the nearest dollar.
33 The resultant amounts shall constitute the new standardized
34 schedule of rates.

35 (2) Beginning with the 2000–01 fiscal year, the standardized
36 schedule of rates shall be adjusted annually by an amount equal
37 to the CNI computed pursuant to Section 11453, subject to the
38 availability of funds. The resultant amounts shall constitute the
39 new standardized schedule of rates.

1 (3) Effective January 1, 2001, the amount included in the
2 standard rate for each Rate Classification Level (RCL) for the
3 salaries, wages, and benefits for staff providing child care and
4 supervision or performing social work activities, or both, shall be
5 increased by 10 percent. This additional funding shall be used by
6 group home programs solely to supplement staffing, salaries,
7 wages, and benefit levels of staff specified in this paragraph. The
8 standard rate for each RCL shall be recomputed using this adjusted
9 amount and the resultant rates shall constitute the new standardized
10 schedule of rates. The department may require a group home
11 receiving this additional funding to certify that the funding was
12 utilized in accordance with the provisions of this section.

13 (4) Effective January 1, 2008, the amount included in the
14 standard rate for each RCL for the wages for staff providing child
15 care and supervision or performing social work activities, or both,
16 shall be increased by 5 percent, and the amount included for the
17 payroll taxes and other employer-paid benefits for these staff shall
18 be increased from 20.325 percent to 24 percent. The standard rate
19 for each RCL shall be recomputed using these adjusted amounts,
20 and the resulting rates shall constitute the new standardized
21 schedule of rates.

22 (5) The new standardized schedule of rates as provided for in
23 paragraph (4) shall be reduced by 10 percent, effective October 1,
24 2009, and the resulting rates shall constitute the new standardized
25 schedule of rates.

26 (6) The rates of licensed group home providers, whose rates are
27 not established under the standardized schedule of rates, shall be
28 reduced by 10 percent, effective October 1, 2009.

29 (h) The standardized schedule of rates pursuant to subdivisions
30 (f) and (g) shall be implemented as follows:

31 (1) Any group home program that received an AFDC-FC rate
32 in the prior fiscal year at or above the standard rate for the RCL
33 in the current fiscal year shall continue to receive that rate.

34 (2) Any group home program that received an AFDC-FC rate
35 in the prior fiscal year below the standard rate for the RCL in the
36 current fiscal year shall receive the RCL rate for the current year.

37 (i) (1) The department shall not establish a rate for a new
38 program of a new or existing provider, or for an existing program
39 at a new location of an existing provider, unless the provider
40 submits a letter of recommendation from the host county, the

1 primary placing county, or a regional consortium of counties that
2 includes all of the following:

3 (A) That the program is needed by that county.

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

6 (C) That the provider is willing and able to accept AFDC-FC
7 children for placement who are determined by the placing agency
8 to need the level of care and services that will be provided by the
9 program.

10 (D) That, if the letter of recommendation is not being issued by
11 the host county, the primary placing county has notified the host
12 county of its intention to issue the letter and the host county was
13 given the opportunity of 30 days to respond to this notification
14 and to discuss options with the primary placing county.

15 (2) The department shall encourage the establishment of
16 consortia of county placing agencies on a regional basis for the
17 purpose of making decisions and recommendations about the need
18 for, and use of, group home programs and other foster care
19 providers within the regions.

20 (3) The department shall annually conduct a county-by-county
21 survey to determine the unmet placement needs of children placed
22 pursuant to Section 300 and Section 601 or 602, and shall publish
23 its findings by November 1 of each year.

24 (j) The department shall develop regulations specifying
25 ratesetting procedures for program expansions, reductions, or
26 modifications, including increases or decreases in licensed capacity,
27 or increases or decreases in level of care or services.

28 (k) For the purpose of this subdivision, “program change” means
29 any alteration to an existing group home program planned by a
30 provider that will increase the RCL or AFDC-FC rate. An increase
31 in the licensed capacity or other alteration to an existing group
32 home program that does not increase the RCL or AFDC-FC rate
33 shall not constitute a program change.

34 (l) General unrestricted or undesignated private charitable
35 donations and contributions made to charitable or nonprofit
36 organizations shall not be deducted from the cost of providing
37 services pursuant to this section. The donations and contributions
38 shall not be considered in any determination of maximum
39 expenditures made by the department.

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

4 ~~SEC. 65.~~

5 *SEC. 72.* Section 11462 is added to the Welfare and Institutions
6 Code, to read:

7 11462. (a) The department shall commence development of
8 a new payment structure for short-term residential treatment center
9 program placements claiming Title IV-E funding, in consultation
10 with county placing agencies and providers.

11 (b) The department shall develop a rate system that includes
12 consideration of all of the following factors:

13 (1) Core services, made available to children and nonminor
14 dependents either directly or secured through formal agreements
15 with other agencies, which are trauma informed and culturally
16 relevant and ~~include all of the following:~~ *include:*

17 (A) ~~Specialty Access to specialty~~ *specialty* mental health services for
18 children who meet medical necessity criteria for specialty mental
19 health services under the Medi-Cal Early and Periodic Screening,
20 Diagnosis, and Treatment program.

21 (B) Transition support services for children, youth, and families
22 *upon initial entry and placement changes and for families who*
23 ~~assume permanency:~~ *permanency through reunification, adoption,*
24 *or guardianship.*

25 (C) *Educational and physical, behavioral, and mental health*
26 *supports, including extracurricular activities and social supports.*

27 (D) *Activities designed to support transition-age youth and*
28 *nonminor dependents in achieving a successful adulthood.*

29 ~~(C) Permanency-related services;~~

30 (E) *Services to achieve permanency, including supporting efforts*
31 *to reunify or achieve adoption or guardianship and efforts to*
32 *maintain or establish relationships with parents, siblings, extended*
33 *family members, tribes, or others important to the child or youth,*
34 *as appropriate.*

35 ~~(D) Education and physical, behavioral, and mental health~~
36 ~~supports, including extracurricular activities and social supports.~~

37 ~~(E) Activities designed to support transition-age youth and~~
38 ~~nonminor dependents in achieving a successful adulthood.~~

39 (F) When serving Indian children, as defined in *subdivisions*
40 *(a) and (b) of* Section 224.1, the core services described in

1 paragraphs (A) to (E), inclusive, which shall be provided *to eligible*
2 *children* consistent with active efforts pursuant to Section 361.7.

3 (G) (i) *Facilitating the identification and, as needed, the*
4 *approval of resource families pursuant to Section 16519.5, for the*
5 *purpose of transitioning children and youth to family-based care.*

6 (ii) *If a short-term residential treatment center elects to approve*
7 *and monitor resource families directly, the center shall comply*
8 *with all laws applicable to foster family agencies, including, but*
9 *not limited to, those set forth in the Community Care Facilities*
10 *Act (Chapter 3 (commencing with Section 1500) of Division 2 of*
11 *the Health and Safety Code).*

12 (iii) *For short-term residential treatment centers that elect to*
13 *approve and monitor resource families directly, the department*
14 *shall have all the same duties and responsibilities as those centers*
15 *have for licensed foster family agencies, as set forth in applicable*
16 *law, including, but not limited to, those set forth in the Community*
17 *Care Facilities Act (Chapter 3 (commencing with Section 1500)*
18 *of Division 2 of the Health and Safety Code).*

19 (2) *The core services specified in subparagraphs (A) to (G),*
20 *inclusive, of paragraph (1) are not intended to duplicate services*
21 *already available to foster children in the community, but to*
22 *support access to those services and supports to the extent they*
23 *are already available. Those services and supports may include,*
24 *but are not limited to, foster youth services available through*
25 *county offices of education, Indian Health Services, or*
26 *school-based extra-curricular activities.*

27 ~~(2)~~

28 (3) Specialized and intensive treatment supports that encompass
29 the elements of nonmedical care and supervision necessary to meet
30 ~~youth~~ *a child's or youth's* safety and other needs that cannot be
31 met in a ~~family-based~~ *family-based* setting.

32 ~~(3)~~

33 (4) Staff training.

34 ~~(4)~~

35 (5) Health and Safety Code requirements.

36 ~~(5)~~

37 (6) Accreditation that includes:

38 (A) Provision for all licensed short-term residential treatment
39 centers to obtain and maintain in good standing accreditation from
40 a nationally recognized accreditation agency, as identified by the

1 department, with expertise in programs for *children or* youth group
2 care facilities, as determined by the department.

3 (B) Promulgation by the department of information identifying
4 that agency or agencies from which accreditation shall be required.

5 (C) Provision for timely reporting to the department of any
6 change in accreditation status.

7 ~~(6)~~

8 (7) Mental health certification, including a requirement to timely
9 report to the department any change in mental health certificate
10 status.

11 ~~(7)~~

12 (8) Maximization of federal financial participation under Title
13 IV-E and Title XIX of the Social Security Act.

14 (c) The department shall develop a system of governmental
15 monitoring and oversight that shall be carried out in coordination
16 with the State Department of Health Care Services. Oversight
17 responsibilities shall include, but not be limited to, ensuring
18 conformity with federal and state law, including program, fiscal,
19 and health and safety audits and reviews. *The state agencies shall*
20 *attempt to minimize duplicative audits and reviews to reduce the*
21 *administrative burden on providers.*

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

23 ~~SEC. 66.~~

24 *SEC. 73.* Section 11462.001 is added to the Welfare and
25 Institutions Code, immediately following Section 11462, to read:

26 11462.001. (a) (1) Foster care providers licensed as group
27 homes, as defined in departmental regulations, including public
28 child care institutions, as defined in Section 11402.5, shall have
29 rates established by classifying each group home program and
30 applying the standardized schedule of rates. The department shall
31 collect information from group providers in order to classify each
32 group home program.

33 (2) Notwithstanding paragraph (1), foster care providers licensed
34 as group homes shall have rates established only if the group home
35 is organized and operated on a nonprofit basis as required under
36 subdivision (h) of Section 11400. The department shall terminate
37 the rate of any group home not organized and operated on a
38 nonprofit basis as required under subdivision (h) of Section 11400.

39 (3) (A) The department shall determine, consistent with the
40 requirements of this chapter and other relevant requirements under

1 law, the rate classification level (RCL) for each group home
2 program on a biennial basis. Submission of the biennial rate
3 application shall be made according to a schedule determined by
4 the department.

5 (B) The department shall adopt regulations to implement this
6 paragraph. The adoption, amendment, repeal, or readoption of a
7 regulation authorized by this paragraph is deemed to be necessary
8 for the immediate preservation of the public peace, health and
9 safety, or general welfare, for purposes of Sections 11346.1 and
10 11349.6 of the Government Code, and the department is hereby
11 exempted from the requirement to describe specific facts showing
12 the need for immediate action.

13 (b) A group home program shall be initially classified, for
14 purposes of emergency regulations, according to the level of care
15 and services to be provided using a point system developed by the
16 department and described in the report, "The Classification of
17 Group Home Programs under the Standardized Schedule of Rates
18 System," prepared by the State Department of Social Services,
19 August 30, 1989.

20 (c) The rate for each RCL has been determined by the
21 department with data from the AFDC-FC Group Home Rate
22 Classification Pilot Study.

23 (d) As used in this section, "standardized schedule of rates"
24 means a listing of the 14 rate classification levels, and the single
25 rate established for each RCL.

26 (e) Except as specified in paragraph (1), the department shall
27 determine the RCL for each group home program on a prospective
28 basis, according to the level of care and services that the group
29 home operator projects will be provided during the period of time
30 for which the rate is being established.

31 (1) (A) (i) For new and existing providers requesting the
32 establishment of an RCL, and for existing group home programs
33 requesting an RCL increase, the department shall determine the
34 RCL no later than 13 months after the effective date of the
35 provisional rate. The determination of the RCL shall be based on
36 a program audit of documentation and other information that
37 verifies the level of care and supervision provided by the group
38 home program during a period of the two full calendar months or
39 60 consecutive days, whichever is longer, preceding the date of
40 the program audit, unless the group home program requests a lower

1 RCL. The program audit shall not cover the first six months of
2 operation under the provisional rate.

3 (ii) For audit purposes, if the group home program serves a
4 mixture of AFDC-FC eligible and ineligible children, the weighted
5 hours for child care and social work services provided and the
6 capacity of the group home shall be adjusted by the ratio of
7 AFDC-FC eligible children to all children in placement.

8 (iii) Pending the department's issuance of the program audit
9 report that determines the RCL for the group home program, the
10 group home program shall be eligible to receive a provisional rate
11 that shall be based on the level of care and service that the group
12 home program proposes it will provide. The group home program
13 shall be eligible to receive only the RCL determined by the
14 department during the pendency of any appeal of the department's
15 RCL determination.

16 (B) A group home program may apply for an increase in its
17 RCL no earlier than two years from the date the department has
18 determined the group home program's rate, unless the host county,
19 the primary placing county, or a regional consortium of counties
20 submits to the department in writing that the program is needed
21 in that county, that the provider is capable of effectively and
22 efficiently operating the proposed program, and that the provider
23 is willing and able to accept AFDC-FC children for placement
24 who are determined by the placing agency to need the level of care
25 and services that will be provided by the program.

26 (C) To ensure efficient administration of the department's audit
27 responsibilities, and to avoid the fraudulent creation of records,
28 group home programs shall make records that are relevant to the
29 RCL determination available to the department in a timely manner.
30 Except as provided in this section, the department may refuse to
31 consider, for purposes of determining the rate, any documents that
32 are relevant to the determination of the RCL that are not made
33 available by the group home provider by the date the group home
34 provider requests a hearing on the department's RCL
35 determination. The department may refuse to consider, for purposes
36 of determining the rate, the following records, unless the group
37 home provider makes the records available to the department
38 during the fieldwork portion of the department's program audit:

39 (i) Records of each employee's full name, home address,
40 occupation, and social security number.

1 (ii) Time records showing when the employee begins and ends
2 each work period, meal periods, split shift intervals, and total daily
3 hours worked.

4 (iii) Total wages paid each payroll period.

5 (iv) Records required to be maintained by licensed group home
6 providers under Title 22 of the California Code of Regulations
7 that are relevant to the RCL determination.

8 (D) To minimize financial abuse in the startup of group home
9 programs, when the department's RCL determination is more than
10 three levels lower than the RCL level proposed by the group home
11 provider, and the group home provider does not appeal the
12 department's RCL determination, the department shall terminate
13 the rate of a group home program 45 days after issuance of its
14 program audit report. When the group home provider requests a
15 hearing on the department's RCL determination, and the RCL
16 determined by the director under subparagraph (E) is more than
17 three levels lower than the RCL level proposed by the group home
18 provider, the department shall terminate the rate of a group home
19 program within 30 days of issuance of the director's decision.
20 Notwithstanding the reapplication provisions in subparagraph (B),
21 the department shall deny any request for a new or increased RCL
22 from a group home provider whose RCL is terminated pursuant
23 to this subparagraph, for a period of no greater than two years from
24 the effective date of the RCL termination.

25 (E) A group home provider may request a hearing of the
26 department's RCL determination under subparagraph (A) no later
27 than 30 days after the date the department issues its RCL
28 determination. The department's RCL determination shall be final
29 if the group home provider does not request a hearing within the
30 prescribed time. Within 60 days of receipt of the request for
31 hearing, the department shall conduct a hearing on the RCL
32 determination. The standard of proof shall be the preponderance
33 of the evidence and the burden of proof shall be on the department.
34 The hearing officer shall issue the proposed decision within 45
35 days of the close of the evidentiary record. The director shall adopt,
36 reject, or modify the proposed decision, or refer the matter back
37 to the hearing officer for additional evidence or findings within
38 100 days of issuance of the proposed decision. If the director takes
39 no action on the proposed decision within the prescribed time, the
40 proposed decision shall take effect by operation of law.

1 (2) Group home programs that fail to maintain at least the level
 2 of care and services associated with the RCL upon which their rate
 3 was established shall inform the department. The department shall
 4 develop regulations specifying procedures to be applied when a
 5 group home fails to maintain the level of services projected,
 6 including, but not limited to, rate reduction and recovery of
 7 overpayments.

8 (3) The department shall not reduce the rate, establish an
 9 overpayment, or take other actions pursuant to paragraph (2) for
 10 any period that a group home program maintains the level of care
 11 and services associated with the RCL for children actually residing
 12 in the facility. Determinations of levels of care and services shall
 13 be made in the same way as modifications of overpayments are
 14 made pursuant to paragraph (2) of subdivision (b) of Section
 15 11466.2.

16 (4) A group home program that substantially changes its staffing
 17 pattern from that reported in the group home program statement
 18 shall provide notification of this change to all counties that have
 19 placed children currently in care. This notification shall be provided
 20 whether or not the RCL for the program may change as a result of
 21 the change in staffing pattern.

22 (f) The standardized schedule of rates pursuant to subdivisions
 23 (f) and (g) of Section 11462, as that section read on January 1,
 24 2015, shall be implemented as follows:

25 (1) Any group home program that received an AFDC-FC rate
 26 in the prior fiscal year at or above the standard rate for the RCL
 27 in the current fiscal year shall continue to receive that rate.

28 (2) Any group home program that received an AFDC-FC rate
 29 in the prior fiscal year below the standard rate for the RCL in the
 30 current fiscal year shall receive the RCL rate for the current year.

31 (g) (1) The department shall not establish a rate for a new
 32 program of a new or existing provider, or for an existing program
 33 at a new location of an existing provider, unless the provider
 34 submits a letter of recommendation from the host county, the
 35 primary placing county, or a regional consortium of counties that
 36 includes all of the following:

- 37 (A) That the program is needed by that county.
- 38 (B) That the provider is capable of effectively and efficiently
- 39 operating the program.

1 (C) That the provider is willing and able to accept AFDC-FC
2 children for placement who are determined by the placing agency
3 to need the level of care and services that will be provided by the
4 program.

5 (D) That, if the letter of recommendation is not being issued by
6 the host county, the primary placing county has notified the host
7 county of its intention to issue the letter and the host county was
8 given the opportunity of 30 days to respond to this notification
9 and to discuss options with the primary placing county.

10 (2) The department shall encourage the establishment of
11 consortia of county placing agencies on a regional basis for the
12 purpose of making decisions and recommendations about the need
13 for, and use of, group home programs and other foster care
14 providers within the regions.

15 (3) The department shall annually conduct a county-by-county
16 survey to determine the unmet placement needs of children placed
17 pursuant to Section 300 and Section 601 or 602, and shall publish
18 its findings by November 1 of each year.

19 (h) The department shall develop regulations specifying
20 ratesetting procedures for program expansions, reductions, or
21 modifications, including increases or decreases in licensed capacity,
22 or increases or decreases in level of care or services.

23 (i) For the purpose of this subdivision, “program change” means
24 any alteration to an existing group home program planned by a
25 provider that will increase the RCL or AFDC-FC rate. An increase
26 in the licensed capacity or other alteration to an existing group
27 home program that does not increase the RCL or AFDC-FC rate
28 shall not constitute a program change.

29 (j) General unrestricted or undesignated private charitable
30 donations and contributions made to charitable or nonprofit
31 organizations shall not be deducted from the cost of providing
32 services pursuant to this section. The donations and contributions
33 shall not be considered in any determination of maximum
34 expenditures made by the department.

35 (k) This section shall only apply to a group home that has been
36 granted an extension pursuant to the exception process described
37 in subdivision (d) of Section 11462.04.

38 (l) This section shall become operative on January 1, 2017.

39 (m) This section shall remain in effect only until January 1,
40 ~~2018~~, 2019, and as of that date is repealed, unless a later enacted

1 statute, that is enacted before January 1, ~~2018~~, 2019, deletes or
2 extends that date.

3 ~~SEC. 67.~~

4 *SEC. 74.* Section 11462.01 of the Welfare and Institutions
5 Code is amended to read:

6 11462.01. (a) Commencing July 1, 1994, a group home
7 program shall be classified at RCL 13 or RCL 14 if the program
8 meets all of the following requirements:

9 (1) The group home program is providing, or has proposed to
10 provide, the level of care and services necessary to generate
11 sufficient points in the ratesetting process to be classified at RCL
12 13 if the rate application is for RCL 13 or to be classified at RCL
13 14 if the rate application is for RCL 14.

14 (2) (A) (i) The group home provider shall agree not to accept
15 for placement into a group home program AFDC-FC funded
16 children, including voluntary placements and seriously emotionally
17 disturbed children placed out-of-home pursuant to an individualized
18 education program developed under Article 2 (commencing with
19 Section 56320) of Chapter 4 of Part ~~3~~ 30 of *Division 4 of Title 2*
20 of the Education Code, who have not been approved for placement
21 by an interagency placement committee, as described by Section
22 4096. The approval shall be in writing and shall indicate that the
23 interagency placement committee has determined that the child is
24 seriously emotionally disturbed and subject to Section 1502.4 of
25 the Health and Safety Code, and that the child needs the level of
26 care provided by the group home.

27 (ii) For purposes of clause (i), group home providers who accept
28 seriously emotionally disturbed children who are placed
29 out-of-home pursuant to an individualized education program
30 developed under ~~Section 7572.5 of the Government Code~~ *Article*
31 *2 (commencing with Section 56320) of Chapter 4 of Part 30 of*
32 *Division 4 of Title 2 of the Education Code* shall be deemed to
33 have met the interagency placement committee approval for
34 placement requirements of clause (i) if the individualized education
35 program assessment indicates that the child has been determined
36 to be seriously emotionally disturbed, as described in *subdivision*
37 *(a) of Section 5600.3* and subject to Section 1502.4 of the Health
38 and Safety Code, and needs the level of care described in clause
39 (i).

1 (B) (i) Nothing in this subdivision shall prevent the emergency
2 placement of a child into a group home program prior to the
3 determination by the interagency placement committee pursuant
4 to clause (i) of subparagraph (A) if a licensed mental health
5 professional, as defined in the department’s AFDC-FC ratesetting
6 regulations, has evaluated, in writing, the child within 72 hours of
7 placement, and determined the child to be seriously emotionally
8 disturbed, as described in *subdivision (a) of Section 5600.3*, and
9 in need of the care and services provided by the group home
10 program.

11 (ii) The interagency placement committee shall, within 30 days
12 of placement pursuant to clause (i), make the determination
13 required by clause (i) of subparagraph (A).

14 (iii) If, pursuant to clause (ii), the placement is determined to
15 be appropriate, the committee shall transmit the approval, in
16 writing, to the county placing agency and the group home provider.

17 (iv) If, pursuant to clause (ii) the placement is determined not
18 to be appropriate, the child shall be removed from the group home
19 and referred to a more appropriate placement, as specified in
20 subdivision (f).

21 (C) Commencing December 15, 1992, with respect to AFDC-FC
22 funded children, only those children who are approved for
23 placement by an interagency placement committee may be accepted
24 by a group home under this subdivision.

25 (3) The group home program is certified by the State Department
26 of Health Care Services pursuant to Section 4096.5.

27 (b) The department shall not establish a rate for a group home
28 requesting a program change to RCL 13 or RCL 14 unless the
29 group home provider submits a recommendation from the host
30 county or the primary placing county that the program is needed
31 and that the provider is willing and capable of operating the
32 program at the level sought. For purposes of this subdivision, “host
33 county,” “primary placing county,” and “program change” mean
34 the same as defined in the department’s AFDC-FC ratesetting
35 regulations.

36 (c) The effective date of rates set at RCL 13 or RCL 14 shall
37 be the date that all the requirements are met, but not prior to July
38 1 of that fiscal year. Nothing in this section shall affect RCL 13
39 or RCL 14 ratesetting determinations in prior years.

1 (d) Any group home program that has been classified at RCL
2 13 or RCL 14 pursuant to the requirements of subdivision (a) shall
3 be reclassified at the appropriate lower RCL with a commensurate
4 reduction in rate if either of the following occurs:

5 (1) The group home program fails to maintain the level of care
6 and services necessary to generate the necessary number of points
7 for RCL 13 or RCL 14, as required by paragraph (1) of subdivision
8 (a). The determination of points shall be made consistent with the
9 department's AFDC-FC ratesetting regulations for other rate
10 classification levels.

11 (2) The group home program fails to maintain a certified mental
12 health treatment program as required by paragraph (3) of
13 subdivision (a).

14 (3) In the event of a determination under paragraph (1), the
15 group home may appeal the finding or submit a corrective action
16 plan. The appeal process specified in Section 11466.6 shall be
17 available to RCL 13 and RCL 14 group home providers. During
18 any appeal, the group home shall maintain the appropriate level
19 of care.

20 (e) The interagency placement committee shall periodically
21 review, but no less often than that required by current law, the
22 placement of the child. If the committee determines that the child
23 no longer needs, or is not benefiting from, placement in a RCL 13
24 or RCL 14 group home, the committee shall require the removal
25 of the child and a new disposition.

26 (f) (1) (A) If, at any time subsequent to placement in an RCL
27 13 or RCL 14 group home program, the interagency placement
28 committee determines either that the child is not seriously
29 emotionally disturbed, as described in *subdivision (a) of* Section
30 5600.3, or is not in need of the care and services provided by the
31 group home program, it shall notify, in writing, both the county
32 placing agency and the group home provider within 10 days of the
33 determination.

34 (B) The county placing agency shall notify the group home
35 provider, in writing, within five days from the date of the notice
36 from the committee, of the county's plan for removal of the child.

37 (C) The county placing agency shall remove the child from the
38 group home program within 30 days from the date of the notice
39 from the interagency placement committee.

1 (2) (A) If a county placing agency does not remove a child
2 within 30 days from the date of the notice from the interagency
3 placement committee, the group home provider shall notify the
4 interagency placement committee and the department, in writing,
5 of the county's failure to remove the child from the group home
6 program.

7 (B) The group home provider shall make the notification
8 required by subparagraph (A) within five days of the expiration
9 of the 30-day removal period. If notification is made, a group home
10 provider shall not be subject to an overpayment determination due
11 to failure of the county placing agency to remove the child.

12 (3) Any county placing agency that fails to remove a child from
13 a group home program under this paragraph within 30 days from
14 the date of the notice from the interagency placement committee
15 shall be assessed a penalty in the amount of the state and federal
16 financial participation in the AFDC-FC rate paid on behalf of the
17 child commencing on the 31st day and continuing until the child
18 is removed.

19 (g) (1) If any RCL 13 or RCL 14 group home provider discovers
20 that it does not have written approval for placement of any
21 AFDC-FC funded child placed on or after December 15, 1992,
22 from the interagency placement committee, it shall notify the
23 county placing agency, in writing, and shall request the county to
24 obtain approval from the interagency placement committee or
25 remove the child from the group home program. A group home
26 provider shall have 30 days from the child's first day of placement
27 to discover the placement error and to notify the county placing
28 agency.

29 (2) Any county placing agency that receives notification
30 pursuant to paragraph (2) of subdivision (f) shall obtain approval
31 for placement from the interagency placement committee or remove
32 the child from the group home program within 30 days from the
33 date of the notice from the group home provider. The program
34 shall not be reclassified to a lower RCL for a violation of the
35 provisions referred to in this paragraph.

