

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE JULY 16, 2015

AMENDED IN SENATE JULY 7, 2015

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 403

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 11105.08, 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, 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~~, 832, 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.

This bill would incorporate additional changes made by AB 1387, SB 238, SB 484, SB 524, and SB 794, that would become operative only if this bill is chaptered last.

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.~~

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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

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. If
14 overall costs to a local agency are reduced, annual funding by the
15 state to the local agency will only be provided as described in
16 Section 36 of Article XIII of the California Constitution.

17 (b) Federal law requires that placements of children in foster
18 care be in the least restrictive, most family-like environment.
19 Federal law requires the review of the child's case plan to assess
20 the necessity for and appropriateness of the placement, to assess
21 the progress that has been made toward the case plan goals, and
22 project a likely date by which the child can be safely reunified, or
23 placed for adoption or legal guardianship. Federal law requires the
24 court to periodically, but no less frequently than every six months,
25 review the case plan, the child's status, and the extent of
26 compliance with the case plan.

27 (c) It is therefore the intent of the Legislature to maintain
28 children's safety, well-being, and healthy development when they
29 are removed from their own families by placing them, whenever
30 possible and appropriate, with relatives or someone familiar, or,
31 when this is not possible or appropriate, with other caregiving
32 families that are able to meet their physical, social, and emotional
33 needs until they can return home. When reunifying children with
34 their family is not possible, the obligation remains to seek other
35 forms of permanency, such as adoption or guardianship. To achieve
36 this intent, the Legislature recognizes the following:

37 (1) That the experience and outcomes of foster youth will be
38 improved by assessing the individual needs of each child and youth

1 at the outset of his or her entry into foster care in order to identify
2 and secure the most appropriate services and placement setting to
3 meet those individualized needs.

4 (A) Services are consistent with the objectives of the Katie A.
5 Settlement Agreement, which include the timely provision of an
6 array of appropriate services that are coordinated, comprehensive,
7 and community-based, and which address the needs of children
8 and youth with more intensive needs requiring medically necessary
9 specialty mental health services in their own home, or an
10 appropriate homelike setting in order to facilitate reunification and
11 to ensure their safety, permanence, and well-being. Children in
12 need of services are identified and assessed promptly. Child welfare
13 and mental health agencies work together in the provision of
14 coordinated services to these children and youth, and the child's
15 or youth's family's voice and choice are taken into account as
16 demonstrated through the Core Practice Model.

17 (B) Efforts to achieve legal permanency and emotional
18 permanency are necessary for every child and youth. These include
19 establishing and maintaining connections to siblings, extended
20 family, culture, and, if applicable, tribes.

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

29 (2) That children and youth in foster care have been affected
30 by trauma, both by the fact that they have been separated from
31 their family, and by the circumstances that led to their removal.
32 Recognizing this trauma and minimizing additional trauma should
33 be structured into how practice is implemented for children and
34 youth in foster care.

35 (3) That youth in foster care under the supervision of county
36 probation departments may require additional considerations when
37 being placed outside of the parental home. When ordering
38 placement, the court and probation officers must consider the safety
39 and needs of the youth and the public safety of the community.
40 Significant reforms have been adopted in the juvenile justice

1 system by the state and by the counties in recognition of the fact
2 that detaining youth far from home is not ideal, but may be
3 necessary for a small percentage of probation youth who have
4 committed the most serious offenses. At the same time, in order
5 to serve those probation youth whose needs can be appropriately
6 met safely in least restrictive, family-based settings, sufficient
7 capacity in home-based family care must be developed.

8 (4) That research demonstrates that being cared for in a family
9 improves outcomes for children who have experienced abuse and
10 neglect. Therefore, children who cannot safely be placed in
11 home-based family care can go into residentially based care with
12 individualized, specific care plans and intensive therapeutic
13 interventions, while emphasizing continuity of care, as
14 demonstrated by the residentially based services pilot program,
15 established pursuant to Chapter 12.87 (commencing with Section
16 18987.7) of Part 6 of Division 9 of the Welfare and Institutions
17 Code. These placements should be short-term in nature and
18 designed to enable children and youth to return to their birth, kin,
19 foster, or adoptive families as quickly and safely as possible,
20 supported by services designed to help the child, youth, and family
21 in this transition. With these services, relatives and foster families
22 can care for children and youth with behavioral and mental health
23 challenges that often are associated with neglect and abuse. Placing
24 agency decisions regarding a specific family need to be based on
25 a determination that the family has the ability and capacity to meet
26 the needs of the specific child or youth.

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

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

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

1 (8) That there is a shift in the terminology used with respect to
2 foster care to describe “resource families” as “home-based family
3 care.” These families must parent and nurture vulnerable,
4 traumatized children in emergencies, through transitions and crises,
5 and sometimes make them a permanent part of their own families.
6 These families are inclusive of related or unrelated caregivers who
7 are approved to foster, adopt, or take guardianship of children in
8 foster care, regardless of whether they are approved by a public
9 or private agency.

10 (9) That the needs of children placed in residential group
11 placements can most effectively be met when there is system
12 accountability. Placement decisions should be informed by the
13 provider’s performance on common indicators that are publicly
14 available. Providers should continuously work to improve the
15 quality of the care they provide by using available data to manage
16 performance.

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

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

37 7911. The Legislature finds and declares all of the following:

38 (a) The health and safety of California children placed by a
39 county social services agency or probation department out of state

1 pursuant to the provisions of the Interstate Compact on the
2 Placement of Children are a matter of statewide concern.

3 (b) The Legislature therefore affirms its intention that the State
4 Department of Social Services has full authority to require an
5 assessment and placement recommendation by a county
6 multidisciplinary team prior to placement of a child in an
7 out-of-state group home, to investigate allegations of child abuse
8 or neglect of minors so placed, and to ensure that out-of-state group
9 homes, accepting California children, meet all California group
10 home licensing standards.

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

15 (d) This section is declaratory of existing law with respect to
16 the Governor’s designation of the State Department of Social
17 Services to act as the compact administrator and of that department
18 to act as the single state agency charged with supervision of public
19 social services under Section 10600 of the Welfare and Institutions
20 Code.

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

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

1 written report from the out-of-state group home, forward a copy
2 of the written report to the appropriate placement agencies.

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

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

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

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

24 (4) Any failure by an out-of-state group home facility to make
25 children or staff available as required by subdivision (a) for a
26 private interview or make files available for review shall be
27 grounds to deny or discontinue the certification. Certifications
28 made pursuant to this subdivision shall be reviewed annually.

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

32 (e) Any failure by an out-of-state group home to obtain or
33 maintain its certification as required by subdivision (c) shall
34 preclude the use of any public funds, whether county, state, or
35 federal, in the payment for the placement of any child in that
36 out-of-state group home, pursuant to the Interstate Compact on
37 the Placement of Children.

38 (f) (1) A multidisciplinary team shall consist of participating
39 members from county social services, county mental health, county

1 probation, county superintendents of schools, and other members
 2 as determined by the county.

3 (2) Participants shall have knowledge or experience in the
 4 prevention, identification, and treatment of child abuse and neglect
 5 cases, and shall be qualified to recommend a broad range of
 6 services related to child abuse or neglect.

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

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

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

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

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

28 7912. (a) The Legislature finds and declares that the health
 29 and safety of children in out-of-state group home care pursuant to
 30 the Interstate Compact on the Placement of Children is a matter
 31 of statewide concern. The Legislature therefore affirms its intention
 32 that children placed by a county social services agency or probation
 33 department in out-of-state group homes be accorded the same
 34 personal rights and safeguards of a child placed in a California
 35 group home. This section is in clarification of existing law.

36 (b) (1) The Compact Administrator may temporarily suspend
 37 any new placements in an out-of-state group home, for a period
 38 not to exceed 100 days, pending the completion of an investigation,
 39 pursuant to subdivision (a) of Section 7911.1, regarding a threat
 40 to the health and safety of children in care. During any suspension

1 period the department or its designee shall have staff daily onsite
2 at the out-of-state group home.

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

7 SEC. 5. Section 6276.38 of the Government Code is amended
8 to read:

9 6276.38. Radioactive materials, dissemination of information
10 about transportation of, Section 33002, Vehicle Code.

11 Railroad infrastructure protection program, disclosure not
12 required for risk assessments filed with the Public Utilities
13 Commission, the Director of Emergency Services, or the Office
14 of Emergency Services, Section 6254.23.

15 Real estate broker, annual report to Bureau of Real Estate of
16 financial information, confidentiality of, Section 10232.2, Business
17 and Professions Code.

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

20 Real property, change in ownership statement, confidentiality
21 of, Section 27280.

22 Records described in Section 1620 of the Penal Code.

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

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

27 Registered public obligations, inspection of records of security
28 interests in, Section 5060.

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

31 Rehabilitation, Department of, confidential information, Section
32 19016, Welfare and Institutions Code.

33 Reinsurance intermediary-broker license information,
34 confidentiality of, Section 1781.3, Insurance Code.

35 Relocation assistance, confidential records submitted to a public
36 entity by a business or farm operation, Section 7262.

37 Rent control ordinance, confidentiality of information concerning
38 accommodations sought to be withdrawn from, Section 7060.4.

39 Report of probation officer, inspection, copies, Section 1203.05,
40 Penal Code.

1 Repossession agency licensee application, confidentiality of
2 information, Sections 7503, 7504, and 7506.5, Business and
3 Professions Code.

4 Reproductive health facilities, disclosure not required for
5 personal information regarding employees, volunteers, board
6 members, owners, partners, officers, and contractors of a
7 reproductive health services facility who have provided requisite
8 notification, Section 6254.18.

9 Residence address in any record of Department of Housing and
10 Community Development, confidentiality of, Section 6254.1.

11 Residence address in any record of Department of Motor
12 Vehicles, confidentiality of, Section 6254.1, Government Code,
13 and Section 1808.21, Vehicle Code.

14 Residence and mailing addresses in records of Department of
15 Motor Vehicles, confidentiality of, Section 1810.7, Vehicle Code.

16 Residential care facilities, confidentiality of resident information,
17 Section 1568.08, Health and Safety Code.

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

20 Resource families, identifying information, Section 16519.55,
21 Welfare and Institutions Code.

22 Respiratory care practitioner, professional competency
23 examination reports, confidentiality of, Section 3756, Business
24 and Professions Code.

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

27 Reward by Governor for information leading to arrest and
28 conviction, confidentiality of person supplying information, Section
29 1547, Penal Code.

30 Safe surrender site, confidentiality of information pertaining to
31 a parent or individual surrendering a child, Section 1255.7, Health
32 and Safety Code.

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

35 1502. As used in this chapter:

36 (a) "Community care facility" means any facility, place, or
37 building that is maintained and operated to provide nonmedical
38 residential care, day treatment, adult day care, or foster family
39 agency services for children, adults, or children and adults,
40 including, but not limited to, the physically handicapped, mentally

1 impaired, incompetent persons, and abused or neglected children,
2 and includes the following:

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

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

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

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

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

35 (6) “Small family home” means any residential facility, in the
36 licensee’s family residence, that provides 24-hour care for six or
37 fewer foster children who have mental disorders or developmental
38 or physical disabilities and who require special care and supervision
39 as a result of their disabilities. A small family home may accept
40 children with special health care needs, pursuant to subdivision

1 (a) of Section 17710 of the Welfare and Institutions Code. In
2 addition to placing children with special health care needs, the
3 department may approve placement of children without special
4 health care needs, up to the licensed capacity.

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

12 (8) "Community treatment facility" means any residential
13 facility that provides mental health treatment services to children
14 in a group setting and that has the capacity to provide secure
15 containment. Program components shall be subject to program
16 standards developed and enforced by the State Department of
17 Health Care Services pursuant to Section 4094 of the Welfare and
18 Institutions Code.

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

24 (9) "Full-service adoption agency" means any licensed entity
25 engaged in the business of providing adoption services, that does
26 all of the following:

27 (A) Assumes care, custody, and control of a child through
28 relinquishment of the child to the agency or involuntary termination
29 of parental rights to the child.

30 (B) Assesses the birth parents, prospective adoptive parents, or
31 child.

32 (C) Places children for adoption.

33 (D) Supervises adoptive placements.

34 Private full-service adoption agencies shall be organized and
35 operated on a nonprofit basis. As a condition of licensure to provide
36 intercountry adoption services, a full-service adoption agency shall
37 be accredited and in good standing according to Part 96 of Title
38 22 of the Code of Federal Regulations, or supervised by an
39 accredited primary provider, or acting as an exempted provider,

1 in compliance with Subpart F (commencing with Section 96.29)
2 of Part 96 of Title 22 of the Code of Federal Regulations.

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

6 (A) Assesses the prospective adoptive parents.

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

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

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

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

28 (12) “Transitional housing placement provider” means an
29 organization licensed by the department pursuant to Section
30 1559.110 and Section 16522.1 of the Welfare and Institutions Code
31 to provide transitional housing to foster children at least 16 years
32 of age and not more than 18 years of age, and nonminor
33 dependents, as defined in subdivision (v) of Section 11400 of the
34 Welfare and Institutions Code, to promote their transition to
35 adulthood. A transitional housing placement provider shall be
36 privately operated and organized on a nonprofit basis.

37 (13) “Group home” means a residential facility that provides
38 24-hour care and supervision to children, delivered at least in part
39 by staff employed by the licensee in a structured environment. The

1 care and supervision provided by a group home shall be
2 nonmedical, except as otherwise permitted by law.

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

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

21 (16) “Community crisis home” means a facility certified by the
22 State Department of Developmental Services pursuant to Article
23 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
24 of the Welfare and Institutions Code, and licensed by the State
25 Department of Social Services pursuant to Article 9.7 (commencing
26 with Section 1567.80), as an adult residential facility, providing
27 24-hour nonmedical care to individuals with developmental
28 disabilities receiving regional center service, in need of crisis
29 intervention services, and who would otherwise be at risk of
30 admission to the acute crisis center at Fairview Developmental
31 Center, Sonoma Developmental Center, an acute general hospital,
32 acute psychiatric hospital, an institution for mental disease, as
33 described in Part 5 (commencing with Section 5900) of Division
34 5 of the Welfare and Institutions Code, or an out-of-state
35 placement. A community crisis home shall have a maximum
36 capacity of eight consumers, as defined in subdivision (a) of
37 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
38 42 of the Code of Federal Regulations, and shall be eligible for
39 federal Medicaid home- and community-based services funding.

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

6 (18) “Short-term residential treatment center” means a
7 residential facility licensed by the department pursuant to Section
8 1562.01 and operated by any public agency or private organization
9 that provides short-term, specialized, and intensive treatment, and
10 24-hour care and supervision to children. The care and supervision
11 provided by a short-term residential treatment center shall be
12 nonmedical, except as otherwise permitted by law.

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

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

16 *SEC. 6.5. Section 1502 of the Health and Safety Code is*
17 *amended 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 as an alternative to~~
9 ~~a group home.~~ *care*. Private foster family agencies shall be
10 organized and operated on a nonprofit basis.

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

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

29 (7) “Social rehabilitation facility” means any residential facility
30 that provides social rehabilitation services for no longer than 18
31 months in a group setting to adults recovering from mental illness
32 who temporarily need assistance, guidance, or counseling. Program
33 components shall be subject to program standards pursuant to
34 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
35 2 of Division 5 of the Welfare and Institutions Code.

36 (8) “Community treatment facility” means any residential
37 facility that provides mental health treatment services to children
38 in a group setting and that has the capacity to provide secure
39 containment. Program components shall be subject to program
40 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, and*
31 *24-hour care and supervision to children. The care and supervision*
32 *provided by a short-term residential treatment center shall be*
33 *nonmedical, except as otherwise permitted by law.*

34 (19) *“Private or public residential care facility for youth” means*
35 *a facility or program licensed by the department to operate*
36 *pursuant to Section 1502.2 to provide nonmedical care, counseling,*
37 *or educational or vocational support to persons under 18 years*
38 *of age with social, emotional, behavioral, or mental health issues*
39 *or disorders.*

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

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

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

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

11 (2) For the purpose of this chapter, the following definitions
12 shall apply:

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.

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, as defined in Section 1250, and who has been assessed
17 pursuant to Section 11462.01 of the Welfare and Institutions Code
18 as meeting the applicable criteria for placement by a foster family
19 agency.

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

22 (1) "Health facility" has the meaning set forth in Section 1250.

23 (2) "Seriously emotionally disturbed" has the same meaning as
24 that term is used in subdivision (a) of Section 5600.3 of the Welfare
25 and Institutions Code.

26 (d) The department shall not evaluate, nor have any
27 responsibility or liability with regard to the evaluation of, the
28 mental health treatment services provided pursuant to this section.

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

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

32 1502.45. (a) (1) Notwithstanding Section 1502.4, a community
33 care facility licensed as a group home for children pursuant to this
34 chapter may only accept for placement, and provide care and
35 supervision to, a child assessed as seriously emotionally disturbed
36 as long as the child does not need inpatient care in a licensed health
37 facility, as defined in Section 1250.

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

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

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

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

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

12 (A) An interagency placement committee, as described in
13 Section 4096.1 of the Welfare and Institutions Code or by a
14 licensed mental health professional, as defined in subdivision (g)
15 of Section 4096 of the Welfare and Institutions Code.

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

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

23 (c) The department shall not evaluate, or have any responsibility
24 or liability with regard to the evaluation of, the mental health
25 treatment services provided pursuant to this section.

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

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

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

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

36 1506. (a) (1) Any holder of a valid license issued by the
37 department that authorizes the licensee to engage in foster family
38 agency functions may use only a certified family home that has
39 been certified by that agency or a licensed foster family home

1 approved for this use by the licensing county pursuant to Section
2 1506.5.

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

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

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

29 (2) The foster family agency shall issue a certificate of approval
30 to the certified family home upon its determination that it has met
31 the standards established by the department and before the
32 placement of any child in the home. The certificate shall be valid
33 for a period not to exceed one year. The annual recertification shall
34 require a certified family home to complete at least 12 hours of
35 structured applicable training or continuing education. At least
36 one hour of training during the first six months following initial
37 certification shall be dedicated to meeting the requirements of
38 paragraph (1) of subdivision (b) of Section 11174.1 of the Penal
39 Code.

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

4 (c) As used in this chapter, “certified family home” means a
5 family residence certified by a licensed foster family agency and
6 issued a certificate of approval by that agency as meeting licensing
7 standards, and used only by that foster family agency for
8 placements.

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

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

19 (A) Marriage, family, and child counseling.

20 (B) Child psychology.

21 (C) Child development.

22 (D) Counseling psychology.

23 (E) Social psychology.

24 (F) Clinical psychology.

25 (G) Educational psychology, consistent with the scope of
26 practice as described in Section 4989.14 of the Business and
27 Professions Code.

28 (H) Education, with emphasis on counseling.

29 (e) (1) In addition to the degree specifications in subdivision
30 (d), all of the following coursework and field practice or
31 experience, as defined in departmental regulations, shall be required
32 of all new hires for the position of social work personnel effective
33 January 1, 1995:

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

37 (B) At least nine semester units of coursework related to human
38 development or human behavior, or, within the first year of
39 employment, experience working with children and families as a

1 major responsibility of the position under the supervision of a
2 supervising social worker.

3 (C) At least three semester units in working with minority
4 populations or six months of experience in working with minority
5 populations or training in cultural competency and working with
6 minority populations within the first six months of employment
7 as a condition of employment.

8 (D) At least three semester units in child welfare or at least six
9 months of experience in a public or private child welfare social
10 services setting for a nonsupervisory social worker. A supervising
11 social worker shall have two years' experience in a public or private
12 child welfare social services setting.

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

16 (B) Exceptions granted by the department prior to January 1,
17 1995, shall remain in effect.

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

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

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

30 (f) Individuals seeking an exception to the requirements of
31 subdivision (d) or (e) based on completion of equivalent education
32 and experience shall apply to the department by the process
33 established by the department.

34 (g) The department shall be required to complete the process
35 for the exception to minimum education and experience
36 requirements described in subdivisions (d) and (e) within 30 days
37 of receiving the exception application of social work personnel or
38 supervising social worker qualifications from the foster family
39 agency.

1 (h) The department shall review the feasibility of instituting a
2 licensure category to cover foster homes that are established
3 specifically to care for and supervise adults with developmental
4 disabilities, as defined in subdivision (a) of Section 4512 of the
5 Welfare and Institutions Code, to prevent the institutionalization
6 of those individuals.

7 (i) For purposes of this section, “social work personnel” means
8 supervising social workers as well as nonsupervisory social
9 workers.

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

12 1506.1. (a) A foster family agency shall prepare and maintain
13 a current, written plan of operation as required by the department.

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

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

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

27 (2) On and after January 1, 2017, a foster family agency’s plan
28 of operation shall contain a plan for the supervision, evaluation,
29 and training of staff. The training plan shall be appropriate to meet
30 the needs of children, and it shall be consistent with the training
31 provided to resource families as set forth in Section 16519.5 of
32 the Welfare and Institutions Code.

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

38 (A) The core services and supports, as set forth in paragraph
39 (5) of subdivision (b) of Section 11463 of the Welfare and
40 Institutions Code, and as prescribed by the department, to be

1 offered to children and their families, as appropriate or as
2 necessary.

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

5 (C) The procedures for the development, implementation, and
6 periodic updating of the needs and services plan for children placed
7 with the foster family agency or served by the foster family agency,
8 and procedures for collaborating with the child and family team
9 as described in paragraph (4) of subdivision (a) of Section 16501
10 of the Welfare and Institutions Code, that includes, but is not
11 limited to, a description of the services to be provided to meet the
12 treatment needs of children assessed pursuant to subdivision (d)
13 or (e) of Section 11462.01 of the Welfare and Institutions Code.

14 (D) How the foster family agency will comply with the resource
15 family approval standards and requirements, as set forth in Section
16 16519.5 of the Welfare and Institutions Code.

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

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

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

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

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

36 (g) The department shall establish procedures for a county
37 review process, at the county's option, for foster family agencies,
38 which may include the review of the foster family agency's
39 program statement, and which shall be established in consultation

1 with the County Welfare Directors Association of California, Chief
2 Probation Officers of California, and stakeholders, as appropriate.

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

5 1507.25. (a) (1) Notwithstanding any other law, a person
6 described in paragraph (2), who is not a licensed health care
7 professional, but who is trained to administer injections by a
8 licensed health care professional practicing within his or her scope
9 of practice, may administer emergency medical assistance and
10 injections for severe diabetic hypoglycemia and anaphylactic shock
11 to a foster child in placement.

12 (2) The following individuals shall be authorized to administer
13 emergency medical assistance and injections in accordance with
14 this subdivision:

15 (A) A relative caregiver.

16 (B) A nonrelative extended family member.

17 (C) A foster family home parent.

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

20 (E) A small family home parent.

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

22 (G) A substitute caregiver of a foster family home or a certified
23 family home.

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

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

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

33 (b) (1) Notwithstanding any other law, a person described in
34 paragraph (2), who is not a licensed health care professional, but
35 who is trained to administer injections by a licensed health care
36 professional practicing within his or her scope of practice, may
37 administer subcutaneous injections of other medications, including
38 insulin, as prescribed by the child's physician, to a foster child in
39 placement.

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

4 (A) A relative caregiver.

5 (B) A nonrelative extended family member.

6 (C) A foster family home parent.

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

9 (E) A small family home parent.

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

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

13 (H) A direct care staff member of a short-term residential
14 treatment center who provides direct care and supervision to
15 children and youth residing in the short-term residential treatment
16 center.

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

20 (c) For purposes of this section, administration of an insulin
21 injection shall include all necessary supportive activities related
22 to the preparation and administration of the injection, including
23 glucose testing and monitoring.

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

30 (e) This section does not supersede the requirements of Section
31 369.5 of the Welfare and Institutions Code, with respect to the
32 administration of psychotropic medication to a dependent child of
33 the court.

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

36 1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5
37 of the Welfare and Institutions Code, the State Department of
38 Social Services, shall implement a unified, family friendly, and
39 child-centered resource family approval process to replace the
40 existing multiple processes for licensing foster family homes,

1 approving relatives and nonrelative extended family members as
2 foster care providers, and approving adoptive families.

3 (2) For purposes of this section, a “resource family” means an
4 individual or couple that has successfully met both the home
5 environment assessment and the permanency assessment criteria,
6 as set forth in Section 16519.5 of the Welfare and Institutions
7 Code, necessary for providing care for a related or unrelated child
8 who is under the jurisdiction of the juvenile court, or otherwise in
9 the care of a county child welfare agency or probation department.

10 (b) A foster family agency that is selected and authorized to
11 participate in early implementation of the resource family approval
12 program, pursuant to subdivision (t) of Section 16519.5 of the
13 Welfare and Institutions Code, shall comply with the provisions
14 of this section.

15 (1) Notwithstanding any other law, the foster family agency
16 shall require its applicants and resource families to meet the
17 resource family approval standards set forth in Section 16519.5
18 of the Welfare and Institutions Code, the written directives adopted
19 thereto, and other applicable laws prior to approval and in order
20 to maintain approval.

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

23 (A) Complying with the applicable provisions of this chapter,
24 the regulations for foster family agencies, the resource family
25 approval standards and requirements set forth in Section 16519.5
26 of the Welfare and Institutions Code, and the applicable written
27 directives adopted thereto as directed by the department.

28 (B) Implementing the requirements for the resource family
29 approval and utilizing standardized documentation established by
30 the department.

31 (C) Ensuring staff have the education and experience necessary
32 to complete the home environment and psychosocial assessments
33 competently.

34 (D) Taking the following actions, as applicable:

35 (i) Approving or denying resource family applications.

36 (ii) Rescinding approvals of resource families.

37 (E) Providing to the department a log of resource families that
38 were approved or rescinded during the month by the 10th day of
39 the following month. For purposes of subdivision (d) of Section

1 1536, a certified family home includes a resource family approved
2 by the foster family agency pursuant to this section.

3 (F) Updating resource family approval annually.

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

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

9 (ii) Requiring resource families to comply with corrective action
10 plans as necessary to correct identified deficiencies. If corrective
11 action is not completed as specified in the plan, the foster family
12 agency or the department may rescind the approval of the resource
13 family in accordance with the written directives adopted pursuant
14 to Section 16519.5 of the Welfare and Institutions Code.

15 (iii) Requiring resource families to report to the foster family
16 agency any incidents as specified in the written directives adopted
17 pursuant to Section 16519.5 of the Welfare and Institutions Code.

18 (H) Performing corrective action as required by the department.

19 (I) Submitting information and data that the department
20 determines is necessary to study, monitor, and prepare the report
21 specified in paragraph (9) of subdivision (f) of Section 16519.5 of
22 the Welfare and Institutions Code.

23 (J) Ensuring resource family applicants and resource families
24 meet the training requirements set forth in paragraphs (12) to (14),
25 inclusive, of subdivisions (g) and (h) of Section 16519.5 of the
26 Welfare and Institutions Code.

27 (c) In addition to subdivision (f) of Section 16519.5 of the
28 Welfare and Institutions Code, the State Department of Social
29 Services shall be responsible for all of the following:

30 (1) Investigating all complaints against a resource family
31 approved by a foster family agency and taking any action it deems
32 necessary. This shall include investigating any incidents reported
33 about a resource family indicating that the approval standard is
34 not being maintained. Complaint investigations shall be conducted
35 in accordance with the written directives adopted pursuant to
36 Section 16519.5 of the Welfare and Institutions Code.

37 (2) Rescinding approvals of a resource family approved by a
38 foster family agency.

39 (3) Excluding a resource family parent or other individual from
40 presence in a resource family home or licensed community care

1 facility, from being a member of the board of directors, an
2 executive director, or an officer of a licensed community care
3 facility, or prohibiting a licensed community care facility from
4 employing the resource family parent or other individual, if
5 appropriate.

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

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

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

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 a foster family agency pursuant to this section.

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

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

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

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

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

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

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

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

10 (4) A foster family agency may provide supportive services to
11 all certified family homes with a child in placement to assist with
12 the resource family transition and to minimize placement
13 disruptions.

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

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

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

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

28 1520.1. In addition to Section 1520, applicants for a group
29 home or short-term residential treatment center license shall meet
30 the following requirements:

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

39 (2) If the department determines that the group home or
40 short-term residential treatment center is in substantial compliance

1 with licensing standards, notwithstanding Section 1525.5, the
2 department may extend the provisional license for up to an
3 additional six months for either of the following reasons:

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

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

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

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

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

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

39 (b) (1) After the production of the booklet provided for in
40 paragraph (2), every member of the group home's board of

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

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

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

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

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

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

35 (c) All financial records submitted by a facility to the
36 department, or that are submitted as part of an audit of the facility,
37 including, but not limited to, employee timecards and timesheets,
38 shall be signed and dated by the employee and by the group home
39 representative or short-term residential treatment center
40 representative who is responsible for ensuring the accuracy of the

1 information contained in the record, or when a time clock is used,
2 the payroll register shall be signed and dated, and those financial
3 records shall contain an affirmative statement that the signatories
4 understand that the information contained in the document is
5 correct to the best of their knowledge and that submission of false
6 or misleading information may be prosecuted as a crime.

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

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

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

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

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

22 (C) Neighbors of the facility.

23 (D) Current or former clients of the facility.

24 (E) A representative from a local law enforcement or other city
25 or county representative.

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

39 SEC. 15. Section 1520.5 of the Health and Safety Code is
40 amended to read:

1 1520.5. (a) The Legislature hereby declares it to be the policy
2 of the state to prevent overconcentrations of residential facilities
3 that impair the integrity of residential neighborhoods. Therefore,
4 the department shall deny an application for a new residential
5 facility license if the department determines that the location is in
6 a proximity to an existing residential facility that would result in
7 overconcentration.

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

16 (c) At least 45 days prior to approving any application for a new
17 residential facility, the department, or county licensing agency,
18 shall notify, in writing, the planning agency of the city, if the
19 facility is to be located in the city, or the planning agency of the
20 county, if the facility is to be located in an unincorporated area,
21 of the proposed location of the facility.

22 (d) Any city or county may request denial of the license applied
23 for on the basis of overconcentration of residential facilities.

24 (e) Nothing in this section authorizes the department, on the
25 basis of overconcentration, to refuse to grant a license upon a
26 change of ownership of an existing residential facility when there
27 is no change in the location of the facility.

28 (f) Foster family homes and residential facilities for the elderly
29 shall not be considered in determining overconcentration of
30 residential facilities, and license applications for those facilities
31 shall not be denied upon the basis of overconcentration.

32 (g) Transitional shelter care facilities and temporary shelter care
33 facilities shall not be considered in determining overconcentration
34 of residential facilities, and license applications for those facilities
35 shall not be denied upon the basis of overconcentration.

36 SEC. 16. Section 1522.2 of the Health and Safety Code is
37 amended to read:

38 1522.2. If a local law enforcement agency, a probation officer,
39 or a local department or agency that provides social services
40 becomes aware that an employee of a community treatment facility,

1 a day treatment facility, a group home, a short-term residential
2 treatment center, or a foster family agency has been arrested for
3 child abuse, as defined in Section 11165.6 of the Penal Code, after
4 determining that the potential for abuse is present and that the
5 employee is free to return to the facility where children are present,
6 the local law enforcement agency, probation officer, or local
7 department or agency shall notify the licensee of the charge of
8 abuse.

9 SEC. 17. Section 1522.4 of the Health and Safety Code is
10 amended to read:

11 1522.4. (a) In addition to any other requirements of this chapter
12 and except for foster family homes, small family homes, and
13 certified family homes of foster family agencies, all of the
14 following apply to any community care facility providing 24-hour
15 care for children:

16 (1) The facility shall have one or more facility managers.
17 “Facility manager,” as used in this section, means a person on the
18 premises with the authority and responsibility necessary to manage
19 and control the day-to-day operation of a community care facility
20 and supervise the clients. The facility manager, licensee, and
21 administrator, or any combination thereof, may be the same person
22 provided he or she meets all applicable requirements. If the
23 administrator is also the facility manager for the same facility, this
24 person shall be limited to the administration and management of
25 only one facility.

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

29 (3) A facility manager shall be at the facility at all times when
30 one or more clients are present. To ensure adequate supervision
31 of clients when clients are at the facility outside of their normal
32 schedule, a current telephone number where the facility manager
33 can be reached shall be provided to the clients, licensing agency,
34 school, and any other agency or person as the department
35 determines is necessary. The facility manager shall instruct these
36 agencies and individuals to notify him or her when clients will be
37 returning to the facility outside of the normal hours.

38 (4) The Legislature intends to upgrade the quality of care in
39 licensed facilities. For the purposes of Sections 1533 and 1534,
40 the licensed facility shall be inspected and evaluated for quality

1 of care at least once each year, without advance notice and as often
2 as necessary, without advance notice, to ensure the quality of care
3 being provided.

4 Paragraphs (1), (2), and (3) shall apply only to new facilities
5 licensed for six or fewer children which apply for a license after
6 January 1, 1985, and all other new facilities licensed for seven or
7 more children which apply for a license after January 1, 1988.
8 Existing facilities licensed for seven or more children shall comply
9 by January 1, 1989.

10 (b) No employee of the state or county employed in the
11 administration of this chapter or employed in a position that is in
12 any way concerned with facilities licensed under this chapter shall
13 hold a license or have a direct or indirect financial interest in a
14 facility described in subdivision (a).