36 (3) (A) If a county placing agency does not have the placement
37 of a child approved by the interagency placement committee or
38 removed from the group home within 30 days from the date of the
39 notice from the group home provider, the group home provider
40 shall notify the county placing agency and the department, in

1 writing, of the county's failure to have the placement of the child
2 approved or remove the child from the group home program.

3 (B) The group home provider shall make the notification
4 required by subparagraph (A) within five days after the expiration
5 of the 30-day approval or removal period. If notification is made,
6 a group home provider shall not be subject to an overpayment
7 determination due to failure of the county placing agency to remove
8 the child.

9 (C) Any group home provider that fails to notify the county
10 placing agency pursuant to subparagraph (A) shall be assessed a
11 penalty in the amount of the AFDC-FC rate paid to the group home
12 provider on behalf of the child commencing on the 31st day of
13 placement and continuing until the county placing agency is
14 notified.

15 (4) Any county placing agency that fails to have the placement
16 of a child approved or to have the child removed from the group
17 home program within 30 days shall be assessed a penalty in the
18 amount of the state and federal financial participation in the
19 AFDC-FC rate paid on behalf of the child commencing on the 31st
20 day of placement and continuing until the child is removed.

21 (h) The department shall develop regulations to obtain payment
22 of assessed penalties as provided in this section. For audit purposes
23 and the application of penalties for RCL 13 and RCL 14 programs,
24 the department shall apply statutory provisions that were in effect
25 during the period for which the audit was conducted.

26 (i) (1) Nothing in this subparagraph shall prohibit a group home
27 classified at RCL 13 or RCL 14 for purposes of the AFDC-FC
28 program, from accepting private placements of children.

29 (2) When a referral is not from a public agency and no public
30 funding is involved, there shall be no requirement for public agency
31 review or determination of need.

32 (3) Children subject to paragraphs (1) and (2) shall have been
33 assessed as seriously emotionally disturbed, as described in
34 *subdivision (a) of Section 5600.3*, and subject to Section 1502.4
35 of the Health and Safety Code, by a licensed mental health
36 professional, as defined in subdivision (g) of Section 4096.

37 (j) A child shall not be placed in a group home program
38 classified at an RCL 13 or RCL 14 if the placement is paid for
39 with county-only funds unless the child is assessed as seriously
40 emotionally disturbed, as described in *subdivision (a) of Section*

1 5600.3, subject to Section 1502.4 of the Health and Safety Code,
2 by a licensed mental health professional, as defined in subdivision
3 (g) of Section 4096.

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

7 ~~SEC. 68.~~

8 *SEC. 75.* Section 11462.01 is added to the Welfare and
9 Institutions Code, to read:

10 11462.01. (a) ~~AA~~ short-term residential treatment centers,
11 and foster family agencies that provide treatment services, shall
12 maintain in good standing the appropriate mental health
13 certification issued by the State Department of Health Care
14 Services or a county to which the department has delegated
15 certification authority pursuant to Section 4096.5, and additionally
16 shall maintain the level of care and services necessary to meet the
17 needs of the children and youth in care. ~~center, as defined in~~
18 ~~subdivision (ad) of Section 11400 and paragraph (18) of~~
19 ~~subdivision (a) of Section 1502 of the Health and Safety Code,~~
20 ~~may have a program that is certified by the State Department of~~
21 ~~Health Care Services or by a county mental health plan to which~~
22 ~~the department has delegated certification authority, pursuant to~~
23 ~~Section 4096.5, or a program that is not certified, or both. A~~
24 ~~short-term residential treatment center shall accept for placement~~
25 ~~children who meet all of the following criteria, subject to the other~~
26 ~~requirements of subdivisions (b) and (c):~~

27 (b) ~~The short-term residential treatment center, as defined in~~
28 ~~paragraph (18) of subdivision (a) of Section 1502 of the Health~~
29 ~~and Safety Code, may accept for placement a child who meets all~~
30 ~~of the following criteria:~~

31 (1) ~~A child who does not require inpatient care in a licensed~~
32 ~~health facility.~~

33 (2) ~~A child who has been assessed as requiring the level of~~
34 ~~services provided in order to maintain the safety of the child or~~
35 ~~others due to behaviors that render the child or those around the~~
36 ~~child unsafe, or that prevent the effective delivery of needed~~
37 ~~services and supports provided in the child's own home or in other~~
38 ~~family settings, such as with a relative, guardian, foster family,~~
39 ~~resource family, or adoptive family, and who meets at least one~~
40 ~~of the following conditions:~~

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

6 ~~(B) A child assessed as seriously emotionally disturbed, as~~
7 ~~described in Section 5600.3.~~

8 ~~(C) A child who has been assessed as requiring the level of~~
9 ~~services provided in order to meet his or her behavioral or~~
10 ~~therapeutic needs. In appropriate circumstances, this may include~~
11 ~~the following children:~~

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

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

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

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

19 ~~(1) The child does not require inpatient care in a licensed health~~
20 ~~facility.~~

21 ~~(2) The child has been assessed as requiring the level of services~~
22 ~~provided in a short-term residential treatment center in order to~~
23 ~~maintain the safety and well-being of the child or others due to~~
24 ~~behaviors, including those resulting from traumas, that render the~~
25 ~~child or those around the child unsafe or at risk of harm, or that~~
26 ~~prevent the effective delivery of needed services and supports~~
27 ~~provided in the child's own home or in other family settings, such~~
28 ~~as with a relative, guardian, foster family, resource family, or~~
29 ~~adoptive family.~~

30 ~~(3) The child meets at least one of the following conditions:~~

31 ~~(A) The child has been assessed as meeting the medical necessity~~
32 ~~criteria for Medi-Cal specialty mental health Early and Periodic~~
33 ~~Screening, Diagnosis, and Treatment Services, as the criteria are~~
34 ~~described in Section 1830.210 of Title 9 of the California Code of~~
35 ~~Regulations.~~

36 ~~(B) The child has been assessed as seriously emotionally~~
37 ~~disturbed, as described in subdivision (a) of Section 5600.3.~~

38 ~~(C) The child has been assessed as requiring the level of services~~
39 ~~provided in order to meet his or her behavioral or therapeutic~~

1 *needs. In appropriate circumstances, this may include any of the*
2 *following:*

3 *(i) A commercially sexually exploited child.*

4 *(ii) A private voluntary placement, if the youth exhibits status*
5 *offender behavior, the parents or other relatives feel they cannot*
6 *control the child's behavior, and short-term intervention is needed*
7 *to transition the child back into the home.*

8 *(iii) A juvenile sex offender.*

9 *(iv) A child who is affiliated with, or impacted by, a gang.*

10 *(b) A short-term residential treatment center program that is*
11 *certified by the State Department of Health Care Services, or by*
12 *a county mental health plan to which the department has delegated*
13 *certification authority, pursuant to Section 4096.5, shall solely*
14 *accept for placement, and provide access to mental health services*
15 *to, children who meet the criteria in paragraphs (1) and (2) of*
16 *subdivision (a), and meet the conditions of subparagraph (A) or*
17 *(B) of paragraph (3) of subdivision (a), or both of those*
18 *subparagraphs. Mental health services are provided directly by*
19 *the certified program.*

20 *(c) A short-term residential treatment center program that is*
21 *not certified pursuant to Section 4096.5 may accept for placement*
22 *in that program a child who meets the criteria in paragraphs (1)*
23 *and (2) of subdivision (a), and meets the conditions of*
24 *subparagraph (A), (B), or (C) of paragraph (3) of subdivision (a),*
25 *or any combination of those subparagraphs. A child who meets*
26 *the conditions of subparagraphs (A) and (B) of paragraph (3) of*
27 *subdivision (a) may be accepted for placement, if the interagency*
28 *placement committee determines that a short-term residential*
29 *treatment facility that is not certified has a program that meets*
30 *the specific needs of the child and there is a commonality of needs*
31 *with the other children in the short-term residential treatment*
32 *center. In this situation, the short-term residential treatment center*
33 *shall do either of the following:*

34 *(1) In the case of a child who is a Medi-Cal beneficiary, arrange*
35 *for the child to receive specialty mental health services from the*
36 *county mental health plan.*

37 *(2) In all other cases, arrange for the child to receive mental*
38 *health services.*

39 ~~*(e) The licensed*~~

1 (d) A foster family agency, as defined in *subdivision (g) of*
2 *Section 11400 and paragraph (4) of subdivision (a) of Section 1502*
3 *of the Health and Safety Code, which provides treatment services,*
4 ~~may accept for placement~~ *may have a program that is certified by*
5 *the State Department of Health Care Services, or by a county*
6 *mental health plan to which the department has delegated*
7 *certification authority, pursuant to Section 1810.435 or 1810.436*
8 *of Title 9 of the California Code of Regulations, or a program that*
9 *is not certified, or both. A program, subject to subdivisions (e) and*
10 *(f), shall provide access to mental health services to the children.*
11 *A foster family agency, depending on whether or not it has a*
12 *certified program, shall provide access to mental health services*
13 *to children who do not require inpatient care in a licensed health*
14 *facility and who meet at least any one or more of the following*
15 *conditions:*

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

21 (2) A child *who has been* assessed as seriously emotionally
22 disturbed, as described in *subdivision (a) of Section 5600.3.*

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

25 (e) *A foster family agency that is certified as a provider pursuant*
26 *to Section 1810.435 or 1810.436 of Title 9 of the California Code*
27 *of Regulations by the State Department of Health Care Services,*
28 *or by a county mental health plan to which the department has*
29 *delegated certification authority, shall provide access to mental*
30 *health services directly to children in its program who do not*
31 *require inpatient care in a licensed health facility and who meet*
32 *the conditions of paragraph (1) or (2) of subdivision (d).*

33 (f) *A foster family agency that is not certified as described in*
34 *subdivision (e) may provide access to mental health services in*
35 *that program for children who do not require inpatient care in a*
36 *licensed health facility and who meet the conditions of paragraphs*
37 *(1) and (2) of subdivision (d). In this situation the foster family*
38 *agency shall do the following:*

39 (1) *In the case of a child who is a Medi-Cal beneficiary, have*
40 *written interagency protocols in place to arrange for specialty*

1 *mental health services from the county mental health plan or an*
2 *organizational provider, as defined in Section 1810.231 of Title*
3 *9 of California Code of Regulations.*

4 *(2) In all other cases, arrange for the child to receive mental*
5 *health services.*

6 *(g) All short-term residential treatment centers and foster family*
7 *agencies that operate a certified program shall maintain the level*
8 *of care and services necessary to meet the needs of the children*
9 *and youth in their care and shall maintain and have in good*
10 *standing the appropriate mental health certification issued by the*
11 *State Department of Health Care Services or a county mental*
12 *health plan to which the department has delegated certification*
13 *authority, pursuant to Section 4096.5 of this code or Section*
14 *1810.435 or 1810.436 of Title 9 of the California Code of*
15 *Regulations.*

16 ~~(d)~~

17 *(h) The assessments described in subparagraphs (A) and (B) of*
18 *paragraph ~~(2)~~ (3) of subdivision ~~(b)~~ (a) and paragraphs (1) and (2)*
19 *of subdivision ~~(e)~~, (d), shall be made by all of the following, as*
20 *applicable:*

21 *(1) An interagency placement committee, as described in Section*
22 *~~4096~~: 4096, considering the recommendations from the child and*
23 *family team, if any are available.*

24 *(2) A licensed mental health professional as defined in*
25 *subdivision (g) of Section 4096.*

26 *(3) For the purposes of this section, an AFDC-FC funded child*
27 *with an individualized education program developed pursuant to*
28 *Article 2 (commencing with Section 56320) of Chapter 4 of Part*
29 *30 of Division 4 of Title 2 of the Education Code that assesses the*
30 *child as seriously emotionally disturbed, as defined in, and subject*
31 *to, this section and recommends out-of-home placement at the*
32 *level of care provided by the provider, shall be deemed to have*
33 *met the ~~interagency placement committee approval for placement~~*
34 *~~requirements~~: assessment requirement.*

35 *(4) For the purposes of this section, and only for placement into*
36 *a foster family agency, an AFDC-FC funded child assessed*
37 *pursuant to subdivision (b) of Section 706.6 or paragraph (2) of*
38 *subdivision (c) of Section 16501.1, in consultation with a mental*
39 *health professional, as defined in subdivision (g) of Section 4096.5,*
40 *shall be deemed to have met the assessment requirement.*

1 ~~(e)~~
 2 (i) The assessments described in subparagraph (C) of paragraph
 3 ~~(2)~~ (3) of subdivision ~~(b)~~ (a) and paragraph (3) of subdivision ~~(e)~~
 4 (d) shall be made pursuant to subdivision (b) of Section 706.6 or
 5 paragraph (2) of subdivision (c) of Section 16501.1.

6 ~~(f)~~
 7 (j) (1) The provider shall ensure that AFDC-FC funded ~~children~~
 8 *children, assessed pursuant to subparagraphs (A) and (B) of*
 9 *paragraph (3) of subdivision (a) or paragraphs (1) and (2) of*
 10 *subdivision (d), who are* accepted for placement have been
 11 approved for placement by an interagency placement committee,
 12 ~~as defined in paragraph (4) of subdivision (a) of Section 16501.~~
 13 *described in Section 4096, except as provided for in paragraphs*
 14 *(3) and (4) of subdivision (h).*

15 (2) The approval shall be in writing and shall indicate that the
 16 interagency placement committee has determined ~~that the child~~
 17 *all of the following:*

18 (A) *The child meets the medical necessity criteria for Medi-Cal*
 19 *specialty mental health Early and Periodic Screening, Diagnosis,*
 20 *and Treatment services, as the criteria are described in Section*
 21 *1830.210 of Title 9 of the California Code of Regulations.*

22 (B) *The child is seriously emotionally disturbed, as described*
 23 *in subdivision (a) of Section 5600.3, and subject 5600.3.*

24 (C) *Subject to Section 1502.4 of the Health and Safety Code,*
 25 ~~and that the child needs the level of care provided by the provider.~~
 26 *program.*

27 (3) (A) Nothing in subdivisions ~~(b) to (e)~~, (a) to (i), inclusive,
 28 or this subdivision shall prevent an emergency placement of a child
 29 or youth into a *certified* short-term residential treatment center or
 30 foster family agency ~~that provides treatment services program~~
 31 prior to the determination by the interagency placement committee,
 32 but only if a licensed mental health professional, as defined in
 33 subdivision (g) of Section 4096, has made a written determination
 34 within 72 hours of the child’s or youth’s placement, that the child
 35 or youth is seriously emotionally disturbed and is in need of the
 36 care and services provided by the *certified* short-term residential
 37 treatment center or foster family agency ~~that provides treatment~~
 38 ~~services:~~ *agency.*

39 ~~(g) (1)~~

1 (i) The interagency placement committee, as appropriate, shall,
2 within 30 days of placement, make the determinations, with
3 recommendations from the child and family team, required by this
4 subdivision.

5 ~~(2)~~

6 (ii) If it determines the placement is appropriate, the interagency
7 placement committee, with recommendations from the child and
8 family team, shall transmit the approval, in writing, to the county
9 placing agency and the short-term residential treatment center or
10 foster family ~~agency that provides treatment services~~; *agency*.

11 (iii) *If it determines the placement is not appropriate, the*
12 *interagency placement committee shall respond pursuant to*
13 *subparagraph (B).*

14 ~~(3)~~

15 (B) ~~If it the interagency placement committee determines at any~~
16 ~~time that the placement is not appropriate, interagency placement~~
17 ~~committee, it shall, with recommendations from the child and~~
18 ~~family team, shall transmit the disapproval, in writing, to the county~~
19 ~~placing agency and the short-term residential treatment center or~~
20 ~~foster family agency that provides treatment services, agency, and~~
21 ~~the child or youth shall be referred to an appropriate placement,~~
22 ~~as specified in this section.~~

23 ~~(h)~~

24 (k) Commencing January 1, 2017, for AFDC-FC funded children
25 or youth, only those children or youth who are approved for
26 ~~placement by the interagency placement committee, with~~
27 ~~recommendations from the child and family team, placement, as~~
28 ~~set forth in this section, may be accepted by a short-term residential~~
29 ~~treatment center or foster family agency that provides treatment~~
30 ~~services; agency.~~

31 ~~(i) (1)~~

32 (l) The department shall, through regulation, establish
33 consequences for the failure of a short-term residential treatment
34 center, or a foster family ~~agency that provides treatment services,~~
35 ~~agency, to obtain written approval for placement of an AFDC-FC~~
36 ~~funded child or youth from the interagency placement committee,~~
37 ~~in consultation with the County Welfare Directors Association of~~
38 ~~California, Chief Probation Officers of California, County~~
39 ~~Behavioral Health Directors Association of California, and~~
40 ~~stakeholders; pursuant to this section.~~

1 ~~(2) The short-term residential treatment center, or foster family~~
2 ~~agency that provides treatment services, shall be certified by the~~
3 ~~State Department of Health Care Services or a county to which~~
4 ~~the department has delegated certification authority pursuant to~~
5 ~~Section 4096.5.~~

6 ~~(j)~~

7 ~~(m) The department shall not establish a rate for a short-term~~
8 ~~residential treatment center or foster family agency that provides~~
9 ~~intensive and therapeutic treatment unless the provider submits a~~
10 ~~recommendation from the host county or the primary placing~~
11 ~~county that the program is needed and that the provider is willing~~
12 ~~and capable of operating the program at the level sought. For~~
13 ~~purposes of this subdivision, “host county,” and “primary placing~~
14 ~~county,” mean the same as defined in the department’s AFDC-FC~~
15 ~~ratesetting regulations.~~

16 ~~(k) The effective date of rates set for a short-term residential~~
17 ~~treatment center or foster family agency that provides intensive~~
18 ~~and therapeutic treatment shall be the date that all the requirements~~
19 ~~are met.~~

20 ~~(t)~~

21 ~~(n) Any certified short-term residential treatment center or foster~~
22 ~~family agency that provides intensive and therapeutic treatment~~
23 ~~pursuant to subdivision (a) shall be reclassified and paid at the~~
24 ~~appropriate program rate for which it is qualified if either of the~~
25 ~~following occurs:~~

26 (1) (A) It fails to maintain the level of care and services
27 necessary to meet the needs of the children and youth in care, as
28 required by subdivision (a). The determination shall be made
29 consistent with the department’s AFDC-FC ratesetting regulations
30 developed pursuant to Sections 11462 and 11463 and shall take
31 into consideration the highest level of care and associated rates
32 for which the program is eligible.

33 (B) In the event of a determination under this paragraph, the
34 short-term residential treatment center or foster family agency that
35 provides intensive and therapeutic treatment may appeal the finding
36 or submit a corrective action plan. The appeal process specified
37 in Section 11466.6 shall be available to a short-term residential
38 treatment center or foster family agency that provides intensive
39 and therapeutic treatment. During any appeal, the short-term
40 residential treatment center or foster family agency that provides

1 intensive and therapeutic treatment shall maintain the appropriate
2 level of care.

3 (2) It fails to maintain a certified mental health treatment
4 program as required by subdivision ~~(a)~~: (g).

5 ~~(m)~~

6 (o) In addition to any other review required by law, the child
7 and family team as defined in paragraph (4) of subdivision (a) of
8 Section 16501 ~~shall~~ *may* periodically review the placement of the
9 child or youth. If the child and family team make a
10 recommendation that the child or youth no longer needs, or is not
11 benefiting from, placement in a short-term residential treatment
12 center or foster family ~~agency that provides intensive and~~
13 ~~therapeutic treatment, agency, or one of its programs,~~ the team
14 shall transmit the disapproval, in writing, to the county placing
15 agency ~~and the short-term residential treatment center or foster~~
16 ~~family agency that provides intensive and therapeutic treatment,~~
17 ~~and the child or youth shall be referred to an~~ *to consider a more*
18 appropriate placement.

19 ~~(n)~~

20 (p) The department shall develop a process to address
21 placements when, subsequent to the child's or youth's placement,
22 a determination is made by the interagency placement team and
23 shall consider the recommendations of the child and family team,
24 either that the child or youth is not in need of the care and services
25 provided by the certified program. The process shall include, but
26 not be limited to:

27 (1) Notice of the determination in writing to both the county
28 placing agency and the short-term residential treatment center or
29 foster family agency that provides intensive and therapeutic
30 treatment.

31 (2) Notice of the county's plan, and a time frame, for removal
32 of the child or youth in writing to the short-term residential
33 treatment center or foster family agency that provides intensive
34 and therapeutic treatment.

35 (3) Referral to an appropriate placement.

36 (4) Actions to be taken if a child or youth is not timely removed
37 from the short-term residential treatment center or foster family
38 agency that provides intensive and therapeutic treatment or placed
39 in an appropriate placement.

40 ~~(o)~~

1 (q) (1) Nothing in this section shall prohibit a short-term
2 residential treatment center or foster family agency that provides
3 intensive and therapeutic treatment for purposes of the AFDC-FC
4 program, agency from accepting private placements of children
5 or youth.

6 (2) When a referral is not from a public agency and no public
7 funding is involved, there is no requirement for public agency
8 review nor determination of need.

9 (3) Children and youth subject to paragraphs (1) and (2) shall
10 have been determined to be seriously emotionally disturbed, as
11 described in *subdivision (a) of* Section 5600.3, and subject to
12 Section 1502.4 of the Health and Safety Code, by a licensed mental
13 health professional, as defined in subdivision (g) of Section 4096.

14 (p)

15 (r) This section shall become operative on January 1, 2017.

16 ~~SEC. 69.~~

17 *SEC. 76.* Section 11462.015 is added to the Welfare and
18 Institutions Code, to read:

19 11462.015. (a) A group home program shall be classified at
20 RCL 13 or RCL 14 if the program meets all of the following
21 requirements:

22 (1) The group home program is providing, or has proposed to
23 provide, the level of care and services necessary to generate
24 sufficient points in the ratesetting process to be classified at RCL
25 13 if the rate application is for RCL 13 or to be classified at RCL
26 14 if the rate application is for RCL 14.

27 (2) (A) (i) The group home provider shall agree not to accept
28 for placement into a group home program AFDC-FC funded
29 children, including voluntary placements and children who have
30 been assessed as seriously emotionally disturbed, as described in
31 *subdivision (a) of* Section 5600.3, placed out-of-home pursuant to
32 an individualized education program developed under Article 2
33 (commencing with Section 56320) of Chapter 4 of Part 30 of
34 Division 4 of Title 2 of the Education Code, who have not been
35 approved for placement by an interagency placement committee,
36 as described by Section 4096.1. The approval shall be in writing
37 and shall indicate that the interagency placement committee has
38 determined that the child is seriously emotionally disturbed, as
39 described in *subdivision (a) of* Section 5600.3, and subject to

1 Section 1502.45 of the Health and Safety Code, and that the child
2 needs the level of care provided by the group home.

3 (ii) For purposes of clause (i), group home providers who accept
4 children who have been assessed as seriously emotionally
5 disturbed, as described in *subdivision (a) of* Section 5600.3, who
6 are assessed and placed out-of-home pursuant to an individualized
7 education program developed under Article 2 (commencing with
8 Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of
9 the Education Code shall be deemed to have met the interagency
10 placement committee approval for placement requirements of
11 clause (i) if the individualized education program assessment
12 indicates that the child has been determined to be seriously
13 emotionally disturbed, as described in *subdivision (a) of* Section
14 5600.3, and subject to Section 1502.45 of the Health and Safety
15 Code, and needs the level of care described in clause (i).

16 (B) (i) Nothing in this subdivision shall prevent the emergency
17 placement of a child into a group home program prior to the
18 determination by the interagency placement committee pursuant
19 to clause (i) of subparagraph (A) if a licensed mental health
20 professional, as defined in the department’s AFDC-FC ratesetting
21 regulations, has evaluated, in writing, the child within 72 hours of
22 placement, and has determined the child to be seriously emotionally
23 disturbed, as described in *subdivision (a) of* Section 5600.3, and
24 in need of the care and services provided by the group home
25 program.

26 (ii) The interagency placement committee shall, within 30 days
27 of placement pursuant to clause (i), make the determination
28 required by clause (i) of subparagraph (A).

29 (iii) If, pursuant to clause (ii), the placement is determined to
30 be appropriate, the committee shall transmit the approval, in
31 writing, to the county placing agency and the group home provider.

32 (iv) If, pursuant to clause (ii) the placement is determined not
33 to be appropriate, the child shall be removed from the group home
34 and referred to a more appropriate placement, as specified in
35 subdivision (f).

36 (C) With respect to AFDC-FC funded children, only those
37 children who are approved for placement by an interagency
38 placement committee may be accepted by a group home under this
39 subdivision.

1 (3) The group home program is certified by the State Department
2 of Health Care Services pursuant to Section 4096.5.

3 (b) The department shall not establish a rate for a group home
4 requesting a program change to RCL 13 or RCL 14 unless the
5 group home provider submits a recommendation from the host
6 county or the primary placing county that the program is needed
7 and that the provider is willing and capable of operating the
8 program at the level sought. For purposes of this subdivision, “host
9 county,” “primary placing county,” and “program change” mean
10 the same as defined in the department’s AFDC-FC ratesetting
11 regulations.

12 (c) The effective date of rates set at RCL 13 or RCL 14 shall
13 be the date that all the requirements are met, but not prior to July
14 1 of that fiscal year. Nothing in this section shall affect RCL 13
15 or RCL 14 ratesetting determinations in prior years.

16 (d) Any group home program that has been classified at RCL
17 13 or RCL 14 pursuant to the requirements of subdivision (a) shall
18 be reclassified at the appropriate lower RCL with a commensurate
19 reduction in rate if either of the following occurs:

20 (1) The group home program fails to maintain the level of care
21 and services necessary to generate the necessary number of points
22 for RCL 13 or RCL 14, as required by paragraph (1) of subdivision
23 (a). The determination of points shall be made consistent with the
24 department’s AFDC-FC ratesetting regulations for other rate
25 classification levels.

26 (2) The group home program fails to maintain a certified mental
27 health treatment program as required by paragraph (3) of
28 subdivision (a).

29 (3) In the event of a determination under paragraph (1), the
30 group home may appeal the finding or submit a corrective action
31 plan. The appeal process specified in Section 11466.6 shall be
32 available to RCL 13 and RCL 14 group home providers. During
33 any appeal, the group home shall maintain the appropriate level
34 of care.

35 (e) The interagency placement committee shall periodically
36 review, but no less often than that required by current law, the
37 placement of the child. If the committee determines that the child
38 no longer needs, or is not benefiting from, placement in a RCL 13
39 or RCL 14 group home, the committee shall require the removal
40 of the child and a new disposition.

1 (f) (1) (A) If, at any time subsequent to placement in an RCL
2 13 or RCL 14 group home program, the interagency placement
3 committee determines either that the child is not seriously
4 emotionally disturbed or is not in need of the care and services
5 provided by the group home program, it shall notify, in writing,
6 both the county placing agency and the group home provider within
7 10 days of the determination.

8 (B) The county placing agency shall notify the group home
9 provider, in writing, within five days from the date of the notice
10 from the committee, of the county's plan for removal of the child.

11 (C) The county placing agency shall remove the child from the
12 group home program within 30 days from the date of the notice
13 from the interagency placement committee.

14 (2) (A) If a county placing agency does not remove a child
15 within 30 days from the date of the notice from the interagency
16 placement committee, the group home provider shall notify the
17 interagency placement committee and the department, in writing,
18 of the county's failure to remove the child from the group home
19 program.

20 (B) The group home provider shall make the notification
21 required by subparagraph (A) within five days of the expiration
22 of the 30-day removal period. If notification is made, a group home
23 provider shall not be subject to an overpayment determination due
24 to failure of the county placing agency to remove the child.

25 (3) Any county placing agency that fails to remove a child from
26 a group home program under this paragraph within 30 days from
27 the date of the notice from the interagency placement committee
28 shall be assessed a penalty in the amount of the state and federal
29 financial participation in the AFDC-FC rate paid on behalf of the
30 child commencing on the 31st day and continuing until the child
31 is removed.

32 (g) (1) If any RCL 13 or RCL 14 group home provider discovers
33 that it does not have written approval for placement of any
34 AFDC-FC funded child from the interagency placement committee,
35 it shall notify the county placing agency, in writing, and shall
36 request the county to obtain approval from the interagency
37 placement committee or remove the child from the group home
38 program. A group home provider shall have 30 days from the
39 child's first day of placement to discover the placement error and
40 to notify the county placing 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 subdivision 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 seriously emotionally disturbed, as described in
6 *subdivision (a) of Section 5600.3*, and subject to Section 1502.45
7 of the Health and Safety Code, by a licensed mental health
8 professional, as defined in subdivision (g) of Section 4096.

9 (j) A child shall not be placed in a group home program
10 classified at an RCL 13 or RCL 14 if the placement is paid for
11 with county-only funds unless the child is assessed as seriously
12 emotionally disturbed, as described in *subdivision (a) of Section*
13 *5600.3*, and subject to Section 1502.45 of the Health and Safety
14 Code, by a licensed mental health professional, as defined in
15 subdivision (g) of Section 4096.

16 (k) This section shall only apply to a group home that has been
17 granted an extension pursuant to the exception process described
18 in subdivision (d) of Section 11462.04.

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~~, 2019, and as of that date is repealed, unless a later enacted
22 statute, that is enacted before January 1, ~~2018~~, 2019, deletes or
23 extends that date.

24 ~~SEC. 70.~~

25 *SEC. 77.* 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. 71.~~

36 *SEC. 78.* 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 defined respectively in subdivisions ~~(e)~~ (g) and ~~(f)~~ (ad) of
 4 Section ~~11402~~, 11400, to 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)~~ (d)
9 of Section 1506.1 and subdivision ~~(e)~~ (d) of Section 1562.01 of
10 the Health and Safety Code, addresses, but is not limited to, the
11 following:

12 (1) A decision to place children and youth in a county-operated
13 facility when alternative appropriate placement options exist.

14 (2) The reporting by county staff to the department or other
15 agencies of observed noncompliant conditions or health and safety
16 concerns in county-operated foster family agencies or short-term
17 residential treatment centers.

18 (3) The cross-reporting of reports received from mandatory
19 child abuse and neglect reporters involving county-operated foster
20 family agencies and short-term residential treatment center
21 programs.

22 (4) Disclosures of fatalities and near fatalities of children placed
23 in county-operated foster family agencies and short-term residential
24 treatment centers.

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

26 ~~SEC. 72:~~

27 *SEC. 79.* Section 11462.021 is added to the Welfare and
28 Institutions Code, to read:

29 11462.021. (a) Notwithstanding paragraph (2) of subdivision
30 (a) of Section 11462, a foster care provider licensed as a group
31 home also may have a rate established if the group home is
32 operated by the County of San Mateo, as provided by subdivision
33 (h) of Section 11400.

34 (b) This section shall only apply to a group home that has been
35 granted an extension pursuant to the exception process described
36 in subdivision (d) of Section 11462.04.

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

38 (d) This section shall remain in effect only until January 1, ~~2018;~~
39 ~~2019~~, and as of that date is repealed, unless a later enacted statute,

1 that is enacted before January 1, ~~2018~~, 2019, deletes or extends
2 that date.

3 ~~SEC. 73.~~

4 *SEC. 80.* Section 11462.022 is added to the Welfare and
5 Institutions Code, to read:

6 11462.022. (a) Upon meeting the licensure requirements
7 pursuant to Section 1530.8 of the Health and Safety Code, a county
8 child welfare agency operating a temporary shelter care facility,
9 as defined in Section 1530.8 of the Health and Safety Code, shall
10 comply with this section.

11 (b) Prior to detaining the child in the temporary shelter care
12 facility, the child welfare agency shall make reasonable efforts,
13 consistent with current law, to place the child with a relative, tribal
14 member, nonrelative extended family member, or in a licensed,
15 certified, approved or tribally approved foster family home or
16 approved resource family. When the child welfare agency has
17 reason to believe that the child is or may be an Indian child, the
18 agency shall make active efforts to comply with the federal Indian
19 Child Welfare Act placement preferences, as required by
20 subdivision (k) of Section 361.31.

21 (c) A child may be detained or placed in a temporary shelter
22 care facility only for the duration necessary to enable the county
23 placing agency to perform the required assessments and to
24 appropriately place the child.

25 (d) Upon admission, the temporary shelter care facility shall
26 provide each child with health, mental health, and developmental
27 screenings, as applicable. Commencing when a child is admitted
28 into a temporary shelter care facility, and continuing until the
29 child’s discharge from the facility, the county welfare agency shall
30 continuously strive to identify and place the child in an appropriate
31 licensed or approved home or facility.

32 (e) The temporary shelter care facility shall ensure that the
33 following services, at a minimum, are identified in the facility’s
34 plan of operation and are available to children detained at the
35 facility:

36 (1) Medical, developmental, behavioral, and mental health
37 assessments based on the information obtained through the
38 screenings required pursuant to subdivision (d).

1 (2) Based on the screening, assessments, and other information
2 obtained about the child, identification of the appropriate placement
3 resources that meet the child’s needs.

4 (3) Trauma-informed services and interventions.

5 (4) Crisis intervention services.

6 (5) Care and supervision provided by trauma-informed trained
7 and qualified staff.

8 (6) Referrals to and coordination with service providers who
9 can meet the medical, developmental, behavioral, or mental health
10 needs of the child identified upon admission.

11 (7) Educational services to ensure the child’s educational
12 progress, including efforts to maintain the child in his or her school
13 of origin if practical.

14 (8) Visitation services, including the ability to provide
15 court-ordered, supervised visitation.

16 (9) Structured indoor and outdoor activities, including
17 recreational and social programs.

18 (10) Transportation and other forms of support to ensure, to the
19 extent possible, the child’s ability to attend and participate in
20 important milestone events.

21 (11) Mentorship and peer support-type programs.

22 (f) (1) In no case shall the detention or placement in a temporary
23 shelter care facility exceed 10 calendar days. For any stay that
24 exceeds 10 calendar days, the child welfare agency shall submit
25 a written report to the department, within 24 hours of an overstay,
26 that shall include a description of the reasons and circumstances
27 for the child’s overstay, and shall be signed by the county child
28 welfare agency director or his or her designee. The department
29 may choose not to issue a citation to the county for a violation of
30 the 10-day placement limit when, based on the information
31 contained in the report, the overstay is reasonable and the county
32 is complying with subdivision (d).

33 (2) The child welfare agency may permit any child or youth to
34 access assessment and other services described in subdivision (d)
35 or (e) while in an out-of-home placement.

36 (3) To ensure the protection of children placed in temporary
37 shelter care facilities, the child welfare agency shall separate
38 children placed in temporary shelter care facilities pursuant to
39 subdivision (b) from children returning to the shelter due to a failed
40 placement, when possible, when circumstances warrant that

1 separation. Temporary shelters shall staff as necessary to
2 adequately supervise children to ensure an appropriate environment
3 for all children present.

4 (g) At the request of the county, the department shall provide
5 technical assistance necessary for the implementation of this
6 section.

7 (h) The department, in consultation with the counties, shall
8 provide a report to the Legislature no later than January 1, 2021,
9 that shall include the number of children and youth served by
10 temporary shelter care facilities, characteristics of children detained
11 in these facilities, and whether there is a continued need for the
12 licensing and operation of temporary shelter care facilities.

13 ~~SEC. 74.~~

14 *SEC. 81.* Section 11462.04 of the Welfare and Institutions
15 Code is amended to read:

16 11462.04. (a) Notwithstanding any other law, no new group
17 home rate or change to an existing rate shall be established pursuant
18 to Section 11462. An application shall not be accepted or processed
19 for any of the following:

- 20 (1) A new program.
- 21 (2) A new provider.
- 22 (3) A program change, such as a rate classification level (RCL)
23 increase.
- 24 (4) A program capacity increase.
- 25 (5) A program reinstatement.

26 (b) Notwithstanding subdivision (a), the department may grant
27 exceptions as appropriate on a case-by-case basis, based upon a
28 written request and supporting documentation provided by county
29 placing agencies, including county welfare or probation directors.

30 (c) (1) For the 2012–13, 2013–14, and 2014–15 fiscal years,
31 notwithstanding subdivision (b), for any program below RCL 10,
32 the only exception that may be sought and granted pursuant to this
33 section is for an application requesting a program change, such as
34 an RCL increase. The authority to grant other exceptions does not
35 apply to programs below RCL 10 during these fiscal years.

36 (2) Notwithstanding paragraph (1), commencing January 1,
37 2017, no exception shall be granted for any program below RCL
38 10.

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

4 ~~SEC. 75.~~

5 *SEC. 82.* Section 11462.04 is added to the Welfare and
6 Institutions Code, to read:

7 11462.04. (a) Notwithstanding any other law, commencing
8 January 1, 2017, no new group home rate or change to an existing
9 rate shall be established pursuant to the Rate Classification Level
10 (RCL) system.

11 (b) Notwithstanding subdivision (a), the department may grant
12 an exception as appropriate, on a case-by-case basis, when a written
13 request and supporting documentation are provided by a county
14 placing agency, including a county welfare or probation director,
15 that absent the granting of that exception, there is a material risk
16 to the welfare of children due to an inadequate supply of
17 appropriate alternative placement options to meet the needs of
18 children.

19 (c) For group homes being paid under the RCL system, and
20 those granted an exception pursuant to paragraph (b), group home
21 rates shall terminate on December 31, 2016, unless granted an
22 extension under the exception process in subdivision (d).

23 (d) A group home may request an exception to extend its rate
24 as follows:

25 (1) The department may grant an extension for up to ~~one year,~~
26 *two years*, through December 31, ~~2017, 2018~~, except as provided
27 in paragraph (2), on a case-by-case basis, when a written request
28 and supporting documentation are provided by a county placing
29 agency, including a county welfare or probation director, that
30 absent the granting of that exception, there is a material risk to the
31 welfare of children due to an inadequate supply of appropriate
32 alternative placement options to meet the needs of children. The
33 exception may include time to meet the program accreditation
34 requirement or the mental health certification requirement.

35 (2) Pursuant to Section ~~11462.041~~ *11462.041*, the department
36 may grant an extension *to a group home* beyond December 31,
37 ~~2017, to be reviewed every six months, on an individual~~
38 ~~case-by-case basis, when~~ *2018, upon a provider submitting a*
39 ~~written request and supporting the county probation department~~
40 ~~providing documentation are provided by a county chief probation~~

1 officer, that, absent granting *stating that absent the grant* of that
 2 extension, there is a significant risk to the safety of the youth or
 3 the public, due to an inadequate supply of ~~short-term~~ *short-term*
 4 residential treatment centers or ~~resources~~ *resource* families
 5 necessary to meet the needs of probation youth. *The extension*
 6 *granted to any provider through this section may be reviewed*
 7 *annually by the department if concerns arise regarding that*
 8 *provider’s facility. Pursuant to subdivision (e) of Section*
 9 *11462.041, the final report submitted to the Legislature shall*
 10 *address whether or not the extensions are still necessary.*

11 (3) The exception shall allow the provider to continue to receive
 12 the rate under the prior ratesetting system.

13 (4) A provider granted an extension pursuant to this section
 14 shall continue to operate and be governed by the applicable laws
 15 and regulations that were operative on December 31, 2018.

16 (e) Upon termination of an existing group home rate under the
 17 RCL system, a new rate shall not be paid until an application is
 18 approved and a rate is granted by the department pursuant to
 19 Section 11462 as a short-term residential treatment center or
 20 pursuant to Section 11463 as a foster family agency.

21 (f) The department shall, in the development of the new rate
 22 structures, consider and provide for placement of all children who
 23 are displaced as a result of reclassification of treatment facilities.

24 (g) This section shall become operative on January 1, 2017.

25 ~~SEC. 76.~~

26 SEC. 83. Section 11462.041 is added to the Welfare and
 27 Institutions Code, to read:

28 11462.041. (a) The Legislature recognizes that group homes
 29 are one of the primary placement options utilized by probation
 30 departments to avoid inappropriate housing of youth in a detention
 31 hall, more so since the 2007 realignment of most juvenile offenders
 32 from state supervision to county supervision. In order to further
 33 improve outcomes for these youth, targeted efforts will be required
 34 at the state and local levels to create sufficient capacity in
 35 home-based family care and in short-term residential treatment
 36 centers in order to serve these youth safely in *the* least restrictive,
 37 family-based settings, whenever possible. This increased capacity
 38 is needed in both the number of related and unrelated family-based
 39 caregivers, in the caregivers’ ability to meet the needs of probation
 40 youth, and in the services and supports available to these

1 caregivers. Additionally, there must be sufficient capacity in
2 short-term residential treatment centers to meet the needs of
3 probation youth and ensure public safety.

4 (b) To meet the capacity needs described in subdivision (a),
5 commencing on January 1, 2016, county probation departments
6 shall do all of the following:

7 (1) Work with group home providers to develop short-term
8 residential treatment center programs that meet the treatment needs
9 of probation supervised youth in foster care.

10 (2) Work with foster family agencies and other
11 community-based organizations to develop strategies to recruit,
12 retain, and support specialized foster homes for probation youth.

13 (3) Work with the department on strategies to identify, engage,
14 and support relative caregivers.

15 (4) Work with the department to define probation youth outcome
16 measures to be collected and analyzed to assess implementation
17 of this act.

18 (c) To support the activities described in subdivision (b),
19 commencing on January 1, 2016, the department, in consultation
20 with the Chief Probation Officers of California, shall do all of the
21 following:

22 (1) Work with providers, courts, and county probation
23 departments to develop capacity for home-based family care.

24 (2) Work with short-term residential treatment centers and foster
25 family agencies to address the treatment needs of specific probation
26 populations, including, but not limited to, sex offenders, youth
27 with gang affiliations, youth who currently are placed out of state,
28 and youth with mental illness.

29 (3) Develop appropriate rate structures to support probation
30 foster youth in home-based family care.

31 (4) Identify strategies to address the systemic challenges specific
32 to small and rural counties in meeting the needs of probation foster
33 youth in need of placement or treatment services.

34 (5) Provide technical assistance to existing group home providers
35 interested in serving probation youth during the transition to the
36 short-term residential treatment center or foster family agency
37 models outlined in this act.

38 (6) Provide technical assistance related to implementation of
39 this section to any requesting county probation department.

1 (d) Beginning January 1, 2018, the department, in consultation
2 with the Chief Probation Officers of California, shall assess the
3 capacity and quality of placement options for probation youth in
4 foster care, including home-based family care and short-term
5 residential treatment centers. This assessment shall include:

- 6 (1) The number and type of placement options.
- 7 (2) Whether short-term residential treatment centers have
8 developed programming tailored to address the propensity of
9 probation youth to run away.
- 10 (3) The degree to which foster family agencies,
11 community-based service providers, and county probation
12 departments have developed the programs and services necessary
13 to recruit, retain, and support foster families and relative caregivers
14 serving foster youth supervised by probation departments.
- 15 (4) Any need for additional training and technical assistance to
16 be provided to short-term residential treatment centers or foster
17 family agency providers.

18 (e) The department, in consultation with the Chief Probation
19 Officers of California and the counties, shall provide an interim
20 report, pursuant to Section 9795 of the Government Code, to the
21 Legislature no later than January 10, 2019, and a final report,
22 pursuant to Section 9795 of the Government Code, to the
23 Legislature no later than January 10, 2021, which shall include the
24 number of youth served in home-based family care, in short-term
25 residential treatment centers, and in group homes, characteristics
26 of youth in these placement types, and whether there is a continued
27 need for probation placement in group homes. The reports also
28 shall provide recommendations on any further technical assistance
29 and training, if needed, to facilitate county probation departments,
30 county child welfare departments, DSS, and providers in
31 strengthening the continuum of care for justice-involved youth.

32 ~~SEC. 77.~~

33 *SEC. 84.* Section 11463 of the Welfare and Institutions Code
34 is amended to read:

35 11463. (a) (1) The department, with the advice, assistance,
36 and cooperation of the counties and foster care providers, shall
37 develop, implement, and maintain a ratesetting system for foster
38 family agencies.

39 (2) No county shall be reimbursed for any percentage increases
40 in payments, made on behalf of AFDC-FC funded children who

1 are placed with foster family agencies, that exceed the percentage
2 cost-of-living increase provided in any fiscal year beginning on
3 January 1, 1990, as specified in subdivision (c) of Section 11461.

4 (b) The department shall develop regulations specifying the
5 purposes, types, and services of foster family agencies, including
6 the use of those agencies for the provision of emergency shelter
7 care. A distinction, for ratesetting purposes, shall be drawn between
8 foster family agencies that provide treatment of children in foster
9 families and those that provide nontreatment services.

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

13 (d) On and after July 1, 1998, the schedule of rates, and the
14 components used in the rate calculations specified in the
15 department's regulations, for foster family agencies shall be
16 increased by 6 percent, rounded to the nearest dollar. The resultant
17 amounts shall constitute the new schedule of rates for foster family
18 agencies.

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

27 (2) In addition to the adjustment specified in paragraph (1),
28 commencing January 1, 2000, the schedule of rates and the
29 components used in the rate calculations specified in the
30 department's regulations for foster family agencies shall be
31 increased by 2.36 percent, rounded to the nearest dollar. The
32 resultant amounts shall constitute the new schedule of rates for
33 foster family agencies.

34 (f) For the 1999–2000 fiscal year, foster family agency rates
35 that are not determined by the schedule of rates set forth in the
36 department's regulations, shall be increased by the same percentage
37 as provided in subdivision (e).

38 (g) (1) For the 2000–01 fiscal year and each fiscal year
39 thereafter, the foster family agency rate shall be supplemented by
40 one hundred dollars (\$100) for clothing per year per child in care,

1 subject to the availability of funds. The supplemental payment
2 shall be used to supplement, and shall not be used to supplant, any
3 clothing allowance paid in addition to the foster family agency
4 rate.

5 (2) Notwithstanding paragraph (1), commencing with the
6 2012–13 fiscal year, and each fiscal year thereafter, no
7 supplemental clothing allowance shall be provided, because the
8 rate issued in accordance with paragraph (1) of subdivision (m)
9 takes the cost of clothing into account.

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

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

27 (j) The total foster family agency rate by age group in effect as
28 of January 1, 2008, paid to licensed foster family agencies for the
29 placement of children in certified foster family homes, shall be
30 reduced by 10 percent, effective October 1, 2009. The foster family
31 agency shall have flexibility in applying the reduction, however,
32 nothing shall be deducted from the child base rate, as defined in
33 departmental regulations. When the rate is restored to at least the
34 rate in effect on September 1, 2009, the director shall issue the
35 declaration described in Section 1506.3 of the Health and Safety
36 Code.

37 (k) Effective October 1, 2009, the total foster family agency
38 rate by age group, in effect for those agency rates that are not
39 determined by the schedule of rates set forth in the department’s

1 regulations, shall be reduced by the same percentage and in the
2 same manner as provided for in subdivision (j).

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

8 (2) The department shall adopt regulations to implement this
9 subdivision. The adoption, amendment, repeal, or readoption of a
10 regulation authorized by this subdivision is deemed to be necessary
11 for the immediate preservation of the public peace, health and
12 safety, or general welfare, for purposes of Sections 11346.1 and
13 11349.6 of the Government Code, and the department is hereby
14 exempted from the requirement to describe specific facts showing
15 the need for immediate action.

16 (m) (1) On and after July 1, 2012, the basic rate payment that
17 shall be made to the certified parent pursuant to this section for
18 care and supervision of a child who is living in a certified home
19 of a foster family agency, as defined in Section 11400, shall equal
20 the basic rate for children based in a licensed or approved home,
21 as specified in paragraph (1) of subdivision (g) of Section 11461.

22 (2) The basic rate payment to the certified parent made pursuant
23 to paragraph (1) shall be adjusted annually on July 1, by the annual
24 percentage change in the California Necessities Index, in
25 accordance with paragraph (2) of subdivision (g) of Section 11461.
26 The adjustment in this paragraph shall be in lieu of any adjustment
27 pursuant to subdivision (e).

28 (n) Notwithstanding any other law, the changes to the basic rate
29 payment specified in subdivision (m) shall not change the
30 remaining components of the foster family agency rate. The new
31 foster family agency rate shall be increased only by the amounts
32 specified pursuant to subdivision (m). The resulting amounts shall
33 constitute the new schedule of rates for foster family agencies,
34 which shall be issued by all-county letters or similar instructions
35 from the department.

36 (o) Beginning in the 2011–12 fiscal year, and for each fiscal
37 year thereafter, funding and expenditures for programs and
38 activities under this section shall be in accordance with the
39 requirements provided in Sections 30025 and 30026.5 of the
40 Government Code.

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

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

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

29 ~~SEC. 78.~~

30 *SEC. 85.* Section 11463 is added to the Welfare and Institutions
 31 Code, to read:

32 11463. (a) The department shall commence development of
 33 a new payment structure for the Title IV-E funded foster family
 34 agency placement option that maximizes federal funding, in
 35 consultation with county placing agencies.

36 (b) The department shall develop a payment system for foster
 37 family agencies that provide ~~nontreatment~~, treatment, intensive
 38 treatment, and therapeutic foster care programs, and shall consider
 39 all of the following factors:

- 1 (1) Administrative activities that are eligible for federal financial
2 participation provided, at county request, for and to county-licensed
3 or approved family homes and resource families, intensive case
4 management and supervision, and services to achieve legal
5 permanency or successful transition to adulthood.
- 6 (2) Social work activities that are eligible for federal financial
7 participation under Title IV-E of the Social Security Act.
- 8 (3) Social work and mental health services eligible for federal
9 financial participation under Title XIX of the Social Security Act.
- 10 (4) Intensive treatment or therapeutic services in the foster
11 family agency.
- 12 (5) Core services, made available to children and nonminor
13 dependents either directly or secured through formal agreements
14 with other agencies, which are trauma informed and culturally
15 relevant and ~~include all of the following:~~ *include:*
- 16 (A) Specialty mental health services for children who meet
17 medical necessity criteria for specialty mental health services under
18 the Medi-Cal Early and Periodic Screening, Diagnosis, and
19 Treatment ~~program.~~ *program, as the criteria are described in*
20 *Section 1830.210 of Title 9, of the California Code of Regulations.*
- 21 (B) Transition support services for children, youth, and families
22 *upon initial entry and placement changes and for families who*
23 ~~assume permanency.~~ *permanency through reunification, adoption,*
24 *or guardianship.*
- 25 (C) *Educational and physical, behavioral, and mental health*
26 *supports, including extracurricular activities and social supports.*
- 27 (D) *Activities designed to support transition-age youth and*
28 *nonminor dependents in achieving a successful adulthood.*
- 29 ~~(C) Permanency-related services;~~
- 30 (E) *Services to achieve permanency, including supporting*
31 *efforts to reunify or achieve adoption or guardianship and efforts*
32 *to maintain or establish relationships with parents, siblings,*
33 *extended family members, tribes, or others important to the child*
34 *or youth, as appropriate.*
- 35 ~~(D) Education and physical, behavioral, and mental health~~
36 ~~supports, including extracurricular activities and social supports.~~
- 37 ~~(E) Activities designed to support transition-age youth and~~
38 ~~nonminor dependents in achieving a successful adulthood.~~
- 39 (F) When serving Indian children, as defined in *subdivisions*
40 *(a) and (b) of Section 224.1, the core services specified in*

1 paragraphs subparagraphs (A) to (E), inclusive, shall be provided
 2 to eligible children consistent with active efforts pursuant to
 3 Section 361.7.

4 (G) *The core services specified in subparagraphs (A) to (F),*
 5 *inclusive, are not intended to duplicate services already available*
 6 *to foster children in the community, but to support access to those*
 7 *services and supports to the extent already available. Those*
 8 *services and supports may include, but are not limited to, foster*
 9 *youth services available through county offices of education, Indian*
 10 *Health Services, and school-based extracurricular activities.*

11 (6) Staff training.

12 (7) Health and Safety Code requirements.

13 (8) A process for accreditation that includes all of the following:

14 (A) Provision for all licensed foster family agencies to maintain
 15 in good standing accreditation from a nationally recognized
 16 accreditation agency 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 the 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 (9) Mental health certification, including a requirement to timely
 23 report to the department any change in mental health certificate
 24 status.

25 (10) Populations served, including, but not limited to, any of
 26 the following:

27 (A) (i) Children and youth assessed as seriously emotionally
 28 disturbed, as described in *subdivision (a) of Section 5600.3, 5600.3,*
 29 *including those placed out-of-home pursuant to an individualized*
 30 *education program developed under ~~Chapter 26.5 (commencing~~*
 31 *with Section 7570) of Division 7 of Title 1 of the Government*
 32 *Code. Article 2 (commencing with Section 56320) of Chapter 4 of*
 33 *Part 30 of Division 4 of Title 2 of the Education Code.*

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

39 (B) AFDC-FC children and youth receiving intensive and
 40 therapeutic treatment services in a foster family agency.

1 (C) AFDC-FC children and youth receiving mental health
2 treatment services from a foster family agency.

3 (11) Maximization of federal financial participation for Title
4 IV-E and Title XIX of the Social Security Act.

5 (c) The department shall develop a system of governmental
6 monitoring and oversight that shall be carried out in coordination
7 with the State Department of Health Care Services. Oversight
8 responsibilities shall include, but not be limited to, ensuring
9 conformity with federal and state law, including program, fiscal,
10 and health and safety reviews. *The state agencies shall attempt to*
11 *minimize duplicative audits and reviews to reduce the*
12 *administrative burden on providers.*

13 (d) The department shall consider the impact on children and
14 youth being transitioned to alternate programs as a result of the
15 new ratesetting system.