15 The department, by regulation, shall make the determination
16 pursuant to the purposes of this section and chapter, as to what
17 employment is in the administration of this chapter or in any way
18 concerned with facilities licensed under this chapter and what
19 financial interest is direct or indirect.

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

23 (c) (1) No group home, short-term residential treatment center,
24 or foster family agency licensee, or employee, member of the board
25 of directors, or officer of a group home, short-term residential
26 treatment center, or foster family agency licensee, shall offer gifts
27 or other remuneration of any type to any employee of the State
28 Department of Social Services or placement agency that exceeds
29 the monetary limits for gifts to employees of the State of California
30 pursuant to Title 9 (commencing with Section 81000) of the
31 Government Code and regulations adopted thereunder by the Fair
32 Political Practices Commission.

33 (2) No employee of the department or a placement agency shall
34 accept any gift or other remuneration of any type from a group
35 home, short-term residential treatment center, or foster family
36 agency licensee or employee, member of the board of directors,
37 or officer of a group home, short-term residential treatment center,
38 or foster family agency licensee that exceeds the monetary limits
39 for gifts to employees of the State of California in Title 9
40 (commencing with Section 81000) of the Government Code and

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

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

4 SEC. 18. Section 1522.41 of the Health and Safety Code is
5 amended to read:

6 1522.41. (a) (1) The department, in consultation and
7 collaboration with county placement officials, group home provider
8 organizations, the Director of Health Care Services, and the
9 Director of Developmental Services, shall develop and establish
10 an administrator certification training program to ensure that
11 administrators of group home facilities have appropriate training
12 to provide the care and services for which a license or certificate
13 is issued.

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

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

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

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

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

31 (c) (1) The administrator certification programs for group homes
32 shall require a minimum of 40 hours of classroom instruction that
33 provides training on a uniform core of knowledge in each of the
34 following areas:

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

38 (B) Business operations.

39 (C) Management and supervision of staff.

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

1 (E) Community and support services.

2 (F) Physical needs of facility residents.

3 (G) Assistance with self-administration, storage, misuse, and
4 interaction of medication used by facility residents.

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

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

16 (J) Nonviolent emergency intervention and reporting
17 requirements.

18 (K) Basic instruction on the existing laws and procedures
19 regarding the safety of foster youth at school and the ensuring of
20 a harassment- and violence-free school environment contained in
21 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
22 19 of Division 1 of Title 1 of the Education Code.

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

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

30 (B) Business operations and management and supervision of
31 staff, including staff training.

32 (C) Physical and psychosocial needs of the children, including
33 behavior management, de-escalation techniques, and trauma
34 informed crisis management planning.

35 (D) Permanence, well-being, and educational needs of the
36 children.

37 (E) Community and support services, including accessing local
38 behavioral and mental health supports and interventions, substance
39 use disorder treatments, and culturally relevant services, as
40 appropriate.

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

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

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

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

24 (J) Nonviolent emergency intervention and reporting
25 requirements.

26 (K) Basic instruction on the existing laws and procedures
27 regarding the safety of foster youth at school and the ensuring of
28 a harassment- and violence-free school environment contained in
29 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
30 19 of Division 1 of Title 1 of the Education Code.

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

36 (1) Laws, regulations, and policies and procedural standards
37 that impact the operations of a short-term residential treatment
38 center.

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

4 (B) Metabolic monitoring of children prescribed psychotropic
5 medications.

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

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

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

23 (6) Physical and psychosocial needs of children, including
24 behavior management, deescalation techniques, and trauma
25 informed crisis management planning.

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

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

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

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

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

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

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

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

15 (h) (1) Certificates issued under this section shall be renewed
16 every two years and renewal shall be conditional upon the
17 certificate holder submitting documentation of completion of 40
18 hours of continuing education related to the core of knowledge
19 specified in subdivision (c). No more than one-half of the required
20 40 hours of continuing education necessary to renew the certificate
21 may be satisfied through online courses. All other continuing
22 education hours shall be completed in a classroom setting. For
23 purposes of this section, an individual who is a group home or
24 short-term residential treatment center administrator and who is
25 required to complete the continuing education hours required by
26 the regulations of the State Department of Developmental Services,
27 and approved by the regional center, may have up to 24 of the
28 required continuing education course hours credited toward the
29 40-hour continuing education requirement of this section. The
30 department shall accept for certification, community college course
31 hours approved by the regional centers.

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

35 (3) Certificates issued under this section shall expire every two
36 years on the anniversary date of the initial issuance of the
37 certificate, except that any administrator receiving his or her initial
38 certification on or after July 1, 1999, shall make an irrevocable
39 election to have his or her recertification date for any subsequent
40 recertification either on the date two years from the date of issuance

1 of the certificate or on the individual's birthday during the second
2 calendar year following certification. The department shall send
3 a renewal notice to the certificate holder 90 days prior to the
4 expiration date of the certificate. If the certificate is not renewed
5 prior to its expiration date, reinstatement shall only be permitted
6 after the certificate holder has paid a delinquency fee equal to three
7 times the renewal fee and has provided evidence of completion of
8 the continuing education required.

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

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

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

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

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

4 (i) Unless otherwise ordered by the department, the certificate
5 shall be considered forfeited under either of the following
6 conditions:

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

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

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

29 (A) The applicant has not provided the department with evidence
30 satisfactory to the department of the ability of the applicant to
31 satisfy the requirements of vendorization set out in the regulations
32 adopted by the department.

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

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

1 programs available to conduct the certification training programs
2 and conduct education courses.

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

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

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

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

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

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

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

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

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

1 three years and be available to the department upon demand. Any
 2 person who certifies as true any material matter pursuant to this
 3 clause that he or she knows to be false is guilty of a misdemeanor.

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

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

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

23 *SEC. 18.5. Section 1522.41 of the Health and Safety Code is*
 24 *amended to read:*

25 1522.41. (a) (1) ~~The director, department,~~ in consultation
 26 and collaboration with county placement officials, group home
 27 provider organizations, the Director of Health Care Services, and
 28 the Director of Developmental Services, shall develop and establish
 29 *a an administrator certification training* program to ensure that
 30 administrators of group home facilities have appropriate training
 31 to provide the care and services for which a license or certificate
 32 is issued.

33 (2) *The department shall develop and establish an administrator*
 34 *certification training program to ensure that administrators of*
 35 *short-term residential treatment center facilities have appropriate*
 36 *training to provide the care and services for which a license or*
 37 *certificate is issued.*

38 (b) (1) In addition to any other requirements or qualifications
 39 required by the department, an administrator of a group home
 40 ~~facility~~ *or short-term residential treatment center* shall successfully

1 complete a *specified* department-approved *training* certification
2 program, pursuant to subdivision (c), prior to employment. ~~An~~
3 ~~administrator employed in a group home on the effective date of~~
4 ~~this section shall meet the requirements of paragraph (2) of~~
5 ~~subdivision (e):~~

6 (2) In those cases ~~where~~ *when* the individual is both the licensee
7 and the administrator of a facility, the individual shall comply with
8 all of the licensee and administrator requirements of this section.

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

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

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

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

20 (B) Business operations.

21 (C) Management and supervision of staff.

22 (D) Psychosocial and educational needs of the facility ~~residents.~~
23 *residents, including, but not limited to, the information described*
24 *in subdivision (d) of Section 16501.4 of the Welfare and Institutions*
25 *Code.*

26 (E) Community and support services.

27 (F) Physical needs ~~for~~ *of* facility residents.

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

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

37 (I) Instruction on cultural competency and sensitivity ~~relating~~
38 ~~to,~~ and *related* best practices ~~for,~~ *for* providing adequate care ~~to~~
39 *for children across diverse ethnic and racial backgrounds, as well*

1 *as children identifying as lesbian, gay, bisexual, and transgender*
2 *youth in out-of-home care: or transgender.*

3 (J) Nonviolent emergency intervention and reporting
4 requirements.

5 (K) Basic instruction on the existing laws and procedures
6 regarding the safety of foster youth at school and the ensuring of
7 a harassment- and violence-free school environment contained in
8 the ~~School Safety and Violence Prevention Act (Article Article~~
9 ~~3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of~~
10 ~~Division 1 of Title 1 of the Education Code): Code.~~

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

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

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

29 (B) *Business operations and management and supervision of*
30 *staff, including staff training.*

31 (C) *Physical and psychosocial needs of the children, including*
32 *behavior management, de-escalation techniques, and trauma*
33 *informed crisis management planning.*

34 (D) *Permanence, well-being, and educational needs of the*
35 *children.*

36 (E) *Community and support services, including accessing local*
37 *behavioral and mental health supports and interventions, substance*
38 *use disorder treatments, and culturally relevant services, as*
39 *appropriate.*

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

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

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

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

24 (J) Nonviolent emergency intervention and reporting
25 requirements.

26 (K) Basic instruction on the existing laws and procedures
27 regarding the safety of foster youth at school and the ensuring of
28 a harassment- and violence-free school environment contained in
29 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
30 19 of Division 1 of Title 1 of the Education Code.

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

36 (1) Laws, regulations, and policies and procedural standards
37 that impact the operations of a short-term residential treatment
38 center.

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

4 (B) *Metabolic monitoring of children prescribed psychotropic*
5 *medications.*

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

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

19 (5) *Instruction on cultural competency and sensitivity and*
20 *related best practices for providing adequate care for children*
21 *across diverse ethnic and racial backgrounds, as well as children*
22 *identifying as lesbian, gay, bisexual, or transgender.*

23 (6) *Physical and psychosocial needs of children, including*
24 *behavior management, deescalation techniques, and trauma*
25 *informed crisis management planning.*

26 ~~(3)~~

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

36 ~~(d)~~

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

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

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

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

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

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

10 (e)

11 (g) It shall be unlawful for any person not certified under this
12 section to hold himself or herself out as a certified administrator
13 of a group home ~~facility~~ *or short-term residential treatment center*.
14 Any person willfully making any false representation as being a
15 certified administrator or facility manager is guilty of a
16 misdemeanor.

17 (f)

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

36 (2) Every administrator of a group home ~~facility~~ *or short-term*
37 *residential treatment center* shall complete the continuing
38 education requirements of this subdivision.

39 (3) Certificates issued under this section shall expire every two
40 years on the anniversary date of the initial issuance of the

1 certificate, except that any administrator receiving his or her initial
2 certification on or after July 1, 1999, shall make an irrevocable
3 election to have his or her recertification date for any subsequent
4 recertification either on the date two years from the date of issuance
5 of the certificate or on the individual's birthday during the second
6 calendar year following certification. The department shall send
7 a renewal notice to the certificate holder 90 days prior to the
8 expiration date of the certificate. If the certificate is not renewed
9 prior to its expiration date, reinstatement shall only be permitted
10 after the certificate holder has paid a delinquency fee equal to three
11 times the renewal fee and has provided evidence of completion of
12 the continuing education required.

13 (4) To renew a certificate, the certificate holder shall, on or
14 before the certificate expiration date, request renewal by submitting
15 to the department documentation of completion of the required
16 continuing education courses and pay the renewal fee of one
17 hundred dollars (\$100), irrespective of receipt of the department's
18 notification of the renewal. A renewal request postmarked on or
19 before the expiration of the certificate shall be proof of compliance
20 with this paragraph.

21 (5) A suspended or revoked certificate shall be subject to
22 expiration as provided for in this section. If reinstatement of the
23 certificate is approved by the department, the certificate holder,
24 as a condition precedent to reinstatement, shall submit proof of
25 compliance with paragraphs (1) and (2) of ~~subdivision (f)~~, *this*
26 *subdivision*, and shall pay a fee in an amount equal to the renewal
27 fee, plus the delinquency fee, if any, accrued at the time of its
28 revocation or suspension. Delinquency fees, if any, accrued
29 subsequent to the time of its revocation or suspension and prior to
30 an order for reinstatement, shall be waived for a period of 12
31 months to allow the individual sufficient time to complete the
32 required continuing education units and to submit the required
33 documentation. Individuals whose certificates will expire within
34 90 days after the order for reinstatement may be granted a
35 three-month extension to renew their certificates during which
36 time the delinquency fees shall not accrue.

37 (6) A certificate that is not renewed within four years after its
38 expiration shall not be renewed, restored, reissued, or reinstated
39 except upon completion of a certification training program, passing
40 any test that may be required of an applicant for a new certificate

1 at that time, and paying the appropriate fees provided for in this
2 section.

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

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

8 ~~(g)~~

9 (i) Unless otherwise ordered by the department, the certificate
10 shall be considered forfeited under either of the following
11 conditions:

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

14 (2) The department has issued an exclusion order against the
15 administrator pursuant to Section 1558, 1568.092, 1569.58, or
16 1596.8897, after the department issued the certificate, and the
17 administrator did not appeal the exclusion order or, after the appeal,
18 the department issued a decision and order that upheld the
19 exclusion order.

20 ~~(h)~~

21 (j) (1) The department, in consultation and collaboration with
22 county placement officials, provider organizations, the State
23 Department of Health Care Services, and the State Department of
24 Developmental Services, shall establish, by regulation, the program
25 content, the testing instrument, the process for approving
26 *administrator* certification training programs, and criteria to be
27 used in authorizing individuals, organizations, or educational
28 institutions to conduct certification training programs and
29 continuing education courses. The department may also grant
30 continuing education hours for continuing courses offered by
31 accredited educational institutions that are consistent with the
32 requirements in this section. The department may deny vendor
33 approval to any agency or person in any of the following
34 circumstances:

35 (A) The applicant has not provided the department with evidence
36 satisfactory to the department of the ability of the applicant to
37 satisfy the requirements of vendorization set out in the regulations
38 adopted by the department pursuant to subdivision (j). *department.*

1 (B) The applicant person or agency has a conflict of interest in
2 that the person or agency places its clients in group-home facilities.
3 *homes or short-term residential treatment centers.*

4 (C) The applicant public or private agency has a conflict of
5 interest in that the agency is mandated to place clients in group
6 homes *or short-term residential treatment centers* and to pay
7 directly for the services. The department may deny vendorization
8 to this type of agency only as long as there are other vendor
9 programs available to conduct the certification training programs
10 and conduct education courses.

11 (2) The department may authorize vendors to conduct the
12 administrator's certification training program pursuant to this
13 section. The department shall conduct the written test pursuant to
14 regulations adopted by the department.

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

17 (4) The department may inspect *administrator* certification
18 training programs and continuing education courses, including
19 online courses, at no charge to the department, to determine if
20 content and teaching methods comply with regulations. If the
21 department determines that any vendor is not complying with the
22 requirements of this section, the department shall take appropriate
23 action to bring the program into compliance, which may include
24 removing the vendor from the approved list.

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

28 (6) The department may charge a reasonable fee, not to exceed
29 one hundred fifty dollars (\$150) every two years, to certification
30 program vendors for review and approval of the initial 40-hour
31 training program pursuant to subdivision (c). The department may
32 also charge the vendor a fee, not to exceed one hundred dollars
33 (\$100) every two years, for the review and approval of the
34 continuing education courses needed for recertification pursuant
35 to this subdivision.

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

38 (i) An interactive portion in which the participant receives
39 feedback, through online communication, based on input from the
40 participant.

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

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

12 (B) Nothing in this subdivision shall prohibit the department
13 from approving online programs for continuing education that do
14 not meet the requirements of subparagraph (A) if the vendor
15 demonstrates to the department's satisfaction that, through
16 advanced technology, the course and the course delivery meet the
17 requirements of this section.

18 ~~(i)~~

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

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

24 ~~(k)~~

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

35 SEC. 19. Section 1522.43 of the Health and Safety Code is
36 amended to read:

37 1522.43. (a) (1) For the duties the department imposes on a
38 group home administrator or short-term residential treatment center
39 administrator in this chapter and in regulations adopted by the
40 department, every group home and short-term residential treatment

1 center shall state in its plan of operation, the number of hours per
2 week that the administrator shall spend completing those duties
3 and how the group home administrator or short-term residential
4 treatment center administrator shall accomplish those duties,
5 including use of support personnel.

6 (2) For initial applicants, the information in paragraph (1) shall
7 be contained in the plan of operation submitted to the department
8 in the application.

9 (3) For current licensees, the licensee shall submit an amended
10 plan of operation that contains the information required by
11 paragraph (1) within six months of the effective date of this section.
12 For changes in the group home administrator duties imposed by
13 the department in this chapter or in regulations, a current licensee
14 shall have six months after the effective date of those duties to
15 submit an amended plan of operation to reflect the new
16 administrator duties.

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

25 (2) The peer review panel shall consist of two representatives
26 from the department, including one from the unit that governs
27 programs and one from the unit that governs licensing, a qualified
28 group home administrator, an experienced group home provider
29 in good standing, and a member or members from the placement
30 agency or agencies that place children in group homes, and may
31 also include the local county behavioral health department, as
32 appropriate.

33 (3) The peer review panel shall consist of two representatives
34 from the department, including one from the unit that governs
35 programs and one from the unit that governs licensing, a qualified
36 short-term residential treatment center administrator, a short-term
37 residential treatment center provider in good standing, and a
38 member or members from the placement agency or agencies that
39 place children in short-term residential treatment centers, and may

1 also include the local county behavioral health department, as
2 appropriate.

3 (c) A group home or short-term residential treatment center
4 shall develop a daily schedule of activities for the children at the
5 facility. The facility shall have this schedule available for
6 inspection by the department. The activities in which the children
7 are scheduled to participate shall be designed to meet the needs of
8 the individual child, and shall be based on that child's needs and
9 services plan.

10 (d) The department shall establish a process, no later than
11 January 1, 2017, for convening the peer review panel as set forth
12 in subdivision (b) for review of the plans of operation for
13 short-term residential treatment centers, and shall develop this
14 process in consultation with the County Welfare Directors
15 Association of California, Chief Probation Officers of California,
16 County Behavioral Health Directors Association of California,
17 and stakeholders.

18 SEC. 20. Section 1524 of the Health and Safety Code is
19 amended to read:

20 1524. A license shall be forfeited by operation of law when
21 one of the following occurs:

22 (a) The licensee sells or otherwise transfers the facility or facility
23 property, except when change of ownership applies to transferring
24 of stock when the facility is owned by a corporation, and when
25 the transfer of stock does not constitute a majority change of
26 ownership.

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

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

33 (2) This subdivision shall not apply to a licensed foster family
34 home, a home certified by a licensed foster family agency, or a
35 home approved pursuant to Sections 309, 361.4, and 361.45 of the
36 Welfare and Institutions Code. When a foster family home licensee,
37 certified home parent, or a person approved to care for children
38 pursuant to Sections 309, 361.4, and 361.45 of the Welfare and
39 Institutions Code moves to a new location, the existing license,
40 certification, or approval may be transferred to the new location.

1 All caregivers to whom this paragraph applies shall be required to
2 meet all applicable licensing laws and regulations at the new
3 location.

4 (d) The licensee is convicted of an offense specified in Section
5 220, 243.4, or 264.1, or paragraph (1) of Section 273a, Section
6 273d, 288, or 289 of the Penal Code, or is convicted of another
7 crime specified in subdivision (c) of Section 667.5 of the Penal
8 Code.

9 (e) The licensee dies. If an adult relative notifies the department
10 of his or her desire to continue operation of the facility and submits
11 an application, the department shall expedite the application. The
12 department shall promulgate regulations for expediting applications
13 submitted pursuant to this subdivision.

14 (f) The licensee abandons the facility.

15 (g) When the certification issued by the State Department of
16 Developmental Services to a licensee of an Adult Residential
17 Facility for Persons with Special Health Care Needs, licensed
18 pursuant to Article 9 (commencing with Section 1567.50), is
19 rescinded.

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

24 (i) When the certificate of program approval issued by the State
25 Department of Developmental Services, pursuant to Article 8
26 (commencing with Section 4698) of Chapter 6 of Division 4.5 of
27 the Welfare and Institutions Code, to a licensee of a community
28 crisis home, licensed pursuant to Article 9.7 (commencing with
29 Section 1567.80), is rescinded.

30 (j) A group home license issued to a county shall be forfeited
31 by operation of law when the county receives a license to operate
32 a temporary shelter care facility in accordance with Section 1530.8.

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

37 (l) A foster family home license shall be forfeited by operation
38 of law as provided in paragraph (4) of subdivision (r) of Section
39 16519.5 of the Welfare and Institutions Code.

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

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

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

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

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

34 SEC. 22. Section 1525.5 of the Health and Safety Code is
35 amended to read:

36 1525.5. (a) The department may issue provisional licenses to
37 operate community care facilities for facilities that the director
38 determines are in substantial compliance with this chapter and the
39 rules and regulations adopted pursuant to this chapter, provided
40 that no life safety risks are involved, as determined by the director.

1 In determining whether any life safety risks are involved, the
2 director shall require completion of all applicable fire clearances
3 and criminal record clearances as otherwise required by the
4 department's rules and regulations. The provisional license shall
5 expire six months from the date of issuance, or at any earlier time
6 as the director may determine, and may not be renewed. However,
7 the director may extend the term of a provisional license for an
8 additional six months at time of application, if it is determined that
9 more than six months will be required to achieve full compliance
10 with licensing standards due to circumstances beyond the control
11 of the applicant, provided all other requirements for a license have
12 been met.

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

14 (c) Notwithstanding subdivision (a), the department may extend
15 the term of a provisional license issued to a foster family agency,
16 not to exceed two years, if it determines that this additional time
17 is required to secure accreditation from an entity identified by the
18 department pursuant to paragraph (8) of subdivision (b) of Section
19 11463 of the Welfare and Institutions Code and provided that all
20 other requirements for a license have been met.

21 SEC. 23. Section 1529.2 of the Health and Safety Code is
22 amended to read:

23 1529.2. (a) In addition to the foster parent training provided
24 by community colleges, foster family agencies shall provide a
25 program of training for their certified foster families.

26 (b) (1) Every licensed foster parent shall complete a minimum
27 of 12 hours of foster parent training, as prescribed in paragraph
28 (3), before the placement of any foster children with the foster
29 parent. In addition, a foster parent shall complete a minimum of
30 eight hours of foster parent training annually, as prescribed in
31 paragraph (4). No child shall be placed in a foster family home
32 unless these requirements are met by the persons in the home who
33 are serving as the foster parents.

34 (2) (A) Upon the request of the foster parent for a hardship
35 waiver from the postplacement training requirement or a request
36 for an extension of the deadline, the county may, at its option, on
37 a case-by-case basis, waive the postplacement training requirement
38 or extend any established deadline for a period not to exceed one
39 year, if the postplacement training requirement presents a severe

1 and unavoidable obstacle to continuing as a foster parent. Obstacles
2 for which a county may grant a hardship waiver or extension are:

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

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

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

- 10 (A) An overview of the child protective system.
- 11 (B) The effects of child abuse and neglect on child development.
- 12 (C) Positive discipline and the importance of self-esteem.
- 13 (D) Health issues in foster care, including, but not limited to,
14 the authorization, uses, risks, benefits, assistance with
15 self-administration, oversight, and monitoring of psychotropic or
16 other medications, and trauma, mental health, and substance use
17 disorder treatments, for children in foster care under the jurisdiction
18 of the juvenile court, including how to access those treatments.
- 19 (E) Accessing education and health services available to foster
20 children.
- 21 (F) The right of a foster child to have fair and equal access to
22 all available services, placement, care, treatment, and benefits, and
23 to not be subjected to discrimination or harassment on the basis
24 of actual or perceived race, ethnic group identification, ancestry,
25 national origin, color, religion, sex, sexual orientation, gender
26 identity, mental or physical disability, or HIV status.
- 27 (G) Instruction on cultural competency and sensitivity ~~relating~~
28 ~~to~~ *and related* best practices for providing adequate care ~~to~~ *for*
29 *children across diverse ethnic and racial backgrounds, as well as*
30 *children identifying as lesbian, gay, bisexual, and transgender*
31 ~~youth in out-of-home care.~~ *or transgender.*
- 32 (H) Basic instruction on the existing laws and procedures
33 regarding the safety of foster youth at school and the ensuring of
34 a harassment- and violence-free school environment contained in
35 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
36 19 of Division 1 of Title 1 of the Education Code.

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

- 39 (A) Age-appropriate child development.
- 40 (B) Health issues in foster care.

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

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

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

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

17 (6) A candidate for placement of foster children shall submit a
18 certificate of training to document completion of the training
19 requirements. The certificate shall be submitted with the initial
20 consideration for placements and provided at the time of the annual
21 visit by the licensing agency thereafter.

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

25 (d) 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. 23.5. Section 1529.2 of the Health and Safety Code is*
29 *amended to read:*

30 1529.2. (a) In addition to the foster parent training provided
31 by community colleges, foster family agencies shall provide a
32 program of training for their certified foster families.

33 (b) (1) Every licensed foster parent shall complete a minimum
34 of 12 hours of foster parent training, as prescribed in paragraph
35 (3), before the placement of any foster children with the foster
36 parent. In addition, a foster parent shall complete a minimum of
37 eight hours of foster parent training annually, as prescribed in
38 paragraph (4). No child shall be placed in a foster family home
39 unless these requirements are met by the persons in the home who
40 are serving as the foster parents.

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

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

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

16 (A) An overview of the child protective system.
17 (B) The effects of child abuse and neglect on child development.
18 (C) Positive discipline and the importance of self-esteem.
19 (D) Health issues in foster care: *care, including, but not limited*
20 *to, the authorization, uses, risks, benefits, assistance with*
21 *self-administration, oversight, and monitoring or psychotropic or*
22 *other medications, and trauma, mental health, and substance use*
23 *disorder treatments, for children in foster care under the*
24 *jurisdiction of the juvenile court, including how to access those*
25 *treatments, as the information is also described in subdivision (d)*
26 *of Section 16501.4 of the Welfare and Institutions Code.*

27 (E) Accessing education and health services available to foster
28 children.

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

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

1 (H) Basic instruction on the existing laws and procedures
2 regarding the safety of foster youth at school and the ensuring of
3 a ~~harassment and violence-free~~ *harassment- and violence-free*
4 school environment contained in ~~the California Student Safety and~~
5 ~~Violence Prevention Act of 2000 (Article~~ *Article 3.6* (commencing
6 with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title
7 1 of the Education ~~Code~~). *Code*.

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

10 (A) Age-appropriate child development.

11 (B) Health issues in foster ~~care~~. *care, including, but not limited*
12 *to, the information described in subdivision (d) of Section 16501.4*
13 *of the Welfare and Institutions Code*.

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

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

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

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

26 (5) Foster parent training may be attained through a variety of
27 sources, including community colleges, counties, hospitals, foster
28 parent associations, the California State Foster Parent Association's
29 ~~Conference~~, *conference*, adult schools, and certified foster parent
30 instructors.

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

36 (c) Nothing in this section shall preclude a county from requiring
37 county-provided preplacement or postplacement foster parent
38 training in excess of the requirements in this 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. 24. Section 1529.2 is added to the Health and Safety
5 Code, to read:

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

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

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

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

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

29 (4) Preparation of children and youth for a successful transition
30 to adulthood.

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

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

1 (c) 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 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 (25
20 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of
21 children covered by the act, and the best interests of Indian
22 children, including the role of the caregiver in supporting culturally
23 appropriate, child-centered practices that respect Native American
24 history, culture, retention of tribal membership and connection to
25 the tribal community and 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) No child shall be placed with a foster parent unless each
31 foster parent in the home meets the requirements of this section.

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

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

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

4 (B) Family emergency.

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

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

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

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

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

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

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

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

27 *SEC. 24.5. Section 1529.2 is added to the Health and Safety*
28 *Code, to read:*

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

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

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

6 (2) Health issues in foster care, including, but not limited to,
7 the authorization, uses, risks, benefits, assistance with
8 self-administration, oversight, and monitoring of psychotropic or
9 other medications, and trauma, mental health, and substance use
10 disorder treatments for children in foster care under the
11 jurisdiction of the juvenile court, including how to access those
12 treatments. Health issues in foster care, including, but not limited
13 to, the authorization, uses, risks, benefits, assistance with
14 self-administration, oversight, and monitoring of psychotropic or
15 other medications, and trauma, mental health, and substance use
16 disorder treatments for children in foster care under the
17 jurisdiction of the juvenile court, including how to access those
18 treatments, as the information is also described in subdivision (d)
19 of Section 16501.4 of the Welfare and Institutions Code.

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

21 (4) Preparation of children and youth for a successful transition
22 to adulthood.

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

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

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

38 (1) Understanding how to use best practices for providing care
39 and supervision to commercially sexually exploited children.

1 (2) *Understanding cultural needs of children, including, but not*
2 *limited to, cultural competency and sensitivity and related best*
3 *practices for providing adequate care to children across diverse*
4 *ethnic and racial backgrounds, as well as children identifying as*
5 *lesbian, gay, bisexual, or transgender.*

6 (3) *Understanding the requirements and best practices*
7 *regarding psychotropic medications, including, but not limited to,*
8 *court authorization, benefits, uses, side effects, interactions,*
9 *assistance with self-administration, misuse, documentation,*
10 *storage, and metabolic monitoring of children prescribed*
11 *psychotropic medications.*

12 (4) *Understanding the federal Indian Child Welfare Act (25*
13 *U.S.C. Sec. 1901 et seq.), its historical significance, the rights of*
14 *children covered by the act, and the best interests of Indian*
15 *children, including the role of the caregiver in supporting culturally*
16 *appropriate, child-centered practices that respect Native American*
17 *history, culture, retention of tribal membership and connection to*
18 *the tribal community and traditions.*

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

21 (6) *Understanding how to use best practices for providing care*
22 *and supervision to children with special health care needs.*

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

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

32 (2) *Obstacles for which a county may grant a hardship waiver*
33 *or extension are:*

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

37 (B) *Family emergency.*

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

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

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

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

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

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

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

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

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

22 1530.7. (a) Group homes, short-term residential treatment
23 centers, foster family agencies, small family homes, transitional
24 housing placement providers, and crisis nurseries licensed pursuant
25 to this chapter shall maintain a smoke-free environment in the
26 facility.

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

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

35 SEC. 26. Section 1530.8 of the Health and Safety Code is
36 amended to read:

37 1530.8. (a) (1) The department shall adopt regulations for
38 community care facilities licensed as group homes, and for
39 temporary shelter care facilities as defined in subdivision (c), that
40 care for dependent children, children placed by a regional center,

1 or voluntary placements, who are younger than six years of age.
2 The department shall adopt regulations that apply to short-term
3 residential treatment centers that care for children younger than
4 six years of age. The regulations shall include the standards set
5 forth in subdivision (c) of Section 11467.1 of the Welfare and
6 Institutions Code.

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

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

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

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

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

39 (2) It is a 24-hour facility that provides no more than 10 calendar
40 days of residential care and supervision for children under 18 years

1 of age who have been removed from their homes as a result of
2 abuse or neglect, as defined in Section 300 of the Welfare and
3 Institutions Code, or both.

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

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

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

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

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

28 SEC. 27. Section 1531.1 of the Health and Safety Code is
29 amended to read:

30 1531.1. (a) A residential facility licensed as an adult residential
31 facility, group home, short-term residential treatment center, small
32 family home, foster family home, or a family home certified by a
33 foster family agency may install and utilize delayed egress devices
34 of the time delay type.

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

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

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

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

6 (2) The person shall be receiving services and case management
7 from a regional center under the Lanterman Developmental
8 Disabilities Services Act (Division 4.5 (commencing with Section
9 4500) of the Welfare and Institutions Code).

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

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

25 (f) The facility shall provide staff training regarding the use and
26 operation of the egress control devices utilized by the facility,
27 protection of residents' personal rights, lack of hazard awareness
28 and impulse control behavior, and emergency evacuation
29 procedures.

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

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

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

1 (2) A description of how the facility will ensure the protection
2 of the residents’ personal rights consistent with Sections 4502,
3 4503, and 4504 of the Welfare and Institutions Code.

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

6 (4) A description of the facility’s emergency evacuation
7 procedures.

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

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

14 SEC. 28. Section 1531.15 of the Health and Safety Code is
15 amended to read:

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

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

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

26 (a) utilizing secured perimeters:

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

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

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

35 (B) Notwithstanding subparagraph (A), a child who is at least
36 10 years of age and less than 14 years of age may be placed in a
37 licensed group home described in subdivision (a) using secured
38 perimeters only if both of the following occur:

39 (i) A comprehensive assessment is conducted and an individual
40 program plan meeting is convened to determine the services and

1 supports needed for the child to receive services in a less restrictive,
2 unlocked residential setting in California, and the regional center
3 requests assistance from the State Department of Developmental
4 Services' statewide specialized resource service to identify options
5 to serve the child in a less restrictive, unlocked residential setting
6 in California.

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

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

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

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

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

38 (e) The licensee shall provide staff training regarding the use
39 and operation of the secured perimeters, protection of residents'

1 personal rights, lack of hazard awareness and impulse control
2 behavior, and emergency evacuation procedures.

3 (f) The licensee shall revise its facility plan of operation. These
4 revisions shall first be approved by the State Department of
5 Developmental Services. The plan of operation shall not be
6 approved by the State Department of Social Services unless the
7 licensee provides certification that the plan was approved by the
8 State Department of Developmental Services. The plan shall
9 include, but not be limited to, all of the following:

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

13 (2) A description of how the facility will provide training for
14 staff.