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

17 ~~SEC. 79.~~

18 SEC. 86. Section 11463.01 is added to the Welfare and
19 Institutions Code, immediately after Section 11463, to read:

20 11463.01. (a) (1) The department, with the advice, assistance,
21 and cooperation of the counties and foster care providers, shall
22 develop, implement, and maintain a ratesetting system for foster
23 family agencies.

24 (2) No county shall be reimbursed for any percentage increases
25 in payments, made on behalf of AFDC-FC funded children who
26 are placed with foster family agencies, that exceed the percentage
27 cost-of-living increase provided in any fiscal year, as specified in
28 subdivision (c) of Section 11461.

29 (b) The department shall develop regulations specifying the
30 purposes, types, and services of foster family agencies, including
31 the use of those agencies for the provision of emergency shelter
32 care.

33 (c) The department shall develop and maintain regulations
34 specifying the procedures for the appeal of department decisions
35 about the setting of an agency's rate.

36 (d) No supplemental clothing allowance shall be provided,
37 because the rate issued in accordance with paragraph (1) of
38 subdivision (g) takes the cost of clothing into account.

39 (e) The schedule of rates for foster family agencies as set forth
40 in Section 11463, as that section read on January 1, 2015, shall

1 apply for purposes of, and may be modified pursuant to, this
2 section.

3 (f) (1) The department shall determine, consistent with the
4 requirements of this section and other relevant requirements under
5 law, the rate category for each foster family agency on a biennial
6 basis. Submission of the biennial rate application shall be according
7 to a schedule determined by the department.

8 (2) The department shall adopt regulations to implement this
9 subdivision. The adoption, amendment, repeal, or readoption of a
10 regulation authorized by this subdivision is deemed to be necessary
11 for the immediate preservation of the public peace, health and
12 safety, or general welfare, for purposes of Sections 11346.1 and
13 11349.6 of the Government Code, and the department is hereby
14 exempted from the requirement to describe specific facts showing
15 the need for immediate action.

16 (g) (1) The basic rate payment that shall be made to the certified
17 parent pursuant to this section for care and supervision of a child
18 who is living in a certified home of a foster family agency, as
19 defined in Section 11400, shall equal the basic rate for children
20 placed in a licensed or approved home, as specified in paragraph
21 (1) of subdivision (g) of Section 11461.

22 (2) The basic rate payment to the certified parent made pursuant
23 to paragraph (1) shall be adjusted annually on July 1, by the annual
24 percentage change in the California Necessities Index, in
25 accordance with paragraph (2) of subdivision (g) of Section 11461.
26 The adjustment in this paragraph shall be in lieu of any adjustment
27 pursuant to subdivision (e) of Section 11463, as that section read
28 on January 1, 2015.

29 (h) Notwithstanding any other law, the changes to the basic rate
30 payment specified in subdivision (g) shall not change the remaining
31 components of the foster family agency rate. The new foster family
32 agency rate shall be increased only by the amounts specified
33 pursuant to subdivision (g). The resulting amounts shall constitute
34 the new schedule of rates for foster family agencies, which shall
35 be issued by all-county letters or similar instructions from the
36 department.

37 (i) For each fiscal year, funding and expenditures for programs
38 and activities under this section shall be in accordance with the
39 requirements provided in Sections 30025 and 30026.5 of the
40 Government Code.

1 (j) (1) Notwithstanding the rulemaking provisions of the
2 Administrative Procedure Act (Chapter 3.5 (commencing with
3 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
4 Code), the department may implement, interpret, or make specific
5 the changes to this section made by the act that added this section,
6 and amend and repeal regulations and orders subject to this section
7 and adopted by the department by means of all-county letters or
8 similar instructions from the department until regulations are
9 adopted. The department shall adopt emergency regulations no
10 later than July 1, 2016. The department may readopt any emergency
11 regulation authorized by this section that is the same as, or
12 substantially equivalent to, an emergency regulation previously
13 adopted under this section.

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

26 (k) This section shall only apply to a foster family agency that
27 has been granted an extension pursuant to the exception process
28 described in subdivision (d) of Section 11463.1.

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

30 (m) This section shall remain in effect only until January 1,
31 2018, and as of that date is repealed, unless a later enacted statute,
32 that is enacted before January 1, 2018, deletes or extends that date.

33 ~~SEC. 80.~~

34 *SEC. 87.* Section 11463.1 is added to the Welfare and
35 Institutions Code, to read:

36 11463.1. (a) Notwithstanding any other law, commencing
37 January 1, 2017, no new foster family agency shall be established
38 pursuant to the rate in effect through December 31, 2016.

39 (b) Notwithstanding subdivision (a), the department may grant
40 an exception as appropriate, on a case-by-case basis, when a written

1 request and supporting documentation are provided by a county
 2 placing agency, including a county welfare or probation director,
 3 that absent the granting of that exception, there is a material risk
 4 to the welfare of children due to an inadequate supply of
 5 appropriate alternative placement options to meet the needs of
 6 children or youth.

7 (c) Rates for foster family agencies paid under the prior rate
 8 system, and those granted an exception pursuant to subdivision
 9 (b), shall terminate on December 31, 2016, unless granted an
 10 extension under the exception process in subdivision (d).

11 (d) A foster family agency may request an exception to extend
 12 its rate as follows:

13 (1) The department may grant an extension for up to ~~one year,~~
 14 *two years*, through December 31, ~~2017, 2018~~, on a case-by-case
 15 basis, when a written request and supporting documentation are
 16 provided by a county placing agency, including a county welfare
 17 or probation director, that absent the granting of that exception,
 18 there is a material risk to the welfare of children or youth due to
 19 an inadequate supply of appropriate alternative placement options
 20 to meet the needs of children. The exception may include time to
 21 meet the accreditation requirement or the mental health certification
 22 requirement.

23 (2) The exception shall allow the provider to continue to receive
 24 the rate under the prior ratesetting system.

25 (e) Upon termination of an existing foster family agency rate
 26 under the prior rate system, a new rate shall not be paid until an
 27 application is approved and a rate is granted by the department
 28 pursuant to Section 11463 as a foster family agency or Section
 29 11462 as a short-term residential treatment center.

30 (f) The department shall, in the development of the new rate
 31 structures, consider and provide for placement of all children who
 32 are displaced as a result of reclassification of treatment facilities.

33 (g) This section shall remain in effect only until January 1, ~~2018,~~
 34 *2019*, and as of that date is repealed, unless a later enacted statute,
 35 that is enacted before January 1, ~~2018, 2019~~, deletes or extends
 36 that date.

37 ~~SEC. 81.~~

38 *SEC. 88.* Section 11465 of the Welfare and Institutions Code
 39 is amended to read:

1 11465. (a) When a child is living with a parent who receives
2 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
3 behalf of the parent shall include an amount for care and
4 supervision of the child.

5 (b) For each category of eligible licensed community care
6 facility, as defined in Section 1502 of the Health and Safety Code,
7 the department shall adopt regulations setting forth a uniform rate
8 to cover the cost of care and supervision of the child in each
9 category of eligible licensed community care facility.

10 (c) (1) On and after July 1, 1998, the uniform rate to cover the
11 cost of care and supervision of a child pursuant to this section shall
12 be increased by 6 percent, rounded to the nearest dollar. The
13 resultant amounts shall constitute the new uniform rate.

14 (2) (A) On and after July 1, 1999, the uniform rate to cover the
15 cost of care and supervision of a child pursuant to this section shall
16 be adjusted by an amount equal to the California Necessities Index
17 computed pursuant to Section 11453, rounded to the nearest dollar.
18 The resultant amounts shall constitute the new uniform rate, subject
19 to further adjustment pursuant to subparagraph (B).

20 (B) In addition to the adjustment specified in subparagraph (A),
21 on and after January 1, 2000, the uniform rate to cover the cost of
22 care and supervision of a child pursuant to this section shall be
23 increased by 2.36 percent, rounded to the nearest dollar. The
24 resultant amounts shall constitute the new uniform rate.

25 (3) Subject to the availability of funds, for the 2000–01 fiscal
26 year and annually thereafter, these rates shall be adjusted for cost
27 of living pursuant to procedures in Section 11453.

28 (4) On and after January 1, 2008, the uniform rate to cover the
29 cost of care and supervision of a child pursuant to this section shall
30 be increased by 5 percent, rounded to the nearest dollar. The
31 resulting amount shall constitute the new uniform rate.

32 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
33 payment made pursuant to this section for care and supervision of
34 a child who is living with a teen parent in a whole family foster
35 home, as defined in Section 11400, shall equal the basic rate for
36 children placed in a licensed or approved home as specified in
37 subdivisions (a) to (d), inclusive, and subdivision (g), of Section
38 11461.

39 (2) (A) The amount paid for care and supervision of a dependent
40 infant living with a dependent teen parent receiving AFDC-FC

1 benefits in a group home placement shall equal the infant
2 supplement rate for group home placements.

3 (B) Commencing January 1, 2017, the amount paid for care and
4 supervision of a dependent infant living with a dependent teenage
5 parent receiving AFDC-FC benefits in a short-term residential
6 treatment center shall equal the infant supplement rate for
7 short-term residential treatment centers established by the
8 department.

9 (3) (A) The caregiver shall provide the county child welfare
10 agency or probation department with a copy of the shared
11 responsibility plan developed pursuant to Section 16501.25 and
12 shall advise the county child welfare agency or probation
13 department of any subsequent changes to the plan. Once the plan
14 has been completed and provided to the appropriate agencies, the
15 payment made pursuant to this section shall be increased by an
16 additional two hundred dollars (\$200) per month to reflect the
17 increased care and supervision while he or she is placed in the
18 whole family foster home.

19 (B) A nonminor dependent parent residing in a supervised
20 independent living placement, as defined in subdivision (w) of
21 Section 11400, who develops a written parenting support plan
22 pursuant to Section 16501.26 shall provide the county child welfare
23 agency or probation department with a copy of the plan and shall
24 advise the county child welfare agency or probation department
25 of any subsequent changes to the plan. The payment made pursuant
26 to this section shall be increased by an additional two hundred
27 dollars (\$200) per month after all of the following have been
28 satisfied:

29 (i) The plan has been completed and provided to the appropriate
30 county agency.

31 (ii) The plan has been approved by the appropriate county
32 agency.

33 (iii) The county agency has determined that the identified
34 responsible adult meets the criteria specified in Section 16501.27.

35 (4) In a year in which the payment provided pursuant to this
36 section is adjusted for the cost of living as provided in paragraph
37 (1) of subdivision (c), the payments provided for in this subdivision
38 shall also be increased by the same procedures.

39 (5) A Kin-GAP relative who, immediately prior to entering the
40 Kin-GAP program, was designated as a whole family foster home

1 shall receive the same payment amounts for the care and
2 supervision of a child who is living with a teen parent they received
3 in foster care as a whole family foster home.

4 (6) On and after January 1, 2012, the rate paid for a child living
5 with a teen parent in a whole family foster home as defined in
6 Section 11400 shall also be paid for a child living with a nonminor
7 dependent parent who is eligible to receive AFDC-FC or Kin-GAP
8 pursuant to Section 11403.

9 ~~SEC. 82.~~

10 *SEC. 89.* Section 11466 is added to the Welfare and Institutions
11 Code, to read:

12 11466. For the purposes of this section to Section 114691.1,
13 inclusive, “provider” shall mean a group home, short-term
14 residential treatment center, a foster family agency that provides
15 treatment services, and similar foster care business entities.

16 *SEC. 90. Section 11466.2 of the Welfare and Institutions Code*
17 *is amended to read:*

18 11466.2. (a) (1) The department shall perform or have
19 performed group home program and fiscal audits as needed. Group
20 home programs shall maintain all child-specific, programmatic,
21 personnel, fiscal, and other information affecting group home
22 ratesetting and AFDC-FC payments for a period not less than five
23 years.

24 (2) Notwithstanding paragraph (1), the department shall not
25 establish an overpayment based upon a nonprovisional program
26 audit conducted on less than a one-year audit period.

27 (3) Notwithstanding paragraph (2), the department may conduct
28 audits covering a period of less than 12 months. Based upon the
29 findings of these audits, the department may reduce a group home
30 program’s AFDC-FC rate or RCL pursuant to this paragraph.

31 (A) In an audit of a period of less than 12 months, if a provider’s
32 audited RCL is no more than three levels below the paid RCL, the
33 provider’s rate and RCL will be reduced to the audited RCL. The
34 provider will be allowed the opportunity to bring a program into
35 compliance with the paid RCL.

36 (B) In an audit of a period of less than 12 months, if the
37 provider’s audited RCL is more than three levels below the paid
38 RCL, the department shall conduct an audit as identified in
39 paragraph (2) of subdivision (a) of Section 11466.2. The provider

1 will be allowed the opportunity to bring a program into compliance
2 with the paid RCL.

3 (C) For audit purposes, when the group home program serves
4 a mixture of AFDC-FC eligible and ineligible children, the
5 weighted hours for child care and social work services provided
6 and the capacity of the group home shall be adjusted by the ratio
7 of AFDC-FC eligible children to all children in placement.

8 (D) A group home provider may request a hearing of the
9 department's RCL determination under subparagraph (A) no later
10 than 30 days after the date the department issues its RCL
11 determination. The department's RCL determination shall be final
12 if the group home provider does not request a hearing within the
13 prescribed time. Within 60 days of receipt of the request for
14 hearing, the department shall conduct a hearing on the RCL
15 determination. The standard of proof shall be the preponderance
16 of the evidence and the burden of proof shall be on the department.
17 The hearing officer shall issue the proposed decision within 45
18 days of the close of the evidentiary record. The director shall adopt,
19 reject, or modify the proposed decision, or refer the matter back
20 to the hearing officer for additional evidence or findings within
21 100 days of issuance of the proposed decision. If the director takes
22 no action on the proposed decision within the prescribed time, the
23 proposed decision shall take effect by operation of law.

24 (b) (1) The department shall develop regulations to correct a
25 group home program's RCL, and to adjust the rate and to recover
26 any overpayments resulting from an overstatement of the projected
27 level of care and services.

28 (2) The department shall modify the amount of the overpayment
29 pursuant to paragraph (1) in cases where the level of care and
30 services provided per child in placement equals or exceeds the
31 level associated with the program's RCL. In making this
32 modification, the department shall determine whether services
33 other than child care supervision were provided to children in
34 placement in an amount that is at least proportionate, on a per child
35 basis, to the amount projected in the group home's rate application.
36 In cases where these services are provided in less than a
37 proportionate amount, staffing for child care supervision in excess
38 of its proportionate share shall not be substituted for nonchild care
39 supervision staff hours.

1 (c) (1) In any audit conducted by the department, the
2 department, or other public or private audit agency with which the
3 department contracts, shall coordinate with the department's
4 licensing and ratesetting entities so that a consistent set of
5 standards, rules, and auditing protocols are maintained. The
6 department, or other public or private audit agency with which the
7 department contracts, shall make available to all group home
8 providers, in writing, any standards, rules, and auditing protocols
9 to be used in those audits.

10 (2) The department shall provide exit interviews with providers
11 whenever deficiencies found are explained and the opportunity
12 exists for providers to respond. The department shall adopt
13 regulations specifying the procedure for the appeal of audit
14 findings.

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

18 SEC. 91. *Section 11466.2 is added to the Welfare and*
19 *Institutions Code, to read:*

20 11466.2. (a) (1) *The department shall perform or have*
21 *performed provider program and fiscal audits as needed. Provider*
22 *programs shall maintain all child-specific, programmatic,*
23 *personnel, fiscal, and other information affecting ratesetting and*
24 *AFDC-FC payments for a period of not less than five years.*

25 (2) *A provider may request a hearing of the department's audit*
26 *determination under this section no later than 30 days after the*
27 *date the department issues its audit determination. The*
28 *department's audit determination shall be final if the provider*
29 *does not request a hearing within the prescribed time. Within 60*
30 *days of receipt of the request for hearing, the department shall*
31 *conduct a hearing on the audit determination. The standard of*
32 *proof shall be the preponderance of the evidence and the burden*
33 *of proof shall be on the department. The hearing officer shall issue*
34 *the proposed decision within 45 days of the close of the evidentiary*
35 *record. The director shall adopt, reject, or modify the proposed*
36 *decision, or refer the matter back to the hearing officer for*
37 *additional evidence or findings within 100 days of issuance of the*
38 *proposed decision. If the director takes no action on the proposed*
39 *decision within the prescribed time, the proposed decision shall*
40 *take effect by operation of law.*

1 (b) *The department shall develop regulations to correct a*
 2 *program’s audit findings, adjust the rate, and recover any*
 3 *overpayments resulting from an overstatement of the projected*
 4 *level of care and services and other audit findings.*

5 (c) (1) *In any audit conducted by the department, the*
 6 *department, or other public or private audit agency with which*
 7 *the department contracts, shall coordinate with the department’s*
 8 *licensing and ratesetting entities so that a consistent set of*
 9 *standards, rules, and auditing protocols are maintained. The*
 10 *department, or other public or private audit agency with which*
 11 *the department contracts, shall make available to all providers,*
 12 *in writing, any standards, rules, and auditing protocols to be used*
 13 *in those audits.*

14 (2) *The department shall provide exit interviews with providers,*
 15 *whenever deficiencies are found, in which those deficiencies may*
 16 *be explained and permit providers an opportunity to respond. The*
 17 *department shall adopt regulations specifying the procedure for*
 18 *the appeal of audit findings.*

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

20 ~~SEC. 83:~~

21 ~~SEC. 92.~~ Section 11466.21 of the Welfare and Institutions
 22 Code is amended to read:

23 11466.21. (a) In accordance with subdivision (b), as a
 24 condition to receive an AFDC-FC rate for a program including,
 25 but not limited to, a group home, a foster family agency that
 26 provides treatment services, ~~or~~ a short-term residential treatment
 27 center, *and other similar business entities providing foster care,*
 28 the following shall apply:

29 (1) Any provider who expends in combined federal funds an
 30 amount at or above the federal funding threshold in accordance
 31 with the federal Single Audit Act, as amended, and Section 200.501
 32 of Title 2 of the Code of Federal Regulations shall arrange to have
 33 a financial audit conducted on an annual basis, and shall submit
 34 the annual financial audit to the department in accordance with
 35 regulations adopted by the ~~department.~~ *department, all-county*
 36 *letter, or similar written instructions.*

37 (2) Any provider who expends in combined federal funds an
 38 amount below the federal funding threshold in accordance with
 39 the federal Single Audit Act, as amended, and Section 200.501 of
 40 Title 2 of the Code of Federal Regulations shall *annually* submit

1 to the department a financial audit on its most recent fiscal ~~period~~
2 ~~at least once every three years.~~ *period*. The department shall
3 provide timely notice to the providers of the date that submission
4 of the financial audit is required. That date of submission of the
5 financial audit shall be established in accordance with regulations
6 adopted by the department.

7 (3) The scope of the financial audit shall include all of the
8 programs and activities operated by the provider and shall not be
9 limited to those funded in whole or in part by the AFDC-FC
10 program. The financial audits shall include, but not be limited to,
11 an evaluation of the *expenditures and* accounting and control
12 systems of the provider.

13 (4) The provider shall have its financial audit conducted by
14 certified public accountants or by state-licensed public ~~accountants~~
15 *accountants, with audit designation*, who have no direct or indirect
16 relationship with the functions or activities being audited, or with
17 the provider, its board of directors, *or other governing body*,
18 officers, or staff.

19 (5) The provider shall have its financial audits conducted in
20 accordance with Government Auditing Standards issued by the
21 Comptroller General of the United States and in compliance with
22 generally accepted accounting principles applicable to private
23 entities organized and operated on a nonprofit basis.

24 (6) (A) Each provider shall have the flexibility to define the
25 calendar months included in its fiscal year.

26 (B) A provider may change the definition of its fiscal year.
27 However, the financial audit conducted following the change shall
28 cover all of the months since the last audit, even though this may
29 cover a period that exceeds 12 months.

30 (b) (1) In accordance with subdivision (a), as a condition to
31 receive an AFDC-FC ~~rate that becomes effective on or after July~~
32 ~~1, 2000;~~ *rate*, a provider shall submit a copy of its most recent
33 financial audit report, except as provided in paragraph (3).

34 (2) The department shall terminate the rate of a provider who
35 fails to submit a copy of its most recent financial audit pursuant
36 to subdivision (a). A terminated rate shall only be reinstated upon
37 the provider's submission *to the department* of an acceptable
38 financial audit.

39 (3) ~~Effective July 1, 2000,~~ ~~a~~ A new provider that has been
40 incorporated for fewer than 12 calendar months shall not be

1 required to submit a copy of a financial audit to receive an
 2 AFDC-FC rate for a new program. The financial audit shall be
 3 conducted on the provider’s next full fiscal year of operation. The
 4 provider shall submit the financial audit to the department in
 5 accordance with subdivision (a).

6 *(4) Repeated late financial audits may result in monetary*
 7 *penalties or termination of the provider’s rate as set forth in*
 8 *regulation, all-county letter, or similar written directive by the*
 9 *department.*

10 (c) The department shall ~~implement this section through the~~
 11 ~~adoption of emergency regulations.~~ *issue a management decision*
 12 *letter on audit findings within six months of receipt of the financial*
 13 *audit report. The management decision letter shall clearly state*
 14 *whether or not the audit finding is sustained, the reasons for the*
 15 *decision, and the action or actions expected of the nonprofit*
 16 *organization provider to repay disallowed costs, make financial*
 17 *adjustments, or take other action.*

18 ~~SEC. 84.~~

19 SEC. 93. Section 11466.22 of the Welfare and Institutions
 20 Code is amended to read:

21 11466.22. (a) It is the intent of the Legislature to ensure overall
 22 program integrity in the AFDC-FC program through the
 23 establishment of an effective and efficient process for the collection
 24 of provider sustained overpayments. Furthermore, the intent of the
 25 Legislature is to ensure that children placed in AFDC-FC programs,
 26 including, but not limited to, group homes, short-term residential
 27 treatment centers, and foster family agencies ~~that provide treatment~~
 28 ~~services;~~ *agencies,* receive the level of care and supervision
 29 commensurate with the program’s paid rate.

30 (b) For the purposes of this section, a provider is a licensee of
 31 an AFDC-FC program listed in Section 11402, including, but not
 32 limited to, a group home, short-term residential treatment center,
 33 foster family agency that provides treatment services, or a similar
 34 business entity, receiving foster care maintenance payments under
 35 the AFDC-FC program. The department may collect a sustained
 36 overpayment from the party responsible for the sustained
 37 overpayment, regardless of whether the party remains in the
 38 business of providing any AFDC-FC programs, and regardless of
 39 whether the provider remains licensed by the department.

1 (c) For the purposes of this section, a provider overpayment is
2 an overpayment that results in an audit period when a provider
3 receives a rate reimbursement to which it is not entitled. If a
4 provider receives a rate reimbursement to which it is not entitled,
5 *including, but not limited to, the provider failing to maintain a*
6 *license, or failing to maintain its status as a nonprofit organization,*
7 *or due to an overpayment determined as described in paragraph*
8 *(1) of subdivision (d). If a provider receives a rate to which it is*
9 *not entitled it shall be liable to repay the overpayment.*

10 (d) (1) Overpayments shall be determined by either a provider
11 audit *pursuant to Section 11466.21, a department audit conducted*
12 *pursuant to Section 11466.2, a management decision letter,* or a
13 provider self-reporting an overpayment. *A self-reported*
14 *overpayment may include a finding in the financial audit report*
15 *submitted by the provider whether that finding is formally made*
16 *in the financial audit report or discovered through department*
17 *review of the report or other provider submission.*

18 (2) ~~If an informal~~ a 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~~ *consider, at the discretion*
38 *of the director, renegotiation of a voluntary* repayment agreement
39 if the director determines that the agreement would cause severe
40 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 ~~consider, at the discretion of the director, renegotiation of an~~
 11 ~~involuntary~~ payment agreement if the director determines that the
 12 agreement would cause severe harm to children in placement.

13 (e) The department shall ~~develop regulations maintain, by~~
 14 ~~regulation , all-county letter, or similar written directive, a~~
 15 ~~procedure~~ for recovery of any provider sustained overpayments.
 16 The ~~regulations department~~ shall prioritize collection methods,
 17 which shall include voluntary repayment agreement procedures,
 18 involuntary overpayment collection procedures, including the use
 19 of a statutory lien, rate request denials, rate decreases, and rate
 20 terminations. *The department may also deny rate requests,*
 21 *including requests for rate increases, or program changes or*
 22 *expansions, while an overpayment is due.*

23 (f) Whenever the department determines that a provider
 24 sustained overpayment has occurred, the department shall recover
 25 from the provider the full amount of the sustained overpayment,
 26 and simple interest on the sustained overpayment amount, pursuant
 27 to methods described in subdivision (e), against the provider's
 28 income or assets.

29 (g) If a provider is successful in its appeal of a collected
 30 overpayment, it shall be repaid the collected overpayment plus
 31 simple interest based on the Surplus Money Investment Fund.

32 ~~SEC. 85.~~

33 *SEC. 94.* Section 11466.25 of the Welfare and Institutions
 34 Code is amended to read:

35 11466.25. Interest begins to accrue on a provider overpayment
 36 *or penalty* on the date of the issuance of the *penalty or the final*
 37 ~~audit report. report, or the date the final audit report is sustained,~~
 38 *the date of the issuance of a management decision letter in*
 39 *accordance with Section 11466.21, or the date that a provider*
 40 *self-reports an overpayment.*

1 ~~SEC. 86.~~

2 *SEC. 95.* Section 11466.3 of the Welfare and Institutions Code
3 is amended to read:

4 11466.3. (a) The department shall offer a voluntary repayment
5 agreement procedure to providers that owe a sustained
6 overpayment. A provider may enter into a voluntary repayment
7 agreement with the department to repay a sustained overpayment.
8 The voluntary repayment agreement shall, at a minimum, meet
9 the requirements developed pursuant to paragraph (3) of
10 subdivision (d) of Section ~~11466.2.~~ *11466.22.*

11 (b) The department shall charge simple interest on the voluntary
12 repayment agreement in accordance with paragraph (3) of
13 subdivision (d) of Section ~~11466.2.~~ *11466.22.*

14 ~~SEC. 87.~~

15 *SEC. 96.* Section 11466.31 of the Welfare and Institutions
16 Code is amended to read:

17 11466.31. (a) When it has been determined that a provider
18 participating in the AFDC-FC program owes an overpayment that
19 is due and payable, the department may implement involuntary
20 offset collection procedures to collect sustained overpayments
21 from a provider if the provider does not enter into a voluntary
22 repayment agreement with the department or the provider has three
23 outstanding payments on a voluntary repayment agreement before
24 the overpayment is repaid.

25 (b) The minimum monthly overpayment offset amount from
26 monthly rate reimbursements shall be determined using the
27 involuntary collection procedures developed pursuant to paragraph
28 (4) of subdivision (d) of Section 11466.2. Overpayments shall be
29 offset against current monthly rate reimbursement payments due
30 and payable to a provider under this chapter.

31 (c) *Failure to repay an overpayment shall be grounds for*
32 *termination of the provider's rate and shall result in a referral to*
33 *the department's Community Care Licensing Division for license*
34 *revocation.*

35 ~~SEC. 88.~~

36 *SEC. 97.* Section 11466.32 of the Welfare and Institutions
37 Code is amended to read:

38 11466.32. (a) If a provider that owes a sustained overpayment
39 pursuant to paragraph (2) of subdivision (d) of Section 11466.2
40 does not enter into a voluntary repayment agreement with the

1 department, or the provider has three outstanding payments on a
 2 voluntary repayment agreement before the overpayment is repaid,
 3 in addition to the monthly overpayment offset amount, 50 percent
 4 of any increases resulting from California Necessities Index (CNI)
 5 adjustments and provider’s rate adjustments to the standard rate
 6 that are due to a provider shall be withheld until the sustained
 7 overpayment amount is collected. Once the overpayment amount
 8 is collected, the provider shall begin to prospectively receive the
 9 full amount of any California Necessities Index and rate adjustment
 10 to which it is entitled.

11 (b) Any provider subject to involuntary repayment of a sustained
 12 overpayment pursuant to Section 11466.31 shall be ineligible to
 13 receive any rate increase *or program change or expansion*, until
 14 the repayment is completed or until the host county or the primary
 15 placement county provide the department with a request for waiver
 16 of this paragraph.

17 ~~SEC. 89.~~

18 *SEC. 98.* Section 11466.33 of the Welfare and Institutions
 19 Code is amended to read:

20 11466.33. (a) If any amount is due and payable to the
 21 department as a result of a sustained overpayment to a provider
 22 for care and services in the AFDC-FC program, the department
 23 may file, in the office of any county clerk of any county in which
 24 the provider has real or personal property, a certificate if any of
 25 the following conditions are met:

26 (1) ~~No informal formal hearing is requested and if a requested,~~
 27 *the provider has not submitted a voluntary repayment agreement*
 28 *with the first payment, and 60 days have elapsed from the notice*
 29 *of audit results.*

30 (2) ~~No formal appeal is requested and if a provider has not~~
 31 ~~submitted a voluntary repayment agreement along with the first~~
 32 ~~payment, and 60 days have elapsed from the notice of the informal~~
 33 ~~hearing decision.~~

34 (3) ~~A~~

35 (2) *The provider has not submitted a voluntary repayment*
 36 *agreement along with the first payment, and 30 days have elapsed*
 37 *after an adverse appeal decision by a hearing officer that sustains*
 38 *an overpayment. sustaining an overpayment, and that decision*
 39 *has been adopted by the department or is effective by operation*
 40 *of law.*

1 (b) The certificate provided for pursuant to subdivision (a) shall
2 contain:

3 (1) The amount due, owing, and unpaid, plus simple interest on
4 the amount owing and unpaid beginning on the date the certificate
5 is filed.

6 (2) A statement that the department has complied with this
7 section prior to the filing of the certificate.

8 (3) A request that a lien be recorded against the provider in the
9 amount set forth in the certificate.

10 (c) The county clerk immediately upon the filing of the
11 certificate shall record the lien for the State of California against
12 the provider in the amount set forth in the certificate. The lien may
13 be filed in the chain of title of the property.

14 (d) The department shall pay the cost of the first lien, and
15 providers shall be responsible for any subsequent liens on a
16 sustained overpayment.

17 (e) For the first certificate filed by the department pursuant to
18 this section, the county shall waive all filing fees.

19 ~~SEC. 99.~~

20 *SEC. 99.* Section 11466.34 of the Welfare and Institutions
21 Code is amended to read:

22 11466.34. (a) (1) At any time within 10 years of the recording
23 of a lien pursuant to Section 11466.33, the department may bring
24 an action, in a superior court in the county in which the lien is
25 filed, seeking a judgment to establish the lien as a judgment lien.

26 (2) If a judgment is obtained pursuant to paragraph (1), the
27 county recorder shall record the lien as a judgment lien.

28 (b) An abstract of a judgment obtained pursuant to subdivision
29 (a) or a copy thereof may be recorded with the county recorder of
30 any county. From the time of recording, the judgment shall
31 constitute a lien upon all real or personal property of the provider
32 in that county owned by the provider at the time, or that the
33 provider may afterwards, but before the lien expires, acquire. The
34 judgment lien shall continue for 10 years from the time of recording
35 of the abstract of judgment obtained pursuant to subdivision (a),
36 unless sooner released or otherwise discharged.

37 (c) The judgment lien may, within 10 years from the date of
38 recording of the abstract of judgment or within 10 years from the
39 date of the last extension of the lien in the manner provided in this
40 section, be extended by recording a new abstract in the office of

1 the county recorder of any county. From the date of that recording,
 2 the lien shall be extended for 10 years, unless sooner released or
 3 otherwise discharged.

4 (d) The department may release any lien imposed pursuant to
 5 this chapter, at the provider’s cost, in which case any judgment
 6 pertaining to that lien is for all purposes null and void, if all of the
 7 following conditions are met:

8 (1) No temporary suspension order or license revocation actions
 9 by the department’s community care licensing division is pending
 10 against a provider.

11 (2) A provider has made at least three timely payments on a
 12 voluntary repayment agreement.

13 (3) The provider submits to the department corroborative
 14 evidence that it is unable to obtain a loan from an institutional
 15 lender unless the lien is released.

16 (e) Execution shall issue upon a judgment obtained pursuant to
 17 this section upon request of the department in the same manner as
 18 execution may issue upon other judgments. Sale shall be held under
 19 that execution as prescribed in the Code of Civil Procedure. In all
 20 proceedings under this section, the director or his or her authorized
 21 agents may act on behalf of the state.

22 ~~SEC. 91.~~

23 *SEC. 100.* Section 11466.35 of the Welfare and Institutions
 24 Code is amended to read:

25 11466.35. (a) Any licensee *or member of a governing board*
 26 *of a nonprofit* who has been determined to owe a sustained
 27 overpayment under this chapter, and who, subsequent to notice of
 28 the sustained overpayment, has its rate terminated, shall be
 29 ineligible to apply or receive a rate for any future program until
 30 the overpayment is repaid.

31 (b) A rate application shall be denied for a provider that meets
 32 either of the following conditions:

33 (1) A provider owing a sustained overpayment under this
 34 chapter, upon the occurrence of any additional sustained
 35 overpayment, shall be ineligible to apply or receive a rate for an
 36 existing or future program until the sustained overpayments are
 37 repaid, unless a voluntary repayment agreement is approved by
 38 the department.

39 (2) A provider incurring a sustained overpayment that constitutes
 40 more than 60 percent of the provider’s annual rate reimbursement

1 shall be ineligible to apply or receive a rate for any existing or
2 future programs until the sustained overpayments are repaid, unless
3 a voluntary repayment agreement is approved by the department.

4 ~~SEC. 92.~~

5 *SEC. 101.* Section 11466.36 of the Welfare and Institutions
6 Code is amended to read:

7 11466.36. (a) The department may terminate a program rate
8 if any of the following conditions are met:

9 (1) The department determines that, based upon the findings of
10 a hearing officer, a rate application or information submitted by a
11 provider was fraudulently submitted to the department.

12 (2) *A provider is failing to provide services in accordance with*
13 *the standards associated with its paid rate or in accordance with*
14 *its program statement.*

15 ~~(2)~~

16 (3) A provider with an outstanding sustained overpayment incurs
17 a second sustained overpayment, and is unable to repay the
18 sustained overpayments.

19 ~~(3)~~

20 (4) A provider has a sustained overpayment that represents 100
21 percent of a provider's annual rate reimbursement.

22 (5) *A provider has a sustained overpayment and has failed to*
23 *timely submit its payments on more than three occasions in a*
24 *12-month period.*

25 (b) This chapter shall not be construed to affect the department's
26 authority under other provisions of law for collection of provider
27 sustained overpayments.

28 ~~SEC. 93.~~

29 *SEC. 102.* Section 11466.5 of the Welfare and Institutions
30 Code is amended to read:

31 11466.5. The department shall collect cost data and monitor
32 the cost of providing care and supervision, and social work
33 services, to AFDC-FC recipients. These data shall include, but not
34 be limited to, the costs incurred for employee wages and benefits.

35 ~~SEC. 94.~~

36 *SEC. 103.* Section 11466.6 of the Welfare and Institutions
37 Code is amended to read:

38 11466.6. A provider who disagrees with the rate determined
39 ~~by the department or adjusted by a program audit~~ *department, the*
40 *rate adjusted by an audit, or a determination made in a*

1 *management decision letter* may request in writing an appeal by
 2 the director or the director’s designee. The department shall ~~adopt~~
 3 ~~regulations establishing~~ *maintain, by regulation, all-county letter,*
 4 *or similar written directive*, procedures for the departmental appeal
 5 process.

6 ~~SEC. 95.~~

7 *SEC. 104.* Section 11468 of the Welfare and Institutions Code
 8 is amended to read:

9 11468. The department shall establish *and maintain*
 10 administrative procedures to review the rate set by the department
 11 for AFDC-FC programs, including, but not limited to, group
 12 homes, short-term residential treatment centers, and foster family
 13 agencies that provide treatment services.

14 ~~SEC. 96.~~

15 *SEC. 105.* Section 16000 of the Welfare and Institutions Code
 16 is amended to read:

17 16000. (a) It is the intent of the Legislature to preserve and
 18 strengthen a child’s family ties whenever possible, removing the
 19 child from the custody of his or her parents only when necessary
 20 for his or her welfare or for the safety and protection of the public.
 21 If a child is removed from the physical custody of his or her
 22 parents, preferential consideration shall be given whenever possible
 23 to the placement of the child with the relative as required by
 24 Section 7950 of the Family Code. If the child is removed from his
 25 or her own family, it is the purpose of this chapter to secure as
 26 nearly as possible for the child the custody, care, and discipline
 27 equivalent to that which should have been given to the child by
 28 his or her parents. It is further the intent of the Legislature to
 29 reaffirm its commitment to children who are in out-of-home
 30 placement to live in the least ~~restrictive, most familylike~~ *restrictive*
 31 *family setting promoting normal childhood experiences that is*
 32 *suited to meet the child’s or youth’s individual needs*, and to live
 33 as close to the child’s family as possible pursuant to subdivision
 34 (c) of Section 16501.1. Family reunification services shall be
 35 provided for expeditious reunification of the child with his or her
 36 family, as required by law. If reunification is not possible or likely,
 37 a permanent alternative shall be developed.

38 (b) It is further the intent of the Legislature that all children live
 39 with a committed, permanent, and nurturing family. Services and
 40 supports should be tailored to meet the needs of the individual

1 child and family being served, with the ultimate goal of maintaining
2 the family, or when this is not possible, transitioning the child or
3 youth to a permanent family or preparing the *child or* youth for a
4 successful transition into adulthood. When needed, short-term
5 residential treatment center program services are a short-term,
6 specialized, and intensive intervention that is just one part of a
7 continuum of care available for children, youth, young adults, and
8 their families.

9 (c) It is further the intent of the Legislature to ensure that all
10 pupils in foster care and those who are homeless as defined by the
11 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
12 Sec. 11301 et seq.) have the opportunity to meet the challenging
13 state pupil academic achievement standards to which all pupils
14 are held. In fulfilling their responsibilities to pupils in foster care,
15 educators, county placing agencies, care providers, advocates, and
16 the juvenile courts shall work together to maintain stable school
17 placements and to ensure that each pupil is placed in the least
18 restrictive educational programs, and has access to the academic
19 resources, services, and extracurricular and enrichment activities
20 that are available to all pupils. In all instances, educational and
21 school placement decisions shall be based on the best interests of
22 the child.

23 ~~SEC. 97.~~

24 *SEC. 106.* Section 16003 of the Welfare and Institutions Code
25 is amended to read:

26 16003. (a) In order to promote the successful implementation
27 of the statutory preference for foster care placement with a relative
28 caregiver as set forth in Section 7950 of the Family Code, each
29 community college district with a foster care education program
30 shall make available orientation and training to the relative or
31 nonrelative extended family member caregiver into whose care
32 the county has placed a foster child pursuant to Section 1529.2 of
33 the Health and Safety Code, including, but not limited to, courses
34 that cover the following:

35 (1) The role, rights, and responsibilities of a relative or
36 nonrelative extended family member caregiver caring for a child
37 in foster care, including the right of a foster child to have fair and
38 equal access to all available services, placement, care, treatment,
39 and benefits, and to not be subjected to discrimination or
40 harassment on the basis of actual or perceived race, ethnic group

1 identification, ancestry, national origin, color, religion, sex, sexual
2 orientation, gender identity, mental or physical disability, or HIV
3 status.

4 (2) An overview of the child protective system.

5 (3) The effects of child abuse and neglect on child development.

6 (4) Positive discipline and the importance of self-esteem.

7 (5) Health issues in foster care.

8 (6) Accessing education and health services that are available
9 to foster children.

10 (7) Relationship and safety issues regarding contact with one
11 or both of the birth parents.

12 (8) Permanency options for relative or nonrelative extended
13 family member caregivers, including legal guardianship, the
14 Kinship Guardianship Assistance Payment Program, and kin
15 adoption.

16 (9) Information on resources available for those who meet
17 eligibility criteria, including out-of-home care payments, the
18 Medi-Cal program, in-home supportive services, and other similar
19 resources.

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

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

28 (b) In addition to training made available pursuant to subdivision
29 (a), each community college district with a foster care education
30 program shall make training available to a relative or nonrelative
31 extended family member caregiver that includes, but need not be
32 limited to, courses that cover all of the following:

33 ~~(1) Age-appropriate child development.~~

34 (1) *Child and adolescent development, including sexual*
35 *orientation, gender identity, and expression.*

36 (2) Health issues in foster care.

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

38 (4) Emancipation and independent living.

39 (5) Accessing education and health services available to foster
40 children.

1 (6) Relationship and safety issues regarding contact with one
2 or both of the birth parents.

3 (7) Permanency options for relative or nonrelative extended
4 family member caregivers, including legal guardianship, the
5 Kinship Guardianship Assistance Payment Program, and kin
6 adoption.

7 (8) Basic instruction on the existing laws and procedures
8 regarding the safety of foster youth at school and the ensuring of
9 a harassment and violence free school environment contained in
10 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
11 19 of Division 1 of Title 1 of the Education Code.

12 (c) In addition to the requirements of subdivisions (a) and (b),
13 each community college district with a foster care education
14 program, in providing the orientation program, shall develop
15 appropriate program parameters in collaboration with the counties.

16 (d) Each community college district with a foster care education
17 program shall make every attempt to make the training and
18 orientation programs for relative or nonrelative extended family
19 member caregivers highly accessible in the communities in which
20 they reside.

21 (e) When a child is placed with a relative or nonrelative extended
22 family member caregiver, the county shall inform the caregiver
23 of the availability of training and orientation programs and it is
24 the intent of the Legislature that the county shall forward the names
25 and addresses of relative or nonrelative extended family member
26 caregivers to the appropriate community colleges providing the
27 training and orientation programs.

28 (f) This section shall not be construed to preclude counties from
29 developing or expanding existing training and orientation programs
30 for foster care providers to include relative or nonrelative extended
31 family member caregivers.

32 (g) 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. 98.~~

36 *SEC. 107.* Section 16003.5 is added to the Welfare and
37 Institutions Code, to read:

38 16003.5. (a) Any state funding allocated to counties for the
39 purpose of recruiting, retaining, and supporting foster parents,
40 relative caregivers, and resource families shall be used to increase

1 the capacity and use of home-based family care and the provision
2 of services and supports to such caregivers. Allowable expenditures
3 of those funds shall include, but not be limited to, and shall be
4 used to supplement and not supplant, resources used by a county
5 for any of the following purposes:

6 (1) Staffing to provide and improve direct services and supports
7 to licensed foster family homes, approved resource families, and
8 relative caregivers, and to remove any barriers in those areas
9 defined as priorities in the county implementation plan and
10 subsequent reports on outcomes.

11 (2) Exceptional child needs not covered by the caregiver-specific
12 rate that would normalize the child’s experience, stabilize the
13 placement, or enhance the child’s well-being.

14 (3) Child care for licensed foster parents, approved resource
15 families, and relative caregivers.

16 (4) Intensive relative finding, engagement, and navigation
17 efforts.

18 (5) Emerging technological, evidence-informed, or other
19 nontraditional approaches to outreach to potential foster family
20 homes, resource families, and relatives.

21 (b) (1) The department shall provide available funding to
22 counties based upon its approval of plans submitted by each county
23 that requests funding described in subdivision (a). Each county
24 plan shall be submitted by September 1 of any year in which
25 funding is available. Each county plan shall include all of the
26 following:

27 (A) A definition of the specific goal or goals related to
28 increasing the capacity and use of home-based family care and the
29 provision of services and supports to such caregivers that the
30 county intends to achieve.

31 (B) A description of the strategy or strategies the county
32 proposes to pursue to address the goal or goals identified in
33 subparagraph (A).

34 (C) An explanation or rationale for the proposed strategy or
35 strategies relative to the goal or goals identified in subparagraph
36 (A).

37 (D) A list or description of the outcomes that shall be reported
38 pursuant to subdivision (c), including baseline data for those
39 outcomes.

1 (2) The department shall develop, following consultation with
2 the County Welfare Directors Association of California and the
3 Chief Probation Officers of California, criteria for the approval of
4 county plans submitted pursuant to paragraph (1).

5 (c) As a condition of accepting state funding described in
6 subdivision (a), counties receiving that funding shall, by September
7 30 of the year following the end of the fiscal year in which the
8 funding was available, report to the department the outcomes
9 achieved through the use of that funding and the activities that
10 contributed to those outcomes. This report from each receiving
11 county shall be made in a manner prescribed by the department,
12 following consultation with the County Welfare Directors
13 Association of California and the Chief Probation Officers of
14 California. Using these reports, the department shall share best
15 practices among counties and shall periodically update the
16 Legislature.

17 (d) *Funding for the purposes of this section shall be subject to*
18 *an appropriation by the Legislature.*

19 ~~SEC. 99.~~

20 *SEC. 108.* Section 16501 of the Welfare and Institutions Code
21 is amended to read:

22 16501. (a) (1) As used in this chapter, “child welfare services”
23 means public social services that are directed toward the
24 accomplishment of any or all of the following purposes: protecting
25 and promoting the welfare of all children, including disabled,
26 homeless, dependent, or neglected children; preventing or
27 remedying, or assisting in the solution of problems which may
28 result in, the neglect, abuse, exploitation, or delinquency of
29 children; preventing the unnecessary separation of children from
30 their families by identifying family problems, assisting families
31 in resolving their problems, and preventing breakup of the family
32 where the prevention of child removal is desirable and possible;
33 restoring to their families children who have been removed, by
34 the provision of services to the child and the families; identifying
35 children to be placed in suitable adoptive homes, in cases where
36 restoration to the biological family is not possible or appropriate;
37 and ensuring adequate care of children away from their homes, in
38 cases where the child cannot be returned home or cannot be placed
39 for adoption.

1 (2) “Child welfare services” also means services provided on
2 behalf of children alleged to be the victims of child abuse, neglect,
3 or exploitation. The child welfare services provided on behalf of
4 each child represent a continuum of services, including emergency
5 response services, family preservation services, family maintenance
6 services, family reunification services, and permanent placement
7 services, including supportive transition services. The individual
8 child’s case plan is the guiding principle in the provision of these
9 services. The case plan shall be developed within a maximum of
10 60 days of the initial removal of the child or of the in-person
11 response required under subdivision (f) if the child has not been
12 removed from his or her home, or by the date of the dispositional
13 hearing pursuant to Section 358, whichever comes first.

14 (3) “Child welfare services” are best provided in a framework
15 that integrates service planning and delivery among multiple
16 service systems, including the mental health system, using a
17 team-based approach, such as a child and family team. A child
18 and family team brings together individuals that engage with the
19 child or youth and family in assessing, planning, and delivering
20 services consistent with paragraph (1) of subdivision (d) of Section
21 16501.1. Use of a team approach increases efficiency, and thus
22 reduces cost, by increasing coordination of formal services and
23 integrating the natural and informal supports available to the child
24 or youth and family.

25 (4) “Child and family team” means ~~a supportive team that~~
26 ~~informs the process of placement and services to children and~~
27 ~~youth in foster care or who are at risk of foster care placement.~~
28 *The group of individuals who are convened by the placing agency*
29 *and who are engaged through a variety of team-based processes*
30 *to identify the strengths and needs of the child or youth and his or*
31 *her family, and to help achieve positive outcomes for safety,*
32 *permanency, and well-being.*

33 (A) *The activities of the team shall include, but not be limited*
34 *to, both of the following:*

35 (i) *Providing input into the development of a child and family*
36 *plan that is strengths-based, needs-driven, and culturally relevant.*

37 (ii) *Providing input into the placement decision made by the*
38 *placing agency and the services to be provided in order to support*
39 *the child or youth.*

1 (B) ~~The child and family team is comprised of process shall~~
2 *engage the child or youth, the child’s family, and other people*
3 *important to the family or to the child or youth in meeting the*
4 *objectives set forth in subparagraph (A). The child and family team*
5 *shall also include representatives who provide formal supports to*
6 *the child or youth and family when appropriate, including, but not*
7 *limited to, the caregiver, the placing agency caseworker, a*
8 *representative from a foster family agency or short-term residential*
9 *treatment center with which a child or youth is placed, a county*
10 *mental health representative, a representative from the regional*
11 *center when the child is eligible for regional center service, and*
12 *a representative of the child’s or youth’s tribe or Indian custodian,*
13 *as applicable. As appropriate, the child and family team also may*
14 ~~include, but is not limited to, behavioral health representatives and~~
15 *include other formal supports, such as substance use disorder*
16 *treatment professionals and educational professionals, regional*
17 ~~center representatives when the child is eligible for regional center~~
18 ~~services, and representatives from other agencies providing services~~
19 *to the child or youth and family. For purposes of this definition,*
20 *the child and family team also may include extended family and*
21 *informal support persons, such as friends, coaches, faith-based*
22 *connections, and tribes as identified by the child or youth and*
23 *family. If placement into a short-term residential treatment center*
24 *or a foster family agency that provides treatment services has*
25 *occurred or is being considered, the mental health representative*
26 *is required to be a licensed mental health professional. Any party*
27 *to the child’s case who is represented by an attorney may consult*
28 *with his or her attorney regarding this process. The child or youth*
29 *and his or her family may request specific persons to be included*
30 *on the child and family team. Nothing shall preclude another*
31 *agency serving the child or youth from convening a team in*
32 *collaboration with the placing agency.*

33 (5) Child welfare services may include, but are not limited to,
34 a range of service-funded activities, including case management,
35 counseling, emergency shelter care, emergency in-home caretakers,
36 temporary in-home caretakers, respite care, therapeutic day
37 services, teaching and demonstrating homemakers, parenting
38 training, substance abuse testing, and transportation. These
39 service-funded activities shall be available to children and their
40 families in all phases of the child welfare program in accordance

1 with the child’s case plan and departmental regulations. Funding
2 for services is limited to the amount appropriated in the annual
3 Budget Act and other available county funds.

4 (6) Service-funded activities to be provided may be determined
5 by each county, based upon individual child and family needs as
6 reflected in the service plan.

7 (7) As used in this chapter, “emergency shelter care” means
8 emergency shelter provided to children who have been removed
9 pursuant to Section 300 from their parent or parents or their
10 guardian or guardians. The department may establish, by
11 regulation, the time periods for which emergency shelter care shall
12 be funded. For the purposes of this paragraph, “emergency shelter
13 care” may include “transitional shelter care facilities” as defined
14 in paragraph (11) of subdivision (a) of Section 1502 of the Health
15 and Safety Code.

16 (b) As used in this chapter, “respite care” means temporary care
17 for periods not to exceed 72 hours, and, in order to preserve the
18 placement, may be extended up to 14 days in any one month
19 pending the development of policies and regulations in consultation
20 with county placing agencies and stakeholders. This care may be
21 provided to the child’s parents or guardians. This care shall not be
22 limited by regulation to care over 24 hours. These services shall
23 not be provided for the purpose of routine, ongoing child care.

24 (c) The county shall provide child welfare services as needed
25 pursuant to an approved service plan and in accordance with
26 regulations promulgated, in consultation with the counties, by the
27 department. Counties may contract for service-funded activities
28 as defined in paragraph (1) of subdivision (a). Counties shall not
29 contract for needs assessment, client eligibility determination, or
30 any other activity as specified by regulations of the State
31 Department of Social Services, except as specifically authorized
32 in Section 16100.

33 (d) Nothing in this chapter shall be construed to affect duties
34 which are delegated to probation officers pursuant to Sections 601
35 and 654.

36 (e) Any county may utilize volunteer individuals to supplement
37 professional child welfare services by providing ancillary support
38 services in accordance with regulations adopted by the State
39 Department of Social Services.

1 (f) As used in this chapter, emergency response services consist
2 of a response system providing in-person response, 24 hours a day,
3 seven days a week, to reports of abuse, neglect, or exploitation, as
4 required by Article 2.5 (commencing with Section 11164) of
5 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of
6 investigation pursuant to Section 11166 of the Penal Code and to
7 determine the necessity for providing initial intake services and
8 crisis intervention to maintain the child safely in his or her own
9 home or to protect the safety of the child. County welfare
10 departments shall respond to any report of imminent danger to a
11 child immediately and all other reports within 10 calendar days.
12 An in-person response is not required when the county welfare
13 department, based upon an evaluation of risk, determines that an
14 in-person response is not appropriate. This evaluation includes
15 collateral, contacts, a review of previous referrals, and other
16 relevant information, as indicated.

17 (g) As used in this chapter, family maintenance services are
18 activities designed to provide in-home protective services to
19 prevent or remedy neglect, abuse, or exploitation, for the purposes
20 of preventing separation of children from their families.

21 (h) As used in this chapter, family reunification services are
22 activities designed to provide time-limited foster care services to
23 prevent or remedy neglect, abuse, or exploitation, when the child
24 cannot safely remain at home, and needs temporary foster care,
25 while services are provided to reunite the family.

26 (i) As used in this chapter, permanent placement services are
27 activities designed to provide an alternate permanent family
28 structure for children who because of abuse, neglect, or exploitation
29 cannot safely remain at home and who are unlikely to ever return
30 home. These services shall be provided on behalf of children for
31 whom there has been a judicial determination of a permanent plan
32 for adoption, legal guardianship, or long-term foster care, and, as
33 needed, shall include supportive transition services to nonminor
34 dependents, as described in subdivision (v) of Section 11400.

35 (j) As used in this chapter, family preservation services include
36 those services specified in Section 16500.5 to avoid or limit
37 out-of-home placement of children, and may include those services
38 specified in that section to place children in the least restrictive
39 environment possible.