15 (3) A description of how the facility will ensure the protection
16 of the residents' personal rights consistent with Sections 4502,
17 4503, and 4504 of the Welfare and Institutions Code, and any
18 applicable personal rights provided in Title 22 of the California
19 Code of Regulations.

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

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

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

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

30 (h) Emergency fire and earthquake drills shall be conducted on
31 each shift in accordance with existing licensing requirements, and
32 shall include all facility staff providing resident care and
33 supervision on each shift.

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

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

1 (k) Except as provided in subdivision (k) of Section 4684.81 of
2 the Welfare and Institutions Code, the state shall not authorize or
3 fund more than a combined total of 150 beds statewide in facilities
4 with secured perimeters under this section and under Section
5 1267.75. The department shall notify the appropriate fiscal and
6 policy committees of the Legislature through the January and May
7 budget estimates prior to authorizing an increase above a combined
8 total of 100 beds statewide in facilities with secured perimeters
9 under this section and under Section 1267.75.

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

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

28 (l) This section shall become operative only upon the publication
29 in Title 17 of the California Code of Regulations of emergency
30 regulations filed by the State Department of Developmental
31 Services. These regulations shall be developed with stakeholders,
32 including the State Department of Social Services, consumer
33 advocates, and regional centers. The regulations shall establish
34 program standards for homes that include secured perimeters,
35 including requirements and timelines for the completion and
36 updating of a comprehensive assessment of each consumer's needs,
37 including the identification through the individual program plan
38 process of the services and supports needed to transition the
39 consumer to a less restrictive living arrangement, and a timeline
40 for identifying or developing those services and supports. The

1 regulations shall establish a statewide limit on the total number of
2 beds in homes with secured perimeters. The adoption of these
3 regulations shall be deemed to be an emergency and necessary for
4 the immediate preservation of the public peace, health and safety,
5 or general welfare.

6 SEC. 29. Section 1534 of the Health and Safety Code, as
7 amended by Section 4 of Chapter 20 of the Statutes of 2015, is
8 amended to read:

9 1534. (a) (1) (A) Except for foster family homes, every
10 licensed community care facility shall be subject to unannounced
11 inspections by the department.

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

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

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

21 (i) When a license is on probation.

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

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

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

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

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

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

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

38 (iv) If the total citations issued by the department to facilities
39 exceed the previous year's total by 10 percent, the following year
40 the department shall increase the random sample by an additional

1 10 percent of the facilities not subject to an inspection under
2 subparagraph (B). The department may request additional resources
3 to increase the random sample by 10 percent.

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

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

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

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

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

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

36 (B) In addition to the inspections required pursuant to
37 subparagraph (A), a foster family agency shall conduct an
38 unannounced inspection of a certified family home under any of
39 the following circumstances:

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

- 1 (ii) When the terms of the agreement in a facility compliance
2 plan require an annual inspection.
- 3 (iii) When an accusation against a certified family home is
4 pending.
- 5 (iv) When a certified family home requires an annual inspection
6 as a condition of receiving federal financial participation.
- 7 (v) In order to verify that a person who has been ordered out of
8 a certified family home by the department is no longer at the home.
- 9 (3) Upon a finding of noncompliance by the department, the
10 department may require a foster family agency to deny or revoke
11 the certificate of approval of a certified family home, or take other
12 action the department may deem necessary for the protection of a
13 child placed with the certified family home. The certified parent
14 or prospective foster parent shall be afforded the due process
15 provided pursuant to this chapter.
- 16 (4) If the department requires a foster family agency to deny or
17 revoke the certificate of approval, the department shall serve an
18 order of denial or revocation upon the certified or prospective
19 foster parent and foster family agency that shall notify the certified
20 or prospective foster parent of the basis of the department's action
21 and of the certified or prospective foster parent's right to a hearing.
- 22 (5) Within 15 days after the department serves an order of denial
23 or revocation, the certified or prospective foster parent may file a
24 written appeal of the department's decision with the department.
25 The department's action shall be final if the certified or prospective
26 foster parent does not file a written appeal within 15 days after the
27 department serves the denial or revocation order.
- 28 (6) The department's order of the denial or revocation of the
29 certificate of approval shall remain in effect until the hearing is
30 completed and the director has made a final determination on the
31 merits.
- 32 (7) A certified or prospective foster parent who files a written
33 appeal of the department's order with the department pursuant to
34 this section shall, as part of the written request, provide his or her
35 current mailing address. The certified or prospective foster parent
36 shall subsequently notify the department in writing of any change
37 in mailing address, until the hearing process has been completed
38 or terminated.
- 39 (8) Hearings held pursuant to this section shall be conducted in
40 accordance with Chapter 5 (commencing with Section 11500) of

1 Part 1 of Division 3 of Title 2 of the Government Code. In all
2 proceedings conducted in accordance with this section the standard
3 of proof shall be by a preponderance of the evidence.

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

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

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

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

22 1534. (a) (1) (A) Except for foster family homes, every
23 licensed community care facility shall be subject to unannounced
24 inspections by the department.

25 (B) Foster family homes shall be subject to announced
26 inspections by the department, except that a foster family home
27 shall be subject to unannounced inspections in response to a
28 complaint, a plan of correction, or under any of the circumstances
29 set forth in subparagraph (B) of paragraph (2).

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

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

34 (i) When a license is on probation.

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (E) On and after January 1, 2019, the department shall conduct
31 annual unannounced inspections of all adult residential facilities,
32 adult day programs, social rehabilitation facilities, enhanced
33 behavioral support homes for adults, and community crisis homes,
34 as defined in Section 1502, and adult residential facilities for
35 persons with special health care needs, as defined in Section
36 4684.50 of the Welfare and Institutions Code.

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

38 (i) Except for foster family homes, the department shall conduct
39 annual unannounced inspections of no less than 20 percent of
40 residential care facilities for children, as defined in Section 1502,

1 including enhanced behavioral support homes for children,
2 transitional housing placement providers, and foster family
3 agencies not subject to an inspection under subparagraph (B).

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

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

10 (iv) The department shall conduct unannounced inspections 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, and announced inspections of foster family homes, at
15 least once every two years.

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

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

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

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

1 (2) (A) A foster family agency shall conduct an announced
2 inspection of a certified family home during the annual
3 recertification described in Section 1506 in order to ensure that
4 the certified family home meets all applicable licensing standards.

5 A foster family agency may inspect a certified family home as
6 often as necessary to ensure the quality of care provided.

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

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

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

14 (iii) When an accusation against a certified family home is
15 pending.

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

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

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

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

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

39 (6) The department's order of the denial or revocation of the
40 certificate of approval shall remain in effect until the hearing is

1 completed and the director has made a final determination on the
2 merits.

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

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

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

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

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

28 SEC. 31. Section 1536 of the Health and Safety Code is
29 amended to read:

30 1536. (a) (1) At least annually, the department shall publish
31 and make available to interested persons a list or lists covering all
32 licensed community care facilities, other than foster family homes
33 and certified family homes of foster family agencies providing
34 24-hour care for six or fewer foster children, and the services for
35 which each facility has been licensed or issued a special permit.

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

1 (A) The number of licensing complaints, types of complaint,
2 and outcomes of complaints, including citations, fines, exclusion
3 orders, license suspensions, revocations, and surrenders.

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

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

27 (c) Notwithstanding subdivision (b), the department, a county,
28 or a foster family agency may request information from, or divulge
29 information to, the department, a county, or a foster family agency,
30 regarding a prospective certified parent, foster parent, or relative
31 caregiver for the purpose of, and as necessary to, conduct a
32 reference check to determine whether it is safe and appropriate to
33 license, certify, or approve an applicant to be a certified parent,
34 foster parent, or relative caregiver.

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

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

4 (1) Monthly reports by a foster family agency regarding family
5 homes.

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

8 (3) Notification by a foster family agency to the department
9 informing the department of a foster family agency's determination
10 to decertify a certified family home due to any of the following
11 actions by the certified family parent:

12 (A) Violating licensing rules and regulations.

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

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

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

19 (E) Knowingly allowing any child to have illegal drugs or
20 alcohol.

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

23 *SEC. 31.5. Section 1536 of the Health and Safety Code is*
24 *amended to read:*

25 1536. (a) (1) At least annually, the ~~director~~ *department* shall
26 publish and make available to interested persons a list or lists
27 covering all licensed community care facilities, other than foster
28 family homes and certified family homes of foster family agencies
29 providing 24-hour care for six or fewer foster children, and the
30 services for which each facility has been licensed or issued a special
31 permit.

32 (2) For a group home, transitional housing placement provider,
33 community treatment facility, ~~or~~ runaway and homeless youth
34 shelter, *or short-term residential treatment center*, the list shall
35 include both of the following:

36 (A) The number of licensing complaints, types of complaint,
37 and outcomes of complaints, including citations, fines, exclusion
38 orders, license suspensions, revocations, and surrenders.

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

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

24 (c) Notwithstanding subdivision (b), the department, a county,
25 or a foster family agency may request information from, or divulge
26 information to, the department, a county, or a foster family agency,
27 regarding a prospective certified parent, foster parent, or relative
28 caregiver for the purpose of, and as necessary to, conduct a
29 reference check to determine whether it is safe and appropriate to
30 license, certify, or approve an applicant to be a certified parent,
31 foster parent, or relative caregiver.

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

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

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

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

5 (3) Notification by a foster family agency to the department
6 informing the department of a foster family agency's determination
7 to decertify a certified family home due to any of the following
8 actions by the certified family parent:

9 (A) Violating licensing rules and regulations.

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

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

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

16 (E) Knowingly allowing any child to have illegal drugs or
17 alcohol.

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

20 *(f) At least annually, the department shall post on its Internet*
21 *Web site a statewide summary of the information gathered pursuant*
22 *to Sections 1538.8 and 1538.9. The summary shall include only*
23 *deidentified and aggregate information that does not violate the*
24 *confidentiality of a child's identity and records.*

25 SEC. 32. Section 1538.3 of the Health and Safety Code is
26 amended to read:

27 1538.3. A county may develop a cooperative agreement with
28 the department to access disclosable, public record information
29 from an automated system, other than the system described in
30 Section 1538.2, concerning substantiated complaints for all group
31 home or short-term residential treatment centers, as defined by
32 regulations of the department, located within that county. Access
33 to the database may be accomplished through a secure online
34 transaction protocol.

35 SEC. 33. Section 1538.5 of the Health and Safety Code is
36 amended to read:

37 1538.5. (a) (1) Not less than 30 days prior to the anniversary
38 of the effective date of a residential community care facility license,
39 except licensed foster family homes, the department may transmit
40 a copy to the board members of the licensed facility, parents, legal

1 guardians, conservators, clients' rights advocates, or placement
2 agencies, as designated in each resident's placement agreement,
3 of all inspection reports given to the facility by the department
4 during the past year as a result of a substantiated complaint
5 regarding a violation of this chapter relating to resident abuse and
6 neglect, food, sanitation, incidental medical care, and residential
7 supervision. During that one-year period the copy of the notices
8 transmitted and the proof of the transmittal shall be open for public
9 inspection.

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

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

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

25 (1) In the case of a substantiated complaint relating to resident
26 physical or sexual abuse, the facility shall have three days from
27 the date the facility receives the licensing report from the
28 department to comply.

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

33 (c) A residential facility shall retain a copy of the notices
34 transmitted pursuant to subdivision (b) and proof of their
35 transmittal by certified mail for a period of one year after their
36 transmittal.

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

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

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

27 SEC. 34. Section 1538.6 of the Health and Safety Code is
28 amended to read:

29 1538.6. (a) When the department periodically reviews the
30 record of substantiated complaints against each group home or
31 short-term residential treatment center, pursuant to its oversight
32 role as prescribed by Section 1534, to determine whether the nature,
33 number, and severity of incidents upon which complaints were
34 based constitute a basis for concern as to whether the provider is
35 capable of effectively and efficiently operating the program, and
36 if the department determines that there is cause for concern, it may
37 contact the county in which a group home or short-term residential
38 treatment center is located and placement agencies in other counties
39 using the group home or short-term residential treatment center,
40 and request their recommendations as to what action, if any, the

1 department should take with regard to the provider’s status as a
2 licensed group home or short-term residential treatment center
3 provider.

4 (b) It is the intent of the Legislature that the department make
5 every effort to communicate with the county in which a group
6 home or short-term residential treatment center is located when
7 the department has concerns about group homes or short-term
8 residential treatment centers within that county.

9 SEC. 35. Section 1538.7 of the Health and Safety Code is
10 amended to read:

11 1538.7. (a) A group home, transitional housing placement
12 provider, community treatment facility, runaway and homeless
13 youth shelter, or short-term residential treatment center shall report
14 to the department’s Community Care Licensing Division upon the
15 occurrence of any incident concerning a child in the facility
16 involving contact with law enforcement. At least every six months,
17 the facility shall provide a followup report for each incident,
18 including the type of incident, whether the incident involved an
19 alleged violation of any crime described in Section 602 of the
20 Welfare and Institutions Code by a child residing in the facility;
21 whether staff, children, or both were involved; the gender, race,
22 ethnicity, and age of children involved; and the outcomes, including
23 arrests, removals of children from placement, or termination or
24 suspension of staff.

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

31 (2) An inspection conducted pursuant to paragraph (1) does not
32 constitute an unannounced inspection required pursuant to Section
33 1534.

34 (c) If an inspection is required pursuant to subdivision (b), the
35 Community Care Licensing Division shall provide the report to
36 the department’s Children and Family Services Division and to
37 any other public agency that has certified the facility’s program
38 or any component of the facility’s program including, but not
39 limited to, the State Department of Health Care Services, which

1 certifies group homes or short-term residential treatment centers
2 pursuant to Section 4096.5 of the Welfare and Institutions Code.

3 SEC. 36. Section 1548 of the Health and Safety Code, as added
4 by Section 2 of Chapter 813 of the Statutes of 2014, is amended
5 to read:

6 1548. (a) In addition to the suspension, temporary suspension,
7 or revocation of a license issued under this chapter, the department
8 may levy a civil penalty.

9 (b) The amount of the civil penalty shall not be less than
10 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day
11 for each violation of this chapter except where the nature or
12 seriousness of the violation or the frequency of the violation
13 warrants a higher penalty or an immediate civil penalty assessment,
14 or both, as determined by the department. In no event, shall a civil
15 penalty assessment exceed one hundred fifty dollars (\$150) per
16 day per violation.

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

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

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

26 (ii) Initiated eviction proceedings.

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

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

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

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

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

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

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

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

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

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

15 (3) For a violation that the department determines resulted in
16 the death of a person receiving care at a therapeutic day services
17 facility, foster family agency, community treatment facility,
18 full-service adoption agency, noncustodial adoption agency,
19 transitional shelter care facility, transitional housing placement
20 provider, group home, or short-term residential treatment center,
21 the civil penalty shall be assessed as follows:

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

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

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

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

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

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

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

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

11 (C) For a violation that the department determines constitutes
12 physical abuse, as defined in paragraph (2), or resulted in serious
13 bodily injury, as defined in Section 243 of the Penal Code, to a
14 person receiving care at a therapeutic day services facility, foster
15 family agency, community treatment facility, full-service adoption
16 agency, noncustodial adoption agency, transitional shelter care
17 facility, transitional housing placement provider, group home, or
18 short-term residential treatment center, the civil penalty shall be
19 assessed as follows:

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

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

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

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

34 (2) For purposes of subparagraphs (C) and (D), “physical abuse”
35 includes physical injury inflicted upon a child by another person
36 by other than accidental means, sexual abuse as defined in Section
37 11165.1 of the Penal Code, neglect as defined in Section 11165.2
38 of the Penal Code, or unlawful corporal punishment or injury as
39 defined in Section 11165.4 of the Penal Code when the person

1 responsible for the child's welfare is a licensee, administrator, or
2 employee of any facility licensed to care for children.

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

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

11 (h) Any facility that is assessed a civil penalty pursuant to
12 subdivision (g) that repeats the same violation of this chapter within
13 12 months of the violation subject to subdivision (g) is subject to
14 an immediate civil penalty of one hundred fifty dollars (\$150) for
15 each day the violation continues until the deficiency is corrected.

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

18 (2) A licensee shall have the right to submit to the department
19 a written request for a formal review of a civil penalty assessed
20 pursuant to subdivisions (d) and (e) within 10 days of receipt of
21 the notice of a civil penalty assessment and shall provide all
22 supporting documentation at that time. The review shall be
23 conducted by a regional manager of the Community Care Licensing
24 Division. If the regional manager determines that the civil penalty
25 was not assessed in accordance with applicable statutes or
26 regulations of the department, he or she may amend or dismiss the
27 civil penalty. The licensee shall be notified in writing of the
28 regional manager's decision within 60 days of the request to review
29 the assessment of the civil penalty.

30 (3) The licensee may further appeal to the program administrator
31 of the Community Care Licensing Division within 10 days of
32 receipt of the notice of the regional manager's decision and shall
33 provide all supporting documentation at that time. If the program
34 administrator determines that the civil penalty was not assessed
35 in accordance with applicable statutes or regulations of the
36 department, he or she may amend or dismiss the civil penalty. The
37 licensee shall be notified in writing of the program administrator's
38 decision within 60 days of the request to review the regional
39 manager's decision.

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

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

18 (6) If, in addition to an assessment of civil penalties, the
19 department elects to file an administrative action to suspend or
20 revoke the facility license that includes violations relating to the
21 assessment of the civil penalties, the department review of the
22 pending appeal shall cease and the assessment of the civil penalties
23 shall be heard as part of the administrative action process.

24 (j) The department shall adopt regulations implementing this
25 section.

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

29 (l) As provided in Section 11466.31 of the Welfare and
30 Institutions Code, the department may offset civil penalties owed
31 by a group home or short-term residential treatment center against
32 moneys to be paid by a county for the care of minors after the
33 group home or short-term residential treatment center has exhausted
34 its appeal of the civil penalty assessment. The department shall
35 provide the group home or short-term residential treatment center
36 a reasonable opportunity to pay the civil penalty before instituting
37 the offset provision.

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

1 SEC. 36.5. Section 1548 of the Health and Safety Code, as
 2 added by Section 2 of Chapter 813 of the Statutes of 2014, is
 3 amended to read:

4 1548. (a) In addition to the suspension, temporary suspension,
 5 or revocation of a license issued under this chapter, the department
 6 may levy a civil penalty.

7 (b) The amount of the civil penalty shall not be less than
 8 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day
 9 for each violation of this chapter except where the nature or
 10 seriousness of the violation or the frequency of the violation
 11 warrants a higher penalty or an immediate civil penalty assessment,
 12 or both, as determined by the department. ~~In no event, shall~~ *Except*
 13 *as otherwise provided in this chapter*, a civil penalty assessment
 14 shall not exceed one hundred fifty dollars (\$150) per day per
 15 violation.

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

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

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

25 (ii) Initiated eviction proceedings.

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

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

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

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

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

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

39 (d) (1) For a violation that the department determines resulted
 40 in the death of a resident at an adult residential facility, social

1 rehabilitation facility, enhanced behavioral supports home, or
2 community crisis home, the civil penalty shall be fifteen thousand
3 dollars (\$15,000).

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

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

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

13 (3) For a violation that the department determines resulted in
14 the death of a person receiving care at a therapeutic day services
15 facility, foster family agency, community treatment facility,
16 full-service adoption agency, noncustodial adoption agency,
17 transitional shelter care facility, transitional housing placement
18 provider, ~~or~~ group home, *or short-term residential treatment center*;
19 the civil penalty shall be assessed as follows:

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

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

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

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

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

39 (B) For a violation that the department determines constitutes
40 physical abuse, as defined in Section 15610.63 of the Welfare and

1 Institutions Code, or resulted in serious bodily injury, as defined
 2 in Section 243 of the Penal Code, to a person receiving care at an
 3 adult day program, the civil penalty shall be assessed as follows:
 4 (i) Two thousand five hundred dollars (\$2,500) for a licensee
 5 licensed, among all of the licensee’s facilities, to care for 50 or
 6 less persons.
 7 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among
 8 all of the licensee’s facilities, to care for more than 50 persons.
 9 (C) For a violation that the department determines constitutes
 10 physical abuse, as defined in paragraph (2), or resulted in serious
 11 bodily injury, as defined in Section 243 of the Penal Code, to a
 12 person receiving care at a therapeutic day services facility, foster
 13 family agency, community treatment facility, full-service adoption
 14 agency, noncustodial adoption agency, transitional shelter care
 15 facility, transitional housing placement provider, ~~or~~ group home,
 16 *or short-term residential treatment center*, the civil penalty shall
 17 be assessed as follows:
 18 (i) Two thousand five hundred dollars (\$2,500) for a licensee
 19 licensed, among all of the licensee’s facilities, to care for 40 or
 20 less children.
 21 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among
 22 all of the licensee’s facilities, to care for 41 to 100, inclusive,
 23 children.
 24 (iii) Ten thousand dollars (\$10,000) for a licensee licensed,
 25 among all of the licensee’s facilities, to care for more than 100
 26 children.
 27 (D) 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 resident at a runaway and homeless youth shelter, the civil penalty
 31 shall be one thousand dollars (\$1,000).
 32 (2) For purposes of subparagraphs (C) and (D), “physical abuse”
 33 includes physical injury inflicted upon a child by another person
 34 by other than accidental means, sexual abuse as defined in Section
 35 11165.1 of the Penal Code, neglect as defined in Section 11165.2
 36 of the Penal Code, or unlawful corporal punishment or injury as
 37 defined in Section 11165.4 of the Penal Code when the person
 38 responsible for the child’s welfare is a licensee, administrator, or
 39 employee of any facility licensed to care for children.

1 (f) Prior to the issuance of a citation imposing a civil penalty
2 pursuant to subdivision (d) or (e), the decision shall be approved
3 by the ~~director~~ *program administrator of the Community Care*
4 *Licensing Division.*

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

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

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

17 (2) *A notification of a deficiency written by a representative of*
18 *the department shall include a factual description of the nature of*
19 *the deficiency fully stating the manner in which the licensee failed*
20 *to comply with the specified statute or regulation, and, if*
21 *applicable, the particular place or area of the facility in which the*
22 *deficiency occurred.*

23 ~~(2)~~

24 (j) (1) A licensee shall have the right to submit to the
25 department a written request for a formal review of a civil penalty
26 assessed pursuant to subdivisions (d) and (e) within ~~10~~ *15 business*
27 *days of receipt of the notice of a civil penalty assessment and shall*
28 *provide all available supporting documentation at that time. The*
29 *review shall be conducted by a ~~regional manager~~ the deputy*
30 *director of the Community Care Licensing Division. ~~If the regional~~*
31 *manager The licensee may submit additional supporting*
32 *documentation that was unavailable at the time of submitting the*
33 *request for review within the first 30 business days after submitting*
34 *the request for review. If the department requires additional*
35 *information from the licensee, that information shall be requested*
36 *within the first 30 business days after receiving the request for*
37 *review. The licensee shall provide this additional information*
38 *within 30 business days of receiving the request from the*
39 *department. If the deputy director determines that the civil penalty*
40 *was not ~~assessed~~ assessed, or the finding of deficiency was not*

1 *made*, in accordance with applicable statutes or regulations of the
 2 department, he or she may amend or dismiss the civil ~~penalty~~.
 3 *penalty or finding of deficiency*. The licensee shall be notified in
 4 writing of the ~~regional manager's deputy director's~~ decision within
 5 60 *business* days of the ~~request to review the assessment of the~~
 6 ~~civil penalty~~. *date when all necessary information has been*
 7 *provided to the department by the licensee*.

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

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

27 ~~(5)~~

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

37 ~~(6)~~

38 ~~(3) If, in addition to an assessment of civil penalties, the~~
 39 ~~department elects to file an administrative action to suspend or~~
 40 ~~revoke the facility license that includes violations relating to the~~

1 assessment of the civil penalties, the department review of the
2 pending appeal shall cease and the assessment of the civil penalties
3 shall be heard as part of the administrative action process.

4 *(k) (1) A licensee shall have the right to submit to the*
5 *department a written request for a formal review of any other civil*
6 *penalty or deficiency not described in subdivision (j) within 15*
7 *business days of receipt of the notice of a civil penalty assessment*
8 *or a finding of a deficiency, and shall provide all available*
9 *supporting documentation at that time. The review shall be*
10 *conducted by a regional manager of the Community Care Licensing*
11 *Division. The licensee may submit additional supporting*
12 *documentation that was unavailable at the time of submitting the*
13 *request for review within the first 30 business days after submitting*
14 *the request for review. If the department requires additional*
15 *information from the licensee, that information shall be requested*
16 *within the first 30 business days after receiving the request for*
17 *review. The licensee shall provide this additional information*
18 *within 30 business days of receiving the request from the*
19 *department. If the regional manager determines that the civil*
20 *penalty was not assessed, or the finding of the deficiency was not*
21 *made, in accordance with applicable statutes or regulations of the*
22 *department, he or she may amend or dismiss the civil penalty or*
23 *finding of deficiency. The licensee shall be notified in writing of*
24 *the regional manager's decision within 60 business days of the*
25 *date when all necessary information has been provided to the*
26 *department by the licensee.*

27 *(2) Upon exhausting the review described in paragraph (1), the*
28 *licensee may further appeal that decision to the program*
29 *administrator of the Community Care Licensing Division within*
30 *15 business days of receipt of notice of the regional manager's*
31 *decision. The licensee may submit additional supporting*
32 *documentation that was unavailable at the time of appeal to the*
33 *program administrator within the first 30 business days after*
34 *requesting that appeal. If the department requires additional*
35 *information from the licensee, that information shall be requested*
36 *within the first 30 business days after receiving the request for the*
37 *appeal. The licensee shall provide this additional information*
38 *within 30 business days of receiving the request from the*
39 *department. If the program administrator determines that the civil*
40 *penalty was not assessed, or the finding of the deficiency was not*

1 *made, in accordance with applicable statutes or regulations of the*
 2 *department, he or she may amend or dismiss the civil penalty or*
 3 *finding of deficiency. The licensee shall be notified in writing of*
 4 *the program administrator's decision within 60 business days of*
 5 *the date when all necessary information has been provided to the*
 6 *department by the licensee. The program administrator's decision*
 7 *is considered final and concludes the licensee's administrative*
 8 *appeal rights regarding the appeal conducted pursuant to this*
 9 *paragraph.*

10 ~~(j)~~
 11 (l) The department shall adopt regulations implementing this
 12 section.

13 ~~(k)~~
 14 (m) The department shall, by January 1, 2016, amend its
 15 regulations to reflect the changes to this section made by ~~the act~~
 16 ~~that added this subdivision. Section 2 of Chapter 813 of the Statutes~~
 17 ~~of 2014.~~

18 ~~(t)~~
 19 (n) As provided in Section 11466.31 of the Welfare and
 20 Institutions Code, the department may offset civil penalties owed
 21 by a group home *or short-term residential treatment center* against
 22 moneys to be paid by a county for the care of minors after the
 23 group home *or short-term residential treatment center* has
 24 exhausted its appeal of the civil penalty assessment. The
 25 department shall provide the group home *or short-term residential*
 26 *treatment center* a reasonable opportunity to pay the civil penalty
 27 before instituting the offset provision.

28 (o) *Notwithstanding the Administrative Procedure Act (Chapter*
 29 *3.5 (commencing with Section 11340) of Part 1 of Division 3 of*
 30 *Title 2 of the Government Code), the department may implement*
 31 *and administer the changes made by the act that added this*
 32 *subdivision through all-county letters or similar written*
 33 *instructions until regulations are adopted pursuant to the*
 34 *Administrative Procedure Act.*

35 ~~(m)~~
 36 (p) This section shall become operative on July 1, 2015.

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

39 1562. (a) The department shall ensure that operators and staffs
 40 of community care facilities have appropriate training to provide

1 the care and services for which a license or certificate is issued.
2 The section shall not apply to a facility licensed as an Adult
3 Residential Facility for Persons with Special Health Care Needs
4 pursuant to Article 9 (commencing with Section 1567.50).

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

21 (c) (1) Each person employed as a facility manager or staff
22 member of a group home or short-term residential treatment center,
23 as defined in paragraphs (13) and (18) of subdivision (a) of Section
24 1502, who provides direct care and supervision to children and
25 youth residing in the group home or short-term residential treatment
26 center shall be at least 21 years of age.

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

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

31 SEC. 38. Section 1562.01 is added to the Health and Safety
32 Code, to read:

33 1562.01. (a) The department shall license short-term residential
34 treatment centers, as defined in paragraph (18) of subdivision (a)
35 of Section 1502, pursuant to this chapter. A short-term residential
36 treatment center shall comply with all requirements of this chapter
37 that are applicable to group homes and to the requirements of this
38 section.

39 (b) (1) A short-term residential treatment center shall have
40 national accreditation from an entity identified by the department

1 pursuant to the process described in paragraph (5) of subdivision
2 (b) of Section 11462 of the Welfare and Institutions Code.

3 (2) Notwithstanding paragraph (1), the department may issue a
4 provisional license to a short-term residential treatment center and
5 may extend the term of the provisional license not to exceed two
6 years in order for the short-term residential treatment center to
7 secure accreditation as set forth in subdivision (a) of Section
8 1520.1.

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

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

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

17 (A) A statement of purposes and goals.

18 (B) A plan for the supervision, evaluation, and training of staff.
19 The training plan shall be appropriate to meet the needs of staff
20 and children.

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

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

25 (ii) Description of the core services, as set forth, on and after
26 January 1, 2017, in paragraph (1) of subdivision (b) of Section
27 11462 of the Welfare and Institutions Code, to be offered to
28 children and their families, as appropriate or necessary.

29 (iii) Procedures for the development, implementation, and
30 periodic updating of the needs and services plan for children served
31 by the short-term residential treatment center and procedures for
32 collaborating with the child and family team described in paragraph
33 (4) of subdivision (a) of Section 16501 of the Welfare and
34 Institutions Code, that include, but are not limited to, a description
35 of the services to be provided to meet the treatment needs of the
36 child as assessed, on and after January 1, 2017, pursuant to
37 subdivision (d) or (e) of Section 11462.01 of the Welfare and
38 Institutions Code, the anticipated duration of the treatment, and
39 the timeframe and plan for transitioning the child to a
40 less-restrictive family environment.

1 (iv) A description of the population or populations to be served.
2 (v) Any other information that may be prescribed by the
3 department for the proper administration of this section.

4 (e) In addition to the rules and regulations adopted pursuant to
5 this chapter, a county licensed to operate a short-term residential
6 treatment center shall describe, in the plan of operation, its conflict
7 of interest mitigation plan, as set forth on and after January 1,
8 2017, in subdivision (g) of Section 11462.02 of the Welfare and
9 Institutions Code.

10 (f) The department shall establish procedures for a county review
11 process, at the county's option, for short-term residential treatment
12 centers, which may include the review of the short-term residential
13 treatment center's program statement, and which shall be
14 established in consultation with the County Welfare Directors
15 Association of California, Chief Probation Officers of California,
16 and stakeholders, as appropriate.

17 (g) (1) The department shall adopt regulations to establish
18 requirements for the education, qualification, and training of facility
19 managers and staff who provide care and supervision to children
20 or who have regular, direct contact with children in the course of
21 their responsibilities in short-term residential treatment centers
22 consistent with the intended role of these facilities to provide
23 short-term, specialized, and intensive treatment.

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

26 (A) Staff classifications.

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

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

31 (h) The department shall adopt regulations to specify training
32 requirements for staff who provide care and supervision to children
33 or who have regular, direct contact with children in the course of
34 their responsibilities. These requirements shall include the
35 following:

36 (1) Timeframes for completion of training, including the
37 following:

38 (A) Training that shall be completed prior to unsupervised care
39 of children.

- 1 (B) Training to be completed within the first 180 days of
2 employment.
- 3 (C) Training to be completed annually.
- 4 (2) Topics to be covered in the training shall include, but are
5 not limited to, the following:
- 6 (A) Child and adolescent development, including sexual
7 orientation, gender identity, and gender expression.
- 8 (B) The effects of trauma, including grief and loss, and child
9 abuse and neglect on child development and behavior and methods
10 to behaviorally support children impacted by that trauma or child
11 abuse and neglect.
- 12 (C) The rights of a child in foster care, including the right to
13 have fair and equal access to all available services, placement,
14 care, treatment, and benefits, and to not be subjected to
15 discrimination or harassment on the basis of actual or perceived
16 race, ethnic group identification, ancestry, national origin, color,
17 religion, sex, sexual orientation, gender identity, mental or physical
18 disability, or HIV status.
- 19 (D) Positive discipline and the importance of self-esteem.
- 20 (E) Core practice model.
- 21 (F) An overview of the child welfare and probation systems.
- 22 (G) Reasonable and prudent parent standard.
- 23 (H) Instruction on cultural competency and sensitivity and
24 related best practices for providing adequate care for children
25 across diverse ethnic and racial backgrounds, as well as children
26 identifying as lesbian, gay, bisexual, or transgender.
- 27 (I) Awareness and identification of commercial sexual
28 exploitation and best practices for providing care and supervision
29 to commercially sexually exploited children.
- 30 (J) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
31 et seq.), its historical significance, the rights of children covered
32 by the act, and the best interests of Indian children, including the
33 role of the caregiver in supporting culturally appropriate child
34 centered practices that respect Native American history, culture,
35 retention of tribal membership, and connection to the tribal
36 community and traditions.
- 37 (K) Permanence, well-being, and educational needs of children.
- 38 (L) Basic instruction on existing laws and procedures regarding
39 the safety of foster youth at school; and ensuring a harassment and
40 violence free school environment pursuant to Article 3.6

1 (commencing with Section 32228) of Chapter 2 of Part 19 of
2 Division 1 of Title 1 of the Education Code.