1 (k) (1) (A) In any county electing to implement this
2 subdivision, all county welfare department employees who have
3 frequent and routine contact with children shall, by February 1,
4 1997, and all welfare department employees who are expected to
5 have frequent and routine contact with children and who are hired
6 on or after January 1, 1996, and all such employees whose duties
7 change after January 1, 1996, to include frequent and routine
8 contact with children, shall, if the employees provide services to
9 children who are alleged victims of abuse, neglect, or exploitation,
10 sign a declaration under penalty of perjury regarding any prior
11 criminal conviction, and shall provide a set of fingerprints to the
12 county welfare director.

13 (B) The county welfare director shall secure from the
14 Department of Justice a criminal record to determine whether the
15 employee has ever been convicted of a crime other than a minor
16 traffic violation. The Department of Justice shall deliver the
17 criminal record to the county welfare director.

18 (C) If it is found that the employee has been convicted of a
19 crime, other than a minor traffic violation, the county welfare
20 director shall determine whether there is substantial and convincing
21 evidence to support a reasonable belief that the employee is of
22 good character so as to justify frequent and routine contact with
23 children.

24 (D) No exemption shall be granted pursuant to subparagraph
25 (C) if the person has been convicted of a sex offense against a
26 minor, or has been convicted of an offense specified in Section
27 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in
28 paragraph (1) of Section 273a of, or subdivision (a) or (b) of
29 Section 368 of, the Penal Code, or has been convicted of an offense
30 specified in subdivision (c) of Section 667.5 of the Penal Code.
31 The county welfare director shall suspend such a person from any
32 duties involving frequent and routine contact with children.

33 (E) Notwithstanding subparagraph (D), the county welfare
34 director may grant an exemption if the employee or prospective
35 employee, who was convicted of a crime against an individual
36 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5
37 of the Penal Code, has been rehabilitated as provided in Section
38 4852.03 of the Penal Code and has maintained the conduct required
39 in Section 4852.05 of the Penal Code for at least 10 years and has
40 the recommendation of the district attorney representing the

1 employee's or prospective employee's county of residence, or if
2 the employee or prospective employee has received a certificate
3 of rehabilitation pursuant to Chapter 3.5 (commencing with Section
4 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the
5 county welfare director may give the employee or prospective
6 employee an opportunity to explain the conviction and shall
7 consider that explanation in the evaluation of the criminal
8 conviction record.

9 (F) If no criminal record information has been recorded, the
10 county welfare director shall cause a statement of that fact to be
11 included in that person's personnel file.

12 (2) For purposes of this subdivision, a conviction means a plea
13 or verdict of guilty or a conviction following a plea of nolo
14 contendere. Any action that the county welfare director is permitted
15 to take following the establishment of a conviction may be taken
16 when the time for appeal has elapsed, or the judgment of conviction
17 has been affirmed on appeal or when an order granting probation
18 is made suspending the imposition of sentence, notwithstanding
19 a subsequent order pursuant to Sections 1203.4 and 1203.4a of the
20 Penal Code permitting the person to withdraw his or her plea of
21 guilty and to enter a plea of not guilty, or setting aside the verdict
22 of guilty, or dismissing the accusation, information, or indictment.
23 For purposes of this subdivision, the record of a conviction, or a
24 copy thereof certified by the clerk of the court or by a judge of the
25 court in which the conviction occurred, shall be conclusive
26 evidence of the conviction.

27 ~~SEC. 100.~~

28 *SEC. 109.* Section 16501.1 of the Welfare and Institutions
29 Code is amended to read:

30 16501.1. (a) (1) The Legislature finds and declares that the
31 foundation and central unifying tool in child welfare services is
32 the case plan.

33 (2) The Legislature further finds and declares that a case plan
34 ensures that the child receives protection and safe and proper care
35 and case management, and that services are provided to the child
36 and parents or other caretakers, as appropriate, in order to improve
37 conditions in the parent's home, to facilitate the safe return of the
38 child to a safe home or the permanent placement of the child, and
39 to address the needs of the child while in foster care.

1 ~~(3) The case plan shall be developed in collaboration with the~~
2 ~~child and family team as defined in paragraph (4) of subdivision~~
3 ~~(a) of Section 16501. The agency shall consider the~~
4 ~~recommendations of the child and family team.~~ *team, as defined*
5 *in paragraph (4) of subdivision (a) of Section 16501, if any are*
6 *available.* The agency shall document the rationale for any
7 inconsistencies between the case plan and the child and family
8 team recommendations.

9 (b) (1) A case plan shall be based upon the principles of this
10 section and the input from the child and family team.

11 (2) The case plan shall document that a preplacement assessment
12 of the service needs of the child and family, and preplacement
13 preventive services, have been provided, and that reasonable efforts
14 to prevent out-of-home placement have been made. *Preplacement*
15 *services may include intensive mental health services in the home*
16 *or a community setting and the reasonable efforts made to prevent*
17 *out-of home placement.*

18 (3) In determining the reasonable services to be offered or
19 provided, the child's health and safety shall be the paramount
20 concerns.

21 (4) Upon a determination pursuant to paragraph (1) of
22 subdivision (e) of Section 361.5 that reasonable services will be
23 offered to a parent who is incarcerated in a county jail or state
24 prison, detained by the United States Department of Homeland
25 Security, or deported to his or her country of origin, the case plan
26 shall include information, to the extent possible, about a parent's
27 incarceration in a county jail or the state prison, detention by the
28 United States Department of Homeland Security, or deportation
29 during the time that a minor child of that parent is involved in
30 dependency care.

31 (5) Reasonable services shall be offered or provided to make it
32 possible for a child to return to a safe home environment, unless,
33 pursuant to subdivisions (b) and (e) of Section 361.5, the court
34 determines that reunification services shall not be provided.

35 (6) If reasonable services are not ordered, or are terminated,
36 reasonable efforts shall be made to place the child in a timely
37 manner in accordance with the permanent plan and to complete
38 all steps necessary to finalize the permanent placement of the child.

1 (c) If out-of-home placement is used to attain case plan goals,
2 the case plan shall consider the recommendations of the child and
3 family team.

4 (d) (1) The case plan shall include a description of the type of
5 home or institution in which the child is to be placed, and the
6 reasons for that placement decision. The decision regarding choice
7 of placement shall be based upon selection of a safe setting that is
8 the least restrictive family setting that promotes normal childhood
9 experiences and the most appropriate setting that *meets the child's*
10 *individual needs and* is available, ~~close in proximity~~ to the parent's
11 home, in proximity to the child's school, and consistent with the
12 selection of the environment best suited to meet the child's special
13 needs and best interests. The selection shall consider, in order of
14 priority, placement with relatives, nonrelated extended family
15 members, and tribal members; foster family homes, resource
16 families, and nontreatment certified homes of foster family
17 agencies; followed by treatment and intensive treatment certified
18 homes of foster family agencies; or multidimensional treatment
19 foster care homes or therapeutic foster care homes; group care
20 placements in the order of short-term residential treatment centers,
21 group homes, community treatment facilities, and out-of-state
22 residential treatment pursuant to Part 5 (commencing with Section
23 7900) of Division 12 of the Family Code.

24 (2) If a *short-term intensive treatment center* placement is
25 selected for a child, the case plan shall indicate the needs of the
26 child that necessitate this placement, the plan for transitioning the
27 child to a less restrictive environment, and the projected timeline
28 by which the child will be transitioned to a less restrictive
29 environment. This section of the case plan shall be reviewed and
30 updated at least semiannually.

31 (A) The case plan for placements in a group home, or
32 commencing January 1, 2017, in a short-term residential treatment
33 center, shall indicate that the county has taken into consideration
34 Section 16010.8.

35 (B) After January 1, 2017, a child and family team meeting as
36 defined in Section 16501 shall be convened by the county placing
37 agency for the purpose of identifying the supports and services
38 needed to achieve permanency and enable the child or youth to be
39 placed in the least restrictive, ~~most family-like setting~~, *restrictive*
40 *family setting that promotes normal childhood experiences.*

1 (3) On or after January 1, 2012, for a nonminor dependent, as
2 defined in subdivision (v) of Section 11400, who is receiving
3 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
4 in addition to the above requirements, the selection of the
5 placement, including a supervised independent living placement,
6 as described in subdivision (w) of Section 11400, shall also be
7 based upon the developmental needs of young adults by providing
8 opportunities to have incremental responsibilities that prepare a
9 nonminor dependent to transition to independent living. If
10 admission to, or continuation in, a group home *or short-term*
11 *residential treatment center* placement is being considered for a
12 nonminor dependent, the group home *or short-term residential*
13 *treatment center* placement approval decision shall include a
14 youth-driven, team-based case planning process, as defined by the
15 department, in consultation with stakeholders. The case plan shall
16 consider the full range of placement options, and shall specify why
17 admission to, or continuation in, a group home placement is the
18 best alternative available at the time to meet the special needs or
19 well-being of the nonminor dependent, and how the placement
20 will contribute to the nonminor dependent's transition to
21 independent living. The case plan shall specify the treatment
22 strategies that will be used to prepare the nonminor dependent for
23 discharge to a less restrictive ~~and more familylike setting~~, *family*
24 *setting that promotes normal childhood experiences*, including a
25 target date for discharge from the group home placement. The
26 placement shall be reviewed and updated on a regular, periodic
27 basis to ensure that continuation in the group home *placement*
28 remains in the best interests of the nonminor dependent and that
29 progress is being made in achieving case plan goals leading to
30 independent living. The group home placement planning process
31 shall begin as soon as it becomes clear to the county welfare
32 department or probation office that a foster child in group home
33 placement is likely to remain in group home placement on his or
34 her 18th birthday, in order to expedite the transition to a less
35 restrictive ~~and more familylike setting~~ *family setting that promotes*
36 *normal childhood experiences*, if he or she becomes a nonminor
37 dependent. The case planning process shall include informing the
38 youth of all of his or her options, including, but not limited to,
39 admission to or continuation in a group home placement.
40 Consideration for continuation of existing group home placement

1 for a nonminor dependent under 19 years of age may include the
2 need to stay in the same placement in order to complete high
3 school. After a nonminor dependent either completes high school
4 or attains his or her 19th birthday, whichever is earlier, continuation
5 in or admission to a group home *placement* is prohibited unless
6 the nonminor dependent satisfies the conditions of paragraph (5)
7 of subdivision (b) of Section 11403, and group home placement
8 functions as a short-term transition to the appropriate system of
9 care. Treatment services provided by the group home placement
10 to the nonminor dependent to alleviate or ameliorate the medical
11 condition, as described in paragraph (5) of subdivision (b) of
12 Section 11403, shall not constitute the sole basis to disqualify a
13 nonminor dependent from the group home placement.

14 (4) In addition to the requirements of paragraphs (1) to (3),
15 inclusive, and taking into account other statutory considerations
16 regarding placement, the selection of the most appropriate home
17 that will meet the child's special needs and best interests shall also
18 promote educational stability by taking into consideration
19 proximity to the child's school of origin, and school attendance
20 area, the number of school transfers the child has previously
21 experienced, and the child's school matriculation schedule, in
22 addition to other indicators of educational stability that the
23 Legislature hereby encourages the State Department of Social
24 Services and the State Department of Education to develop.

25 (e) A written case plan shall be completed within a maximum
26 of 60 days of the initial removal of the child or of the in-person
27 response required under subdivision (f) of Section 16501 if the
28 child has not been removed from his or her home, or by the date
29 of the dispositional hearing pursuant to Section 358, whichever
30 occurs first. The case plan shall be updated, as the service needs
31 of the child and family dictate. At a minimum, the case plan shall
32 be updated in conjunction with each status review hearing
33 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
34 the hearing conducted pursuant to Section 366.26, but no less
35 frequently than once every six months. Each updated case plan
36 shall include a description of the services that have been provided
37 to the child under the plan and an evaluation of the appropriateness
38 and effectiveness of those services.

39 (1) It is the intent of the Legislature that extending the maximum
40 time available for preparing a written case plan from 30 to 60 days

1 will afford caseworkers time to actively engage families, and to
 2 solicit and integrate into the case plan the input of the child and
 3 the child’s family, as well as the input of relatives and other
 4 interested parties.

5 (2) The extension of the maximum time available for preparing
 6 a written case plan from the 30 to 60 days shall be effective 90
 7 days after the date that the department gives counties written notice
 8 that necessary changes have been made to the Child Welfare
 9 Services Case Management System to account for the 60-day
 10 timeframe for preparing a written case plan.

11 (f) The child welfare services case plan shall be comprehensive
 12 enough to meet the juvenile court dependency proceedings
 13 requirements pursuant to Article 6 (commencing with Section 300)
 14 of Chapter 2 of Part 1 of Division 2.

15 (g) The case plan shall be developed ~~in collaboration with~~
 16 *considering the recommendations of* child and family team, as
 17 follows:

18 (1) The case plan shall be based upon an assessment of the
 19 circumstances that required child welfare services intervention.
 20 The child shall be involved in developing the case plan as age and
 21 developmentally appropriate.

22 (2) The case plan shall identify specific goals and the
 23 appropriateness of the planned services in meeting those goals.

24 (3) The case plan shall identify the original allegations of abuse
 25 or neglect, as defined in Article 2.5 (commencing with Section
 26 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
 27 conditions cited as the basis for declaring the child a dependent of
 28 the court pursuant to Section 300, or all of these, and the other
 29 precipitating incidents that led to child welfare services
 30 intervention.

31 (4) The case plan shall include a description of the schedule of
 32 the placement agency contacts with the child and the family or
 33 other caretakers. The frequency of these contacts shall be in
 34 accordance with regulations adopted by the State Department of
 35 Social Services. If the child has been placed in foster care out of
 36 state, the county social worker or probation officer, or a social
 37 worker or probation officer on the staff of the agency in the state
 38 in which the child has been placed, shall visit the child in a foster
 39 family home or the home of a relative, consistent with federal law
 40 and in accordance with the department’s approved state plan. For

1 children in out-of-state group home facilities, visits shall be
2 conducted at least monthly, pursuant to Section 16516.5. At least
3 once every six months, at the time of a regularly scheduled
4 placement agency contact with the foster child, the child's social
5 worker or probation officer shall inform the child of his or her
6 rights as a foster child, as specified in Section 16001.9. The social
7 worker or probation officer shall provide the information to the
8 child in a manner appropriate to the age or developmental level of
9 the child.

10 (5) (A) When out-of-home services are used, the frequency of
11 contact between the natural parents or legal guardians and the child
12 shall be specified in the case plan. The frequency of those contacts
13 shall reflect overall case goals, and consider other principles
14 outlined in this section.

15 (B) Information regarding any court-ordered visitation between
16 the child and the natural parents or legal guardians, and the terms
17 and conditions needed to facilitate the visits while protecting the
18 safety of the child, shall be provided to the child's out-of-home
19 caregiver as soon as possible after the court order is made.

20 (6) When out-of-home placement is made, the case plan shall
21 include provisions for the development and maintenance of sibling
22 relationships as specified in subdivisions (b), (c), and (d) of Section
23 16002. If appropriate, when siblings who are dependents of the
24 juvenile court are not placed together, the social worker for each
25 child, if different, shall communicate with each of the other social
26 workers and ensure that the child's siblings are informed of
27 significant life events that occur within their extended family.
28 Unless it has been determined that it is inappropriate in a particular
29 case to keep siblings informed of significant life events that occur
30 within the extended family, the social worker shall determine the
31 appropriate means and setting for disclosure of this information
32 to the child commensurate with the child's age and emotional
33 well-being. These significant life events shall include, but shall
34 not be limited to, the following:

35 (A) The death of an immediate relative.

36 (B) The birth of a sibling.

37 (C) Significant changes regarding a dependent child, unless the
38 child objects to the sharing of the information with his or her
39 siblings, including changes in placement, major medical or mental

1 health diagnoses, treatments, or hospitalizations, arrests, and
2 changes in the permanent plan.

3 (7) If out-of-home placement is made in a foster family home,
4 group home, or other child care institution that is either a
5 substantial distance from the home of the child's parent or out of
6 state, the case plan shall specify the reasons why that placement
7 is in the best interest of the child. When an out-of-state group home
8 placement is recommended or made, the case plan shall, in
9 addition, specify compliance with Section 7911.1 of the Family
10 Code.

11 (8) ~~Effective January 1, 2010, a~~ A case plan shall ensure the
12 educational stability of the child while in foster care and shall
13 include both of the following:

14 (A) An assurance that the placement takes into account the
15 appropriateness of the current educational setting and the proximity
16 to the school in which the child is enrolled at the time of placement.

17 (B) An assurance that the placement agency has coordinated
18 with the person holding the right to make educational decisions
19 for the child and appropriate local educational agencies to ensure
20 that the child remains in the school in which the child is enrolled
21 at the time of placement or, if remaining in that school is not in
22 the best interests of the child, assurances by the placement agency
23 and the local educational agency to provide immediate and
24 appropriate enrollment in a new school and to provide all of the
25 child's educational records to the new school.

26 (9) (A) If out-of-home services are used, or if parental rights
27 have been terminated and the case plan is placement for adoption,
28 the case plan shall include a recommendation regarding the
29 appropriateness of unsupervised visitation between the child and
30 any of the child's siblings. This recommendation shall include a
31 statement regarding the child's and the siblings' willingness to
32 participate in unsupervised visitation. If the case plan includes a
33 recommendation for unsupervised sibling visitation, the plan shall
34 also note that information necessary to accomplish this visitation
35 has been provided to the child or to the child's siblings.

36 (B) Information regarding the schedule and frequency of the
37 visits between the child and siblings, as well as any court-ordered
38 terms and conditions needed to facilitate the visits while protecting
39 the safety of the child, shall be provided to the child's out-of-home
40 caregiver as soon as possible after the court order is made.

1 (10) If out-of-home services are used and the goal is
2 reunification, the case plan shall describe the services to be
3 provided to assist in reunification and the services to be provided
4 concurrently to achieve legal permanency if efforts to reunify fail.
5 The plan shall also consider in-state and out-of-state placements,
6 the importance of developing and maintaining sibling relationships
7 pursuant to Section 16002, and the desire and willingness of the
8 caregiver to provide legal permanency for the child if reunification
9 is unsuccessful.

10 (11) If out-of-home services are used, the child has been in care
11 for at least 12 months, and the goal is not adoptive placement, the
12 case plan shall include documentation of the compelling reason
13 or reasons why termination of parental rights is not in the child's
14 best interest. A determination completed or updated within the
15 past 12 months by the department when it is acting as an adoption
16 agency or by a licensed adoption agency that it is unlikely that the
17 child will be adopted, or that one of the conditions described in
18 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
19 be deemed a compelling reason.

20 (12) (A) Parents and legal guardians shall have an opportunity
21 to review the case plan, and to sign it whenever possible, and then
22 shall receive a copy of the plan. In a voluntary service or placement
23 agreement, the parents or legal guardians shall be required to
24 review and sign the case plan. Whenever possible, parents and
25 legal guardians shall participate in the development of the case
26 plan. Commencing January 1, 2012, for nonminor dependents, as
27 defined in subdivision (v) of Section 11400, who are receiving
28 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
29 to Section 11403, the transitional independent living case plan, as
30 set forth in subdivision (y) of Section 11400, shall be developed
31 with, and signed by, the nonminor.

32 (B) Parents and legal guardians shall be advised that, pursuant
33 to Section 1228.1 of the Evidence Code, neither their signature on
34 the child welfare services case plan nor their acceptance of any
35 services prescribed in the child welfare services case plan shall
36 constitute an admission of guilt or be used as evidence against the
37 parent or legal guardian in a court of law. However, they shall also
38 be advised that the parent's or guardian's failure to cooperate,
39 except for good cause, in the provision of services specified in the

1 child welfare services case plan may be used in any hearing held
2 pursuant to Section 366.21, 366.22, or 366.25 as evidence.

3 (13) A child shall be given a meaningful opportunity to
4 participate in the development of the case plan and state his or her
5 preference for foster care placement. A child who is 12 years of
6 age or older and in a permanent placement shall also be given the
7 opportunity to review the case plan, sign the case plan, and receive
8 a copy of the case plan.

9 (14) The case plan shall be included in the court report and shall
10 be considered by the court at the initial hearing and each review
11 hearing. Modifications to the case plan made during the period
12 between review hearings need not be approved by the court if the
13 casework supervisor for that case determines that the modifications
14 further the goals of the plan. If out-of-home services are used with
15 the goal of family reunification, the case plan shall consider and
16 describe the application of subdivision (b) of Section 11203.

17 (15) If the case plan has as its goal for the child a permanent
18 plan of adoption or placement in another permanent home, it shall
19 include a statement of the child's wishes regarding their permanent
20 placement plan and an assessment of those stated wishes. The
21 agency shall also include documentation of the steps the agency
22 is taking to find an adoptive family or other permanent living
23 arrangements for the child; to place the child with an adoptive
24 family, an appropriate and willing relative, a legal guardian, or in
25 another planned permanent living arrangement; and to finalize the
26 adoption or legal guardianship. At a minimum, the documentation
27 shall include child-specific recruitment efforts, such as the use of
28 state, regional, and national adoption exchanges, including
29 electronic exchange systems, when the child has been freed for
30 adoption. If the plan is for kinship guardianship, the case plan shall
31 document how the child meets the kinship guardianship eligibility
32 requirements.

33 (16) (A) When appropriate, for a child who is 16 years of age
34 or older and, commencing January 1, 2012, for a nonminor
35 dependent, the case plan shall include the transitional independent
36 living plan (TILP), a written description of the programs and
37 services that will help the child, consistent with the child's best
38 interests, to prepare for the transition from foster care to
39 independent living, and, in addition, whether the youth has an
40 in-progress application pending for Title XVI Supplemental

1 Security Income benefits or for Special Immigrant Juvenile Status
2 or other applicable application for legal residency and an active
3 dependency case is required for that application. When appropriate,
4 for a nonminor dependent, the transitional independent living case
5 plan, as described in subdivision (v) of Section 11400, shall include
6 the TILP, a written description of the programs and services that
7 will help the nonminor dependent, consistent with his or her best
8 interests, to prepare for transition from foster care and assist the
9 youth in meeting the eligibility criteria set forth in paragraphs (1)
10 to (5), inclusive, of subdivision (b) Section 11403. If applicable,
11 the case plan shall describe the individualized supervision provided
12 in the supervised independent living placement as defined in
13 subdivision (w) of Section 11400. The case plan shall be developed
14 with the child or nonminor dependent and individuals identified
15 as important to the child or nonminor dependent, and shall include
16 steps the agency is taking to ensure that the child or nonminor
17 dependent achieves permanence, including maintaining or
18 obtaining permanent connections to caring and committed adults.

19 (B) During the 90-day period prior to the participant attaining
20 18 years of age or older as the state may elect under Section
21 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
22 675(8)(B)(iii)), whether during that period foster care maintenance
23 payments are being made on the child's behalf or the child is
24 receiving benefits or services under Section 477 of the federal
25 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
26 appropriate agency staff or probation officer and other
27 representatives of the participant, as appropriate, shall provide the
28 youth or nonminor *dependent* with assistance and support in
29 developing the written 90-day transition plan, that is personalized
30 at the direction of the child, information as detailed as the
31 participant elects that shall include, but not be limited to, options
32 regarding housing, health insurance, education, local opportunities
33 for mentors and continuing support services, and workforce
34 supports and employment services, a power of attorney for health
35 care, and information regarding the advance health care directive
36 form.

37 (C) For youth 16 years of age or older, the case plan shall
38 include documentation that a consumer credit report was requested
39 annually from each of the three major credit reporting agencies at
40 no charge to the youth and that any results were provided to the

1 youth. For nonminor dependents, the case plan shall include
2 documentation that the county assisted the nonminor dependent
3 in obtaining his or her reports. The case plan shall include
4 documentation of barriers, if any, to obtaining the credit reports.
5 If the consumer credit report reveals any accounts, the case plan
6 shall detail how the county ensured the youth received assistance
7 with interpreting the credit report and resolving any inaccuracies,
8 including any referrals made for the assistance.

9 (h) If the court finds, after considering the case plan, that
10 unsupervised sibling visitation is appropriate and has been
11 consented to, the court shall order that the child or the child's
12 siblings, the child's current caregiver, and the child's prospective
13 adoptive parents, if applicable, be provided with information
14 necessary to accomplish this visitation. This section does not
15 require or prohibit the social worker's facilitation, transportation,
16 or supervision of visits between the child and his or her siblings.

17 (i) The case plan documentation on sibling placements required
18 under this section shall not require modification of existing case
19 plan forms until the Child Welfare Services Case Management
20 System is implemented on a statewide basis.

21 (j) When a child is 10 years of age or older and has been in
22 out-of-home placement for six months or longer, the case plan
23 shall include an identification of individuals, other than the child's
24 siblings, who are important to the child and actions necessary to
25 maintain the child's relationship with those individuals, provided
26 that those relationships are in the best interest of the child. The
27 social worker or probation officer shall ask every child who is 10
28 years of age or older and who has been in out-of-home placement
29 for six months or longer to identify individuals other than the
30 child's siblings who are important to the child, and may ask any
31 other child to provide that information, or may seek that
32 information from the child and family team, as appropriate. The
33 social worker or probation officer shall make efforts to identify
34 other individuals who are important to the child, consistent with
35 the child's best interests.

36 (k) The child's caregiver shall be provided a copy of a plan
37 outlining the child's needs and services. The nonminor dependent's
38 caregiver shall be provided with a copy of the nonminor's TILP.

39 (l) On or before June 30, 2008, the department, in consultation
40 with the County Welfare Directors Association of California and

1 other advocates, shall develop a comprehensive plan to ensure that
2 90 percent of foster children are visited by their caseworkers on a
3 monthly basis by October 1, 2011, and that the majority of the
4 visits occur in the residence of the child. The plan shall include
5 any data reporting requirements necessary to comply with the
6 provisions of the federal Child and Family Services Improvement
7 Act of 2006 (Public Law 109-288).

8 (m) The implementation and operation of the amendments to
9 subdivision (i) enacted at the 2005–06 Regular Session shall be
10 subject to appropriation through the budget process and by phase,
11 as provided in Section 366.35.

12 *SEC. 110. Section 16514 of the Welfare and Institutions Code*
13 *is amended to read:*

14 16514. (a) A minor *or nonminor* who has been voluntarily
15 placed, adjudged a dependent child of the juvenile court pursuant
16 to Section 300, or as to whom a petition has been filed under
17 Section 325, may be housed in an emergency shelter or, pursuant
18 to the procedures for placement set forth in this code, placed in a
19 foster family home, *a resource family home*, or with a foster family
20 agency for subsequent placement in a suitable licensed foster
21 family home or certified family home, with minors adjudged wards
22 of the juvenile court pursuant to Section 601.

23 (b) A minor who has been voluntarily placed, adjudged a
24 dependent child of the juvenile court pursuant to Section 300, or
25 adjudged a ward of the juvenile court pursuant to Section 601,
26 shall not be housed in an emergency shelter with any minor
27 adjudged a ward of the juvenile court pursuant to Section 602.