3 (M) Best practices for providing care and supervision to
4 nonminor dependents.

5 (N) Health issues in foster care.

6 (O) Physical and psychosocial needs of children, including
7 behavior management, deescalation techniques, and
8 trauma-informed crisis management planning.

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

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

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

23 (k) A short-term residential treatment center shall have a
24 qualified and certified administrator, as set forth in Section
25 1522.41.

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

31 SEC. 39. Section 1562.35 of the Health and Safety Code is
32 amended to read:

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

1 1569.2, shall be regulated solely by the department pursuant to
2 this chapter. No other state or local governmental entity shall be
3 responsible for regulating the activity of those vendors.

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 or child
16 abuse and neglect.

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

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

24 (5) Accessing the services and supports available to foster
25 children to address educational needs, physical, mental, and
26 behavioral health, substance use disorders, and culturally relevant
27 services.

28 (6) Instruction on cultural competency and sensitivity and related
29 best practices for, providing adequate care for children across
30 diverse ethnic and racial backgrounds, as well as for children
31 identifying as lesbian, gay, bisexual, and transgender.

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

34 (8) Understanding the federal Indian Child Welfare Act (25
35 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of
36 children covered by the act, and the best interests of Indian
37 children, including the role of the caregiver in supporting culturally
38 appropriate, child-centered practices that respect Native American
39 history, culture, retention of tribal membership, and connection to
40 the tribal community and traditions.

1 (9) Understanding how to use best practices for providing care
2 and supervision to nonminor dependents.

3 (10) Understanding how to use best practices for providing care
4 and supervision to children with special health care needs.

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

10 (12) Permanence, well-being, and educational needs of children.

11 (13) Child and adolescent development, including sexual
12 orientation, gender identity, and gender expression.

13 (14) The role of foster parents, including working cooperatively
14 with the child welfare or probation agency, the child’s family, and
15 other service providers implementing the case plan.

16 (15) A foster parent’s responsibility to act as a reasonable and
17 prudent parent, and to provide a family setting that promotes
18 normal childhood experiences that serve the needs of the child.

19 (16) Physical and psychosocial needs of children, including
20 behavior management, deescalation techniques, and trauma
21 informed crisis management planning.

22 SEC. 41. Section 1567.4 of the Health and Safety Code is
23 amended to read:

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

36 SEC. 42. Section 11105.08 of the Penal Code is amended to
37 read:

38 11105.08. (a) Notwithstanding any other law, a tribal agency
39 may request from the Department of Justice state and federal level
40 summary criminal history information for the purpose of approving

1 a tribal home for the placement of an Indian child into foster or
2 adoptive care.

3 (b) A tribal agency shall submit to the Department of Justice
4 fingerprint images and related information required by the
5 Department of Justice of an individual applying with the tribal
6 agency as a prospective foster parent or adoptive parent, any adult
7 who resides or is employed in the home of an applicant, any person
8 who has a familial or intimate relationship with any person living
9 in the home of an applicant, or employee of the child welfare
10 agency who may have contact with a child, for the purposes of
11 obtaining information as to the existence and content of a record
12 of state or federal convictions and state or federal arrests and also
13 information as to the existence and content of a record of state or
14 federal arrests for which the Department of Justice establishes that
15 the person is released on bail or on his or her own recognizance
16 pending trial or appeal.

17 (c) Upon receipt of a request for federal summary criminal
18 history information received pursuant to this section, the
19 Department of Justice shall forward the request to the Federal
20 Bureau of Investigation. The Department of Justice shall review
21 the information returned from the Federal Bureau of Investigation
22 and compile and disseminate a response to the requesting tribal
23 child welfare agency.

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

27 (e) A tribal agency shall request from the Department of Justice
28 subsequent notification service pursuant to Section 11105.2 of the
29 Penal Code for persons described in paragraph (b).

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

33 (g) As used in this section a “tribal agency” means an entity
34 designated by a federally recognized tribe as authorized to approve
35 a home consistent with the federal Indian Child Welfare Act (25
36 U.S.C. 1903 et seq.), for the purpose of placement of an Indian
37 child into foster or adoptive care, including the authority to conduct
38 a criminal or child abuse background check of, and grant
39 exemptions to, an individual who is a prospective foster or adoptive
40 parent, an adult who resides or is employed in the home of an

1 applicant for approval, any person who has a familial or intimate
2 relationship with any person living in the home of an applicant,
3 or an employee of a tribal child welfare agency who may have
4 contact with a child.

5 SEC. 43. Section 11105.2 of the Penal Code is amended to
6 read:

7 11105.2. (a) The Department of Justice may provide
8 subsequent state or federal arrest or disposition notification to any
9 entity authorized by state or federal law to receive state or federal
10 summary criminal history information to assist in fulfilling
11 employment, licensing, certification duties, or the duties of
12 approving relative caregivers, nonrelative extended family
13 members, and resource families upon the arrest or disposition of
14 any person whose fingerprints are maintained on file at the
15 Department of Justice or the Federal Bureau of Investigation as
16 the result of an application for licensing, employment, certification,
17 or approval. Nothing in this section shall authorize the notification
18 of a subsequent disposition pertaining to a disposition that does
19 not result in a conviction, unless the department has previously
20 received notification of the arrest and has previously lawfully
21 notified a receiving entity of the pending status of that arrest. When
22 the department supplies subsequent arrest or disposition notification
23 to a receiving entity, the entity shall, at the same time, expeditiously
24 furnish a copy of the information to the person to whom it relates
25 if the information is a basis for an adverse employment, licensing,
26 or certification decision. When furnished other than in person, the
27 copy shall be delivered to the last contact information provided
28 by the applicant.

29 (b) For purposes of this section, “approval” means those duties
30 described in subdivision (d) of Section 309 of the Welfare and
31 Institutions Code for approving the home of a relative caregiver
32 or of a nonrelative extended family member for placement of a
33 child supervised by the juvenile court, and those duties in Section
34 16519.5 of the Welfare and Institutions Code for resource families.

35 (c) Any entity, other than a law enforcement agency employing
36 peace officers as defined in Section 830.1, subdivisions (a) and
37 (e) of Section 830.2, subdivision (a) of Section 830.3, subdivisions
38 (a) and (b) of Section 830.5, and subdivision (a) of Section 830.31,
39 shall enter into a contract with the Department of Justice in order

1 to receive notification of subsequent state or federal arrests or
2 dispositions for licensing, employment, or certification purposes.

3 (d) Any entity that submits the fingerprints of applicants for
4 licensing, employment, certification, or approval to the Department
5 of Justice for the purpose of establishing a record of the applicant
6 to receive notification of subsequent state or federal arrests or
7 dispositions shall immediately notify the department when the
8 employment of the applicant is terminated, when the applicant's
9 license or certificate is revoked, when the applicant may no longer
10 renew or reinstate the license or certificate, or when a relative
11 caregiver's or nonrelative extended family member's approval is
12 terminated. The Department of Justice shall terminate state or
13 federal subsequent notification on any applicant upon the request
14 of the licensing, employment, certifying, or approving authority.

15 (e) Any entity that receives a notification of a state or federal
16 subsequent arrest or disposition for a person unknown to the entity,
17 or for a person no longer employed by the entity, or no longer
18 eligible to renew the certificate or license for which subsequent
19 notification service was established shall immediately return the
20 subsequent notification to the Department of Justice, informing
21 the department that the entity is no longer interested in the
22 applicant. The entity shall not record or otherwise retain any
23 information received as a result of the subsequent notice.

24 (f) Any entity that submits the fingerprints of an applicant for
25 employment, licensing, certification, or approval to the Department
26 of Justice for the purpose of establishing a record at the department
27 or the Federal Bureau of Investigation to receive notification of
28 subsequent arrest or disposition shall immediately notify the
29 department if the applicant is not subsequently employed, or if the
30 applicant is denied licensing certification, or approval.

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

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

38 SEC. 44. Section 11105.3 of the Penal Code is amended to
39 read:

1 11105.3. (a) Notwithstanding any other law, a human resource
2 agency or an employer may request from the Department of Justice
3 records of all convictions or any arrest pending adjudication
4 involving the offenses specified in subdivision (a) of Section 15660
5 of the Welfare and Institutions Code of a person who applies for
6 a license, employment, or volunteer position, in which he or she
7 would have supervisory or disciplinary power over a minor or any
8 person under his or her care. The department shall furnish the
9 information to the requesting employer and shall also send a copy
10 of the information to the applicant.

11 (b) Any request for records under subdivision (a) shall include
12 the applicant's fingerprints, which may be taken by the requester,
13 and any other data specified by the department. The request shall
14 be on a form approved by the department, and the department may
15 charge a fee to be paid by the employer, human resource agency,
16 or applicant for the actual cost of processing the request. However,
17 no fee shall be charged to a nonprofit organization. Requests
18 received by the department for federal level criminal offender
19 record information shall be forwarded to the Federal Bureau of
20 Investigation by the department to be searched for any record of
21 arrests or convictions.

22 (c) (1) When a request pursuant to this section reveals that a
23 prospective employee or volunteer has been convicted of a
24 violation or attempted violation of Section 220, 261.5, 262, 273a,
25 273d, or 273.5, or any sex offense listed in Section 290, except
26 for the offense specified in subdivision (d) of Section 243.4, and
27 where the agency or employer hires the prospective employee or
28 volunteer, the agency or employer shall notify the parents or
29 guardians of any minor who will be supervised or disciplined by
30 the employee or volunteer. A conviction for a violation or
31 attempted violation of an offense committed outside the State of
32 California shall be included in this notice if the offense would have
33 been a crime specified in this subdivision if committed in
34 California. The notice shall be given to the parents or guardians
35 with whom the child resides, and shall be given at least 10 days
36 prior to the day that the employee or volunteer begins his or her
37 duties or tasks. Notwithstanding any other law, any person who
38 conveys or receives information in good faith and in conformity
39 with this section is exempt from prosecution under Section 11142
40 or 11143 for that conveying or receiving of information.

1 Notwithstanding subdivision (d), the notification requirements of
2 this subdivision shall apply as an additional requirement of any
3 other provision of law requiring criminal record access or
4 dissemination of criminal history information.

5 (2) The notification requirement pursuant to paragraph (1) shall
6 not apply to a misdemeanor conviction for violating Section 261.5
7 or to a conviction for violating Section 262 or 273.5. Nothing in
8 this paragraph shall preclude an employer from requesting records
9 of convictions for violating Section 261.5, 262, or 273.5 from the
10 Department of Justice pursuant to this section.

11 (d) Nothing in this section supersedes any law requiring criminal
12 record access or dissemination of criminal history information. In
13 any conflict with another statute, dissemination of criminal history
14 information shall be pursuant to the mandatory statute. This
15 subdivision applies to, but is not limited to, requirements pursuant
16 to Article 1 (commencing with Section 1500) of Chapter 3 of, and
17 Chapter 3.2 (commencing with Section 1569) and Chapter 3.4
18 (commencing with Section 1596.70) of, Division 2 of, and Section
19 1522 of, the Health and Safety Code, and Sections 8712, 8811,
20 and 8908 of the Family Code, and Section 16519.5 of the Welfare
21 and Institutions Code.

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

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

29 (g) As used in this section, “human resource agency” means a
30 public or private entity, excluding any agency responsible for
31 licensing of facilities pursuant to the California Community Care
32 Facilities Act (Chapter 3 (commencing with Section 1500)), the
33 California Residential Care Facilities for the Elderly Act (Chapter
34 3.2 (commencing with Section 1569)), Chapter 3.01 (commencing
35 with Section 1568.01), and the California Child Day Care Facilities
36 Act (Chapter 3.4 (commencing with Section 1596.70)) of Division
37 2 of the Health and Safety Code, responsible for determining the
38 character and fitness of a person who is:

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

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

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

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

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

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

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

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

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

27 11170. (a) (1) The Department of Justice shall maintain an
28 index of all reports of child abuse and severe neglect submitted
29 pursuant to Section 11169. The index shall be continually updated
30 by the department and shall not contain any reports that are
31 determined to be not substantiated. The department may adopt
32 rules governing recordkeeping and reporting pursuant to this article.

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

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

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

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

26 (2) When a report is made pursuant to subdivision (a) of Section
27 11166, or Section 11166.05, the investigating agency, upon
28 completion of the investigation or after there has been a final
29 disposition in the matter, shall inform the person required or
30 authorized to report of the results of the investigation and of any
31 action the agency is taking with regard to the child or family.

32 (3) The Department of Justice shall make relevant information
33 from the CACI available to a law enforcement agency, county
34 welfare department, tribal agency pursuant to Section 10553.12
35 of the Welfare and Institutions Code, or county probation
36 department that is conducting a child abuse investigation.

37 (4) The department shall make available to the State Department
38 of Social Services, or to any county licensing agency that has
39 contracted with the state for the performance of licensing duties,
40 or to a tribal court or tribal child welfare agency of a tribe,

1 consortium of tribes, or tribal organization that has entered into
2 an agreement with the state pursuant to Section 10553.1 of the
3 Welfare and Institutions Code, information regarding a known or
4 suspected child abuser maintained pursuant to this section and
5 subdivision (a) of Section 11169 concerning any person who is an
6 applicant for licensure or approval, or any adult who resides or is
7 employed in the home of an applicant for licensure or approval,
8 or who is an applicant for employment in a position having
9 supervisory or disciplinary power over a child or children, or who
10 will provide 24-hour care for a child or children in a residential
11 home or facility, pursuant to Section 1522.1 or 1596.877 of the
12 Health and Safety Code, or Section 8714, 8802, 8912, or 9000 of
13 the Family Code, or Section 11403.2 of the Welfare and Institutions
14 Code.

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

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

32 (7) The department shall make available to investigative
33 agencies or probation officers, or court investigators acting
34 pursuant to Section 1513 of the Probate Code, responsible for
35 placing children or assessing the possible placement of children
36 pursuant to Article 6 (commencing with Section 300), Article 7
37 (commencing with Section 305), Article 10 (commencing with
38 Section 360), or Article 14 (commencing with Section 601) of
39 Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions
40 Code, or Article 2 (commencing with Section 1510) or Article 3

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

13 (8) Pursuant to Section 10553.12 of the Welfare and Institutions
14 Code, the department shall make available to a tribal agency
15 information regarding a known or suspected child abuser
16 maintained pursuant to this section or subdivision (a) of Section
17 11169 who is being considered as a prospective foster or adoptive
18 parent, an adult who resides or is employed in the home of an
19 applicant for approval, any person who has a familial or intimate
20 relationship with any person living in the home of an applicant,
21 or an employee of the tribal agency who may have contact with
22 children.

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

29 (10) The Department of Justice shall make available to a county
30 child welfare agency or delegated county adoption agency, as
31 defined in Section 8515 of the Family Code, conducting a
32 background investigation, or a government agency conducting a
33 background investigation on behalf of one of those agencies,
34 information regarding a known or suspected child abuser
35 maintained pursuant to this section and subdivision (a) of Section
36 11169 concerning any applicant seeking employment or volunteer
37 status with the agency who, in the course of his or her employment
38 or volunteer work, will have direct contact with children who are
39 alleged to have been, are at risk of, or have suffered, abuse or
40 neglect.

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

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

34 (12) (A) Whenever information contained in the Department
35 of Justice files is furnished as the result of an application for
36 employment or licensing or volunteer status pursuant to paragraph
37 (4), (5), (8), (9), or (10), the Department of Justice may charge the
38 person or entity making the request a fee. The fee shall not exceed
39 the reasonable costs to the department of providing the information.
40 The only increase shall be at a rate not to exceed the legislatively

1 approved cost-of-living adjustment for the department. In no case
2 shall the fee exceed fifteen dollars (\$15).

3 (B) All moneys received by the department pursuant to this
4 section to process trustline applications for purposes of Chapter
5 3.35 (commencing with Section 1596.60) of Division 2 of the
6 Health and Safety Code shall be deposited in a special account in
7 the General Fund that is hereby established and named the
8 Department of Justice Child Abuse Fund. Moneys in the fund shall
9 be available, upon appropriation by the Legislature, for expenditure
10 by the department to offset the costs incurred to process trustline
11 automated child abuse or neglect system checks pursuant to this
12 section.

13 (C) All moneys, other than those described in subparagraph (B),
14 received by the department pursuant to this paragraph shall be
15 deposited in a special account in the General Fund which is hereby
16 created and named the Department of Justice Sexual Habitual
17 Offender Fund. The funds shall be available, upon appropriation
18 by the Legislature, for expenditure by the department to offset the
19 costs incurred pursuant to Chapter 9.5 (commencing with Section
20 13885) and Chapter 10 (commencing with Section 13890) of Title
21 6 of Part 4, and the DNA and Forensic Identification Data Base
22 and Data Bank Act of 1998 (Chapter 6 (commencing with Section
23 295) of Title 9 of Part 1), and for maintenance and improvements
24 to the statewide Sexual Habitual Offender Program and the
25 California DNA offender identification file (CAL-DNA) authorized
26 by Chapter 9.5 (commencing with Section 13885) of Title 6 of
27 Part 4 and the DNA and Forensic Identification Data Base and
28 Data Bank Act of 1998 (Chapter 6 (commencing with Section 295)
29 of Title 9 of Part 1).

30 (c) (1) The Department of Justice shall make available to any
31 agency responsible for placing children pursuant to Article 7
32 (commencing with Section 305) of Chapter 2 of Part 1 of Division
33 2 of the Welfare and Institutions Code, upon request, relevant
34 information concerning child abuse or neglect reports contained
35 in the index, when making a placement with a responsible relative
36 pursuant to Sections 281.5, 305, and 361.3 of the Welfare and
37 Institutions Code. Upon receipt of relevant information concerning
38 child abuse or neglect reports contained in the index from the
39 Department of Justice pursuant to this subdivision, the agency
40 shall also notify in writing the person listed in the CACI that he

1 or she is in the index. The notification shall include the location
2 of the original investigative report and the submitting agency. The
3 notification shall be submitted to the person listed at the same time
4 that all other parties are notified of the information, and no later
5 than the actual judicial proceeding that determines placement.

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

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

29 (e) (1) The department shall make available to an out-of-state
30 agency, for purposes of approving a prospective foster or adoptive
31 parent in compliance with the Adam Walsh Child Protection and
32 Safety Act of 2006 (Public Law 109-248), information regarding
33 a known or suspected child abuser maintained pursuant to
34 subdivision (a) concerning the prospective foster or adoptive
35 parent, and any other adult living in the home of the prospective
36 foster or adoptive parent. The department shall make that
37 information available only when the out-of-state agency makes
38 the request indicating that continual compliance will be maintained
39 with the requirement in paragraph (20) of subsection (a) of Section
40 671 of Title 42 of the United States Code that requires the state to

1 have in place safeguards to prevent the unauthorized disclosure of
2 information in any child abuse and neglect registry maintained by
3 the state and prevent the information from being used for a purpose
4 other than the conducting of background checks in foster or
5 adoption placement cases.

6 (2) With respect to any information provided by the department
7 in response to the out-of-state agency's request, the out-of-state
8 agency is responsible for obtaining the original investigative report
9 from the reporting agency, and for drawing independent
10 conclusions regarding the quality of the evidence disclosed and
11 its sufficiency for making decisions regarding the approval of
12 prospective foster or adoptive parents.

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

20 (B) All moneys received by the department pursuant to this
21 subdivision shall be deposited in the Department of Justice Child
22 Abuse Fund, established under subparagraph (B) of paragraph (12)
23 of subdivision (b). Moneys in the fund shall be available, upon
24 appropriation by the Legislature, for expenditure by the department
25 to offset the costs incurred to process requests for information
26 pursuant to this subdivision.

27 (f) (1) Any person may determine if he or she is listed in the
28 CACI by making a request in writing to the Department of Justice.
29 The request shall be notarized and include the person's name,
30 address, date of birth, and either a social security number or a
31 California identification number. Upon receipt of a notarized
32 request, the Department of Justice shall make available to the
33 requesting person information identifying the date of the report
34 and the submitting agency. The requesting person is responsible
35 for obtaining the investigative report from the submitting agency
36 pursuant to paragraph (11) of subdivision (b) of Section 11167.5.

37 (2) No person or agency shall require or request another person
38 to furnish a copy of a record concerning himself or herself, or
39 notification that a record concerning himself or herself exists or
40 does not exist, pursuant to paragraph (1).

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

7 SEC. 46. Section 319.3 of the Welfare and Institutions Code
8 is amended to read:

9 319.3. Notwithstanding Section 319, a dependent child who is
10 6 to 12 years of age, inclusive, may be placed in a community care
11 facility licensed as a group home for children, a short-term
12 residential treatment center, or in a temporary shelter care facility,
13 as defined in Section 1530.8 of the Health and Safety Code, only
14 when the court finds that placement is necessary to secure a
15 complete and adequate evaluation, including placement planning
16 and transition time. The placement period shall not exceed 60 days
17 unless a case plan has been developed and the need for additional
18 time is documented in the case plan and has been approved by a
19 deputy director or director of the county child welfare department
20 or an assistant chief probation officer or chief probation officer of
21 the county probation department.

22 SEC. 47. Section 361.2 of the Welfare and Institutions Code
23 is amended to read:

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

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

39 (1) Order that the parent become legal and physical custodian
40 of the child. The court may also provide reasonable visitation by

1 the noncustodial parent. The court shall then terminate its
2 jurisdiction over the child. The custody order shall continue unless
3 modified by a subsequent order of the superior court. The order
4 of the juvenile court shall be filed in any domestic relation
5 proceeding between the parents.

6 (2) Order that the parent assume custody subject to the
7 jurisdiction of the juvenile court and require that a home visit be
8 conducted within three months. In determining whether to take
9 the action described in this paragraph, the court shall consider any
10 concerns that have been raised by the child's current caregiver
11 regarding the parent. After the social worker conducts the home
12 visit and files his or her report with the court, the court may then
13 take the action described in paragraph (1), (3), or this paragraph.
14 However, nothing in this paragraph shall be interpreted to imply
15 that the court is required to take the action described in this
16 paragraph as a prerequisite to the court taking the action described
17 in either paragraph (1) or (3).

18 (3) Order that the parent assume custody subject to the
19 supervision of the juvenile court. In that case the court may order
20 that reunification services be provided to the parent or guardian
21 from whom the child is being removed, or the court may order that
22 services be provided solely to the parent who is assuming physical
23 custody in order to allow that parent to retain later custody without
24 court supervision, or that services be provided to both parents, in
25 which case the court shall determine, at review hearings held
26 pursuant to Section 366, which parent, if either, shall have custody
27 of the child.

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

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

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

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

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

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

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

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

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

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

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

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

23 (A) (i) When a case plan indicates that placement is for purposes
24 of providing short term, specialized, and intensive treatment to the
25 child, the case plan specifies the need for, nature of, and anticipated
26 duration of this treatment, pursuant to paragraph (2) of subdivision
27 (c) of Section 16501.1, the facility meets the applicable regulations
28 adopted under Section 1530.8 of the Health and Safety Code and
29 standards developed pursuant to Section 11467.1 of this code, and
30 the deputy director or director of the county child welfare
31 department or an assistant chief probation officer or chief probation
32 officer of the county probation department has approved the case
33 plan.

34 (ii) The short term, specialized, and intensive treatment period
35 shall not exceed 120 days, unless the county has made progress
36 toward or is actively working toward implementing the case plan
37 that identifies the services or supports necessary to transition the
38 child to a family setting, circumstances beyond the county's control
39 have prevented the county from obtaining those services or
40 supports within the timeline documented in the case plan, and the

1 need for additional time pursuant to the case plan is documented
2 by the caseworker and approved by a deputy director or director
3 of the county child welfare department or an assistant chief
4 probation officer or chief probation officer of the county probation
5 department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (5) When it has been determined that a child is to be placed out
40 of county either in a group home or with a foster family agency

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

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

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

1 county. The parent or guardian may object to the placement not
2 later than seven days after receipt of the notice and, upon objection,
3 the court shall hold a hearing not later than five days after the
4 objection and prior to the placement. The court shall order
5 out-of-county placement if it finds that the child's particular needs
6 require placement outside the county.

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

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

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

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

29 (B) The child's caregiver is permitted to maintain the least
30 restrictive family setting that promotes normal childhood
31 experiences and serves the day-to-day needs of the child.

32 (C) The child is permitted to engage in reasonable,
33 age-appropriate day-to-day activities that promote normal
34 childhood experiences for the foster child.

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

1 the child to engage in day-to-day activities that carry an
2 unreasonable risk of harm, or subject the child to abuse or neglect.

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

6 SEC. 48. Section 361.2 is added to the Welfare and Institutions
7 Code, to read:

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

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

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

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

1 paragraph as a prerequisite to the court taking the action described
2 in either paragraph (1) or (3).

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

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

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

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

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

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

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

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

31 (5) A foster home considering first a foster home in which the
32 child has been placed before an interruption in foster care, if that
33 placement is in the best interest of the child and space is available.

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

36 (7) A suitable licensed community care facility, except a
37 runaway and homeless youth shelter licensed by the State
38 Department of Social Services pursuant to Section 1502.35 of the
39 Health and Safety Code.

1 (8) With a foster family agency, as defined in subdivision (g)
2 of Section 11400 and paragraph (4) of subdivision (a) of Section
3 1502 of the Health and Safety Code, to be placed in a suitable
4 family home certified or approved by the agency.

5 (9) A child of any age who is placed in a community care facility
6 licensed as a group home for children or a short-term residential
7 treatment center, as defined in subdivision (ad) of Section 11400
8 and paragraph (18) of subdivision (a) of Section 1502 of the Health
9 and Safety Code, shall have a case plan that indicates that
10 placement is for purposes of providing short term, specialized, and
11 intensive treatment for the child, the case plan specifies the need
12 for, nature of, and anticipated duration of this treatment, pursuant
13 to paragraph (2) of subdivision (c) of Section 16501.1, and the
14 case plan includes transitioning the child to a less restrictive
15 environment and the projected timeline by which the child will be
16 transitioned to a less restrictive environment. If the placement is
17 longer than six months, the placement shall be documented
18 consistent with paragraph (3) of subdivision (a) of Section 16501.1
19 and shall be approved by the deputy director or director of the
20 county child welfare department.

21 (A) A child under six years of age shall not be placed in a
22 community care facility licensed as a group home for children, or
23 a short-term residential treatment center, except under the following
24 circumstances:

25 (i) When the facility meets the applicable regulations adopted
26 under Section 1530.8 of the Health and Safety Code and standards
27 developed pursuant to Section 11467.1 of this code, and the deputy
28 director or director of the county child welfare department has
29 approved the case plan.

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

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

7 (iv) In addition, when a case plan indicates that placement is
8 for purposes of providing family reunification services. The facility
9 shall offer family reunification services that meet the needs of the
10 individual child and his or her family, permit parents to have
11 reasonable access to their children 24 hours a day, encourage
12 extensive parental involvement in meeting the daily needs of their
13 children, and employ staff trained to provide family reunification
14 services. In addition, one of the following conditions exists:

15 (I) The child's parent is also under the jurisdiction of the court
16 and resides in the facility.

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

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

25 (B) A child who is 6 to 12 years of age, inclusive, may be placed
26 in a community care facility licensed as a group home for children
27 or a short-term residential treatment center under the following
28 conditions.

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

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

1 subparagraph shall apply to each extension. In addition, the deputy
2 director or director of the county child welfare department shall
3 approve the continued placement no less frequently than every 60
4 days.

5 (10) Any child placed in a short-term residential treatment center
6 shall be either of the following:

7 (A) A child who has been assessed as meeting one of the
8 placement requirements set forth in subdivisions (d) and (e) of
9 Section 11462.01.

10 (B) A child under 6 years of age who is placed with his or her
11 minor parent or for the purpose of reunification pursuant to clause
12 (iv) of subparagraph (A) of paragraph (9).

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

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

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

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

26 (A) Placement with a relative.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (5) When it has been determined that a child is to be placed out
34 of county either in a group home or with a foster family agency
35 for subsequent placement in a certified foster family home, and
36 the sending county is to maintain responsibility for supervision
37 and visitation of the child, the sending county shall develop a plan
38 of supervision and visitation that specifies the supervision and
39 visitation activities to be performed and specifies that the sending
40 county is responsible for performing those activities. In addition

1 to the plan of supervision and visitation, the sending county shall
2 document information regarding any known or suspected dangerous
3 behavior of the child that indicates the child may pose a safety
4 concern in the receiving county. Upon implementation of the Child
5 Welfare Services Case Management System, the plan of
6 supervision and visitation, as well as information regarding any
7 known or suspected dangerous behavior of the child, shall be made
8 available to the receiving county upon placement of the child in
9 the receiving county. If placement occurs on a weekend or holiday,
10 the information shall be made available to the receiving county on
11 or before the end of the next business day.

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

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

1 (i) 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 the family ties and best interest of the child
4 will be served by granting visitation rights to the child's
5 grandparents. The court shall clearly specify those rights to the
6 social worker.

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

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

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

23 (B) The child's caregiver is permitted to maintain the least
24 restrictive family setting that promotes normal childhood
25 experiences and that serves the day-to-day needs of the child.

26 (C) The child is permitted to engage in reasonable,
27 age-appropriate day-to-day activities that promote normal
28 childhood experiences for the foster child.

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

36 (l) This section shall become operative on January 1, 2017.

37 SEC. 49. Section 706.6 of the Welfare and Institutions Code
38 is amended to read:

39 706.6. (a) Services to minors are best provided in a framework
40 that integrates service planning and delivery among multiple

1 service systems, including the mental health system, using a
2 team-based approach, such as a child and family team. A child
3 and family team brings together individuals that engage with the
4 child or youth and family in assessing, planning, and delivering
5 services. Use of a team approach increases efficiency, and thus
6 reduces cost, by increasing coordination of formal services and
7 integrating the natural and informal supports available to the child
8 or youth and family.

9 (b) (1) For the purposes of this section, “child and family team”
10 has the same meaning as in paragraph (4) of subdivision (a) of
11 Section 16501.

12 (2) In its development of the case plan, the probation agency
13 shall consider any recommendations of the child and family team,
14 as defined in paragraph (4) of subdivision (a) of Section 16501.
15 The agency shall document the rationale for any inconsistencies
16 between the case plan and the child and family team
17 recommendations.

18 (c) A case plan prepared as required by Section 706.5 shall be
19 submitted to the court. It shall either be attached to the social study
20 or incorporated as a separate section within the social study. The
21 case plan shall include, but not be limited to, the following
22 information:

23 (1) A description of the circumstances that resulted in the minor
24 being placed under the supervision of the probation department
25 and in foster care.

26 (2) Documentation of the preplacement assessment of the
27 minor’s and family’s strengths and service needs showing that
28 preventive services have been provided, and that reasonable efforts
29 to prevent out-of-home placement have been made. The assessment
30 shall include the type of placement best equipped to meet those
31 needs.

32 (3) (A) A description of the type of home or institution in which
33 the minor is to be placed, and the reasons for that placement
34 decision, including a discussion of the safety and appropriateness
35 of the placement, including the recommendations of the child and
36 family team, if available.

37 (B) An appropriate placement is a placement in the least
38 restrictive, most family-like environment that promotes normal
39 childhood experiences, in closest proximity to the minor’s home,
40 that meets the minor’s best interests and special needs.

1 (d) The following shall apply:

2 (1) The agency selecting a placement shall consider, in order
3 of priority:

4 (A) Placement with relatives, nonrelated extended family
5 members, and tribal members.

6 (B) Foster family homes and certified homes or resource families
7 of foster family agencies.

8 (C) Treatment and intensive treatment certified homes or
9 resource families of foster family agencies, or multidimensional
10 treatment foster homes or therapeutic foster care homes.

11 (D) Group care placements in the following order:

12 (i) Short-term residential treatment centers.

13 (ii) Group homes.

14 (iii) Community treatment facilities.

15 (iv) Out-of-state residential treatment pursuant to Part 5
16 (commencing with Section 7900) of Division 12 of the Family
17 Code.

18 (2) Although the placement options shall be considered in the
19 preferential order specified in paragraph (1), the placement of a
20 child may be with any of these placement settings in order to ensure
21 the selection of a safe placement setting that is in the child's best
22 interests and meets the child's special needs.

23 (3) A minor may be placed into a community care facility
24 licensed as a short-term residential treatment center, as defined in
25 subdivision (ad) of Section 11400, provided the case plan indicates
26 that the placement is for the purposes of providing short-term,
27 specialized, and intensive treatment for the minor, the case plan
28 specifies the need for, nature of, and anticipated duration of this
29 treatment, and the case plan includes transitioning the minor to a
30 less restrictive environment and the projected timeline by which
31 the minor will be transitioned to a less restrictive environment.

32 (e) Effective January 1, 2010, a case plan shall ensure the
33 educational stability of the child while in foster care and shall
34 include both of the following:

35 (1) Assurances that the placement takes into account the
36 appropriateness of the current educational setting and the proximity
37 to the school in which the child is enrolled at the time of placement.

38 (2) An assurance that the placement agency has coordinated
39 with appropriate local educational agencies to ensure that the child
40 remains in the school in which the child is enrolled at the time of

1 placement, or, if remaining in that school is not in the best interests
2 of the child, assurances by the placement agency and the local
3 educational agency to provide immediate and appropriate
4 enrollment in a new school and to provide all of the child's
5 educational records to the new school.

6 (f) Specific time-limited goals and related activities designed
7 to enable the safe return of the minor to his or her home, or in the
8 event that return to his or her home is not possible, activities
9 designed to result in permanent placement or emancipation.
10 Specific responsibility for carrying out the planned activities shall
11 be assigned to one or more of the following:

12 (1) The probation department.

13 (2) The minor's parent or parents or legal guardian or guardians,
14 as applicable.

15 (3) The minor.

16 (4) The foster parents or licensed agency providing foster care.

17 (g) The projected date of completion of the case plan objectives
18 and the date services will be terminated.

19 (h) (1) Scheduled visits between the minor and his or her family
20 and an explanation if no visits are made.

21 (2) Whether the child has other siblings, and, if any siblings
22 exist, all of the following:

23 (A) The nature of the relationship between the child and his or
24 her siblings.

25 (B) The appropriateness of developing or maintaining the sibling
26 relationships pursuant to Section 16002.

27 (C) If the siblings are not placed together in the same home,
28 why the siblings are not placed together and what efforts are being
29 made to place the siblings together, or why those efforts are not
30 appropriate.

31 (D) If the siblings are not placed together, all of the following:

32 (i) The frequency and nature of the visits between the siblings.

33 (ii) If there are visits between the siblings, whether the visits
34 are supervised or unsupervised. If the visits are supervised, a
35 discussion of the reasons why the visits are supervised, and what
36 needs to be accomplished in order for the visits to be unsupervised.

37 (iii) If there are visits between the siblings, a description of the
38 location and length of the visits.

39 (iv) Any plan to increase visitation between the siblings.

1 (E) The impact of the sibling relationships on the child's
2 placement and planning for legal permanence.

3 (F) The continuing need to suspend sibling interaction, if
4 applicable, pursuant to subdivision (c) of Section 16002.

5 (3) The factors the court may consider in making a determination
6 regarding the nature of the child's sibling relationships may
7 include, but are not limited to, whether the siblings were raised
8 together in the same home, whether the siblings have shared
9 significant common experiences or have existing close and strong
10 bonds, whether either sibling expresses a desire to visit or live with
11 his or her sibling, as applicable, and whether ongoing contact is
12 in the child's best emotional interests.

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

19 (2) When an out-of-state group home placement is recommended
20 or made, the case plan shall comply with Section 727.1 and Section
21 7911.1 of the Family Code. In addition, documentation of the
22 recommendation of the multidisciplinary team and the rationale
23 for this particular placement shall be included. The case plan shall
24 also address what in-state services or facilities were used or
25 considered and why they were not recommended.

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

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

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

1 (m) When out-of-home services are used and the goal is
2 reunification, the case plan shall describe the services that were
3 provided to prevent removal of the minor from the home, those
4 services to be provided to assist in reunification and the services
5 to be provided concurrently to achieve legal permanency if efforts
6 to reunify fail.

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

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

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

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

31 *SEC. 49.5. Section 706.6 of the Welfare and Institutions Code*
32 *is amended to read:*

33 *706.6. ~~A~~(a) Services to minors are best provided in a*
34 *framework that integrates service planning and delivery among*
35 *multiple service systems, including the mental health system, using*
36 *a team-based approach, such as a child and family team. A child*
37 *and family team brings together individuals that engage with the*
38 *child or youth and family in assessing, planning, and delivering*
39 *services. Use of a team approach increases efficiency, and thus*
40 *reduces cost, by increasing coordination of formal services and*

1 *integrating the natural and informal supports available to the child*
2 *or youth and family.*

3 (b) (1) *For the purposes of this section, “child and family team”*
4 *has the same meaning as in paragraph (4) of subdivision (a) of*
5 *Section 16501.*

6 (2) *In its development of the case plan, the probation agency*
7 *shall consider any recommendations of the child and family team,*
8 *as defined in paragraph (4) of subdivision (a) of Section 16501.*
9 *The agency shall document the rationale for any inconsistencies*
10 *between the case plan and the child and family team*
11 *recommendations.*

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

17 ~~(a)~~

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

21 ~~(b) An~~

22 (2) *Documentation of the preplacement assessment of the*
23 *minor’s and family’s strengths and ~~needs and~~ service needs*
24 *showing that preventive services have been provided, and that*
25 *reasonable efforts to prevent out-of-home placement have been*
26 *made. The assessment shall include the type of placement best*
27 *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 ~~(e) A description of the type of home or institution in which the~~
34 ~~minor is to be placed, including a discussion of the safety and~~
35 ~~appropriateness of the placement.~~

36 (B) *An appropriate placement is a placement in the least*
37 *restrictive, most family-like ~~environment,~~ environment that*
38 *promotes normal childhood experiences, in closest proximity to*
39 *the minor’s home, that meets the minor’s best interests and special*
40 *needs.*

1 (d) The following shall apply:

2 (1) The agency selecting a placement shall consider, in order
3 of priority:

4 (A) Placement with relatives, nonrelated extended family
5 members, and tribal members.

6 (B) Foster family homes and certified homes or resource families
7 of foster family agencies.

8 (C) Treatment and intensive treatment certified homes or
9 resource families of foster family agencies, or multidimensional
10 treatment foster homes or therapeutic foster care homes.

11 (D) Group care placements in the following order:

12 (i) Short-term residential treatment centers.

13 (ii) Group homes.

14 (iii) Community treatment facilities.

15 (iv) Out-of-state residential treatment pursuant to Part 5
16 (commencing with Section 7900) of Division 12 of the Family
17 Code.

18 (2) Although the placement options shall be considered in the
19 preferential order specified in paragraph (1), the placement of a
20 child may be with any of these placement settings in order to ensure
21 the selection of a safe placement setting that is in the child's best
22 interests and meets the child's special needs.

23 (3) A minor may be placed into a community care facility
24 licensed as a short-term residential treatment center, as defined
25 in subdivision (ad) of Section 11400, provided the case plan
26 indicates that the placement is for the purposes of providing
27 short-term, specialized, and intensive treatment for the minor, the
28 case plan specifies the need for, nature of, and anticipated duration
29 of this treatment, and the case plan includes transitioning the
30 minor to a less restrictive environment and the projected timeline
31 by which the minor will be transitioned to a less restrictive
32 environment.

33 ~~(d)~~

34 (e) Effective January 1, 2010, a case plan shall ensure the
35 educational stability of the child while in foster care and shall
36 include both of the following:

37 (1) Assurances that the placement takes into account the
38 appropriateness of the current educational setting and the proximity
39 to the school in which the child is enrolled at the time of placement.

1 (2) An assurance that the placement agency has coordinated
2 with appropriate local educational agencies to ensure that the child
3 remains in the school in which the child is enrolled at the time of
4 placement, or, if remaining in that school is not in the best interests
5 of the child, assurances by the placement agency and the local
6 educational agency to provide immediate and appropriate
7 enrollment in a new school and to provide all of the child's
8 educational records to the new school.

9 ~~(e)~~

10 (f) Specific time-limited goals and related activities designed
11 to enable the safe return of the minor to his or her home, or in the
12 event that return to his or her home is not possible, activities
13 designed to result in permanent placement or emancipation.
14 Specific responsibility for carrying out the planned activities shall
15 be assigned to one or more of the following:

16 (1) The probation department.

17 (2) The minor's parent or parents or legal guardian or guardians,
18 as applicable.

19 (3) The minor.

20 (4) The foster parents or licensed agency providing foster care.

21 ~~(f)~~

22 (g) The projected date of completion of the case plan objectives
23 and the date services will be terminated.

24 ~~(g)~~

25 (h) (1) Scheduled visits between the minor and his or her family
26 and an explanation if no visits are made.

27 (2) Whether the child has other siblings, and, if any siblings
28 exist, all of the following:

29 (A) The nature of the relationship between the child and his or
30 her siblings.

31 (B) The appropriateness of developing or maintaining the sibling
32 relationships pursuant to Section 16002.

33 (C) If the siblings are not placed together in the same home,
34 why the siblings are not placed together and what efforts are being
35 made to place the siblings together, or why those efforts are not
36 appropriate.

37 (D) If the siblings are not placed together, all of the following:

38 (i) The frequency and nature of the visits between the siblings.

39 (ii) If there are visits between the siblings, whether the visits
40 are supervised or unsupervised. If the visits are supervised, a

- 1 discussion of the reasons why the visits are supervised, and what
 2 needs to be accomplished in order for the visits to be unsupervised.
- 3 (iii) If there are visits between the siblings, a description of the
 4 location and length of the visits.
- 5 (iv) Any plan to increase visitation between the siblings.
- 6 (E) The impact of the sibling relationships on the child's
 7 placement and planning for legal permanence.
- 8 (F) The continuing need to suspend sibling interaction, if
 9 applicable, pursuant to subdivision (c) of Section 16002.
- 10 (3) The factors the court may consider in making a determination
 11 regarding the nature of the child's sibling relationships may
 12 include, but are not limited to, whether the siblings were raised
 13 together in the same home, whether the siblings have shared
 14 significant common experiences or have existing close and strong
 15 bonds, whether either sibling expresses a desire to visit or live with
 16 his or her sibling, as applicable, and whether ongoing contact is
 17 in the child's best emotional interests.
- 18 ~~(h)~~
- 19 (i) (1) When placement is made in a foster family home, group
 20 home, or other child care institution that is either a substantial
 21 distance from the home of the minor's parent or legal guardian or
 22 ~~out-of-state~~, *out of state*, the case plan shall specify the reasons
 23 why the placement is the most appropriate and is in the best interest
 24 of the minor.
- 25 (2) When an out-of-state group home placement is recommended
 26 or made, the case plan shall comply with Section 727.1 *of this code*
 27 and Section 7911.1 of the Family Code. In addition, documentation
 28 of the recommendation of the multidisciplinary team and the
 29 rationale for this particular placement shall be included. The case
 30 plan shall also address what in-state services or facilities were used
 31 or considered and why they were not recommended.
- 32 ~~(i)~~
- 33 (j) If applicable, efforts to make it possible to place siblings
 34 together, unless it has been determined that placement together is
 35 not in the best interest of one or more siblings.
- 36 ~~(j)~~
- 37 (k) A schedule of visits between the minor and the probation
 38 officer, including a monthly visitation schedule for those children
 39 placed in group homes.
- 40 ~~(k)~~

1 (l) Health and education information about the minor, school
2 records, immunizations, known medical problems, and any known
3 medications the minor may be taking, names and addresses of the
4 minor's health and educational providers; the minor's grade level
5 performance; assurances that the minor's placement in foster care
6 takes into account proximity to the school in which the minor was
7 enrolled at the time of placement; and other relevant health and
8 educational information.

9 ~~(t)~~

10 (m) When out-of-home services are used and the goal is
11 reunification, the case plan shall describe the services that were
12 provided to prevent removal of the minor from the home, those
13 services to be provided to assist in reunification and the services
14 to be provided concurrently to achieve legal permanency if efforts
15 to reunify fail.

16 ~~(m)~~

17 (n) (1) The updated case plan prepared for a permanency
18 planning hearing shall include a recommendation for a permanent
19 plan for the minor. *The identified permanent plan for a minor*
20 *under 16 years of age shall be return home, adoption, legal*
21 *guardianship, or placement with a fit and willing relative. The*
22 *case plan shall identify any barriers to achieving legal permanence*
23 *and the steps the agency will take to address those barriers.*

24 (2) If, after considering reunification, adoptive placement, legal
25 guardianship, or permanent placement with a fit and willing relative
26 the probation officer recommends placement in a planned
27 permanent living ~~arrangement~~, *arrangement for a minor 16 years*
28 *of age or older*, the case plan shall include documentation of a
29 compelling reason or reasons why termination of parental rights
30 is not in the minor's best interest. For purposes of this subdivision,
31 a "compelling reason" shall have the same meaning as in
32 subdivision (c) of Section 727.3. *The case plan shall also identify*
33 *the intensive and ongoing efforts to return the minor to the home*
34 *of the parent, place the minor for adoption, establish a legal*
35 *guardianship, or place the minor with a fit and willing relative,*
36 *as appropriate. Efforts shall include the use of technology,*
37 *including social media, to find biological family members of the*
38 *minor.*

39 ~~(n)~~

1 (o) Each updated case plan shall include a description of the
 2 services that have been provided to the minor under the plan and
 3 an evaluation of the appropriateness and effectiveness of those
 4 services.

5 ~~(o)~~

6 (p) A statement that the parent or legal guardian, and the minor
 7 have had an opportunity to participate in the development of the
 8 case plan, to review the case plan, to sign the case plan, and to
 9 receive a copy of the plan, or an explanation about why the parent,
 10 legal guardian, or minor was not able to participate or sign the case
 11 plan.

12 ~~(p)~~

13 (q) For a minor in out-of-home care who is 16 years of age or
 14 older, a written description of the programs and services, which
 15 will help the minor prepare for the transition from foster care to
 16 ~~independent living.~~ *successful adulthood.*

17 SEC. 50. Section 727 of the Welfare and Institutions Code is
 18 amended to read:

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

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

1 32625 of the Penal Code, shall be eligible for probation without
2 supervision of the probation officer only when the court determines
3 that the interests of justice would best be served and states reasons
4 on the record for that determination.

5 (3) In all other cases, the court shall order the care, custody, and
6 control of the minor or nonminor to be under the supervision of
7 the probation officer.

8 (4) It is the sole responsibility pursuant to 42 U.S.C. Section
9 672(a)(2)(B) of the probation agency to determine the appropriate
10 placement for the ward once the court issues a placement order.
11 In determination of the appropriate placement for the ward, the
12 probation officer shall consider any recommendations of the child
13 and family. The probation agency may place the minor or nonminor
14 in any of the following:

15 (A) The approved home of a relative or the approved home of
16 a nonrelative, extended family member, as defined in Section
17 362.7. If a decision has been made to place the minor in the home
18 of a relative, the court may authorize the relative to give legal
19 consent for the minor's medical, surgical, and dental care and
20 education as if the relative caregiver were the custodial parent of
21 the minor.

22 (B) A foster home, the approved home of a resource family as
23 defined in Section 16519.5, or a home or facility in accordance
24 with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
25 et seq.).

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

30 (D) A foster family agency, as defined in subdivision (g) of
31 Section 11400 and paragraph (4) of subdivision (a) of Section 1502
32 of the Health and Safety Code, in a suitable program in a family
33 home, which has been certified by the agency as meeting licensing
34 standards. Commencing January 1, 2017, the requirements of
35 Section 11462.01 shall be met.

36 (E) Commencing January 1, 2017, a minor or nonminor
37 dependent may be placed in a short-term residential treatment
38 center as defined in subdivision (ad) of Section 11400 and
39 paragraph (18) of subdivision (a) of Section 1502 of the Health
40 and Safety Code, or a foster family agency, as defined in paragraph

1 (4) of subdivision (a) of Section 1502 of the Health and Safety
2 Code. The placing agency shall also comply with requirements set
3 forth in paragraph (9) of subdivision (e) of Section 361.2, which
4 includes, but is not limited to, authorization, limitation on length
5 of stay, extensions, and additional requirements related to minors.
6 If the placement is longer than 12 months, the placement shall be
7 approved by the chief probation officer of the county probation
8 department, or his or her designee.

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

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

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

36 (5) The minor or nonminor shall be released from juvenile
37 detention upon an order being entered under paragraph (3), unless
38 the court determines that a delay in the release from detention is
39 reasonable pursuant to Section 737.

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

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

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

31 (c) If a minor has been adjudged a ward of the court on the
32 ground that he or she is a person described in Section 601 or 602,
33 and the court finds that notice has been given in accordance with
34 Section 661, and if the court orders that a parent or guardian shall
35 retain custody of that minor either subject to or without the
36 supervision of the probation officer, the parent or guardian may
37 be required to participate with that minor in a counseling or
38 education program, including, but not limited to, parent education
39 and parenting programs operated by community colleges, school
40 districts, or other appropriate agencies designated by the court.

1 (d) The juvenile court may direct any reasonable orders to the
2 parents and guardians of the minor who is the subject of any
3 proceedings under this chapter as the court deems necessary and
4 proper to carry out subdivisions (a), (b), and (c), including orders
5 to appear before a county financial evaluation officer, to ensure
6 the minor’s regular school attendance, and to make reasonable
7 efforts to obtain appropriate educational services necessary to meet
8 the needs of the minor.

9 If counseling or other treatment services are ordered for the
10 minor, the parent, guardian, or foster parent shall be ordered to
11 participate in those services, unless participation by the parent,
12 guardian, or foster parent is deemed by the court to be inappropriate
13 or potentially detrimental to the minor.

14 SEC. 51. Section 727.1 of the Welfare and Institutions Code
15 is amended to read:

16 727.1. (a) When the court orders the care, custody, and control
17 of the minor to be under the supervision of the probation officer
18 for foster care placement pursuant to subdivision (a) of Section
19 727, the decision regarding choice of placement, pursuant to
20 Section 706.6, shall be based upon selection of a safe setting that
21 is the least restrictive or most family like, and the most appropriate
22 setting that meets the individual needs of the minor and is available,
23 in proximity to the parent’s home, consistent with the selection of
24 the environment best suited to meet the minor’s special needs and
25 best interests. The selection shall consider, in order of priority,
26 placement with relatives, tribal members, and foster family, group
27 care, and residential treatment pursuant to Section 7950 of the
28 Family Code.

29 (b) Unless otherwise authorized by law, the court may not order
30 the placement of a minor who is adjudged a ward of the court on
31 the basis that he or she is a person described by either Section 601
32 or 602 in a private residential facility or program that provides
33 24-hour supervision, outside of the state, unless the court finds, in
34 its order of placement, that all of the following conditions are met:

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

37 (2) The State Department of Social Services or its designee has
38 performed initial and continuing inspection of the out-of-state
39 residential facility or program and has either certified that the
40 facility or program meets the greater of all licensure standards

1 required of group homes or of short-term residential treatment
2 centers operated in California, or that the department has granted
3 a waiver to a specific licensing standard upon a finding that there
4 exists no adverse impact to health and safety, pursuant to
5 subdivision (c) of Section 7911.1 of the Family Code.

6 (3) The requirements of Section 7911.1 of the Family Code are
7 met.

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

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

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

28 SEC. 52. Section 827.11 is added to the Welfare and
29 Institutions Code, to read:

30 827.11. (a) The Legislature finds and declares all of the
31 following:

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

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

38 (3) Quality caregivers strengthen foster care by ensuring that a
39 foster or relative family caring for a child provides the loving,

1 committed, and skilled care that the child needs, while working
2 effectively with the child welfare system to reach the child's goals.

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

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

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

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

21 (d) No later than January 1, 2017, the department shall consult
22 with representatives of the County Counsels' Association of
23 California, County Welfare Directors Association of California,
24 and stakeholders to develop regulations or identify policy changes
25 necessary to allow for the sharing of information as described in
26 this section.

27 SEC. 53. Section ~~831~~ 832 is added to the Welfare and
28 Institutions Code, to read:

29 ~~831.~~

30 832. (a) (1) To promote more effective communication needed
31 for the development of a plan to address the needs of the child or
32 youth and family, a person designated as a member of a child and
33 family team as defined in paragraph (4) of subdivision (a) of
34 Section 16501 may receive and disclose relevant information and
35 records, subject to the confidentiality provisions of state and federal
36 law.

37 (2) Information exchanged among the team shall be received
38 in confidence for the limited purpose of providing necessary
39 services and supports to the child or youth and family and shall
40 not be further disclosed except to the juvenile court with

1 jurisdiction over the child or as otherwise required by law. Civil
2 and criminal penalties may apply to the inappropriate disclosure
3 of information held by the team.

4 (b) (1) Each participant in the child and family team with legal
5 power to consent shall sign an authorization to release information
6 to team members. In the event that a child or youth who is a
7 dependent or ward of the juvenile court does not have the legal
8 power to consent to the release of information, the child's attorney
9 or other authorized individual may consent on behalf of the child.

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

15 (3) This authorization shall not include release of adoption
16 records.

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

21 (c) Upon obtaining the authorization to release information as
22 described in subdivision (b), relevant information and records may
23 be shared with members of the team. If the team determines that
24 the disclosure of information would present a reasonable risk of a
25 significant adverse or detrimental effect on the child's or youth's
26 psychological or physical safety, the information shall not be
27 released.

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

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

1 prohibiting or limiting release of the child welfare agency files or
2 records, or any portions thereof, shall prevail.

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

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

13 SEC. 54. Section 4094.2 of the Welfare and Institutions Code
14 is amended to read:

15 4094.2. (a) For the purpose of establishing payment rates for
16 community treatment facility programs, the private nonprofit
17 agencies selected to operate these programs shall prepare a budget
18 that covers the total costs of providing residential care and
19 supervision and mental health services for their proposed programs.
20 These costs shall include categories that are allowable under
21 California’s Foster Care program and existing programs for mental
22 health services. They shall not include educational, nonmental
23 health medical, and dental costs.

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

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

38 (1) These rates shall be established using the existing foster care
39 ratesetting system for group homes, or the rate for a short-term
40 residential treatment center as defined in subdivision (ad) of

1 Section 11400, with modifications designed as necessary. It is
2 anticipated that all community treatment facility programs will
3 offer the level of care and services required to receive the highest
4 foster care rate provided for under the current ratesetting system.

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

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

14 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the
15 2003–04 fiscal year, and the 2004–05 fiscal year, community
16 treatment facility programs shall also be paid a community
17 treatment facility supplemental rate of up to two thousand five
18 hundred dollars (\$2,500) per child per month on behalf of children
19 eligible under the foster care program and children placed out of
20 home pursuant to an individualized education program developed
21 under Section 7572.5 of the Government Code. Subject to the
22 availability of funds, the supplemental rate shall be shared by the
23 state and the counties. Counties shall be responsible for paying a
24 county share of cost equal to 60 percent of the community
25 treatment rate for children placed by counties in community
26 treatment facilities and the state shall be responsible for 40 percent
27 of the community treatment facility supplemental rate. The
28 community treatment facility supplemental rate is intended to
29 supplement, and not to supplant, the payments for which children
30 placed in community treatment facilities are eligible to receive
31 under the foster care program and the existing programs for mental
32 health services.

33 (e) For initial ratesetting purposes for community treatment
34 facility funding, the cost of mental health services shall be
35 determined by deducting the foster care rate and the community
36 treatment facility supplemental rate from the total allowable cost
37 of the community treatment facility program. Payments to certified
38 providers for mental health services shall be based on eligible
39 services provided to children who are Medi-Cal beneficiaries, up
40 to the approved federal rate for these services.

1 (f) The State Department of Health Care Services shall provide
2 the community treatment facility supplemental rates to the counties
3 for advanced payment to the community treatment facility
4 providers in the same manner as the regular foster care payment
5 and within the same required payment time limits.

6 (g) In order to facilitate the study of the costs of community
7 treatment facilities, licensed community treatment facilities shall
8 provide all documents regarding facility operations, treatment, and
9 placements requested by the department.

10 (h) It is the intent of the Legislature that the State Department
11 of Health Care Services and the State Department of Social
12 Services work to maximize federal financial participation in
13 funding for children placed in community treatment facilities
14 through funds available pursuant to Titles IV-E and XIX of the
15 federal Social Security Act (Title 42 U.S.C. Sec. 670 et seq. and
16 Sec. 1396 et seq.) and other appropriate federal programs.

17 (i) The State Department of Health Care Services and the State
18 Department of Social Services may adopt emergency regulations
19 necessary to implement joint protocols for the oversight of
20 community treatment facilities, to modify existing licensing
21 regulations governing reporting requirements and other procedural
22 and administrative mandates to take into account the seriousness
23 and frequency of behaviors that are likely to be exhibited by
24 seriously emotionally disturbed children placed in community
25 treatment facility programs, to modify the existing foster care
26 ratesetting regulations, and to pay the community treatment facility
27 supplemental rate. The adoption of these regulations shall be
28 deemed to be an emergency and necessary for the immediate
29 preservation of the public peace, health and safety, and general
30 welfare. The regulations shall become effective immediately upon
31 filing with the Secretary of State. The regulations shall not remain
32 in effect more than 180 days unless the adopting agency complies
33 with all the provisions of Chapter 3.5 (commencing with Section
34 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
35 as required by subdivision (e) of Section 11346.1 of the
36 Government Code.

37 SEC. 55. Section 4096 of the Welfare and Institutions Code is
38 amended to read:

39 4096. (a) (1) Interagency collaboration and children's program
40 services shall be structured in a manner that will facilitate future

1 implementation of the goals of Part 4 (commencing with Section
2 5850) of Division 5 to develop protocols outlining the roles and
3 responsibilities of placing agencies and group homes regarding
4 emergency and nonemergency placements of foster children in
5 group homes.

6 (2) Components shall be added to state-county performance
7 contracts required in Section 5650 that provide for reports from
8 counties on how this section is implemented.

9 (3) The department shall develop performance contract
10 components required by paragraph (2).

11 (4) Performance contracts subject to this section shall document
12 that the procedures to be implemented in compliance with this
13 section have been approved by the county social services
14 department and the county probation department.

15 (b) Funds specified in subdivision (a) of Section 17601 for
16 services to wards of the court and dependent children of the court
17 shall be allocated and distributed to counties based on the number
18 of wards of the court and dependent children of the court in the
19 county.

20 (c) A county may utilize funds allocated pursuant to subdivision
21 (b) only if the county has an established and operational
22 interagency placement committee, with a membership that includes
23 at least the county placement agency and a licensed mental health
24 professional from the county department of mental health. If
25 necessary, the funds may be used for costs associated with
26 establishing the interagency placement committee.

27 (d) Subsequent to the establishment of an interagency placement
28 committee, funds allocated pursuant to subdivision (b) shall be
29 used to provide services to wards of the court and dependent
30 children of the court jointly identified by county mental health,
31 social services, and probation departments as the highest priority.
32 Every effort shall be made to match those funds with funds
33 received pursuant to Title XIX of the federal Social Security Act,
34 contained in Subchapter 19 (commencing with Section 1396) of
35 Chapter 7 of Title 42 of the United States Code.

36 (e) (1) Each interagency placement committee shall establish
37 procedures whereby a ward of the court or dependent child of the
38 court, or a voluntarily placed child whose placement is funded by
39 the Aid to Families with Dependent Children-Foster Care Program,
40 who is to be placed or is currently placed in a group home program

1 at a rate classification level 13 or rate classification level 14 as
2 specified in Section 11462.01, is assessed as seriously emotionally
3 disturbed, as described in subdivision (a) of Section 5600.3.

4 (2) The assessment required by paragraph (1) shall also indicate
5 that the child or youth is in need of the care and services provided
6 by that group home program.

7 (f) The interagency placement committee shall document the
8 results of the assessment required by subdivision (e) and shall
9 notify the appropriate group home provider and county placing
10 agency, in writing, of those results within 10 days of the completion
11 of the assessment.

12 (g) If the child's or youth's placement is not funded by the Aid
13 to Families with Dependent Children-Foster Care Program, a
14 licensed mental health professional, which is defined to include a
15 physician licensed under Section 2050 of the Business and
16 Professions Code, a licensed psychologist within the meaning of
17 subdivision (a) of Section 2902 of the Business and Professions
18 Code, a licensed clinical social worker within the meaning of
19 subdivision (a) of Section 4996 of the Business and Professions
20 Code, a licensed marriage and family therapist within the meaning
21 of subdivision (b) of Section 4980 of the Business and Professions
22 Code, or a licensed professional clinical counselor within the
23 meaning of subdivision (e) of Section 4999.12, shall certify that
24 the child is assessed as seriously emotionally disturbed, as
25 described in subdivision (a) of Section 5600.3.

26 (h) 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. 56. Section 4096 is added to the Welfare and Institutions
30 Code, to read:

31 4096. (a) (1) Interagency collaboration and children's program
32 services shall be structured in a manner that will facilitate
33 implementation of the goals of Part 4 (commencing with Section
34 5850) of Division 5 to develop protocols outlining the roles and
35 responsibilities of placing agencies and short-term residential
36 treatment centers regarding nonemergency placements of foster
37 children in certified short-term residential treatment centers or
38 foster family agencies.

1 (2) Components shall be added to state-county performance
2 contracts required in Section 5650 that provide for reports from
3 counties on how this section is implemented.

4 (3) The State Department of Health Care Services shall develop
5 performance contract components required by paragraph (2).

6 (4) Performance contracts subject to this section shall document
7 that the procedures to be implemented in compliance with this
8 section have been approved by the county social services
9 department and the county probation department.

10 (b) Funds specified in subdivision (a) of Section 17601 for
11 services to wards of the court and dependent children of the court
12 shall be allocated and distributed to counties based on the number
13 of wards of the court and dependent children of the court in the
14 county.

15 (c) A county may utilize funds allocated pursuant to subdivision
16 (b) only if the county has established an operational interagency
17 placement committee with a membership that includes at least the
18 county placement agency and a licensed mental health professional
19 from the county department of mental health. If necessary, the
20 funds may be used for costs associated with establishing the
21 interagency placement committee.

22 (d) Funds allocated pursuant to subdivision (b) shall be used to
23 provide services to wards of the court and dependent children of
24 the court jointly identified by county mental health, social services,
25 and probation departments as the highest priority. Every effort
26 shall be made to match those funds with funds received pursuant
27 to Title XIX of the federal Social Security Act, contained in
28 Subchapter 19 (commencing with Section 1396) of Chapter 7 of
29 Title 42 of the United States Code.

30 (e) (1) Each interagency placement committee shall establish
31 procedures whereby a ward of the court or dependent child of the
32 court, or a voluntarily placed child whose placement is funded by
33 the Aid to Families with Dependent Children-Foster Care Program,
34 who is to be placed or is currently placed in a short-term residential
35 treatment center program, as specified in Section 11462.01, or a
36 group home granted an extension pursuant to Section 11462.04,
37 shall be assessed to determine whether he or she meets the medical
38 necessity criteria for Medi-Cal specialty mental health Early and
39 Periodic Screening, Diagnosis, and Treatment services, as the
40 criteria are described in Section 1830.210 of Title 9 of the

1 California Code of Regulations, or assessed as seriously
2 emotionally disturbed, as described in subdivision (a) of Section
3 5600.3.

4 (2) The assessment required by paragraph (1) shall also indicate
5 that the child is in need of the care and services provided by a
6 short-term residential treatment center.

7 (3) Nothing in this subdivision shall prohibit an interagency
8 placement committee from considering an assessment that was
9 provided by a licensed mental health professional, as described in
10 subdivision (g), and that was developed consistent with procedures
11 established by the county pursuant to paragraph (1).

12 (f) The interagency placement committee shall document the
13 results of the assessment required by subdivision (e) and shall
14 notify the appropriate provider in writing, of those results within
15 10 days of the completion of the assessment.

16 (g) If the child's or youth's placement is not funded by the Aid
17 to Families with Dependent Children-Foster Care Program, a
18 licensed mental health professional, or an otherwise recognized
19 provider of mental health services, shall certify that the child has
20 been assessed as meeting the medical necessity criteria for
21 Medi-Cal specialty mental health Early and Periodic Screening,
22 Diagnosis, and Treatment services, as the criteria are described in
23 Section 1830.210 of Title 9 of the California Code of Regulations,
24 or assessed as seriously emotionally disturbed, as described in
25 subdivision (a) of Section 5600.3. A "licensed mental health
26 professional" includes a physician licensed under Section 2050 of
27 the Business and Professions Code, a licensed psychologist within
28 the meaning of subdivision (a) of Section 2902 of the Business
29 and Professions Code, a licensed clinical social worker within the
30 meaning of subdivision (a) of Section 4996 of the Business and
31 Professions Code, a licensed marriage and family therapist within
32 the meaning of subdivision (b) of Section 4980 of the Business
33 and Professions Code, or a licensed professional clinical counselor
34 within the meaning of subdivision (e) of Section 4999.12.

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

36 SEC. 57. Section 4096.1 is added to the Welfare and
37 Institutions 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 that has been granted an
20 extension pursuant to the exception process described in
21 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, 2019,
24 and as of that date is repealed, unless a later enacted statute, that
25 is enacted before January 1, 2019, deletes or extends that date.

26 SEC. 58. Section 4096.5 of the Welfare and Institutions Code
27 is amended to read:

28 4096.5. (a) The State Department of Health Care Services
29 shall make a determination, within 45 days of receiving a request
30 from a group home to be classified at RCL 13 or RCL 14 pursuant
31 to Section 11462.01, to certify or deny certification that the group
32 home program includes provisions for mental health treatment
33 services that meet the needs of children who have been assessed
34 as seriously emotionally disturbed, as described in subdivision (a)
35 of Section 5600.3. The department shall issue each certification
36 for a period of one year and shall specify the effective date the
37 program met the certification requirements. A program may be
38 recertified if the program continues to meet the criteria for
39 certification.

1 (b) The State Department of Health Care Services shall, in
2 consultation with the County Behavioral Health Directors
3 Association of California and representatives of provider
4 organizations, develop the criteria for the certification required by
5 subdivision (a) by July 1, 1992.

6 (c) (1) The State Department of Health Care Services may,
7 upon the request of a county, delegate to that county the
8 certification task.