28 (c) A minor or nonminor who has been voluntarily placed,
29 adjudged a dependent child of the juvenile court pursuant to Section
30 300, or as to whom a petition has been filed under Section 325, or
31 a nonminor dependent, as described in subdivision (v) of Section
32 11400, shall not be placed or detained in a *short-term residential*
33 *treatment center*, group home or licensed foster family ~~home~~ *or*
34 ~~with a foster family agency to be subsequently placed in~~ *home*, *a*
35 *resource family home*, a certified family ~~home~~ *home*, *or an*
36 *approved resource family or foster family agency*, *or, beginning*
37 *January 1, 2017, a short-term residential treatment center*, with
38 any minor adjudged a ward of the juvenile court pursuant to Section
39 601 or 602, unless the social worker or probation officer *with*
40 *placement authority* has determined that the ~~group home or licensed~~

1 ~~foster family home or foster family agency placement setting~~ has
2 a program that meets the specific needs of the minor or nonminor
3 dependent being placed or detained, and there is a commonality
4 of needs with the other minors and nonminor dependents in the
5 ~~group home or licensed foster family home or certified family~~
6 ~~home.~~ *placement setting.*

7 (d) Nothing in this section shall transfer or eliminate the
8 responsibility of the placing agency for the care, custody, or control
9 of the child. Nothing in this section shall relieve a foster family
10 agency of its responsibilities for or on behalf of a child placed with
11 it.

12 For purposes of this section, the placing of children or nonminor
13 dependents by foster family agencies shall be referred to as
14 “subsequent placement” to distinguish the activity from the placing
15 by public agencies.

16 ~~SEC. 101.~~

17 *SEC. 111.* Section 16519.5 of the Welfare and Institutions
18 Code is amended to read:

19 16519.5. (a) The State Department of Social Services, in
20 consultation with county child welfare agencies, foster parent
21 associations, and other interested community parties, shall
22 implement a unified, family friendly, and child-centered resource
23 family approval process to replace the existing multiple processes
24 for licensing foster family homes, approving relatives and
25 nonrelative extended family members as foster care providers, and
26 approving adoptive families.

27 (b) (1) Counties shall be selected to participate on a voluntary
28 basis as early implementation counties for the purpose of
29 participating in the initial development of the approval process.
30 Early implementation counties shall be selected according to
31 criteria developed by the department in consultation with the
32 County Welfare Directors Association. In selecting the five early
33 implementation counties, the department shall promote diversity
34 among the participating counties in terms of size and geographic
35 location.

36 (2) Additional counties may participate in the early
37 implementation of the program upon authorization by the
38 department.

39 (c) (1) For the purposes of this chapter, “resource family” means
40 an individual or couple that a participating county or foster family

1 agency determines to have successfully met both the home
2 environment assessment standards and the permanency assessment
3 criteria adopted pursuant to subdivision (d) necessary for providing
4 care for a related or unrelated child who is under the jurisdiction
5 of the juvenile court, or otherwise in the care of a county child
6 welfare agency or probation department. A resource family shall
7 demonstrate all of the following:

8 (A) An understanding of the safety, permanence, and well-being
9 needs of children who have been victims of child abuse and neglect,
10 and the capacity and willingness to meet those needs, including
11 the need for protection, and the willingness to make use of support
12 resources offered by the agency, or a support structure in place,
13 or both.

14 (B) An understanding of children's needs and development,
15 effective parenting skills or knowledge about parenting, and the
16 capacity to act as a reasonable, prudent parent in day-to-day
17 decisionmaking.

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

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

23 (E) An ability and willingness to provide a family setting that
24 promotes normal childhood experiences that serves the needs of
25 the child.

26 (2) Subsequent to meeting the criteria set forth in this
27 subdivision and designation as a resource family, a resource family
28 shall be considered eligible to provide foster care for related and
29 unrelated children in out-of-home placement, shall be considered
30 approved for adoption or guardianship, and shall not have to
31 undergo any additional approval or licensure as long as the family
32 lives in a county participating in the program.

33 (3) Resource family approval means that the applicant
34 successfully meets the home environment assessment and
35 permanency assessment standards. This approval is in lieu of the
36 existing foster care license, relative or nonrelative extended family
37 member approval, and the adoption home study approval.

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

1 (5) Notwithstanding paragraphs (1) to (4), inclusive, the
 2 department or county may cease any further review of an
 3 application if the applicant has had a previous application denial
 4 within the preceding year, or if the applicant has had a previous
 5 rescission, revocation, or exemption denial or rescission by the
 6 department or county within the preceding two years. However,
 7 the department or county may continue to review an application
 8 if it has determined that the reasons for the previous denial,
 9 rescission, or revocation were due to circumstances and conditions
 10 that either have been corrected or are no longer in existence. If
 11 an individual was excluded from a resource family home or facility
 12 licensed by the department, the department or county shall cease
 13 review of the individual's application unless the excluded
 14 individual has been reinstated pursuant to Section 11522 of the
 15 Government Code. The cessation of review shall not constitute a
 16 denial of the application for purposes of this section or any other
 17 law.

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

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

23 (A) (i) Criminal records clearance of all adults residing in, or
 24 regularly present in, the home, and not exempted from
 25 fingerprinting, as set forth in subdivision (b) of Section 1522 of
 26 the Health and Safety Code, pursuant to Section 8712 of the Family
 27 Code, utilizing a check of the Child Abuse Central Index (CACI),
 28 and receipt of a fingerprint-based state and federal criminal
 29 offender record information search response. The criminal history
 30 information shall include subsequent state and federal arrest and
 31 disposition notifications pursuant to Section 11105.2 of the Penal
 32 Code.

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

39 (iii) If the resource family parent, applicant, or any other person
 40 specified in subdivision (b) of Section 1522 of the Health and

1 Safety Code has been convicted of a crime other than a minor
2 traffic violation, except for the civil penalty language, the criminal
3 background check provisions specified in subdivisions (d) through
4 (f) of Section 1522 of the Health and Safety Code shall apply.
5 Exemptions from the criminal records clearance requirements set
6 forth in this section may be granted by the director or the early
7 implementation county, if that county has been granted permission
8 by the director to issue criminal records exemptions pursuant to
9 Section 361.4, using the exemption criteria currently used for foster
10 care licensing as specified in subdivision (g) of Section 1522 of
11 the Health and Safety Code.

12 (B) Buildings and grounds and storage requirements set forth
13 in Sections 89387 and 89387.2 of Title 22 of the California Code
14 of Regulations.

15 (C) In addition to the foregoing requirements, the resource
16 family home environment assessment standards shall also require
17 the following:

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

21 (ii) That the total number of children residing in the home of a
22 resource family shall be no more than the total number of children
23 the resource family can properly care for, regardless of status, and
24 shall not exceed six children, unless exceptional circumstances
25 that are documented in the foster child's case file exist to permit
26 a resource family to care for more children, including, but not
27 limited to, the need to place siblings together.

28 (iii) That the applicant understands his or her responsibilities
29 with respect to acting as a reasonable and prudent parent, and
30 maintaining the least restrictive environment that serves the needs
31 of the child.

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

34 (A) The applicant shall complete caregiver training.

35 (B) (i) The applicant shall complete a psychosocial assessment,
36 which shall include the results of a risk assessment.

37 (ii) A caregiver risk assessment shall include, but shall not be
38 limited to, physical and mental health, alcohol and other substance
39 use and abuse, family and domestic violence, and the factors listed
40 in subparagraphs (A) and (D) of paragraph (1) of subdivision (c).

- 1 (C) The applicant shall complete any other activities that relate
- 2 to a resource family’s ability to achieve permanency with the child.
- 3 (e) (1) A child may be placed with a resource family that has
- 4 successfully completed the home environment assessment prior
- 5 to completion of a permanency assessment only if a compelling
- 6 reason for the placement exists based on the needs of the child.
- 7 (2) The permanency assessment shall be completed within 90
- 8 days of the child’s placement in the home, unless good cause exists
- 9 based upon the needs of the child.
- 10 (3) If additional time is needed to complete the permanency
- 11 assessment, the county shall document the extenuating
- 12 circumstances for the delay and generate a timeframe for the
- 13 completion of the permanency assessment.
- 14 (4) The county shall report to the department on a quarterly
- 15 basis the number of families with a child in an approved home
- 16 whose permanency assessment goes beyond 90 days and
- 17 summarize the reasons for these delays.
- 18 (5) A child may be placed with a relative, as defined in Section
- 19 319, or nonrelative extended family member, as defined in Section
- 20 362.7, prior to applying as a resource family only on an emergency
- 21 basis if all of the following requirements are met:
- 22 (A) Consideration of the results of a criminal records check
- 23 conducted pursuant to Section 16504.5 of the relative or nonrelative
- 24 extended family member and of every other adult in the home.
- 25 (B) Consideration of the results of the Child Abuse Central
- 26 Index (CACI) consistent with Section 1522.1 of the Health and
- 27 Safety Code of the relative or nonrelative extended family member,
- 28 and of every other adult in the home.
- 29 (C) The home and grounds are free of conditions that pose undue
- 30 risk to the health and safety of the child.
- 31 (D) For any placement made pursuant to this paragraph, the
- 32 county shall initiate the home environment assessment no later
- 33 than five business days after the placement, which shall include a
- 34 face-to-face interview with the resource family applicant and child.
- 35 (E) For any placement made pursuant to this paragraph,
- 36 AFDC-FC funding shall not be available until approval of the
- 37 resource family has been completed.
- 38 (F) Any child placed under this section shall be afforded all the
- 39 rights set forth in Section 16001.9.

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

3 (1) Selecting early implementation counties, based on criteria
4 established by the department in consultation with the County
5 Welfare Directors Association.

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

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

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

21 (5) Approving and requiring the use of a single standard for
22 resource family approval.

23 (6) Adopting and requiring the use of standardized
24 documentation for the home environment and permanency
25 assessments of resource families.

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

28 (A) Investigating complaints of resource families.

29 (B) Developing and monitoring resource family corrective action
30 plans to correct identified deficiencies and to rescind resource
31 family approval if compliance with corrective action plans is not
32 achieved.

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

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

36 (B) Reviewing an adequate number of approved resource
37 families in each participating county to ensure that approval
38 standards are being properly applied. The review shall include
39 case file documentation, and may include onsite inspection of
40 individual resource families. The review shall occur on an annual

1 basis, and more frequently if the department becomes aware that
2 a participating county is experiencing a disproportionate number
3 of complaints against individual resource family homes.

4 (C) Reviewing county reports of serious complaints and
5 incidents involving approved resource families, as determined
6 necessary by the department. The department may conduct an
7 independent review of the complaint or incident and change the
8 findings depending on the results of its investigation.

9 (D) Investigating unresolved complaints against participating
10 counties.

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

13 (9) Updating the Legislature on the early implementation phase
14 of the program, including the status of implementation, successes,
15 and challenges during the early implementation phase, and relevant
16 available data, including resource family satisfaction.

17 (10) Implementing due process procedures, including all of the
18 following:

19 (A) Providing a statewide fair hearing process for denials,
20 rescissions, or exclusion actions.

21 (B) Amending *the department's* applicable state hearing
22 procedures and ~~regulations~~ *regulations or using the Administrative*
23 *Procedure Act, when applicable, as necessary for the*
24 *administration of the program.*

25 ~~(C) Use of the Administrative Procedure Act, as necessary for~~
26 ~~the administration of the program.~~

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

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

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

37 (3) Implementing the requirements for resource family approval
38 and utilizing standardized documentation established by the
39 department.

1 (4) ~~(A)~~ Ensuring staff have the education and experience
2 necessary to complete the home environment and psychosocial
3 assessments competently.

4 ~~(B)~~ A county may contract with a licensed adoption agency to
5 complete the permanency assessment. A permanency assessment
6 completed by a licensed adoption agency shall be reviewed and
7 approved by the county.

8 (5) (A) *Taking the following actions, as applicable:*

9 (i) ~~Approving and or denying resource family applications,~~
10 ~~rescinding applications.~~

11 (ii) ~~Rescinding approvals of resource families, or related actions,~~
12 ~~including all of the following: families.~~

13 ~~(A) Rescinding resource family approvals, excluding~~

14 (iii) ~~Excluding a resource family parent or other individual from~~
15 ~~presence in a resource family home, or from being a member of~~
16 ~~the board of directors, an executive director, or an officer of a~~
17 ~~licensee, or prohibiting a licensee from employing the resource~~
18 ~~family parent or other individual, if appropriate, consistent with~~
19 ~~the established standard.~~

20 (iv) *Issuing a temporary suspension order that suspends the*
21 *resource family approval prior to a hearing when urgent action*
22 *is needed to protect a child or nonminor dependent from physical*
23 *or mental abuse, abandonment, or any other substantial threat to*
24 *health or safety, consistent with the established standard.*

25 (B) Providing a resource family parent, applicant, or excluded
26 individual requesting review of that decision with due process
27 pursuant to the department's ~~statues~~, *statutes*, regulations, and
28 written directives.

29 (C) Notifying the department of any decisions denying a
30 resource family's application or rescinding the approval of a
31 resource family, excluding an individual, or taking other
32 administrative action.

33 (D) Issuing a temporary suspension order that suspends the
34 resource family approval prior to a hearing, when urgent action is
35 needed to protect a child or nonminor dependent who is or may
36 be placed in the home from physical or mental abuse, abandonment,
37 or any other substantial threat to health or safety.

38 (6) Updating resource family approval annually.

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

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

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

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

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

16 (A) The child's social worker shall not conduct the formal
17 investigation into the complaint received concerning a family
18 providing services under the standards required by subdivision
19 (d). To the extent that adequate resources are available, complaints
20 shall be investigated by a worker who did not initially conduct the
21 home environment or psychosocial assessments.

22 (B) Upon conclusion of the complaint investigation, the final
23 disposition shall be reviewed and approved by a supervising staff
24 member.

25 (C) The department shall be notified of any serious incidents
26 or serious complaints or any incident that falls within the definition
27 of Section 11165.5 of the Penal Code. If those incidents or
28 complaints result in an investigation, the department shall also be
29 notified as to the status and disposition of that investigation.

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

31 (10) Assessing county performance in related areas of the
32 California Child and Family Services Review System, and
33 remedying problems identified.

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

37 (12) Ensuring ~~that~~ *resource family applicants and* resource
38 families have the necessary knowledge, skills, and abilities to
39 support children in foster care by completing caregiver training.
40 The training should include a curriculum that supports the role of

1 a resource family in parenting vulnerable children and should be
2 ongoing in order to provide resource families with information on
3 trauma-informed practices and requirements and other topics within
4 the foster care system.

5 (13) Ensuring that a resource family applicant completes a
6 ~~minimum number of training hours which shall include a~~ minimum
7 of 12 hours of preapproval training. The preapproval training shall
8 include, but not be limited to, all of the following ~~training~~ courses:

9 (A) An overview of the child protective and probation systems.

10 (B) The effects of trauma, including grief and loss, and child
11 abuse and neglect, on child development and behavior, and
12 methods to behaviorally support children impacted by that trauma
13 or child abuse and neglect.

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

15 (D) Health issues in foster care.

16 (E) Accessing services and supports to address education needs,
17 ~~physical and mental~~ *physical, mental, and behavioral* health, and
18 ~~substance use disorders available to foster children, disorders,~~
19 including culturally relevant services.

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

28 (G) Cultural needs of children, including instruction on cultural
29 competency and ~~sensitivity relating to, and sensitivity, and related~~
30 ~~best practices for, for~~ providing adequate care ~~to for children or~~
31 ~~youth across diverse ethnic and racial backgrounds, as well as~~
32 ~~children or youth identifying as lesbian, gay, bisexual, and~~
33 ~~transgender youth in out-of-home care. or transgender.~~

34 (H) Basic instruction on existing laws and procedures regarding
35 the safety of foster youth at school; and ensuring a harassment and
36 violence free school environment pursuant to Article 3.6
37 (commencing with Section 32228) of Chapter 2 of Part 19 of
38 Division 1 of Title 1 of the Education Code.

39 (I) Permanence, well-being, and education needs of children.

1 (J) Child and adolescent development, including sexual
2 orientation, gender identity, and expression.

3 (K) The role of resource families, including working
4 cooperatively with the child welfare or probation agency, the
5 child's family, and other service providers implementing the case
6 plan.

7 (L) The role of a resource family on the child and family team
8 as defined in paragraph (4) of subdivision (a) of Section 16501.

9 (M) A resource family's responsibility to act as a reasonable
10 and prudent parent, and to provide a family setting that promotes
11 normal childhood experiences and that serves the needs of the
12 child.

13 (N) An overview of the specialized training identified in
14 ~~paragraph (13):~~ *subdivision (h)*.

15 (14) Ensuring approved resource families complete a minimum
16 of eight training hours annually, a portion of which shall be from
17 one or more of the topics listed in paragraph (13).

18 (h) In addition to any training required by this section, a resource
19 family may be required to receive specialized training, as relevant,
20 for the purpose of preparing the resource family to meet the needs
21 of a particular child in care. This training may include, but is not
22 limited to, the following:

23 (1) Understanding how to use best practices for providing care
24 and supervision to commercially sexually exploited children.

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

27 (3) Understanding the requirements and best practices regarding
28 psychotropic medications, including, but not limited to, court
29 authorization, benefits, uses, side effects, interactions, assistance
30 with self-administration, misuse, documentation, storage, and
31 metabolic—~~monitoring~~— *monitoring of children prescribed*
32 *psychotropic medications*.

33 (4) Understanding the federal Indian Child Welfare—~~Act~~, *Act*
34 *(25 U.S.C. Sec. 1901 et seq.)*, its historical significance, the rights
35 of children covered by the act, and the best interests of ~~those~~ *Indian*
36 children, including the role of the caregiver in supporting culturally
37 appropriate, child-centered practices that respect Native American
38 history, culture, retention of tribal membership and connection to
39 the tribal community and traditions.

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

3 (6) Understanding how to use best practices for providing care
4 and supervision to children with special health care needs.

5 (7) Understanding the different permanency options and the
6 services and benefits associated with the options.

7 (i) Nothing in this section shall preclude a county or a foster
8 family agency from requiring resource family training in excess
9 of the requirements in this section.

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

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

21 (k) The department may waive regulations that pose a barrier
22 to implementation and operation of this program. The waiver of
23 any regulations by the department pursuant to this section shall
24 apply to only those counties or foster family agencies participating
25 in the program and only for the duration of the program.

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

37 (m) (1) The approval of a resource family who moves to a
38 nonparticipating county remains in full force and effect pending
39 a determination by the county approval agency or the department,
40 as appropriate, whether the new building and grounds and storage

1 areas meet applicable standards, and whether all adults residing
2 in the home have a criminal records clearance or exemptions
3 granted, using the exemption criteria used for foster care licensing,
4 as specified in subdivision (g) of Section 1522 of the Health and
5 Safety Code. Upon this determination, the nonparticipating county
6 shall either approve the family as a relative or nonrelative extended
7 family member, as applicable, or the department shall license the
8 family as a foster family home.

9 (2) Subject to the requirements in paragraph (1), the family shall
10 continue to be approved for guardianship and adoption. Nothing
11 in this subdivision shall limit a county or adoption agency from
12 determining that the family is not approved for guardianship or
13 adoption based on changes in the family's circumstances or
14 psychosocial assessment.

15 (3) A program-affiliated individual who moves to a
16 nonparticipating county may not transfer his or her subsequent
17 arrest notification from a participating county to the
18 nonparticipating county.

19 (n) Implementation of the program shall be contingent upon the
20 continued availability of federal Social Security Act Title IV-E
21 (42 U.S.C. Sec. 670) funds for costs associated with placement of
22 children with resource families assessed and approved under the
23 program.

24 (o) A child placed with a resource family shall be eligible for
25 AFDC-FC payments. A resource family, or a foster family agency
26 pursuant to subdivisions (s) and (t), shall be paid an AFDC-FC
27 rate pursuant to Sections 11460, 11461, and 11463. Sharing ratios
28 for nonfederal expenditures for all costs associated with activities
29 related to the approval of relatives and nonrelative extended family
30 members shall be in accordance with Section 10101.

31 (p) The Department of Justice shall charge fees sufficient to
32 cover the cost of initial or subsequent criminal offender record
33 information and Child Abuse Central Index searches, processing,
34 or responses, as specified in this section.

35 (q) Except as provided, approved resource families under this
36 program shall be exempt from all of the following:

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

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

4 (3) Adoptions approval and reporting requirements set forth
5 under Section 8712 of the Family Code, and all regulations
6 promulgated thereto.

7 (r) (1) Early implementation counties shall be authorized to
8 continue through December 31, 2016. The program shall be
9 implemented by each county on or before January 1, 2017.

10 (2) No later than July 1, 2017, each county shall provide the
11 following information to all licensed foster family homes and all
12 approved relatives and nonrelative extended family members:

13 (A) A detailed description of the resource family approval
14 program.

15 (B) ~~That~~ *Notification that*, in order to care for a foster child,
16 resource family approval is required by December 31, 2019.

17 (C) ~~That~~ *Notification that* a foster family home license and an
18 approval of a relative or nonrelative extended family member shall
19 be forfeited by operation of law as provided for in paragraph ~~(3)~~
20 ~~(4)~~.

21 (3) ~~No~~ *By no* later than January 1, 2018, the following shall
22 apply to all licensed foster family homes and approved relative
23 and nonrelative extended family members:

24 (A) A licensed foster family home, and an approved relative or
25 nonrelative extended family member with an approved adoptive
26 home study completed prior to January 1, 2018, shall be deemed
27 to be an approved resource family.

28 (B) A licensed foster family home, and an approved relative or
29 nonrelative extended family member who had a child in placement
30 at any time, for any length of time, between January 1, 2017, and
31 December 31, 2017, inclusive, may be approved as a resource
32 family on the date of successful completion of a psychosocial
33 assessment pursuant to subparagraph (B) of paragraph (2) of
34 subdivision (d).

35 (i)

36 (C) A county may provide supportive services to all licensed
37 foster family home providers, relatives, and nonrelative extended
38 family members with a child in placement to assist with the
39 resource family transition and to minimize placement disruptions.

1 (4) All foster family licenses and approvals of a relative or
 2 nonrelative extended family member shall be forfeited by operation
 3 of law on December 31, 2019, except as provided ~~herein~~ *in this*
 4 *paragraph*:

5 (A) All licensed foster family homes that did not have a child
 6 in placement at any time, for any length of time, between January
 7 1, 2017, and December 31, 2017, inclusive, shall forfeit the license
 8 by operation of law on January 1, 2018.

9 (B) For foster family home licensees and approved relatives or
 10 nonrelative extended family members who have a pending resource
 11 family application on December 31, 2019, the foster family home
 12 license or relative and nonrelative extended family member
 13 approval shall be forfeited by operation of law on the date of
 14 approval as a resource family. If approval is denied, forfeiture by
 15 operation of law shall occur on the date of completion of any
 16 proceedings required by law to ensure due process.

17 (s) On and after January 1, 2017, all licensed foster family
 18 agencies shall approve resource families in lieu of certifying foster
 19 homes. A foster family agency *or a short-term residential treatment*
 20 *center pursuant to subdivision (b) of Section 11462* shall require
 21 its applicants and resource families to meet the resource family
 22 approval standards and requirements set forth in this chapter and
 23 in the written directives adopted pursuant to this chapter prior to
 24 approval and in order to maintain approval.

25 (t) Commencing January 1, 2016, the department may establish
 26 participation conditions, and select and authorize foster family
 27 agencies that voluntarily submit implementation plans and revised
 28 plans of operation in accordance with requirements established by
 29 the department, to approve resource families in lieu of certifying
 30 foster homes.

31 (1) Notwithstanding any other law, a participating foster family
 32 agency shall require resource families to meet and maintain the
 33 resource family approval standards and requirements set forth in
 34 this chapter and in the written directives adopted hereto prior to
 35 approval and in order to maintain approval.

36 (2) A participating foster family agency shall implement the
 37 resource family approval program pursuant to Section 1517 of the
 38 Health and Safety Code.

39 (3) Nothing in this section shall be construed to limit the
 40 authority of the department to inspect, evaluate, or investigate a

1 complaint or incident, or initiate a disciplinary action against a
2 foster family agency pursuant to Article 5 (commencing with
3 Section 1550) of Chapter 3 of Division 2 of the Health and Safety
4 Code, or to take any action it may deem necessary for the health
5 and safety of children placed with the foster family agency.

6 (4) The department may adjust the foster family agency
7 AFDC-FC rate pursuant to Section 11463 for implementation of
8 this subdivision.

9 ~~SEC. 102.~~

10 *SEC. 112.* Section 16519.52 is added to the Welfare and
11 Institutions Code, to read:

12 16519.52. (a) A resource family may install and use delayed
13 egress devices of the time delay type in the home of the resource
14 family.

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

19 (c) Within the 30 seconds of delay, a resource family may
20 attempt to redirect a resident who attempts to leave the home.

21 (d) Any person accepted by a resource family using delayed
22 egress devices in the home shall meet all of the following
23 conditions:

24 (1) The person shall have a developmental disability, as defined
25 in Section 4512.

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)).

30 (3) An interdisciplinary team, through the Individual Program
31 Plan (IPP) process pursuant to Section 4646.5, shall have
32 determined that the person lacks hazard awareness or impulse
33 control and requires the level of supervision afforded by a resource
34 family in a home equipped with delayed egress devices, and that,
35 but for this placement, the person would be at risk of admission
36 to, or would have no option but to remain in, a more restrictive
37 state hospital or state developmental center placement.

38 (e) The home shall be subject to all fire and building codes,
39 regulations, and standards applicable to residential care facilities
40 for the elderly utilizing delayed egress devices, and shall receive

1 approval by the county or city fire department, the local fire
2 prevention district, or the State Fire Marshal for the installed
3 delayed egress devices.

4 (f) The resource family shall provide training regarding the use
5 and operation of the egress control devices used by any person
6 caring for a resident, protection of residents’ personal rights, lack
7 of hazard awareness and impulse control behavior, and emergency
8 evacuation procedures.

9 (g) The resource family shall develop a plan of operation that
10 is authorized by the approving county and includes a description
11 of how the home is to be equipped with egress control devices that
12 are consistent with regulations adopted by the State Fire Marshal
13 pursuant to Section 13143 of the Health and Safety Code.

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

16 (1) A description of how the resource family will provide
17 training for persons caring for a resident regarding the use and
18 operation of the egress control devices used in the home.

19 (2) A description of how the resource family will ensure the
20 protection of the residents’ personal rights consistent with Sections
21 4502, 4503, and 4504.

22 (3) A description of how the resource family will manage the
23 person’s lack of hazard awareness and impulse control behavior.

24 (4) A description of the resource family’s emergency evacuation
25 procedures.

26 (i) Delayed egress devices shall not substitute for adequate
27 supervision. The capacity of the home shall not exceed six
28 residents.

29 (j) Emergency fire and earthquake drills shall be conducted at
30 least once every three months, and shall include all persons
31 providing resident care and supervision.