9 (2) Any county to which the certification task is delegated
10 pursuant to paragraph (1) shall use the criteria and format
11 developed by the department.

12 (d) The State Department of Health Care Services or delegated
13 county shall notify the State Department of Social Services
14 Community Care Licensing Division immediately upon the
15 termination of any certification issued in accordance with
16 subdivision (a).

17 (e) Upon receipt of notification from the State Department of
18 Social Services Community Care Licensing Division of any adverse
19 licensing action taken after the finding of noncompliance during
20 an inspection conducted pursuant to Section 1538.7 of the Health
21 and Safety Code, the State Department of Health Care Services or
22 the delegated county shall review the certification issued pursuant
23 to this section.

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

27 SEC. 59. Section 4096.5 is added to the Welfare and
28 Institutions Code, to read:

29 4096.5. (a) All short-term residential treatment centers that
30 operate a mental health program that serves children who have
31 either been assessed as meeting the medical necessity criteria for
32 Medi-Cal specialty mental health services under Early and Periodic
33 Screening, Diagnosis, and Treatment services, as the criteria are
34 described in Section 1830.20 of Title 9 of the California Code of
35 Regulations, or who have been assessed as seriously emotionally
36 disturbed, as described in subdivision (a) of Section 5600.3, shall
37 obtain and have in good standing a mental health certification, as
38 described in Section 11462.01, issued by the State Department of
39 Health Care Services or a county mental health plan to which the
40 department has delegated certification authority. This certification

1 is a condition for receiving an Aid to Families with Dependent
2 Children-Foster Care rate pursuant to Section 11462.01.

3 (b) The State Department of Health Care Services or a county
4 mental health plan to which the department has delegated
5 certification authority shall certify or deny certification within 45
6 days of receiving a certification request. The State Department of
7 Health Care Services or a county mental health plan to which the
8 department has delegated certification authority shall issue each
9 certification for a period of one year and shall specify the effective
10 date that the program met the program standards. Certified entities
11 shall meet all program standards to be recertified.

12 (c) The State Department of Health Care Services shall
13 promulgate regulations regarding program standards, oversight,
14 enforcement, and due process for the mental health certification
15 of short-term residential treatment centers.

16 (d) (1) Except for certification of short-term residential
17 treatment centers operated by a county, the State Department of
18 Health Care Services may, upon the request of a county, delegate
19 to that county mental health plan the certification of short-term
20 residential treatment center programs within its borders.

21 (2) Any county to which certification is delegated pursuant to
22 paragraph (1) shall be responsible for the oversight and
23 enforcement of program standards and the provision of due process
24 for certified entities.

25 (e) The State Department of Health Care Services or a county
26 mental health plan to which the department has delegated
27 certification authority shall notify the State Department of Social
28 Services immediately upon the termination of any certification
29 issued in accordance with subdivisions (a) and (b).

30 (f) The State Department of Social Services shall notify the
31 State Department of Health Care Services or a county to which
32 the department has delegated certification authority immediately
33 upon the revocation of any license issued pursuant to Chapter 3
34 (commencing with Section 1500) of Division 2 of the Health and
35 Safety Code.

36 (g) Revocation of a license or a mental health certification shall
37 be a basis for rate termination.

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

39 SEC. 60. Section 4096.55 is added to the Welfare and
40 Institutions Code, to read:

1 4096.55. (a) The State Department of Health Care Services
2 shall make a determination, within 45 days of receiving a request
3 from a group home to be classified at rate classification level 13
4 or rate classification level 14 pursuant to Section 11462.015, to
5 certify or deny certification that the group home program includes
6 provisions for mental health treatment services that meet the needs
7 of children who have been assessed as seriously emotionally
8 disturbed, as described in subdivision (a) of Section 5600.3. The
9 department shall issue each certification for a period of one year
10 and shall specify the effective date the program met the certification
11 requirements. A program may be recertified if the program
12 continues to meet the criteria for certification.

13 (b) The State Department of Health Care Services shall, in
14 consultation with the County Behavioral Health Directors
15 Association of California and representatives of provider
16 organizations, develop the criteria for the certification required by
17 subdivision (a).

18 (c) (1) The State Department of Health Care Services may,
19 upon the request of a county, delegate to that county the
20 certification task.

21 (2) Any county to which the certification task is delegated
22 pursuant to paragraph (1) shall use the criteria and format
23 developed by the department.

24 (d) The State Department of Health Care Services or delegated
25 county shall notify the State Department of Social Services
26 Community Care Licensing Division immediately upon the
27 termination of any certification issued in accordance with
28 subdivision (a).

29 (e) Upon receipt of notification from the State Department of
30 Social Services Community Care Licensing Division of any adverse
31 licensing action taken after the finding of noncompliance during
32 an inspection conducted pursuant to Section 1538.7 of the Health
33 and Safety Code, the State Department of Health Care Services or
34 the delegated county shall review the certification issued pursuant
35 to this section.

36 (f) 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.

39 (g) This section shall become operative on January 1, 2017.

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

4 SEC. 61. Section 5600.3 of the Welfare and Institutions Code
5 is amended to read:

6 5600.3. To the extent resources are available, the primary goal
7 of the use of funds deposited in the mental health account of the
8 local health and welfare trust fund should be to serve the target
9 populations identified in the following categories, which shall not
10 be construed as establishing an order of priority:

11 (a) (1) Seriously emotionally disturbed children or adolescents.

12 (2) For the purposes of this part, “seriously emotionally
13 disturbed children or adolescents” means minors under the age of
14 18 years who have a mental disorder as identified in the most recent
15 edition of the Diagnostic and Statistical Manual of Mental
16 Disorders, other than a primary substance use disorder or
17 developmental disorder, which results in behavior inappropriate
18 to the child’s age according to expected developmental norms.
19 Members of this target population shall meet one or more of the
20 following criteria:

21 (A) As a result of the mental disorder, the child has substantial
22 impairment in at least two of the following areas: self-care, school
23 functioning, family relationships, or ability to function in the
24 community; and either of the following occur:

25 (i) The child is at risk of removal from home or has already
26 been removed from the home.

27 (ii) The mental disorder and impairments have been present for
28 more than six months or are likely to continue for more than one
29 year without treatment.

30 (B) The child displays one of the following: psychotic features,
31 risk of suicide or risk of violence due to a mental disorder.

32 (C) The child has been assessed pursuant to Article 2
33 (commencing with Section 56320) of Chapter 4 of Part 30 of
34 Division 4 of Title 2 of the Education Code and determined to
35 have an emotional disturbance, as defined in paragraph (4) of
36 subdivision (c) of Section 300.8 of Title 34 of the Code of Federal
37 Regulations.

38 (b) (1) Adults and older adults who have a serious mental
39 disorder.

1 (2) For the purposes of this part, “serious mental disorder”
2 means a mental disorder that is severe in degree and persistent in
3 duration, which may cause behavioral functioning which interferes
4 substantially with the primary activities of daily living, and which
5 may result in an inability to maintain stable adjustment and
6 independent functioning without treatment, support, and
7 rehabilitation for a long or indefinite period of time. Serious mental
8 disorders include, but are not limited to, schizophrenia, bipolar
9 disorder, post-traumatic stress disorder, as well as major affective
10 disorders or other severely disabling mental disorders. This section
11 shall not be construed to exclude persons with a serious mental
12 disorder and a diagnosis of substance abuse, developmental
13 disability, or other physical or mental disorder.

14 (3) Members of this target population shall meet all of the
15 following criteria:

16 (A) The person has a mental disorder as identified in the most
17 recent edition of the Diagnostic and Statistical Manual of Mental
18 Disorders, other than a substance use disorder or developmental
19 disorder or acquired traumatic brain injury pursuant to subdivision
20 (a) of Section 4354 unless that person also has a serious mental
21 disorder as defined in paragraph (2).

22 (B) (i) As a result of the mental disorder, the person has
23 substantial functional impairments or symptoms, or a psychiatric
24 history demonstrating that without treatment there is an imminent
25 risk of decompensation to having substantial impairments or
26 symptoms.

27 (ii) For the purposes of this part, “functional impairment” means
28 being substantially impaired as the result of a mental disorder in
29 independent living, social relationships, vocational skills, or
30 physical condition.

31 (C) As a result of a mental functional impairment and
32 circumstances, the person is likely to become so disabled as to
33 require public assistance, services, or entitlements.

34 (4) For the purpose of organizing outreach and treatment options,
35 to the extent resources are available, this target population includes,
36 but is not limited to, persons who are any of the following:

37 (A) Homeless persons who are mentally ill.

38 (B) Persons evaluated by appropriately licensed persons as
39 requiring care in acute treatment facilities including state hospitals,

1 acute inpatient facilities, institutes for mental disease, and crisis
2 residential programs.

3 (C) Persons arrested or convicted of crimes.

4 (D) Persons who require acute treatment as a result of a first
5 episode of mental illness with psychotic features.

6 (5) California veterans in need of mental health services and
7 who meet the existing eligibility requirements of this section, shall
8 be provided services to the extent services are available to other
9 adults pursuant to this section. Veterans who may be eligible for
10 mental health services through the United States Department of
11 Veterans Affairs should be advised of these services by the county
12 and assisted in linking to those services.

13 (A) No eligible veteran shall be denied county mental health
14 services based solely on his or her status as a veteran.

15 (B) Counties shall refer a veteran to the county veterans service
16 officer, if any, to determine the veteran's eligibility for, and the
17 availability of, mental health services provided by the United States
18 Department of Veterans Affairs or other federal health care
19 provider.

20 (C) Counties should consider contracting with community-based
21 veterans' services agencies, where possible, to provide high-quality,
22 veteran specific mental health services.

23 (c) Adults or older adults who require or are at risk of requiring
24 acute psychiatric inpatient care, residential treatment, or outpatient
25 crisis intervention because of a mental disorder with symptoms of
26 psychosis, suicidality, or violence.

27 (d) Persons who need brief treatment as a result of a natural
28 disaster or severe local emergency.

29 SEC. 62. Section 10553.12 of the Welfare and Institutions
30 Code is amended to read:

31 10553.12. (a) Notwithstanding any other law, a federally
32 recognized tribe is authorized, but not required, to approve a home
33 for the purpose of foster or adoptive placement of an Indian child
34 pursuant to the Federal Indian Child Welfare Act (25 U.S.C. Sec.
35 1915).

36 (b) An Indian child, as defined by subdivisions (a) and (b) of
37 Section 224, that has been removed pursuant to Section 361, from
38 the custody of his or her parents or Indian custodian may be placed
39 in a tribally approved home pursuant to Section 1915 of the federal
40 Indian Child Welfare Act.

1 (c) To facilitate the availability of tribally approved homes that
2 have been fully approved in accord with federal law, including
3 completion of required background checks, a tribal agency may
4 request from the Department of Justice federal and state summary
5 criminal history information regarding a prospective foster parent
6 or adoptive parent, an adult who resides or is employed in the
7 home of an applicant, any person who has a familial or intimate
8 relationship with any person living in the home of an applicant,
9 or an employee of the child welfare agency who may have contact
10 with children, in accord with subdivision (m) of Section 11105 of
11 the Penal Code and Child Abuse Central Index Information
12 pursuant to paragraph (8) of subdivision (b) of Section 11170 of
13 the Penal Code.

14 (d) As used in this section, a “tribal agency” means an entity
15 designated by a federally recognized tribe as authorized to approve
16 homes consistent with the Indian Child Welfare Act for the purpose
17 of placement of Indian children, into foster or adoptive care,
18 including the authority to conduct criminal record and child abuse
19 background checks of, and grant exemptions to, individuals who
20 are prospective foster parents or adoptive parents, an adult who
21 resides or is employed in the home of an applicant for approval,
22 any person who has a familial or intimate relationship with any
23 person living in the home of an applicant, or an employee of the
24 tribal agency who may have contact with children.

25 (e) A county social worker may place an Indian child in a tribally
26 approved home without having to conduct a separate background
27 check, upon certification by the tribal agency of the following:

28 (1) The tribal agency has completed a criminal record
29 background check in accord with the standards set forth in Section
30 1522 of the Health and Safety Code, and a Child Abuse Central
31 Index Check pursuant to Section 1522.1 of the Health and Safety
32 Code, with respect to each of the individuals described in
33 subdivision (c).

34 (2) The tribal agency has agreed to report to a county child
35 welfare agency responsible for a child placed in the tribally
36 approved home, within 24 hours of notification to the tribal agency
37 by the Department of Justice, of a subsequent state or federal arrest
38 or disposition notification provided pursuant to Section 11105.2
39 of the Penal Code involving an individual associated with the
40 tribally approved home where an Indian child is placed.

1 (3) If the tribal agency in its certification states that the
 2 individual was granted a criminal record exemption, the
 3 certification shall specify that the exemption was evaluated in
 4 accord with the standards and limitations set forth in paragraph
 5 (1) of subdivision (g) of Section 1522 of the Health and Safety
 6 Code and was not granted to an individual ineligible for an
 7 exemption under that provision.

8 SEC. 63. Section 11253.2 is added to the Welfare and
 9 Institutions Code, to read:

10 11253.2. (a) Notwithstanding any other law, an application
 11 for aid filed on behalf of a child to whom Section 309, 361.45, or
 12 16519.5 applies shall be processed pursuant to an expedited process
 13 as determined by the department in consultation with the counties.

14 (b) Subdivision (a) shall not apply if the person who applies for
 15 aid on behalf of a child described in subdivision (a) is also an
 16 applicant for or a recipient of benefits under this chapter.

17 (c) (1) Except as provided in paragraph (2), a person who applies
 18 for aid on behalf of a child described in subdivision (a) shall be
 19 exempt from Chapter 4.6 (commencing with Section 10830) of
 20 Part 2 governing the statewide fingerprint imaging system.

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

24 SEC. 64. Section 11400 of the Welfare and Institutions Code
 25 is amended to read:

26 11400. For purposes of this article, the following definitions
 27 shall apply:

28 (a) "Aid to Families with Dependent Children-Foster Care
 29 (AFDC-FC)" means the aid provided on behalf of needy children
 30 in foster care under the terms of this division.

31 (b) "Case plan" means a written document that, at a minimum,
 32 specifies the type of home in which the child shall be placed, the
 33 safety of that home, and the appropriateness of that home to meet
 34 the child's needs. It shall also include the agency's plan for
 35 ensuring that the child receive proper care and protection in a safe
 36 environment, and shall set forth the appropriate services to be
 37 provided to the child, the child's family, and the foster parents, in
 38 order to meet the child's needs while in foster care, and to reunify
 39 the child with the child's family. In addition, the plan shall specify

1 the services that will be provided or steps that will be taken to
2 facilitate an alternate permanent plan if reunification is not possible.

3 (c) “Certified family home” means a family residence certified
4 by a licensed foster family agency and issued a certificate of
5 approval by that agency as meeting licensing standards, and used
6 only by that foster family agency for placements.

7 (d) “Family home” means the family residence of a licensee in
8 which 24-hour care and supervision are provided for children.

9 (e) “Small family home” means any residential facility, in the
10 licensee’s family residence, which provides 24-hour care for six
11 or fewer foster children who have mental disorders or
12 developmental or physical disabilities and who require special care
13 and supervision as a result of their disabilities.

14 (f) “Foster care” means the 24-hour out-of-home care provided
15 to children whose own families are unable or unwilling to care for
16 them, and who are in need of temporary or long-term substitute
17 parenting.

18 (g) “Foster family agency” means a licensed community care
19 facility, as defined in paragraph (4) of subdivision (a) of Section
20 1502 of the Health and Safety Code. Private foster family agencies
21 shall be organized and operated on a nonprofit basis.

22 (h) “Group home” means a nondetention privately operated
23 residential home, organized and operated on a nonprofit basis only,
24 of any capacity, or a nondetention licensed residential care home
25 operated by the County of San Mateo with a capacity of up to 25
26 beds, that accepts children in need of care and supervision in a
27 group home, as defined by paragraph (13) of subdivision (a) of
28 Section 1502 of the Health and Safety Code.

29 (i) “Periodic review” means review of a child’s status by the
30 juvenile court or by an administrative review panel, that shall
31 include a consideration of the safety of the child, a determination
32 of the continuing need for placement in foster care, evaluation of
33 the goals for the placement and the progress toward meeting these
34 goals, and development of a target date for the child’s return home
35 or establishment of alternative permanent placement.

36 (j) “Permanency planning hearing” means a hearing conducted
37 by the juvenile court in which the child’s future status, including
38 whether the child shall be returned home or another permanent
39 plan shall be developed, is determined.

1 (k) “Placement and care” refers to the responsibility for the
2 welfare of a child vested in an agency or organization by virtue of
3 the agency or organization having (1) been delegated care, custody,
4 and control of a child by the juvenile court, (2) taken responsibility,
5 pursuant to a relinquishment or termination of parental rights on
6 a child, (3) taken the responsibility of supervising a child detained
7 by the juvenile court pursuant to Section 319 or 636, or (4) signed
8 a voluntary placement agreement for the child’s placement; or to
9 the responsibility designated to an individual by virtue of his or
10 her being appointed the child’s legal guardian.

11 (l) “Preplacement preventive services” means services that are
12 designed to help children remain with their families by preventing
13 or eliminating the need for removal.

14 (m) “Relative” means an adult who is related to the child by
15 blood, adoption, or affinity within the fifth degree of kinship,
16 including stepparents, stepsiblings, and all relatives whose status
17 is preceded by the words “great,” “great-great,” or “grand” or the
18 spouse of any of these persons even if the marriage was terminated
19 by death or dissolution.

20 (n) “Nonrelative extended family member” means an adult
21 caregiver who has an established familial or mentoring relationship
22 with the child, as described in Section 362.7.

23 (o) “Voluntary placement” means an out-of-home placement
24 of a child by (1) the county welfare department, probation
25 department, or Indian tribe that has entered into an agreement
26 pursuant to Section 10553.1, after the parents or guardians have
27 requested the assistance of the county welfare department and have
28 signed a voluntary placement agreement; or (2) the county welfare
29 department licensed public or private adoption agency, or the
30 department acting as an adoption agency, after the parents have
31 requested the assistance of either the county welfare department,
32 the licensed public or private adoption agency, or the department
33 acting as an adoption agency for the purpose of adoption planning,
34 and have signed a voluntary placement agreement.

35 (p) “Voluntary placement agreement” means a written agreement
36 between either the county welfare department, probation
37 department, or Indian tribe that has entered into an agreement
38 pursuant to Section 10553.1, licensed public or private adoption
39 agency, or the department acting as an adoption agency, and the

1 parents or guardians of a child that specifies, at a minimum, the
2 following:

3 (1) The legal status of the child.

4 (2) The rights and obligations of the parents or guardians, the
5 child, and the agency in which the child is placed.

6 (q) “Original placement date” means the most recent date on
7 which the court detained a child and ordered an agency to be
8 responsible for supervising the child or the date on which an agency
9 assumed responsibility for a child due to termination of parental
10 rights, relinquishment, or voluntary placement.

11 (r) (1) “Transitional housing placement provider” means an
12 organization licensed by the State Department of Social Services
13 pursuant to Section 1559.110 of the Health and Safety Code, to
14 provide transitional housing to foster children at least 16 years of
15 age and not more than 18 years of age, and nonminor dependents,
16 as defined in subdivision (v). A transitional housing placement
17 provider shall be privately operated and organized on a nonprofit
18 basis.

19 (2) Prior to licensure, a provider shall obtain certification from
20 the applicable county, in accordance with Section 16522.1.

21 (s) “Transitional Housing Program-Plus” means a provider
22 certified by the applicable county, in accordance with subdivision
23 (c) of Section 16522, to provide transitional housing services to
24 former foster youth who have exited the foster care system on or
25 after their 18th birthday.

26 (t) “Whole family foster home” means a new or existing family
27 home, approved relative caregiver or nonrelative extended family
28 member’s home, the home of a nonrelated legal guardian whose
29 guardianship was established pursuant to Section 360 or 366.26,
30 certified family home, or a host family home placement of a
31 transitional housing placement provider, that provides foster care
32 for a minor or nonminor dependent parent and his or her child,
33 and is specifically recruited and trained to assist the minor or
34 nonminor dependent parent in developing the skills necessary to
35 provide a safe, stable, and permanent home for his or her child.
36 The child of the minor or nonminor dependent parent need not be
37 the subject of a petition filed pursuant to Section 300 to qualify
38 for placement in a whole family foster home.

39 (u) “Mutual agreement” means any of the following:

1 (1) A written voluntary agreement of consent for continued
2 placement and care in a supervised setting between a minor or, on
3 and after January 1, 2012, a nonminor dependent, and the county
4 welfare services or probation department or tribal agency
5 responsible for the foster care placement, that documents the
6 nonminor's continued willingness to remain in supervised
7 out-of-home placement under the placement and care of the
8 responsible county, tribe, consortium of tribes, or tribal
9 organization that has entered into an agreement with the state
10 pursuant to Section 10553.1, remain under the jurisdiction of the
11 juvenile court as a nonminor dependent, and report any change of
12 circumstances relevant to continued eligibility for foster care
13 payments, and that documents the nonminor's and social worker's
14 or probation officer's agreement to work together to facilitate
15 implementation of the mutually developed supervised placement
16 agreement and transitional independent living case plan.

17 (2) An agreement, as described in paragraph (1), between a
18 nonminor former dependent or ward in receipt of Kin-GAP
19 payments under Article 4.5 (commencing with Section 11360) or
20 Article 4.7 (commencing with Section 11385), and the agency
21 responsible for the Kin-GAP benefits, provided that the nonminor
22 former dependent or ward satisfies the conditions described in
23 Section 11403.01, or one or more of the conditions described in
24 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
25 11403. For purposes of this paragraph and paragraph (3),
26 "nonminor former dependent or ward" has the same meaning as
27 described in subdivision (aa).

28 (3) An agreement, as described in paragraph (1), between a
29 nonminor former dependent or ward in receipt of AFDC-FC
30 payments under subdivision (e) or (f) of Section 11405 and the
31 agency responsible for the AFDC-FC benefits, provided that the
32 nonminor former dependent or ward described in subdivision (e)
33 of Section 11405 satisfies one or more of the conditions described
34 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
35 11403, and the nonminor described in subdivision (f) of Section
36 11405 satisfies the secondary school or equivalent training or
37 certificate program conditions described in that subdivision.

38 (v) "Nonminor dependent" means, on and after January 1, 2012,
39 a foster child, as described in Section 675(8)(B) of Title 42 of the
40 United States Code under the federal Social Security Act who is

1 a current dependent child or ward of the juvenile court, or who is
2 a nonminor under the transition jurisdiction of the juvenile court,
3 as described in Section 450, and who satisfies all of the following
4 criteria:

5 (1) He or she has attained 18 years of age while under an order
6 of foster care placement by the juvenile court, and is not more than
7 19 years of age on or after January 1, 2012, not more than 20 years
8 of age on or after January 1, 2013, or not more than 21 years of
9 age on or after January 1, 2014, and as described in Section
10 10103.5.

11 (2) He or she is in foster care under the placement and care
12 responsibility of the county welfare department, county probation
13 department, Indian tribe, consortium of tribes, or tribal organization
14 that entered into an agreement pursuant to Section 10553.1.

15 (3) He or she has a transitional independent living case plan
16 pursuant to Section 475(8) of the federal Social Security Act (42
17 U.S.C. Sec. 675(8)), as contained in the federal Fostering
18 Connections to Success and Increasing Adoptions Act of 2008
19 (Public Law 110-351), as described in Section 11403.

20 (w) “Supervised independent living placement” means, on and
21 after January 1, 2012, an independent supervised setting, as
22 specified in a nonminor dependent’s transitional independent living
23 case plan, in which the youth is living independently, pursuant to
24 Section 472(c)(2) of the federal Social Security Act (42 U.S.C.
25 Sec. 672(c)(2)).

26 (x) “Supervised independent living setting,” pursuant to Section
27 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
28 672(c)(2)), includes both a supervised independent living
29 placement, as defined in subdivision (w), and a residential housing
30 unit certified by the transitional housing placement provider
31 operating a Transitional Housing Placement-Plus Foster Care
32 program, as described in paragraph (2) of subdivision (a) of Section
33 16522.1.

34 (y) “Transitional independent living case plan” means, on or
35 after January 1, 2012, a child’s case plan submitted for the last
36 review hearing held before he or she reaches 18 years of age or
37 the nonminor dependent’s case plan, updated every six months,
38 that describes the goals and objectives of how the nonminor will
39 make progress in the transition to living independently and assume
40 incremental responsibility for adult decisionmaking, the

1 collaborative efforts between the nonminor and the social worker,
 2 probation officer, or Indian tribal placing entity and the supportive
 3 services as described in the transitional independent living plan
 4 (TILP) to ensure active and meaningful participation in one or
 5 more of the eligibility criteria described in paragraphs (1) to (5),
 6 inclusive, of subdivision (b) of Section 11403, the nonminor’s
 7 appropriate supervised placement setting, and the nonminor’s
 8 permanent plan for transition to living independently, which
 9 includes maintaining or obtaining permanent connections to caring
 10 and committed adults, as set forth in paragraph (16) of subdivision
 11 (f) of Section 16501.1.

12 (z) “Voluntary reentry agreement” means a written voluntary
 13 agreement between a former dependent child or ward or a former
 14 nonminor dependent, who has had juvenile court jurisdiction
 15 terminated pursuant to Section 391, 452, or 607.2, and the county
 16 welfare or probation department or tribal placing entity that
 17 documents the nonminor’s desire and willingness to reenter foster
 18 care, to be placed in a supervised setting under the placement and
 19 care responsibility of the placing agency, the nonminor’s desire,
 20 willingness, and ability to immediately participate in one or more
 21 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
 22 (b) of Section 11403, the nonminor’s agreement to work
 23 collaboratively with the placing agency to develop his or her
 24 transitional independent living case plan within 60 days of reentry,
 25 the nonminor’s agreement to report any changes of circumstances
 26 relevant to continued eligibility for foster care payments, and (1)
 27 the nonminor’s agreement to participate in the filing of a petition
 28 for juvenile court jurisdiction as a nonminor dependent pursuant
 29 to subdivision (e) of Section 388 within 15 judicial days of the
 30 signing of the agreement and the placing agency’s efforts and
 31 supportive services to assist the nonminor in the reentry process,
 32 or (2) if the nonminor meets the definition of a nonminor former
 33 dependent or ward, as described in subdivision (aa), the nonminor’s
 34 agreement to return to the care and support of his or her former
 35 juvenile court-appointed guardian and meet the eligibility criteria
 36 for AFDC-FC pursuant to subdivision (e) of Section 11405.

37 (aa) “Nonminor former dependent or ward” means, on and after
 38 January 1, 2012, either of the following:

39 (1) A nonminor who reached 18 years of age while subject to
 40 an order for foster care placement, and for whom dependency,

1 delinquency, or transition jurisdiction has been terminated, and
2 who is still under the general jurisdiction of the court.

3 (2) A nonminor who is over 18 years of age and, while a minor,
4 was a dependent child or ward of the juvenile court when the
5 guardianship was established pursuant to Section 360 or 366.26,
6 or subdivision (d), of Section 728 and the juvenile court
7 dependency or wardship was dismissed following the establishment
8 of the guardianship.

9 (ab) “Runaway and homeless youth shelter” means a type of
10 group home, as defined in paragraph (14) of subdivision (a) of
11 Section 1502 of the Health and Safety Code, that is not an eligible
12 placement option under Sections 319, 361.2, 450, and 727, and
13 that is not eligible for AFDC-FC funding pursuant to subdivision
14 (c) of Section 11402 or Section 11462.

15 (ac) “Transition dependent” is a minor between 17 years and
16 five months and 18 years of age who is subject to the court’s
17 transition jurisdiction under Section 450.

18 (ad) “Short-term residential treatment center” means a
19 nondetention, licensed community care facility, as defined in
20 paragraph (18) of subdivision (a) of Section 1502 of the Health
21 and Safety Code, that provides short-term, specialized, and
22 intensive treatment for the child or youth, when the child’s or
23 youth’s case plan specifies the need for, nature of, and anticipated
24 duration of this specialized treatment.

25 (ae) “Resource family” means an approved caregiver, as defined
26 in subdivision (c) of Section 16519.5.

27 (af) “Core Services” mean services, made available to children,
28 youth, and nonminor dependents either directly or secured through
29 formal agreement with other agencies, which are trauma informed
30 and culturally relevant as specified in Sections 11462 and 11463.

31 SEC. 65. Section 11402 of the Welfare and Institutions Code
32 is amended to read:

33 11402. In order to be eligible for AFDC-FC, a child or
34 nonminor dependent shall be placed in one of the following:

35 (a) Prior to January 1, 2019, the approved home of a relative,
36 provided the child or youth is otherwise eligible for federal
37 financial participation in the AFDC-FC payment.

38 (b) (1) Prior to January 1, 2019, the licensed family home of a
39 nonrelative.

1 (2) Prior to January 1, 2019, the approved home of a nonrelative
2 extended family member as described in Section 362.7.

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

5 (d) A licensed group home, as defined in subdivision (h) of
6 Section 11400, excluding a runaway and homeless youth shelter
7 as defined in subdivision (ab) of Section 11400, provided that the
8 placement worker has documented that the placement is necessary
9 to meet the treatment needs of the child or youth and that the
10 facility offers those treatment services.

11 (e) The home of a nonrelated legal guardian or the home of a
12 former nonrelated legal guardian when the guardianship of a child
13 or youth who is otherwise eligible for AFDC-FC has been
14 dismissed due to the child or youth attaining 18 years of age.

15 (f) An exclusive-use home.

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

19 (h) An out-of-state group home, provided that the placement
20 worker, in addition to complying with all other statutory
21 requirements for placing a child or youth in an out-of-state group
22 home, documents that the requirements of Section 7911.1 of the
23 Family Code have been met.

24 (i) An approved supervised independent living setting for
25 nonminor dependents, as defined in subdivision (w) of Section
26 11400.

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

30 SEC. 66. Section 11402 is added to the Welfare and Institutions
31 Code, to read:

32 11402. In order to be eligible for AFDC-FC, a child or
33 nonminor dependent shall be placed in one of the following:

34 (a) Prior to January 1, 2019, the approved home of a relative,
35 provided the child or youth is otherwise eligible for federal
36 financial participation in the AFDC-FC payment.

37 (b) (1) Prior to January 1, 2019, the home of a nonrelated legal
38 guardian or the home of a former nonrelated legal guardian when
39 the guardianship of a child or youth who is otherwise eligible for

1 AFDC-FC has been dismissed due to the child or youth attaining
2 18 years of age.

3 (2) Prior to January 1, 2019, the approved home of a nonrelative
4 extended family member, as described in Section 362.7.

5 (c) (1) Prior to January 1, 2019, the licensed family home of a
6 nonrelative.

7 (2) The approved home of a resource family, as defined in
8 Section 16519.5.

9 (d) (1) A housing model certified by a licensed transitional
10 housing placement provider, as described in Section 1559.110 of
11 the Health and Safety Code, and as defined in subdivision (r) of
12 Section 11400.

13 (2) An approved supervised independent living setting for
14 nonminor dependents, as defined in subdivision (w) of Section
15 11400.

16 (e) A licensed foster family agency, as defined in subdivision
17 (g) of Section 11400 and paragraph (4) of subdivision (a) of Section
18 1502 of the Health and Safety Code, for placement into a certified
19 or approved home.

20 (f) A short-term residential treatment center licensed as a
21 community care facility, as defined in subdivision (ad) of Section
22 11400 and paragraph (18) of subdivision (a) of Section 1502 of
23 the Health and Safety Code.

24 (g) An out-of-state group home that meets the requirements of
25 paragraph (2) of subdivision (c) of Section 11460, provided that
26 the placement worker, in addition to complying with all other
27 statutory requirements for placing a child or youth in an out-of-state
28 group home, documents that the requirements of Section 7911.1
29 of the Family Code have been met.

30 (h) A community treatment facility set forth in Article 5
31 (commencing with Section 4094) of Chapter 3 of Part 1 of Division
32 4.

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

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) Prior to January 1, 2019, the approved home of a relative,
39 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) Prior to January 1, 2019, the licensed family home of a
4 nonrelative.

5 (2) Prior to January 1, 2019, the approved home of a nonrelative
6 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) A licensed foster family agency, as defined in subdivision
20 (g) of Section 11400 and paragraph (4) of subdivision (a) of Section
21 1502 of the Health and Safety Code for placement into a home
22 certified by the agency as meeting licensing standards.

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

26 (h) An out-of-state group home, provided that the placement
27 worker, in addition to complying with all other statutory
28 requirements for placing a minor in an out-of-state group home,
29 documents that the requirements of Section 7911.1 of the Family
30 Code have been met.

31 (i) An approved supervised independent living setting for
32 nonminor dependents, as defined in subdivision (w) of Section
33 11400.

34 (j) 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 or to a foster family agency
37 that has been granted an extension pursuant to the exception
38 process described in subdivision (d) of Section 11463.1.

39 (k) This section shall become operative on January 1, 2017.

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

4 SEC. 68. Section 11403.2 of the Welfare and Institutions Code
5 is amended to read:

6 11403.2. (a) The following persons shall be eligible for
7 transitional housing provided pursuant to Article 4 (commencing
8 with Section 16522) of Chapter 5 of Part 4:

9 (1) Any foster child at least 16 years of age and not more than
10 18 years of age, and, on or after January 1, 2012, any nonminor
11 dependent, as defined in subdivision (v) of Section 11400, who is
12 eligible for AFDC-FC benefits as described in Section 11401. A
13 foster child under 18 years of age shall be eligible for placement
14 in the program certified as a “Transitional Housing Placement
15 Program,” pursuant to paragraph (1) of subdivision (a) of Section
16 16522.1. A nonminor dependent shall be eligible for placement in
17 the program certified as a “Transitional Housing Placement-Plus
18 Foster Care Program” pursuant to paragraph (2) of subdivision (a)
19 of Section 16522.1.

20 (2) (A) Any former foster youth at least 18 years of age and,
21 except as provided in subparagraph (B), not more than 24 years
22 of age who has exited from the foster care system on or after his
23 or her 18th birthday and elects to participate in Transitional
24 Housing Program-Plus, as defined in subdivision (s) of Section
25 11400, if he or she has not received services under this paragraph
26 for more than a total of 24 months, whether or not consecutive. If
27 the person participating in a Transitional Housing Program-Plus
28 is not receiving aid under Section 11403.1, he or she, as a condition
29 of participation, shall enter into, and execute the provisions of, a
30 transitional independent living plan that shall be mutually agreed
31 upon, and annually reviewed, by the former foster youth and the
32 applicable county welfare or probation department or independent
33 living program coordinator. The person participating under this
34 paragraph shall inform the county of any changes to conditions
35 specified in the agreed-upon plan that affect eligibility, including
36 changes in address, living circumstances, and the educational or
37 training program.

38 (B) A county may, at its option, extend the services provided
39 under subparagraph (A) to former foster youth not more than 25
40 years of age, and for a total of 36 months, whether or not

1 consecutive, if the former foster youth, in addition to the
2 requirements specified in subparagraph (A), meets either of the
3 following criteria:

4 (i) The former foster youth is completing secondary education
5 or a program leading to an equivalent credential.

6 (ii) The former foster youth is enrolled in an institution that
7 provides postsecondary education.

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

30 (c) The Legislature finds and declares that this subdivision was
31 added in 2015 to clearly codify the requirement of existing law
32 regarding the payment made on behalf of an eligible person
33 receiving transitional housing services. The workgroup described
34 in subdivision (b) recommended, and the department subsequently
35 implemented, an annual adjustment to the payment made on behalf
36 of an eligible person receiving transitional housing services. This
37 annual adjustment has been, and shall continue to be, equal to the
38 California Necessities Index applicable to each fiscal year. The
39 Legislature hereby codifies that its intent remains in making this
40 annual adjustment to support the care and supervision, including

1 needed services and supports, for nonminor dependents who are
2 receiving transitional housing services through the THP-Plus Foster
3 Care Program.

4 SEC. 69. Section 11460 of the Welfare and Institutions Code
5 is amended to read:

6 11460. (a) Foster care providers shall be paid a per child per
7 month rate in return for the care and supervision of the AFDC-FC
8 child placed with them. The department is designated the single
9 organizational unit whose duty it shall be to administer a state
10 system for establishing rates in the AFDC-FC program. State
11 functions shall be performed by the department or by delegation
12 of the department to county welfare departments or Indian tribes,
13 consortia of tribes, or tribal organizations that have entered into
14 an agreement pursuant to Section 10553.1.

15 (b) "Care and supervision" includes food, clothing, shelter, daily
16 supervision, school supplies, a child's personal incidentals, liability
17 insurance with respect to a child, reasonable travel to the child's
18 home for visitation, and reasonable travel for the child to remain
19 in the school in which he or she is enrolled at the time of
20 placement. Reimbursement for the costs of educational travel, as
21 provided for in this subdivision, shall be made pursuant to
22 procedures determined by the department, in consultation with
23 representatives of county welfare and probation directors, and
24 additional stakeholders, as appropriate.

25 (1) For a child or youth placed in a short-term residential
26 treatment center or a group home, care and supervision shall also
27 include reasonable administration and operational activities
28 necessary to provide the items listed in this subdivision.

29 (2) For a child or youth placed in a short-term residential
30 treatment center or a group home, care and supervision may also
31 include reasonable activities performed by social workers employed
32 by the program provider that are not otherwise considered daily
33 supervision or administration activities, but are eligible for federal
34 financial participation under Title IV-E of the federal Social
35 Security Act.

36 (3) The department, in consultation with the California State
37 Foster Parent Association, and other interested stakeholders, shall
38 provide information to the Legislature, no later than January 1,
39 2017, regarding the availability and cost for liability and property
40 insurance covering acts committed by children in care, and shall

1 make recommendations for any needed program development in
2 this area.

3 (c) It is the intent of the Legislature to establish the maximum
4 level of financial participation in out-of-state foster care group
5 home program rates for placements in facilities described in
6 subdivision (g) of Section 11402.

7 (1) The department shall develop regulations that establish the
8 method for determining the level of financial participation in the
9 rate paid for out-of-state placements in facilities described in
10 subdivision (g) of Section 11402. The department shall consider
11 all of the following methods:

12 (A) Until December 31, 2016, a standardized system based on
13 the rate classification level of care and services per child per month.

14 (B) The rate developed for a short-term residential treatment
15 center pursuant to Section 11462.

16 (C) A system that considers the actual allowable and reasonable
17 costs of care and supervision incurred by the out-of-state program.

18 (D) A system that considers the rate established by the host
19 state.

20 (E) Any other appropriate methods as determined by the
21 department.

22 (2) Reimbursement for the Aid to Families with Dependent
23 Children-Foster Care rate to be paid to an out-of-state program
24 described in subdivision (g) of Section 11402 shall only be paid
25 to programs that have done all of the following:

26 (A) Submitted a rate application to the department, which shall
27 include, but not be limited to, both of the following:

28 (i) Commencing January 1, 2017, the equivalent of the mental
29 health certification required in Section 4096.5.

30 (ii) Commencing January 1, 2017, unless granted an extension
31 from the department pursuant to subdivision (d) of Section
32 11462.04, the national accreditation required in paragraph (5) of
33 subdivision (b) of Section 11462.

34 (B) Maintained a level of financial participation that shall not
35 exceed any of the following:

36 (i) The current fiscal year’s standard rate for rate classification
37 level 14 for a group home.

38 (ii) Commencing January 1, 2017, the current fiscal year’s rate
39 for a short-term residential treatment center.

1 (iii) The rate determined by the ratesetting authority of the state
2 in which the facility is located.

3 (C) Agreed to comply with information requests, and program
4 and fiscal audits as determined necessary by the department.

5 (3) Except as specifically provided for in statute, reimbursement
6 for an AFDC-FC rate shall only be paid to a group home or
7 short-term residential treatment center organized and operated on
8 a nonprofit basis.

9 (d) A foster care provider that accepts payments, following the
10 effective date of this section, based on a rate established under this
11 section, shall not receive rate increases or retroactive payments as
12 the result of litigation challenging rates established prior to the
13 effective date of this section. This shall apply regardless of whether
14 a provider is a party to the litigation or a member of a class covered
15 by the litigation.

16 (e) Nothing shall preclude a county from using a portion of its
17 county funds to increase rates paid to family homes, foster family
18 agencies, group homes, and short-term residential treatment centers
19 within that county, and to make payments for specialized care
20 increments, clothing allowances, or infant supplements to homes
21 within that county, solely at that county's expense.

22 (f) Nothing shall preclude a county from providing a
23 supplemental rate to serve commercially sexually exploited foster
24 children to provide for the additional care and supervision needs
25 of these children. To the extent that federal financial participation
26 is available, it is the intent of the Legislature that the federal
27 funding shall be utilized.

28 SEC. 70. Section 11461.2 of the Welfare and Institutions Code
29 is amended to read:

30 11461.2. (a) It is the intent of the Legislature to ensure quality
31 care for children who are placed in the continuum of AFDC-FC
32 eligible placement settings.

33 (b) The State Department of Social Services shall establish, in
34 consultation with county welfare departments and other
35 stakeholders, as appropriate, a working group to develop
36 recommended revisions to the current ratesetting system, services,
37 and programs serving children and families in the continuum of
38 AFDC-FC eligible placement settings including, at a minimum,
39 all programs provided by foster family agencies and group homes

1 including those providing residentially based services, as defined
2 in paragraph (1) of subdivision (a) of Section 18987.71.

3 (c) In developing the recommended revisions identified in
4 subdivision (b), the working group shall consider all of the
5 following:

6 (1) How ratesetting systems for foster care providers, including,
7 at least, foster family agencies and group homes, can better support
8 a continuum of programs and services that promote positive
9 outcomes for children and families. This may include a process
10 for matching the child's strengths and needs to the appropriate
11 placement setting.

12 (2) How the provision of an integrated, comprehensive set of
13 services including mental health and other critical services for
14 children and youth support the achievement of well-being,
15 permanency, and safety outcomes.

16 (3) How to ensure the provision of services in a family setting
17 that promotes normal childhood experiences and that serves the
18 needs of the child, including aftercare services, when appropriate.

19 (4) How to provide outcome-based evaluations of foster care
20 providers or other methods of measuring quality improvement
21 including measures of youth and families' satisfaction with services
22 provided and program effectiveness.

23 (5) How changes in the licensing, ratesetting, and auditing
24 processes can improve the quality of foster care providers, the
25 quality of services and programs provided, and enhance the
26 oversight of care provided to children, including, but not limited
27 to, accreditation, administrator qualifications, and the reassignment
28 of these responsibilities within the department.

29 (d) In addition to the considerations in subdivision (c), the
30 workgroup recommendations shall be based on the review and
31 evaluation of the current ratesetting systems, actual cost data, and
32 information from the provider community as well as research on
33 other applicable ratesetting methodologies, evidence-based
34 practices, information developed as a result of pilots approved by
35 the director, and any other relevant information.

36 (e) (1) The workgroup shall develop the content, format, and
37 data sources for reports to be posted by the department on a public
38 Internet Web site describing the outcomes achieved by providers
39 with foster care rates set by the department.

1 (2) Commencing January 1, 2017, and at least semiannually
2 after that date, the department shall publish and make available
3 on a public Internet Web site, short-term residential treatment
4 center and foster family agency provider performance indicators.

5 (f) (1) Recommendations developed pursuant to this section
6 shall include the plan required under subdivision (d) of Section
7 18987.7. Updates regarding the workgroup’s establishment and
8 its progress toward meeting the requirements of this section shall
9 be provided to the Legislature during 2012–13 and 2013–14 budget
10 hearings. The revisions recommended pursuant to the requirements
11 of subdivision (b) shall be submitted in a report to the appropriate
12 policy and fiscal committees of the Legislature by October 1, 2014.

13 (2) The requirement for submitting a report pursuant to this
14 subdivision is inoperative on October 1, 2018, pursuant to Section
15 10231.5 of the Government Code.

16 (g) The department shall retain the authority to extend the
17 workgroup after October 1, 2014, to ensure that the objectives of
18 this section are met and to reconvene this workgroup as necessary
19 to address any future recommended changes to the continuum of
20 AFDC-FC eligible placement settings pursuant to this section.

21 SEC. 71. Section 11462 of the Welfare and Institutions Code
22 is amended to read:

23 11462. (a) (1) Effective July 1, 1990, foster care providers
24 licensed as group homes, as defined in departmental regulations,
25 including public child care institutions, as defined in Section
26 11402.5, shall have rates established by classifying each group
27 home program and applying the standardized schedule of rates.
28 The department shall collect information from group providers
29 beginning January 1, 1990, in order to classify each group home
30 program.

31 (2) Notwithstanding paragraph (1), foster care providers licensed
32 as group homes shall have rates established only if the group home
33 is organized and operated on a nonprofit basis as required under
34 subdivision (h) of Section 11400. The department shall terminate
35 the rate effective January 1, 1993, of any group home not organized
36 and operated on a nonprofit basis as required under subdivision
37 (h) of Section 11400.

38 (3) (A) The department shall determine, consistent with the
39 requirements of this chapter and other relevant requirements under
40 law, the rate classification level (RCL) for each group home

1 program on a biennial basis. Submission of the biennial rate
2 application shall be made according to a schedule determined by
3 the department.

4 (B) The department shall adopt regulations to implement this
5 paragraph. The adoption, amendment, repeal, or readoption of a
6 regulation authorized by this paragraph is deemed to be necessary
7 for the immediate preservation of the public peace, health and
8 safety, or general welfare, for purposes of Sections 11346.1 and
9 11349.6 of the Government Code, and the department is hereby
10 exempted from the requirement to describe specific facts showing
11 the need for immediate action.

12 (b) A group home program shall be initially classified, for
13 purposes of emergency regulations, according to the level of care
14 and services to be provided using a point system developed by the
15 department and described in the report, “The Classification of
16 Group Home Programs under the Standardized Schedule of Rates
17 System,” prepared by the State Department of Social Services,
18 August 30, 1989.

19 (c) The rate for each RCL has been determined by the
20 department with data from the AFDC-FC Group Home Rate
21 Classification Pilot Study. The rates effective July 1, 1990, were
22 developed using 1985 calendar year costs and reflect adjustments
23 to the costs for each fiscal year, starting with the 1986–87 fiscal
24 year, by the amount of the California Necessities Index computed
25 pursuant to the methodology described in Section 11453. The data
26 obtained by the department using 1985 calendar year costs shall
27 be updated and revised by January 1, 1993.

28 (d) As used in this section, “standardized schedule of rates”
29 means a listing of the 14 rate classification levels, and the single
30 rate established for each RCL.

31 (e) Except as specified in paragraph (1), the department shall
32 determine the RCL for each group home program on a prospective
33 basis, according to the level of care and services that the group
34 home operator projects will be provided during the period of time
35 for which the rate is being established.

36 (1) (A) (i) For new and existing providers requesting the
37 establishment of an RCL, and for existing group home programs
38 requesting an RCL increase, the department shall determine the
39 RCL no later than 13 months after the effective date of the
40 provisional rate. The determination of the RCL shall be based on

1 a program audit of documentation and other information that
2 verifies the level of care and supervision provided by the group
3 home program during a period of the two full calendar months or
4 60 consecutive days, whichever is longer, preceding the date of
5 the program audit, unless the group home program requests a lower
6 RCL. The program audit shall not cover the first six months of
7 operation under the provisional rate.

8 (ii) For audit purposes, if the group home program serves a
9 mixture of AFDC-FC eligible and ineligible children, the weighted
10 hours for child care and social work services provided and the
11 capacity of the group home shall be adjusted by the ratio of
12 AFDC-FC eligible children to all children in placement.

13 (iii) Pending the department's issuance of the program audit
14 report that determines the RCL for the group home program, the
15 group home program shall be eligible to receive a provisional rate
16 that shall be based on the level of care and service that the group
17 home program proposes it will provide. The group home program
18 shall be eligible to receive only the RCL determined by the
19 department during the pendency of any appeal of the department's
20 RCL determination.

21 (B) A group home program may apply for an increase in its
22 RCL no earlier than two years from the date the department has
23 determined the group home program's rate, unless the host county,
24 the primary placing county, or a regional consortium of counties
25 submits to the department in writing that the program is needed
26 in that county, that the provider is capable of effectively and
27 efficiently operating the proposed program, and that the provider
28 is willing and able to accept AFDC-FC children for placement
29 who are determined by the placing agency to need the level of care
30 and services that will be provided by the program.

31 (C) To ensure efficient administration of the department's audit
32 responsibilities, and to avoid the fraudulent creation of records,
33 group home programs shall make records that are relevant to the
34 RCL determination available to the department in a timely manner.
35 Except as provided in this section, the department may refuse to
36 consider, for purposes of determining the rate, any documents that
37 are relevant to the determination of the RCL that are not made
38 available by the group home provider by the date the group home
39 provider requests a hearing on the department's RCL
40 determination. The department may refuse to consider, for purposes

1 of determining the rate, the following records, unless the group
2 home provider makes the records available to the department
3 during the fieldwork portion of the department's program audit:

4 (i) Records of each employee's full name, home address,
5 occupation, and social security number.

6 (ii) Time records showing when the employee begins and ends
7 each work period, meal periods, split shift intervals, and total daily
8 hours worked.

9 (iii) Total wages paid each payroll period.

10 (iv) Records required to be maintained by licensed group home
11 providers under Title 22 of the California Code of Regulations
12 that are relevant to the RCL determination.

13 (D) To minimize financial abuse in the startup of group home
14 programs, when the department's RCL determination is more than
15 three levels lower than the RCL level proposed by the group home
16 provider, and the group home provider does not appeal the
17 department's RCL determination, the department shall terminate
18 the rate of a group home program 45 days after issuance of its
19 program audit report. When the group home provider requests a
20 hearing on the department's RCL determination, and the RCL
21 determined by the director under subparagraph (E) is more than
22 three levels lower than the RCL level proposed by the group home
23 provider, the department shall terminate the rate of a group home
24 program within 30 days of issuance of the director's decision.
25 Notwithstanding the reapplication provisions in subparagraph (B),
26 the department shall deny any request for a new or increased RCL
27 from a group home provider whose RCL is terminated pursuant
28 to this subparagraph, for a period of no greater than two years from
29 the effective date of the RCL termination.

30 (E) A group home provider may request a hearing of the
31 department's RCL determination under subparagraph (A) no later
32 than 30 days after the date the department issues its RCL
33 determination. The department's RCL determination shall be final
34 if the group home provider does not request a hearing within the
35 prescribed time. Within 60 days of receipt of the request for
36 hearing, the department shall conduct a hearing on the RCL
37 determination. The standard of proof shall be the preponderance
38 of the evidence and the burden of proof shall be on the department.
39 The hearing officer shall issue the proposed decision within 45
40 days of the close of the evidentiary record. The director shall adopt,

1 reject, or modify the proposed decision, or refer the matter back
 2 to the hearing officer for additional evidence or findings within
 3 100 days of issuance of the proposed decision. If the director takes
 4 no action on the proposed decision within the prescribed time, the
 5 proposed decision shall take effect by operation of law.

6 (2) Group home programs that fail to maintain at least the level
 7 of care and services associated with the RCL upon which their rate
 8 was established shall inform the department. The department shall
 9 develop regulations specifying procedures to be applied when a
 10 group home fails to maintain the level of services projected,
 11 including, but not limited to, rate reduction and recovery of
 12 overpayments.

13 (3) The department shall not reduce the rate, establish an
 14 overpayment, or take other actions pursuant to paragraph (2) for
 15 any period that a group home program maintains the level of care
 16 and services associated with the RCL for children actually residing
 17 in the facility. Determinations of levels of care and services shall
 18 be made in the same way as modifications of overpayments are
 19 made pursuant to paragraph (2) of subdivision (b) of Section
 20 11466.2.

21 (4) A group home program that substantially changes its staffing
 22 pattern from that reported in the group home program statement
 23 shall provide notification of this change to all counties that have
 24 placed children currently in care. This notification shall be provided
 25 whether or not the RCL for the program may change as a result of
 26 the change in staffing pattern.

27 (f) (1) The standardized schedule of rates for the 2002–03,
 28 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08 fiscal years
 29 is:

30			
31			FY 2002–03, 2003–04,
32			2004–05, 2005–06,
33			2006–07, and 2007–08
34	Rate Classification Level	Point Ranges	Standard Rate
35	1	Under 60	\$1,454
36	2	60–89	1,835
37	3	90–119	2,210
38	4	120–149	2,589
39	5	150–179	2,966
40	6	180–209	3,344

1	7	210–239	3,723
2	8	240–269	4,102
3	9	270–299	4,479
4	10	300–329	4,858
5	11	330–359	5,234
6	12	360–389	5,613
7	13	390–419	5,994
8	14	420 & Up	6,371
9			

10 (2) (A) For group home programs that receive AFDC-FC
 11 payments for services performed during the 2002–03, 2003–04,
 12 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10
 13 fiscal years, the adjusted RCL point ranges below shall be used
 14 for establishing the biennial rates for existing programs, pursuant
 15 to paragraph (3) of subdivision (a) and in performing program
 16 audits and in determining any resulting rate reduction, overpayment
 17 assessment, or other actions pursuant to paragraph (2) of
 18 subdivision (e):

19			
20		Adjusted Point Ranges	
21		for the 2002–03, 2003–04,	
22		2004–05, 2005–06, 2006–07, 2007–08, 2008–09,	
23	Rate Classification Level	and 2009–10 Fiscal Years	
24	1	Under 54	
25	2	54–81	
26	3	82–110	
27	4	111–138	
28	5	139–167	
29	6	168–195	
30	7	196–224	
31	8	225–253	
32	9	254–281	
33	10	282–310	
34	11	311–338	
35	12	339–367	
36	13	368–395	
37	14	396 & Up	
38			

39 (B) Notwithstanding subparagraph (A), foster care providers
 40 operating group homes during the 2002–03, 2003–04, 2004–05,

1 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 fiscal years
 2 shall remain responsible for ensuring the health and safety of the
 3 children placed in their programs in accordance with existing
 4 applicable provisions of the Health and Safety Code and
 5 community care licensing regulations, as contained in Title 22 of
 6 the California Code of Regulations.

7 (C) Subparagraph (A) shall not apply to program audits of group
 8 home programs with provisional rates established pursuant to
 9 paragraph (1) of subdivision (e). For those program audits, the
 10 RCL point ranges in paragraph (1) shall be used.

11 (D) Rates applicable for the 2009–10 fiscal year pursuant to the
 12 act that adds this subparagraph shall be effective October 1, 2009.

13 (3) (A) For group home programs that receive AFDC-FC
 14 payments for services performed during the 2009–10 fiscal year
 15 the adjusted RCL point ranges below shall be used for establishing
 16 the biennial rates for existing programs, pursuant to paragraph (3)
 17 of subdivision (a) and in performing program audits and in
 18 determining any resulting rate reduction, overpayment assessment,
 19 or other actions pursuant to paragraph (2) of subdivision (e):

20

21	Rate Classification	Adjusted Point Ranges for the 2009–10
23	Level	Fiscal Years
24	1	Under 39
25	2	39–64
26	3	65–90
27	4	91–115
28	5	116–141
29	6	142–167
30	7	168–192
31	8	193–218
32	9	219–244
33	10	245–270
34	11	271–295
35	12	296–321
36	13	322–347
37	14	348 & Up

38

39 (B) Notwithstanding subparagraph (A), foster care providers
 40 operating group homes during the 2009–10 fiscal year shall remain

1 responsible for ensuring the health and safety of the children placed
2 in their programs in accordance with existing applicable provisions
3 of the Health and Safety Code and community care licensing
4 regulations as contained in Title 22 of the California Code of
5 Regulations.

6 (C) Subparagraph (A) shall not apply to program audits of group
7 home programs with provisional rates established pursuant to
8 paragraph (1) of subdivision (e). For those program audits, the
9 RCL point ranges in paragraph (1) shall be used.

10 (g) (1) (A) For the 1999–2000 fiscal year, the standardized
11 rate for each RCL shall be adjusted by an amount equal to the
12 California Necessities Index computed pursuant to the methodology
13 described in Section 11453. The resultant amounts shall constitute
14 the new standardized schedule of rates, subject to further
15 adjustment pursuant to subparagraph (B).

16 (B) In addition to the adjustment in subparagraph (A),
17 commencing January 1, 2000, the standardized rate for each RCL
18 shall be increased by 2.36 percent, rounded to the nearest dollar.
19 The resultant amounts shall constitute the new standardized
20 schedule of rates.

21 (2) Beginning with the 2000–01 fiscal year, the standardized
22 schedule of rates shall be adjusted annually by an amount equal
23 to the CNI computed pursuant to Section 11453, subject to the
24 availability of funds. The resultant amounts shall constitute the
25 new standardized schedule of rates.

26 (3) Effective January 1, 2001, the amount included in the
27 standard rate for each Rate Classification Level (RCL) for the
28 salaries, wages, and benefits for staff providing child care and
29 supervision or performing social work activities, or both, shall be
30 increased by 10 percent. This additional funding shall be used by
31 group home programs solely to supplement staffing, salaries,
32 wages, and benefit levels of staff specified in this paragraph. The
33 standard rate for each RCL shall be recomputed using this adjusted
34 amount and the resultant rates shall constitute the new standardized
35 schedule of rates. The department may require a group home
36 receiving this additional funding to certify that the funding was
37 utilized in accordance with the provisions of this section.

38 (4) Effective January 1, 2008, the amount included in the
39 standard rate for each RCL for the wages for staff providing child
40 care and supervision or performing social work activities, or both,

1 shall be increased by 5 percent, and the amount included for the
2 payroll taxes and other employer-paid benefits for these staff shall
3 be increased from 20.325 percent to 24 percent. The standard rate
4 for each RCL shall be recomputed using these adjusted amounts,
5 and the resulting rates shall constitute the new standardized
6 schedule of rates.

7 (5) The new standardized schedule of rates as provided for in
8 paragraph (4) shall be reduced by 10 percent, effective October 1,
9 2009, and the resulting rates shall constitute the new standardized
10 schedule of rates.

11 (6) The rates of licensed group home providers, whose rates are
12 not established under the standardized schedule of rates, shall be
13 reduced by 10 percent, effective October 1, 2009.

14 (h) The standardized schedule of rates pursuant to subdivisions
15 (f) and (g) shall be implemented as follows:

16 (1) Any group home program that received an AFDC-FC rate
17 in the prior fiscal year at or above the standard rate for the RCL
18 in the current fiscal year shall continue to receive that rate.

19 (2) Any group home program that received an AFDC-FC rate
20 in the prior fiscal year below the standard rate for the RCL in the
21 current fiscal year shall receive the RCL rate for the current year.

22 (i) (1) The department shall not establish a rate for a new
23 program of a new or existing provider, or for an existing program
24 at a new location of an existing provider, unless the provider
25 submits a letter of recommendation from the host county, the
26 primary placing county, or a regional consortium of counties that
27 includes all of the following:

28 (A) That the program is needed by that county.

29 (B) That the provider is capable of effectively and efficiently
30 operating the program.

31 (C) That the provider is willing and able to accept AFDC-FC
32 children for placement who are determined by the placing agency
33 to need the level of care and services that will be provided by the
34 program.

35 (D) That, if the letter of recommendation is not being issued by
36 the host county, the primary placing county has notified the host
37 county of its intention to issue the letter and the host county was
38 given the opportunity of 30 days to respond to this notification
39 and to discuss options with the primary placing county.

1 (2) The department shall encourage the establishment of
2 consortia of county placing agencies on a regional basis for the
3 purpose of making decisions and recommendations about the need
4 for, and use of, group home programs and other foster care
5 providers within the regions.

6 (3) The department shall annually conduct a county-by-county
7 survey to determine the unmet placement needs of children placed
8 pursuant to Section 300 and Section 601 or 602, and shall publish
9 its findings by November 1 of each year.

10 (j) The department shall develop regulations specifying
11 ratesetting procedures for program expansions, reductions, or
12 modifications, including increases or decreases in licensed capacity,
13 or increases or decreases in level of care or services.

14 (k) For the purpose of this subdivision, “program change” means
15 any alteration to an existing group home program planned by a
16 provider that will increase the RCL or AFDC-FC rate. An increase
17 in the licensed capacity or other alteration to an existing group
18 home program that does not increase the RCL or AFDC-FC rate
19 shall not constitute a program change.

20 (l) General unrestricted or undesignated private charitable
21 donations and contributions made to charitable or nonprofit
22 organizations shall not be deducted from the cost of providing
23 services pursuant to this section. The donations and contributions
24 shall not be considered in any determination of maximum
25 expenditures made by the department.

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

29 SEC. 72. Section 11462 is added to the Welfare and Institutions
30 Code, to read:

31 11462. (a) The department shall commence development of
32 a new payment structure for short-term residential treatment center
33 program placements claiming Title IV-E funding, in consultation
34 with county placing agencies and providers.

35 (b) The department shall develop a rate system that includes
36 consideration of all of the following factors:

37 (1) Core services, made available to children and nonminor
38 dependents either directly or secured through formal agreements
39 with other agencies, which are trauma informed and culturally
40 relevant and include:

1 (A) Access to specialty mental health services for children who
2 meet medical necessity criteria for specialty mental health services
3 under the Medi-Cal Early and Periodic Screening, Diagnosis, and
4 Treatment program.

5 (B) Transition support services for children, youth, and families
6 upon initial entry and placement changes and for families who
7 assume permanency through reunification, adoption, or
8 guardianship.

9 (C) Educational and physical, behavioral, and mental health
10 supports, including extracurricular activities and social supports.

11 (D) Activities designed to support transition-age youth and
12 nonminor dependents in achieving a successful adulthood.

13 (E) Services to achieve permanency, including supporting efforts
14 to reunify or achieve adoption or guardianship and efforts to
15 maintain or establish relationships with parents, siblings, extended
16 family members, tribes, or others important to the child or youth,
17 as appropriate.

18 (F) When serving Indian children, as defined in subdivisions
19 (a) and (b) of Section 224.1, the core services described in
20 paragraphs (A) to (E), inclusive, which shall be provided to eligible
21 children consistent with active efforts pursuant to Section 361.7.

22 (G) (i) Facilitating the identification and, as needed, the
23 approval of resource families pursuant to Section 16519.5, for the
24 purpose of transitioning children and youth to family-based care.

25 (ii) If a short-term residential treatment center elects to approve
26 and monitor resource families directly, the center shall comply
27 with all laws applicable to foster family agencies, including, but
28 not limited to, those set forth in the Community Care Facilities
29 Act (Chapter 3 (commencing with Section 1500) of Division 2 of
30 the Health and Safety Code).

31 (iii) For short-term residential treatment centers that elect to
32 approve and monitor resource families directly, the department
33 shall have all the same duties and responsibilities as those centers
34 have for licensed foster family agencies, as set forth in applicable
35 law, including, but not limited to, those set forth in the Community
36 Care Facilities Act (Chapter 3 (commencing with Section 1500)
37 of Division 2 of the Health and Safety Code).

38 (2) The core services specified in subparagraphs (A) to (G),
39 inclusive, of paragraph (1) are not intended to duplicate services
40 already available to foster children in the community, but to support

1 access to those services and supports to the extent they are already
2 available. Those services and supports may include, but are not
3 limited to, foster youth services available through county offices
4 of education, Indian Health Services, or school-based
5 extra-curricular activities.

6 (3) Specialized and intensive treatment supports that encompass
7 the elements of nonmedical care and supervision necessary to meet
8 a child's or youth's safety and other needs that cannot be met in
9 a family-based setting.

10 (4) Staff training.

11 (5) Health and Safety Code requirements.

12 (6) Accreditation that includes:

13 (A) Provision for all licensed short-term residential treatment
14 centers to obtain and maintain in good standing accreditation from
15 a nationally recognized accreditation agency, as identified by the
16 department, with expertise in programs for children or youth group
17 care facilities, as determined by the department.

18 (B) Promulgation by the department of information identifying
19 that agency or agencies from which accreditation shall be required.

20 (C) Provision for timely reporting to the department of any
21 change in accreditation status.

22 (7) Mental health certification, including a requirement to timely
23 report to the department any change in mental health certificate
24 status.

25 (8) Maximization of federal financial participation under Title
26 IV-E and Title XIX of the Social Security Act.

27 (c) The department shall develop a system of governmental
28 monitoring and oversight that shall be carried out in coordination
29 with the State Department of Health Care Services. Oversight
30 responsibilities shall include, but not be limited to, ensuring
31 conformity with federal and state law, including program, fiscal,
32 and health and safety audits and reviews. The state agencies shall
33 attempt to minimize duplicative audits and reviews to reduce the
34 administrative burden on providers.

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

36 SEC. 73. Section 11462.001 is added to the Welfare and
37 Institutions Code, immediately following Section 11462, to read:

38 11462.001. (a) (1) Foster care providers licensed as group
39 homes, as defined in departmental regulations, including public
40 child care institutions, as defined in Section 11402.5, shall have

1 rates established by classifying each group home program and
2 applying the standardized schedule of rates. The department shall
3 collect information from group providers in order to classify each
4 group home program.

5 (2) Notwithstanding paragraph (1), foster care providers licensed
6 as group homes shall have rates established only if the group home
7 is organized and operated on a nonprofit basis as required under
8 subdivision (h) of Section 11400. The department shall terminate
9 the rate of any group home not organized and operated on a
10 nonprofit basis as required under subdivision (h) of Section 11400.

11 (3) (A) The department shall determine, consistent with the
12 requirements of this chapter and other relevant requirements under
13 law, the rate classification level (RCL) for each group home
14 program on a biennial basis. Submission of the biennial rate
15 application shall be made according to a schedule determined by
16 the department.

17 (B) The department shall adopt regulations to implement this
18 paragraph. The adoption, amendment, repeal, or readoption of a
19 regulation authorized by this paragraph is deemed to be necessary
20 for the immediate preservation of the public peace, health and
21 safety, or general welfare, for purposes of Sections 11346.1 and
22 11349.6 of the Government Code, and the department is hereby
23 exempted from the requirement to describe specific facts showing
24 the need for immediate action.

25 (b) A group home program shall be initially classified, for
26 purposes of emergency regulations, according to the level of care
27 and services to be provided using a point system developed by the
28 department and described in the report, "The Classification of
29 Group Home Programs under the Standardized Schedule of Rates
30 System," prepared by the State Department of Social Services,
31 August 30, 1989.