32 ~~SEC. 103.~~

33 *SEC. 113.* Section 16519.53 is added to the Welfare and
34 Institutions Code, to read:

35 16519.53. (a) A resource family shall be authorized to
36 administer emergency medical assistance and injections for severe
37 diabetic hypoglycemia and anaphylactic shock to a foster child in
38 placement in accordance with subdivision (a) of Section 1507.25
39 of the Health and Safety Code.

1 (b) A resource family shall be authorized to administer
2 subcutaneous injections of other medications, including insulin,
3 as prescribed by a child’s physician, to a foster child in placement
4 in accordance with subdivision (b) of Section 1507.25 of the Health
5 and Safety Code.

6 ~~SEC. 104.~~

7 *SEC. 114.* Section 16519.54 is added to the Welfare and
8 Institutions Code, to read:

9 16519.54. Notwithstanding any other law, a resource family
10 shall not be subject to civil penalties imposed pursuant to the
11 Community Care Facilities—Care Act (Chapter 3 (commencing
12 with Section 1500) of Division 2 of the Health and Safety Code).

13 ~~SEC. 105.~~

14 *SEC. 115.* Section 16519.55 is added to the Welfare and
15 Institutions Code, to read:

16 16519.55. (a) Subject to subdivision (b), to encourage the
17 recruitment of resource families, to protect their personal privacy,
18 and to preserve the security of confidentiality of the placements
19 with resource families, the names, addresses, and other identifying
20 information of resource families shall be considered personal
21 information for purposes of the Information Practices Act of 1977
22 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
23 4 of Division 3 of the Civil Code). This information shall not be
24 disclosed by any state or local agency pursuant to the California
25 Public Records Act (Chapter 3.5 (commencing with Section 6250)
26 of Division 7 of Title 1 of the Government Code), except as
27 necessary for administering the resource family approval program,
28 facilitating the placement of children with resource families, and
29 providing names and—addresses *addresses, upon request*, only to
30 bona fide professional foster parent organizations—~~upon request.~~
31 *and to professional organizations educating foster parents,*
32 *including the Foster and Kinship Care Education Program of the*
33 *California Community Colleges.*

34 (b) The department, a county, or a foster family agency may
35 request information from, or divulge information to, the
36 department, a county, or a foster family agency, regarding a
37 prospective resource family for the purpose of and as necessary
38 to conduct a reference check to determine whether it is safe and
39 appropriate to approve an applicant to be a resource family.

1 ~~SEC. 106.~~

2 *SEC. 116.* Section 16519.6 is added to the Welfare and
3 Institutions Code, to read:

4 16519.6. (a) All hearings conducted pursuant to Section
5 16519.5 shall be conducted in accordance with the requirements
6 of this section.

7 (b) The procedures set forth in Chapter 7 (commencing with
8 Section 10950) of Part 2 apply to matters set before the ~~State~~
9 ~~Hearings Division~~, *department*, except as otherwise provided in
10 this section.

11 (c) ~~The procedures for conducting a hearing for a matter~~
12 ~~governed by set forth in Chapter 3 (commencing with Section~~
13 ~~1500) of Division 2 of the Health and Safety Code, and the~~
14 ~~procedures set forth in the Administrative Procedure Act apply,~~
15 ~~Act, apply to matters set before the Office of Administrative~~
16 ~~Hearings, except as otherwise provided in this section.~~

17 (d) Notwithstanding Section 10951, a resource family, applicant,
18 or excluded individual may file an appeal within 25 days of service
19 of a notice of action. Pursuant to Section 1013 of the Code of Civil
20 Procedure, if the notice of action is served by mail, the time to
21 respond shall be extended five days, not to exceed 30 days to file
22 the appeal.

23 (e) Notwithstanding Section 10951, a county’s action shall be
24 final, or for matters set before the ~~division or office designated to~~
25 ~~conduct state hearings~~, *department*, an action shall be subject to
26 dismissal, if the resource family, applicant, or excluded individual
27 does not file an appeal to the notice of action within the prescribed
28 time.

29 (f) Except as provided in subdivisions (g) and (h), and
30 notwithstanding Section 10952, a hearing under this section shall
31 be held within 90 days following the receipt of a timely appeal or
32 notice of defense, unless a continuance of the hearing is granted
33 for good cause.

34 (g) If the county or department has issued an immediate
35 exclusion order, the timelines and provisions set forth in Section
36 1558 of the Health and Safety Code shall apply, unless a
37 continuance of the hearing is granted for good cause.

38 (h) If the county or department has issued a temporary
39 suspension order, the hearing shall be held within 30 days
40 following the receipt of a timely appeal or notice of defense. The

1 temporary suspension order shall remain in effect until the time
2 the hearing is completed and the director has made a final
3 determination on the merits. However, the temporary suspension
4 order shall be deemed vacated if the director fails to make a final
5 determination on the merits within 30 days after receipt of the
6 proposed decision by the county or department.

7 (i) Upon a finding of noncompliance, the department may
8 require a foster family agency to deny or rescind the approval of
9 a home, or take other action deemed necessary for the protection
10 of a child who is or who may be placed in the home. The resource
11 family, applicant, or excluded individual shall be afforded the due
12 process provided pursuant to this section.

13 (1) If the department requires a foster family agency to deny or
14 rescind the approval, the department shall serve an order of denial
15 or rescission notifying the resource family, applicant, and foster
16 family agency of the basis of the department's action and of the
17 right to a hearing.

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

21 (3) A foster family agency's failure to comply with the
22 department's order to deny or rescind the approval by placing or
23 retaining a child in care shall be grounds for disciplining the foster
24 family agency pursuant to Section 1550 of the Health and Safety
25 Code.

26 (j) A resource family, applicant, or excluded individual who
27 files an appeal to a notice of action pursuant to this section shall,
28 as part of the appeal, provide his or her current mailing address.
29 The resource family, applicant, or excluded individual shall
30 subsequently notify the county, or department if applicable, in
31 writing of any change in mailing address, until the hearing process
32 has been completed or terminated.

33 (k) Service by mail of a notice or other writing on a resource
34 family, applicant, or excluded individual in a procedure provided
35 herein is effective if served to the last mailing address on file with
36 the county or department. Service of a notice of action may be by
37 personal service or by first class mail. If the last day for
38 performance of any action required herein falls on a holiday, then
39 such period shall be extended to the next day which is not a
40 holiday.

1 (l) In all proceedings conducted in accordance with this ~~section~~
2 *section*, the burden of proof *on the department or county* shall be
3 by a preponderance of the evidence.

4 (m) The county or department may institute or continue an
5 administrative proceeding against a resource family, applicant, or
6 excluded individual upon any ground provided by this section,
7 enter an order denying or rescinding the approval, exclude an
8 associated individual, issue a temporary suspension order, or
9 otherwise take disciplinary action against a resource family,
10 applicant, or excluded individual, notwithstanding any resignation,
11 withdrawal, surrender of approval, or denial or rescission of the
12 approval by a foster family agency.

13 ~~SEC. 107.~~

14 *SEC. 117.* Section 18251 of the Welfare and Institutions Code
15 is amended to read:

16 18251. As used in this chapter:

17 (a) “County” means each county participating in an
18 individualized or wraparound services program.

19 (b) “County placing agency” means a county welfare or
20 probation department, or a county mental health department.

21 (c) “Eligible child” means a child or nonminor dependent, as
22 described in subdivision (v) of Section 11400, who is any of the
23 following:

24 (1) A child or nonminor dependent who has been adjudicated
25 as either a dependent, transition dependent, or ward of the juvenile
26 court pursuant to Section 300, 450, 601, or 602 and who would be
27 placed in a group home licensed by the department at a rate
28 classification level of 10 or higher, or commencing January 1,
29 2017, would be placed in a short-term residential treatment center.

30 (2) A child or nonminor dependent who is currently, or who
31 would be, placed in a group home licensed by the department at
32 a rate classification level of 10 or higher, or commencing January
33 1, 2017, would be placed in a short-term residential treatment
34 center.

35 (3) A child who is eligible for adoption assistance program
36 benefits when the responsible public agency has approved the
37 provision of wraparound services in lieu of out-of-home placement
38 care at a rate classification level of 10 or higher, or commencing
39 January 1, 2017, would be placed in a short-term residential
40 treatment center.

1 (d) “Wraparound services” means community-based intervention
2 services that emphasize the strengths of the child and family and
3 includes the delivery of coordinated, highly individualized
4 unconditional services to address needs and achieve positive
5 outcomes in their lives.

6 (e) “Service allocation slot” means a specified amount of funds
7 available to the county to pay for an individualized intensive
8 wraparound services package for an eligible child. A service
9 allocation slot may be used for more than one child on a successive
10 basis.

11 ~~SEC. 108.~~

12 *SEC. 118.* Section 18254 of the Welfare and Institutions Code
13 is amended to read:

14 18254. (a) Rates for wraparound services, under the
15 wraparound services program, shall be based on the following
16 factors:

17 (1) The average cost of rate classification 10 to 11 in each
18 county, minus the cost of any concurrent out-of-home placement,
19 for children who are or would be placed in a rate level 10 or 11
20 group home.

21 (2) The average cost of rate classification 12 to 14 in each
22 county, minus the cost of any concurrent out-of-home placement,
23 for children who are or would be placed in a rate level 12 to 14
24 group home.

25 (b) (1) Prior to the 2011–12 fiscal year, the department shall
26 reimburse each county, for the purpose of providing intensive
27 wraparound services, up to 100 percent of the state share of
28 nonfederal funds, to be matched by each county’s share of cost as
29 established by law, and to the extent permitted by federal law, up
30 to 100 percent of the federal funds allocated for group home
31 placements of eligible children, at the rate authorized pursuant to
32 subdivision (a).

33 (2) Beginning in the 2011–12 fiscal year, and for each fiscal
34 year thereafter, funding and expenditures for programs and
35 activities under this section shall be in accordance with the
36 requirements provided in Sections 30025 and 30026.5 of the
37 Government Code.

38 (c) County, and to the extent permitted by federal law, federal,
39 foster care funds shall remain with the administrative authority of
40 the county, which may enter into an interagency agreement to

1 transfer those funds, and shall be used to provide intensive
2 wraparound services.

3 (d) Costs for the provision of benefits to eligible children, at
4 rates authorized by subdivision (a), through the wraparound
5 services program authorized by this chapter, shall not exceed the
6 costs which would otherwise have been incurred had the eligible
7 children been placed in a group home.

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

11 ~~SEC. 109.~~

12 *SEC. 119.* Section 18254 is added to the Welfare and
13 Institutions Code, to read:

14 18254. (a) (1) Commencing January 1, 2017, the rate for
15 wraparound services, under the wraparound services program,
16 shall be eight thousand five hundred seventy-three dollars (\$8,573),
17 based on the average cost of rate classification levels 10.5 and 13
18 in effect for the 2014–15 fiscal year.

19 (1)

20 (2) The rate was determined by using the existing rates
21 determined for the 2014–15 fiscal year for rate classification levels
22 10.5 and 13.

23 (A) Combining and calculating the average of the two.

24 (B) Minus the cost of any concurrent out-of-home placement
25 for children who are or would be placed in a rate classification
26 level 10 to 11 and 12 to 14 group home, respectively.

27 (b) 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 (c) County and federal foster care funds, to the extent permitted
32 by federal law, shall remain with the administrative authority of
33 the county, which may enter into an interagency agreement to
34 transfer those funds, and shall be used to provide intensive
35 wraparound services.

36 (d) Costs for the provision of benefits to eligible children, at
37 rates authorized by subdivision (a), through the wraparound
38 services program authorized by this chapter, shall not exceed the
39 costs that otherwise would have been incurred had the eligible
40 children been placed in a short-term residential treatment center.

1 (e) Commencing January 1, 2018, and each January 1 thereafter,
2 an annual cost-of-living increase shall be applied to the wraparound
3 rate, subject to the availability of county funds, equal to the
4 California Necessities Index used in the preparation of the May
5 Revision for the current fiscal year.

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

7 *SEC. 120. Section 18987.72 of the Welfare and Institutions*
8 *Code is amended to read:*

9 18987.72. (a) In order to obtain knowledge and experience
10 with which to inform the process of developing and implementing
11 the plan for residentially based services, required by Section
12 18987.7, the department shall encourage counties and private
13 nonprofit agencies to develop voluntary agreements to test
14 alternative program design and funding models for transforming
15 existing group home programs into residentially based services
16 programs in order to meet the diverse needs of children or youth
17 and families in the child welfare, juvenile justice, and mental health
18 systems.

19 (b) (1) With the approval of the department, any counties
20 participating in the federal Title IV-E waiver capped allocation
21 demonstration project pursuant to Section 18260, at their option,
22 and two other counties may enter into and implement voluntary
23 agreements with private nonprofit agencies to transform all or part
24 of an existing group home program into a residentially based
25 services program.

26 (2) If one or more counties participating in the federal Title
27 IV-E waiver capped allocation demonstration project opts not to
28 enter into a voluntary agreement pursuant to this chapter, the
29 department may select one or more nonwaiver counties. The
30 department may approve up to four counties to participate in the
31 voluntary agreements pursuant to this section.

32 (3) The department shall select participating counties, based on
33 letters of interest submitted to the department from counties, in
34 consultation with the California Alliance of Child and Family
35 Services and the County Welfare Directors Association.

36 (c) Voluntary agreements by counties and nonprofit agencies
37 shall satisfy all of the following requirements:

38 (1) Incorporate and address all of the components and elements
39 for residentially based services described in the “Framework for
40 a New System for Residentially-Based Services in California.”

1 (2) Reflect active collaboration among the private nonprofit
2 agency that will operate the residentially based services program
3 and county departments of social services, mental health, or
4 juvenile justice, alcohol and drug programs, county offices of
5 education, or other public entities, as appropriate, to ensure that
6 children, youth, and families receive the services and support
7 necessary to meet their needs.

8 (3) Provide for an annual evaluation report, to be prepared
9 jointly by the county and the private nonprofit agency. The
10 evaluation report shall include analyses of the outcomes for
11 children and youth, including achievement of permanency, average
12 lengths of stay, and rates of entry and reentry into group care. The
13 evaluation report shall also include analyses of the involvement
14 of children or youth and their families, client satisfaction, the use
15 of the program by the county, the operation of the program by the
16 private nonprofit agency, payments made to the private nonprofit
17 agency by the county, actual costs incurred by the nonprofit agency
18 for the operation of the program, and the impact of the program
19 on state and county AFDC-FC program costs. The county shall
20 send a copy of each annual evaluation report to the director, and
21 the director shall make these reports available to the Legislature
22 upon request.

23 (4) Permit amendments, modifications, and extensions of the
24 agreement to be made, with the mutual consent of both parties and
25 with approval of the department, based on the evaluations described
26 in paragraph (3), and on the experience and information acquired
27 from the implementation and the ongoing operation of the program.

28 (5) Be consistent with the county's system improvement plan
29 developed pursuant to the California Child Welfare Outcomes and
30 Accountability System.

31 (d) (1) Upon a county's request, the director may waive child
32 welfare regulations regarding the role of counties in conjunction
33 with private nonprofit agencies operating residentially based
34 services programs to enhance the development and implementation
35 of case plans and the delivery of services in order to enable a
36 county and a private nonprofit agency to implement an agreement
37 described in subdivision (b). Nothing in this section shall be
38 construed to supersede the requirements set forth in subdivision
39 (c) of Section 16501.

1 (2) Notwithstanding Sections 11460 and 11462, or any other
2 law or regulation governing payments under the AFDC-FC
3 program, upon the request of one or more counties, and in
4 accordance with the voluntary agreements as described in
5 subdivision (b), the director may also approve the use of up to a
6 total of five alternative funding models for determining the method
7 and level of payments that will be made under the AFDC-FC
8 program to private nonprofit agencies operating residentially based
9 services programs in lieu of using the rate classification levels and
10 schedule of standard rates provided for in Section 11462. These
11 alternative funding models may include, but shall not be limited
12 to, the use of cost reimbursement, case rates, per diem or monthly
13 rates, or a combination thereof. An alternative funding model shall
14 do all of the following:

15 (A) Support the values and goals for residentially based services,
16 including active child and family involvement, permanence,
17 collaborative decisionmaking, and outcome measurement.

18 (B) Ensure that quality care and effective services are delivered
19 to appropriate children or youth at a reasonable cost to the public.

20 (C) Ensure that payment levels are sufficient to permit the
21 private nonprofit agencies operating residentially based services
22 programs to provide care and supervision, social work activities,
23 parallel predischarge community-based interventions for families,
24 and followup postdischarge support and services for children and
25 their families, including the cost of hiring and retaining qualified
26 staff.

27 (D) Facilitate compliance with state requirements and the
28 attainment of federal and state performance objectives.

29 (E) Control overall program costs by providing incentives for
30 the private nonprofit agencies to use the most cost-effective
31 approaches for achieving positive outcomes for the children or
32 youth and their families.

33 (F) Facilitate the ability of the private nonprofit agencies to
34 access other available public sources of funding and services to
35 meet the needs of the children or youth placed in their residentially
36 based services programs, and the needs of their families.

37 (G) Enable the combination of various funding streams
38 necessary to meet the full range of services needed by foster
39 children or youth in residentially based services programs, with
40 particular reference to funding for mental health treatment services

1 through the Medi-Cal Early and Periodic Screening, Diagnosis,
2 and Treatment program.

3 (H) Maximize federal financial participation, and mitigate the
4 loss of federal funds, while ensuring the effective delivery of
5 services to children or youth and families, and the achievement of
6 positive outcomes.

7 (I) Provide for effective administrative oversight and
8 enforcement mechanisms in order to ensure programmatic and
9 fiscal accountability.

10 (3) A waiver granted by the director pursuant to paragraph (1),
11 or an approval of an alternative funding model pursuant to
12 paragraph (2), shall be applicable only to the development,
13 implementation, and ongoing operation of a residentially based
14 services program and related county activities provided under the
15 terms of the agreement and for the duration of the agreement, and
16 shall be granted only when all of the following apply:

17 (A) The agreement promises to offer a worthwhile test related
18 to the development, implementation, and ongoing operation of a
19 residentially based services program as described in this chapter.

20 (B) Existing regulatory provisions or the existing AFDC-FC
21 payment requirements, or both, impose barriers for the effective,
22 efficient, and timely implementation of the agreement.

23 (C) The requesting county proposes to monitor the agreement
24 for compliance with the terms of the waiver or the alternative
25 funding model, or both.

26 (D) Notwithstanding any change to payments made to group
27 homes under Section 11462, the department may pay higher
28 AFDC-FC payments for children and youth who are enrolled in a
29 residentially based services program, to be offset by cost
30 efficiencies achieved through shorter lengths of stay in foster care,
31 or a reduction of reentries into foster care, as a result of providing
32 pre-discharge support and post-discharge services to the children or
33 youth and their families. Any upfront costs for this project shall
34 be offset by other program savings identified by the department,
35 to ensure that there are no net General Fund costs in each fiscal
36 year.

37 (e) In addition to the requirements set forth in subdivision (c),
38 the voluntary agreements shall do all of the following:

39 (1) Provide that, to the extent that some of the care, services,
40 and other activities associated with a residentially based services

1 program operated under an agreement described in subdivision
2 (b) are not eligible for federal financial participation as foster care
3 maintenance payments under Part E (commencing with Section
4 470) of Title IV of the federal Social Security Act (42 U.S.C. Sec.
5 670 et seq.), but may be eligible for federal financial participation
6 as administration or training, or may be eligible for federal financial
7 participation under other programs, including, but not limited to,
8 Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396
9 et seq.), the appropriate state departments shall take measures to
10 obtain that federal funding.

11 (2) Provide that, prior to approving any waiver or alternative
12 funding model pursuant to subdivision (d), the director shall make
13 a determination that the design of the residentially based services
14 program to be operated under the agreement described in
15 subdivision (b) would ensure the health and safety of children or
16 youth to be served.

17 (f) Agreements entered into pursuant to this section shall
18 terminate on or before ~~July 1, 2016~~, *January 1, 2017, or may be*
19 *extended until January 1, 2019, upon approval by the department,*
20 *on a case-by-case basis*, unless a later enacted statute extends or
21 removes this limitation.

22 (g) The department shall report during the legislative budget
23 hearings on the status of any county agreements entered into
24 pursuant to subdivision (b), and on the development of statewide
25 residentially based services programs. This report shall be
26 submitted with the recommendations made pursuant to Section
27 11461.2.

28 ~~SEC. 110.~~

29 *SEC. 121.* Notwithstanding the provisions of this act, on and
30 after January 1, 2017, facilities with licensed capacity of 184 that
31 were in operation prior to January 1, 2015, that offer placements
32 for the purpose of attending an onsite high school, may continue
33 to operate under an appropriate licensing category determined by
34 the State Department of Social Services as long as those facilities
35 submit to the department a transition plan describing how the
36 program will comply with the provisions of this act, pursuant to a
37 timeframe to be determined with the department.

38 *SEC. 122. The State Department of Social Services, State*
39 *Department of Education, and special education local plan area*
40 *(SELPA) directors shall work together to address the funding*

1 *formula currently based in part on the State Department of Social*
 2 *Services rate classification level system. The rate classification*
 3 *level for group homes set by the State Department of Social*
 4 *Services shall sunset pursuant to this act. Section 56836.165 of*
 5 *the Education Code takes into account the rate classification level*
 6 *in Section 11462 of the Welfare and Institutions Code in setting*
 7 *its severity rating for purposes of its bed allowances. Prior to the*
 8 *sunset of the rate classification level, the departments and SELPA*
 9 *directors shall work together to develop an alternative basis for*
 10 *its bed allowance formula.*

11 ~~SEC. 111.~~

12 *SEC. 123.* (a) The State Department of Social Services and
 13 the State Department of Health Care Services shall adopt
 14 regulations as required to implement the provisions of this act.

15 (b) Notwithstanding the rulemaking provisions of the
 16 Administrative Procedure Act (Chapter 3.5 (commencing with
 17 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
 18 Code), the departments identified in subdivision (a) may implement
 19 and administer the changes made by this ~~legislation~~ *act* through
 20 all-county letters or similar written instructions until regulations
 21 are adopted.

22 ~~SEC. 112.~~

23 *SEC. 124.* The State Department of Social Services shall
 24 provide periodic progress updates to the Legislature on the
 25 implementation of this act.

26 ~~SEC. 113.~~

27 *SEC. 125.* The State Department of Social Services shall work
 28 with counties that operate shelters, probation agencies, homeless
 29 shelter providers, residential education providers, and others as
 30 determined by the department to identify jointly developed
 31 alternative timeframes or criteria to be met in order to address the
 32 unique circumstances and needs of the populations they serve,
 33 while remaining consistent with the principles of this act.

34 *SEC. 126.* (a) *In order to accomplish the goals set forth in this*
 35 *act, the State Department of Social Services shall work with*
 36 *stakeholders, including other state departments, such as the State*
 37 *Department of Health Care Services, legislative staff, counties,*
 38 *and advocates, to address critical issues in the initial and ongoing*
 39 *implementation of this act. This work with stakeholders shall*
 40 *include the development of timelines and key milestones for*

1 *implementation of this act, including a process to monitor progress.*
2 *This work shall also include, but not be limited to, the identification*
3 *of major implementation tasks and action steps, monitoring*
4 *achievements, and developing recommendations for addressing*
5 *issues that arise during implementation. The department, in*
6 *consultation with the stakeholder groups, shall measure and track*
7 *changes in the numbers of out-of-home placements that are*
8 *available to county placing agencies, including the geographic*
9 *distribution of providers. The State Department of Health Care*
10 *Services and the State Department of Social Services, as*
11 *appropriate, shall also measure and track, in consultation with*
12 *stakeholders, the availability and utilization of services, including,*
13 *but not limited to, medical and behavioral health and child welfare*
14 *services for children in out-of-home placements.*

15 *(b) The stakeholder process described in subdivision (a) may*
16 *include the convening of a large workgroup or smaller workgroups*
17 *that would address specific subject areas that may include, but*
18 *are not limited to, the following:*

19 *(1) Rate development for short-term residential treatment*
20 *centers, foster family agencies, and other caregivers across the*
21 *continuum of care.*

22 *(2) Assessments.*

23 *(3) Retention and recruitment of home-based family caregivers.*

24 *(4) Availability of core services, including specialty mental*
25 *health services, across placement types.*

26 *(5) Meeting the needs of special populations within the child*
27 *welfare system.*

28 *(6) The mental health certification process.*

29 *(7) Simplification of the licensure and approval process for*
30 *resource families.*

31 *(8) Outcomes, accountability measures, and data collection.*

32 ~~SEC. 114.~~

33 *SEC. 127.* The Legislature finds and declares that this act,
34 which adds Section 16519.55 to the Welfare and Institutions Code,
35 imposes a limitation on the public's right of access to the meetings
36 of public bodies or the writings of public officials and agencies
37 within the meaning of Section 3 of Article I of the California
38 Constitution. Pursuant to that constitutional provision, the
39 Legislature makes the following findings to demonstrate the interest
40 protected by this limitation and the need for protecting that interest:

1 In order to encourage the recruitment of resource families, to
 2 protect their personal privacy, and to preserve the security of
 3 confidentiality of the placements with resource families, it is
 4 necessary that the names, addresses, and other identifying
 5 information of resource families not be disclosed by any state or
 6 local agency pursuant to the California Public Records Act
 7 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
 8 Title 1 of the Government Code), except as necessary for
 9 administering the resource family approval program, facilitating
 10 the placement of children with resource families, and providing
 11 names and addresses only to bona fide professional foster parent
 12 organizations upon request.

13 ~~SEC. 115.~~

14 *SEC. 128.* Except as required by Section 36 of Article XIII of
 15 the California Constitution, no reimbursement is required by this
 16 act pursuant to Section 6 of Article XIII B of the California
 17 Constitution for certain costs because, in that regard, this act
 18 implements a federal law or regulation and results in costs
 19 mandated by the federal government, within the meaning of Section
 20 17556 of the Government Code.

21 No reimbursement is required by this act pursuant to Section 6
 22 of Article XIII B of the California Constitution for certain costs
 23 that may be incurred by a local agency or school district because,
 24 in that regard, this act creates a new crime or infraction, eliminates
 25 a crime or infraction, or changes the penalty for a crime or
 26 infraction, within the meaning of Section 17556 of the Government
 27 Code, or changes the definition of a crime within the meaning of
 28 Section 6 of Article XIII B of the California Constitution.

29 With regard to other costs, to the extent that this act has an
 30 overall effect of increasing the costs already borne by a local
 31 agency for programs or levels of service mandated by the 2011
 32 Realignment Legislation within the meaning of Section 36 of
 33 Article XIII of the California Constitution, it shall apply to local
 34 agencies only to the extent that the state provides annual funding
 35 for the cost increase. Any new program or higher level of service
 36 provided by a local agency pursuant to this act above the level for
 37 which funding has been provided shall not require a subvention

- 1 of funds by the state nor otherwise be subject to Section 6 of Article
- 2 XIII B of the California Constitution.

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