32 (c) The rate for each RCL has been determined by the
33 department with data from the AFDC-FC Group Home Rate
34 Classification Pilot Study.

35 (d) As used in this section, "standardized schedule of rates"
36 means a listing of the 14 rate classification levels, and the single
37 rate established for each RCL.

38 (e) Except as specified in paragraph (1), the department shall
39 determine the RCL for each group home program on a prospective
40 basis, according to the level of care and services that the group

1 home operator projects will be provided during the period of time
2 for which the rate is being established.

3 (1) (A) (i) For new and existing providers requesting the
4 establishment of an RCL, and for existing group home programs
5 requesting an RCL increase, the department shall determine the
6 RCL no later than 13 months after the effective date of the
7 provisional rate. The determination of the RCL shall be based on
8 a program audit of documentation and other information that
9 verifies the level of care and supervision provided by the group
10 home program during a period of the two full calendar months or
11 60 consecutive days, whichever is longer, preceding the date of
12 the program audit, unless the group home program requests a lower
13 RCL. The program audit shall not cover the first six months of
14 operation under the provisional rate.

15 (ii) For audit purposes, if the group home program serves a
16 mixture of AFDC-FC eligible and ineligible children, the weighted
17 hours for child care and social work services provided and the
18 capacity of the group home shall be adjusted by the ratio of
19 AFDC-FC eligible children to all children in placement.

20 (iii) Pending the department’s issuance of the program audit
21 report that determines the RCL for the group home program, the
22 group home program shall be eligible to receive a provisional rate
23 that shall be based on the level of care and service that the group
24 home program proposes it will provide. The group home program
25 shall be eligible to receive only the RCL determined by the
26 department during the pendency of any appeal of the department’s
27 RCL determination.

28 (B) A group home program may apply for an increase in its
29 RCL no earlier than two years from the date the department has
30 determined the group home program’s rate, unless the host county,
31 the primary placing county, or a regional consortium of counties
32 submits to the department in writing that the program is needed
33 in that county, that the provider is capable of effectively and
34 efficiently operating the proposed program, and that the provider
35 is willing and able to accept AFDC-FC children for placement
36 who are determined by the placing agency to need the level of care
37 and services that will be provided by the program.

38 (C) To ensure efficient administration of the department’s audit
39 responsibilities, and to avoid the fraudulent creation of records,
40 group home programs shall make records that are relevant to the

1 RCL determination available to the department in a timely manner.
2 Except as provided in this section, the department may refuse to
3 consider, for purposes of determining the rate, any documents that
4 are relevant to the determination of the RCL that are not made
5 available by the group home provider by the date the group home
6 provider requests a hearing on the department's RCL
7 determination. The department may refuse to consider, for purposes
8 of determining the rate, the following records, unless the group
9 home provider makes the records available to the department
10 during the fieldwork portion of the department's program audit:

11 (i) Records of each employee's full name, home address,
12 occupation, and social security number.

13 (ii) Time records showing when the employee begins and ends
14 each work period, meal periods, split shift intervals, and total daily
15 hours worked.

16 (iii) Total wages paid each payroll period.

17 (iv) Records required to be maintained by licensed group home
18 providers under Title 22 of the California Code of Regulations
19 that are relevant to the RCL determination.

20 (D) To minimize financial abuse in the startup of group home
21 programs, when the department's RCL determination is more than
22 three levels lower than the RCL level proposed by the group home
23 provider, and the group home provider does not appeal the
24 department's RCL determination, the department shall terminate
25 the rate of a group home program 45 days after issuance of its
26 program audit report. When the group home provider requests a
27 hearing on the department's RCL determination, and the RCL
28 determined by the director under subparagraph (E) is more than
29 three levels lower than the RCL level proposed by the group home
30 provider, the department shall terminate the rate of a group home
31 program within 30 days of issuance of the director's decision.
32 Notwithstanding the reapplication provisions in subparagraph (B),
33 the department shall deny any request for a new or increased RCL
34 from a group home provider whose RCL is terminated pursuant
35 to this subparagraph, for a period of no greater than two years from
36 the effective date of the RCL termination.

37 (E) A group home provider may request a hearing of the
38 department's RCL determination under subparagraph (A) no later
39 than 30 days after the date the department issues its RCL
40 determination. The department's RCL determination shall be final

1 if the group home provider does not request a hearing within the
2 prescribed time. Within 60 days of receipt of the request for
3 hearing, the department shall conduct a hearing on the RCL
4 determination. The standard of proof shall be the preponderance
5 of the evidence and the burden of proof shall be on the department.
6 The hearing officer shall issue the proposed decision within 45
7 days of the close of the evidentiary record. The director shall adopt,
8 reject, or modify the proposed decision, or refer the matter back
9 to the hearing officer for additional evidence or findings within
10 100 days of issuance of the proposed decision. If the director takes
11 no action on the proposed decision within the prescribed time, the
12 proposed decision shall take effect by operation of law.

13 (2) Group home programs that fail to maintain at least the level
14 of care and services associated with the RCL upon which their rate
15 was established shall inform the department. The department shall
16 develop regulations specifying procedures to be applied when a
17 group home fails to maintain the level of services projected,
18 including, but not limited to, rate reduction and recovery of
19 overpayments.

20 (3) The department shall not reduce the rate, establish an
21 overpayment, or take other actions pursuant to paragraph (2) for
22 any period that a group home program maintains the level of care
23 and services associated with the RCL for children actually residing
24 in the facility. Determinations of levels of care and services shall
25 be made in the same way as modifications of overpayments are
26 made pursuant to paragraph (2) of subdivision (b) of Section
27 11466.2.

28 (4) A group home program that substantially changes its staffing
29 pattern from that reported in the group home program statement
30 shall provide notification of this change to all counties that have
31 placed children currently in care. This notification shall be provided
32 whether or not the RCL for the program may change as a result of
33 the change in staffing pattern.

34 (f) The standardized schedule of rates pursuant to subdivisions
35 (f) and (g) of Section 11462, as that section read on January 1,
36 2015, shall be implemented as follows:

37 (1) Any group home program that received an AFDC-FC rate
38 in the prior fiscal year at or above the standard rate for the RCL
39 in the current fiscal year shall continue to receive that rate.

1 (2) Any group home program that received an AFDC-FC rate
2 in the prior fiscal year below the standard rate for the RCL in the
3 current fiscal year shall receive the RCL rate for the current year.

4 (g) (1) The department shall not establish a rate for a new
5 program of a new or existing provider, or for an existing program
6 at a new location of an existing provider, unless the provider
7 submits a letter of recommendation from the host county, the
8 primary placing county, or a regional consortium of counties that
9 includes all of the following:

10 (A) That the program is needed by that county.

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

13 (C) That the provider is willing and able to accept AFDC-FC
14 children for placement who are determined by the placing agency
15 to need the level of care and services that will be provided by the
16 program.

17 (D) That, if the letter of recommendation is not being issued by
18 the host county, the primary placing county has notified the host
19 county of its intention to issue the letter and the host county was
20 given the opportunity of 30 days to respond to this notification
21 and to discuss options with the primary placing county.

22 (2) The department shall encourage the establishment of
23 consortia of county placing agencies on a regional basis for the
24 purpose of making decisions and recommendations about the need
25 for, and use of, group home programs and other foster care
26 providers within the regions.

27 (3) The department shall annually conduct a county-by-county
28 survey to determine the unmet placement needs of children placed
29 pursuant to Section 300 and Section 601 or 602, and shall publish
30 its findings by November 1 of each year.

31 (h) The department shall develop regulations specifying
32 ratesetting procedures for program expansions, reductions, or
33 modifications, including increases or decreases in licensed capacity,
34 or increases or decreases in level of care or services.

35 (i) For the purpose of this subdivision, “program change” means
36 any alteration to an existing group home program planned by a
37 provider that will increase the RCL or AFDC-FC rate. An increase
38 in the licensed capacity or other alteration to an existing group
39 home program that does not increase the RCL or AFDC-FC rate
40 shall not constitute a program change.

1 (j) General unrestricted or undesignated private charitable
2 donations and contributions made to charitable or nonprofit
3 organizations shall not be deducted from the cost of providing
4 services pursuant to this section. The donations and contributions
5 shall not be considered in any determination of maximum
6 expenditures made by the department.

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

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

11 (m) This section shall remain in effect only until January 1,
12 2019, and as of that date is repealed, unless a later enacted statute,
13 that is enacted before January 1, 2019, deletes or extends that date.

14 SEC. 74. Section 11462.01 of the Welfare and Institutions
15 Code is amended to read:

16 11462.01. (a) Commencing July 1, 1994, a group home
17 program shall be classified at RCL 13 or RCL 14 if the program
18 meets all of the following requirements:

19 (1) The group home program is providing, or has proposed to
20 provide, the level of care and services necessary to generate
21 sufficient points in the ratesetting process to be classified at RCL
22 13 if the rate application is for RCL 13 or to be classified at RCL
23 14 if the rate application is for RCL 14.

24 (2) (A) (i) The group home provider shall agree not to accept
25 for placement into a group home program AFDC-FC funded
26 children, including voluntary placements and seriously emotionally
27 disturbed children placed out-of-home pursuant to an individualized
28 education program developed under Article 2 (commencing with
29 Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of
30 the Education Code, who have not been approved for placement
31 by an interagency placement committee, as described by Section
32 4096. The approval shall be in writing and shall indicate that the
33 interagency placement committee has determined that the child is
34 seriously emotionally disturbed and subject to Section 1502.4 of
35 the Health and Safety Code, and that the child needs the level of
36 care provided by the group home.

37 (ii) For purposes of clause (i), group home providers who accept
38 seriously emotionally disturbed children who are placed
39 out-of-home pursuant to an individualized education program
40 developed under Article 2 (commencing with Section 56320) of

1 Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code
2 shall be deemed to have met the interagency placement committee
3 approval for placement requirements of clause (i) if the
4 individualized education program assessment indicates that the
5 child has been determined to be seriously emotionally disturbed,
6 as described in subdivision (a) of Section 5600.3 and subject to
7 Section 1502.4 of the Health and Safety Code, and needs the level
8 of care described in clause (i).

9 (B) (i) Nothing in this subdivision shall prevent the emergency
10 placement of a child into a group home program prior to the
11 determination by the interagency placement committee pursuant
12 to clause (i) of subparagraph (A) if a licensed mental health
13 professional, as defined in the department's AFDC-FC ratesetting
14 regulations, has evaluated, in writing, the child within 72 hours of
15 placement, and determined the child to be seriously emotionally
16 disturbed, as described in subdivision (a) of Section 5600.3, and
17 in need of the care and services provided by the group home
18 program.

19 (ii) The interagency placement committee shall, within 30 days
20 of placement pursuant to clause (i), make the determination
21 required by clause (i) of subparagraph (A).

22 (iii) If, pursuant to clause (ii), the placement is determined to
23 be appropriate, the committee shall transmit the approval, in
24 writing, to the county placing agency and the group home provider.

25 (iv) If, pursuant to clause (ii) the placement is determined not
26 to be appropriate, the child shall be removed from the group home
27 and referred to a more appropriate placement, as specified in
28 subdivision (f).

29 (C) Commencing December 15, 1992, with respect to AFDC-FC
30 funded children, only those children who are approved for
31 placement by an interagency placement committee may be accepted
32 by a group home under this subdivision.

33 (3) The group home program is certified by the State Department
34 of Health Care Services pursuant to Section 4096.5.

35 (b) The department shall not establish a rate for a group home
36 requesting a program change to RCL 13 or RCL 14 unless the
37 group home provider submits a recommendation from the host
38 county or the primary placing county that the program is needed
39 and that the provider is willing and capable of operating the
40 program at the level sought. For purposes of this subdivision, "host

1 county,” “primary placing county,” and “program change” mean
2 the same as defined in the department’s AFDC-FC ratesetting
3 regulations.

4 (c) The effective date of rates set at RCL 13 or RCL 14 shall
5 be the date that all the requirements are met, but not prior to July
6 1 of that fiscal year. Nothing in this section shall affect RCL 13
7 or RCL 14 ratesetting determinations in prior years.

8 (d) Any group home program that has been classified at RCL
9 13 or RCL 14 pursuant to the requirements of subdivision (a) shall
10 be reclassified at the appropriate lower RCL with a commensurate
11 reduction in rate if either of the following occurs:

12 (1) The group home program fails to maintain the level of care
13 and services necessary to generate the necessary number of points
14 for RCL 13 or RCL 14, as required by paragraph (1) of subdivision
15 (a). The determination of points shall be made consistent with the
16 department’s AFDC-FC ratesetting regulations for other rate
17 classification levels.

18 (2) The group home program fails to maintain a certified mental
19 health treatment program as required by paragraph (3) of
20 subdivision (a).

21 (3) In the event of a determination under paragraph (1), the
22 group home may appeal the finding or submit a corrective action
23 plan. The appeal process specified in Section 11466.6 shall be
24 available to RCL 13 and RCL 14 group home providers. During
25 any appeal, the group home shall maintain the appropriate level
26 of care.

27 (e) The interagency placement committee shall periodically
28 review, but no less often than that required by current law, the
29 placement of the child. If the committee determines that the child
30 no longer needs, or is not benefiting from, placement in a RCL 13
31 or RCL 14 group home, the committee shall require the removal
32 of the child and a new disposition.

33 (f) (1) (A) If, at any time subsequent to placement in an RCL
34 13 or RCL 14 group home program, the interagency placement
35 committee determines either that the child is not seriously
36 emotionally disturbed, as described in subdivision (a) of Section
37 5600.3, or is not in need of the care and services provided by the
38 group home program, it shall notify, in writing, both the county
39 placing agency and the group home provider within 10 days of the
40 determination.

1 (B) The county placing agency shall notify the group home
2 provider, in writing, within five days from the date of the notice
3 from the committee, of the county's plan for removal of the child.

4 (C) The county placing agency shall remove the child from the
5 group home program within 30 days from the date of the notice
6 from the interagency placement committee.

7 (2) (A) If a county placing agency does not remove a child
8 within 30 days from the date of the notice from the interagency
9 placement committee, the group home provider shall notify the
10 interagency placement committee and the department, in writing,
11 of the county's failure to remove the child from the group home
12 program.

13 (B) The group home provider shall make the notification
14 required by subparagraph (A) within five days of the expiration
15 of the 30-day removal period. If notification is made, a group home
16 provider shall not be subject to an overpayment determination due
17 to failure of the county placing agency to remove the child.

18 (3) Any county placing agency that fails to remove a child from
19 a group home program under this paragraph within 30 days from
20 the date of the notice from the interagency placement committee
21 shall be assessed a penalty in the amount of the state and federal
22 financial participation in the AFDC-FC rate paid on behalf of the
23 child commencing on the 31st day and continuing until the child
24 is removed.

25 (g) (1) If any RCL 13 or RCL 14 group home provider discovers
26 that it does not have written approval for placement of any
27 AFDC-FC funded child placed on or after December 15, 1992,
28 from the interagency placement committee, it shall notify the
29 county placing agency, in writing, and shall request the county to
30 obtain approval from the interagency placement committee or
31 remove the child from the group home program. A group home
32 provider shall have 30 days from the child's first day of placement
33 to discover the placement error and to notify the county placing
34 agency.

35 (2) Any county placing agency that receives notification
36 pursuant to paragraph (2) of subdivision (f) shall obtain approval
37 for placement from the interagency placement committee or remove
38 the child from the group home program within 30 days from the
39 date of the notice from the group home provider. The program

1 shall not be reclassified to a lower RCL for a violation of the
2 provisions referred to in this paragraph.

3 (3) (A) If a county placing agency does not have the placement
4 of a child approved by the interagency placement committee or
5 removed from the group home within 30 days from the date of the
6 notice from the group home provider, the group home provider
7 shall notify the county placing agency and the department, in
8 writing, of the county's failure to have the placement of the child
9 approved or remove the child from the group home program.

10 (B) The group home provider shall make the notification
11 required by subparagraph (A) within five days after the expiration
12 of the 30-day approval or removal period. If notification is made,
13 a group home provider shall not be subject to an overpayment
14 determination due to failure of the county placing agency to remove
15 the child.

16 (C) Any group home provider that fails to notify the county
17 placing agency pursuant to subparagraph (A) shall be assessed a
18 penalty in the amount of the AFDC-FC rate paid to the group home
19 provider on behalf of the child commencing on the 31st day of
20 placement and continuing until the county placing agency is
21 notified.

22 (4) Any county placing agency that fails to have the placement
23 of a child approved or to have the child removed from the group
24 home program within 30 days shall be assessed a penalty in the
25 amount of the state and federal financial participation in the
26 AFDC-FC rate paid on behalf of the child commencing on the 31st
27 day of placement and continuing until the child is removed.

28 (h) The department shall develop regulations to obtain payment
29 of assessed penalties as provided in this section. For audit purposes
30 and the application of penalties for RCL 13 and RCL 14 programs,
31 the department shall apply statutory provisions that were in effect
32 during the period for which the audit was conducted.

33 (i) (1) Nothing in this subparagraph shall prohibit a group home
34 classified at RCL 13 or RCL 14 for purposes of the AFDC-FC
35 program, from accepting private placements of children.

36 (2) When a referral is not from a public agency and no public
37 funding is involved, there shall be no requirement for public agency
38 review or determination of need.

39 (3) Children subject to paragraphs (1) and (2) shall have been
40 assessed as seriously emotionally disturbed, as described in

1 subdivision (a) of Section 5600.3, and subject to Section 1502.4
2 of the Health and Safety Code, by a licensed mental health
3 professional, as defined in subdivision (g) of Section 4096.

4 (j) A child shall not be placed in a group home program
5 classified at an RCL 13 or RCL 14 if the placement is paid for
6 with county-only funds unless the child is assessed as seriously
7 emotionally disturbed, as described in subdivision (a) of Section
8 5600.3, subject to Section 1502.4 of the Health and Safety Code,
9 by a licensed mental health professional, as defined in subdivision
10 (g) of Section 4096.

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

14 SEC. 75. Section 11462.01 is added to the Welfare and
15 Institutions Code, to read:

16 11462.01. (a) A short-term residential treatment center, as
17 defined in subdivision (ad) of Section 11400 and paragraph (18)
18 of subdivision (a) of Section 1502 of the Health and Safety Code,
19 may have a program that is certified by the State Department of
20 Health Care Services or by a county mental health plan to which
21 the department has delegated certification authority, pursuant to
22 Section 4096.5, or a program that is not certified, or both. A
23 short-term residential treatment center shall accept for placement
24 children who meet all of the following criteria, subject to the other
25 requirements of subdivisions (b) and (c):

26 (1) The child does not require inpatient care in a licensed health
27 facility.

28 (2) The child has been assessed as requiring the level of services
29 provided in a short-term residential treatment center in order to
30 maintain the safety and well-being of the child or others due to
31 behaviors, including those resulting from traumas, that render the
32 child or those around the child unsafe or at risk of harm, or that
33 prevent the effective delivery of needed services and supports
34 provided in the child's own home or in other family settings, such
35 as with a relative, guardian, foster family, resource family, or
36 adoptive family.

37 (3) The child meets at least one of the following conditions:

38 (A) The child has been assessed as meeting the medical necessity
39 criteria for Medi-Cal specialty mental health Early and Periodic
40 Screening, Diagnosis, and Treatment Services, as the criteria are

1 described in Section 1830.210 of Title 9 of the California Code of
2 Regulations.

3 (B) The child has been assessed as seriously emotionally
4 disturbed, as described in subdivision (a) of Section 5600.3.

5 (C) The child has been assessed as requiring the level of services
6 provided in order to meet his or her behavioral or therapeutic needs.
7 In appropriate circumstances, this may include any of the
8 following:

9 (i) A commercially sexually exploited child.

10 (ii) A private voluntary placement, if the youth exhibits status
11 offender behavior, the parents or other relatives feel they cannot
12 control the child's behavior, and short-term intervention is needed
13 to transition the child back into the home.

14 (iii) A juvenile sex offender.

15 (iv) A child who is affiliated with, or impacted by, a gang.

16 (b) A short-term residential treatment center program that is
17 certified by the State Department of Health Care Services, or by
18 a county mental health plan to which the department has delegated
19 certification authority, pursuant to Section 4096.5, shall solely
20 accept for placement, and provide access to mental health services
21 to, children who meet the criteria in paragraphs (1) and (2) of
22 subdivision (a), and meet the conditions of subparagraph (A) or
23 (B) of paragraph (3) of subdivision (a), or both of those
24 subparagraphs. Mental health services are provided directly by the
25 certified program.

26 (c) A short-term residential treatment center program that is not
27 certified pursuant to Section 4096.5 ~~may~~ shall solely accept for
28 placement in that program a child who meets the criteria in
29 paragraphs (1) and (2) of subdivision (a), and meets the conditions
30 of subparagraph (A), (B), or (C) of paragraph (3) of subdivision
31 (a), or any combination of those subparagraphs. A child who meets
32 the conditions of subparagraphs (A) and (B) of paragraph (3) of
33 subdivision (a) may be accepted for placement, if the interagency
34 placement committee determines that a short-term residential
35 treatment facility that is not certified has a program that meets the
36 specific needs of the child and there is a commonality of needs
37 with the other children in the short-term residential treatment
38 center. In this situation, the short-term residential treatment center
39 shall do either of the following:

1 (1) In the case of a child who is a Medi-Cal beneficiary, arrange
2 for the child to receive specialty mental health services from the
3 county mental health plan.

4 (2) In all other cases, arrange for the child to receive mental
5 health services.

6 (d) A foster family agency, as defined in subdivision (g) of
7 Section 11400 and paragraph (4) of subdivision (a) of Section 1502
8 of the Health and Safety Code, may have a program that is certified
9 by the State Department of Health Care Services, or by a county
10 mental health plan to which the department has delegated
11 certification authority, pursuant to Section 1810.435 or 1810.436
12 of Title 9 of the California Code of Regulations, or a program that
13 is not certified, or both. A program, subject to subdivisions (e) and
14 (f), shall provide access to mental health services to the children.
15 A foster family agency, depending on whether or not it has a
16 certified program, shall provide access to mental health services
17 to children who do not require inpatient care in a licensed health
18 facility and who meet any one or more of the following conditions:

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

24 (2) A child who has been assessed as seriously emotionally
25 disturbed, as described in subdivision (a) of Section 5600.3.

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

28 (e) A foster family agency that is certified as a provider pursuant
29 to Section 1810.435 or 1810.436 of Title 9 of the California Code
30 of Regulations by the State Department of Health Care Services,
31 or by a county mental health plan to which the department has
32 delegated certification authority, shall provide access to mental
33 health services directly to children in its program who do not
34 require inpatient care in a licensed health facility and who meet
35 the conditions of paragraph (1) or (2) of subdivision (d).

36 (f) A foster family agency that is not certified as described in
37 subdivision (e) may provide access to mental health services in
38 that program for children who do not require inpatient care in a
39 licensed health facility and who meet the conditions of paragraphs

1 (1) and (2) of subdivision (d). In this situation the foster family
2 agency shall do the following:

3 (1) In the case of a child who is a Medi-Cal beneficiary, have
4 written interagency protocols in place to arrange for specialty
5 mental health services from the county mental health plan or an
6 organizational provider, as defined in Section 1810.231 of Title 9
7 of California Code of Regulations.

8 (2) In all other cases, arrange for the child to receive mental
9 health services.

10 (g) All short-term residential treatment centers and foster family
11 agencies that operate a certified program shall maintain the level
12 of care and services necessary to meet the needs of the children
13 and youth in their care and shall maintain and have in good
14 standing the appropriate mental health certification issued by the
15 State Department of Health Care Services or a county mental health
16 plan to which the department has delegated certification authority,
17 pursuant to Section 4096.5 of this code or Section 1810.435 or
18 1810.436 of Title 9 of the California Code of Regulations.

19 (h) The assessments described in subparagraphs (A) and (B) of
20 paragraph (3) of subdivision (a) and paragraphs (1) and (2) of
21 subdivision (d), shall be made by all of the following, as applicable:

22 (1) An interagency placement committee, as described in Section
23 4096, considering the recommendations from the child and family
24 team, if any are available.

25 (2) A licensed mental health professional as defined in
26 subdivision (g) of Section 4096.

27 (3) For the purposes of this section, an AFDC-FC funded child
28 with an individualized education program developed pursuant to
29 Article 2 (commencing with Section 56320) of Chapter 4 of Part
30 30 of Division 4 of Title 2 of the Education Code that assesses the
31 child as seriously emotionally disturbed, as defined in, and subject
32 to, this section and recommends out-of-home placement at the
33 level of care provided by the provider, shall be deemed to have
34 met the 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 (i) The assessments described in subparagraph (C) of paragraph
2 (3) of subdivision (a) and paragraph (3) of subdivision (d) shall
3 be made pursuant to subdivision (b) of Section 706.6 or paragraph
4 (2) of subdivision (c) of Section 16501.1.

5 (j) (1) The provider shall ensure that AFDC-FC funded children,
6 assessed pursuant to subparagraphs (A) and (B) of paragraph (3)
7 of subdivision (a) or paragraphs (1) and (2) of subdivision (d),
8 who are accepted for placement have been approved for placement
9 by an interagency placement committee, as described in Section
10 4096, except as provided for in paragraphs (3) and (4) of
11 subdivision (h).

12 (2) The approval shall be in writing and shall indicate that the
13 interagency placement committee has determined all of the
14 following:

15 (A) The child meets the medical necessity criteria for Medi-Cal
16 specialty mental health Early and Periodic Screening, Diagnosis,
17 and Treatment services, as the criteria are described in Section
18 1830.210 of Title 9 of the California Code of Regulations.

19 (B) The child is seriously emotionally disturbed, as described
20 in subdivision (a) of Section 5600.3.

21 (C) Subject to Section 1502.4 of the Health and Safety Code,
22 the child needs the level of care provided by the program.

23 (3) (A) Nothing in subdivisions (a) to (i), inclusive, or this
24 subdivision shall prevent an emergency placement of a child or
25 youth into a certified short-term residential treatment center or
26 foster family agency program prior to the determination by the
27 interagency placement committee, but only if a licensed mental
28 health professional, as defined in subdivision (g) of Section 4096,
29 has made a written determination within 72 hours of the child's
30 or youth's placement, that the child or youth is seriously
31 emotionally disturbed and is in need of the care and services
32 provided by the certified short-term residential treatment center
33 or foster family agency.

34 (i) The interagency placement committee, as appropriate, shall,
35 within 30 days of placement, make the determinations, with
36 recommendations from the child and family team, required by this
37 subdivision.

38 (ii) If it determines the placement is appropriate, the interagency
39 placement committee, with recommendations from the child and
40 family team, shall transmit the approval, in writing, to the county

1 placing agency and the short-term residential treatment center or
2 foster family agency.

3 (iii) If it determines the placement is not appropriate, the
4 interagency placement committee shall respond pursuant to
5 subparagraph (B).

6 (B) If the interagency placement committee determines at any
7 time that the placement is not appropriate, it shall, with
8 recommendations from the child and family team, transmit the
9 disapproval, in writing, to the county placing agency and the
10 short-term residential treatment center or foster family agency,
11 and the child or youth shall be referred to an appropriate placement,
12 as specified in this section.

13 (k) Commencing January 1, 2017, for AFDC-FC funded children
14 or youth, only those children or youth who are approved for
15 placement, as set forth in this section, may be accepted by a
16 short-term residential treatment center or foster family agency.

17 (l) The department shall, through regulation, establish
18 consequences for the failure of a short-term residential treatment
19 center, or a foster family agency, to obtain written approval for
20 placement of an AFDC-FC funded child or youth pursuant to this
21 section.

22 (m) The department shall not establish a rate for a short-term
23 residential treatment center or foster family agency unless the
24 provider submits a recommendation from the host county or the
25 primary placing county that the program is needed and that the
26 provider is willing and capable of operating the program at the
27 level sought. For purposes of this subdivision, “host county,” and
28 “primary placing county,” mean the same as defined in the
29 department’s AFDC-FC ratesetting regulations.

30 (n) Any certified short-term residential treatment center or foster
31 family agency shall be reclassified and paid at the appropriate
32 program rate for which it is qualified if either of the following
33 occurs:

34 (1) (A) It fails to maintain the level of care and services
35 necessary to meet the needs of the children and youth in care, as
36 required by subdivision (a). The determination shall be made
37 consistent with the department’s AFDC-FC ratesetting regulations
38 developed pursuant to Sections 11462 and 11463 and shall take
39 into consideration the highest level of care and associated rates
40 for which the program is eligible.

1 (B) In the event of a determination under this paragraph, the
2 short-term residential treatment center or foster family agency may
3 appeal the finding or submit a corrective action plan. The appeal
4 process specified in Section 11466.6 shall be available to a
5 short-term residential treatment center or foster family agency that
6 provides intensive and therapeutic treatment. During any appeal,
7 the short-term residential treatment center or foster family agency
8 that provides intensive and therapeutic treatment shall maintain
9 the appropriate level of care.

10 (2) It fails to maintain a certified mental health treatment
11 program as required by subdivision (g).

12 (o) In addition to any other review required by law, the child
13 and family team as defined in paragraph (4) of subdivision (a) of
14 Section 16501 may periodically review the placement of the child
15 or youth. If the child and family team make a recommendation
16 that the child or youth no longer needs, or is not benefiting from,
17 placement in a short-term residential treatment center or foster
18 family agency, or one of its programs, the team shall transmit the
19 disapproval, in writing, to the county placing agency to consider
20 a more appropriate placement.

21 (p) The department shall develop a process to address
22 placements when, subsequent to the child's or youth's placement,
23 a determination is made by the interagency placement team and
24 shall consider the recommendations of the child and family team,
25 either that the child or youth is not in need of the care and services
26 provided by the certified program. The process shall include, but
27 not be limited to:

28 (1) Notice of the determination in writing to both the county
29 placing agency and the short-term residential treatment center or
30 foster family agency that provides intensive and therapeutic
31 treatment.

32 (2) Notice of the county's plan, and a time frame, for removal
33 of the child or youth in writing to the short-term residential
34 treatment center or foster family agency that provides intensive
35 and therapeutic treatment.

36 (3) Referral to an appropriate placement.

37 (4) Actions to be taken if a child or youth is not timely removed
38 from the short-term residential treatment center or foster family
39 agency that provides intensive and therapeutic treatment or placed
40 in an appropriate placement.

1 (q) (1) Nothing in this section shall prohibit a short-term
 2 residential treatment center or foster family agency from accepting
 3 private placements of children or youth.

4 (2) When a referral is not from a public agency and no public
 5 funding is involved, there is no requirement for public agency
 6 review nor determination of need.

7 (3) Children and youth subject to paragraphs (1) and (2) shall
 8 have been determined to be seriously emotionally disturbed, as
 9 described in subdivision (a) of Section 5600.3, and subject to
 10 Section 1502.4 of the Health and Safety Code, by a licensed mental
 11 health professional, as defined in subdivision (g) of Section 4096.

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

13 SEC. 76. Section 11462.015 is added to the Welfare and
 14 Institutions Code, to read:

15 11462.015. (a) A group home program shall be classified at
 16 RCL 13 or RCL 14 if the program meets all of the following
 17 requirements:

18 (1) The group home program is providing, or has proposed to
 19 provide, the level of care and services necessary to generate
 20 sufficient points in the ratesetting process to be classified at RCL
 21 13 if the rate application is for RCL 13 or to be classified at RCL
 22 14 if the rate application is for RCL 14.

23 (2) (A) (i) The group home provider shall agree not to accept
 24 for placement into a group home program AFDC-FC funded
 25 children, including voluntary placements and children who have
 26 been assessed as seriously emotionally disturbed, as described in
 27 subdivision (a) of Section 5600.3, placed out-of-home pursuant to
 28 an individualized education program developed under Article 2
 29 (commencing with Section 56320) of Chapter 4 of Part 30 of
 30 Division 4 of Title 2 of the Education Code, who have not been
 31 approved for placement by an interagency placement committee,
 32 as described by Section 4096.1. The approval shall be in writing
 33 and shall indicate that the interagency placement committee has
 34 determined that the child is seriously emotionally disturbed, as
 35 described in subdivision (a) of Section 5600.3, and subject to
 36 Section 1502.45 of the Health and Safety Code, and that the child
 37 needs the level of care provided by the group home.

38 (ii) For purposes of clause (i), group home providers who accept
 39 children who have been assessed as seriously emotionally
 40 disturbed, as described in subdivision (a) of Section 5600.3, who

1 are assessed and placed out-of-home pursuant to an individualized
2 education program developed under Article 2 (commencing with
3 Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of
4 the Education Code shall be deemed to have met the interagency
5 placement committee approval for placement requirements of
6 clause (i) if the individualized education program assessment
7 indicates that the child has been determined to be seriously
8 emotionally disturbed, as described in subdivision (a) of Section
9 5600.3, and subject to Section 1502.45 of the Health and Safety
10 Code, and needs the level of care described in clause (i).

11 (B) (i) Nothing in this subdivision shall prevent the emergency
12 placement of a child into a group home program prior to the
13 determination by the interagency placement committee pursuant
14 to clause (i) of subparagraph (A) if a licensed mental health
15 professional, as defined in the department's AFDC-FC ratesetting
16 regulations, has evaluated, in writing, the child within 72 hours of
17 placement, and has determined the child to be seriously emotionally
18 disturbed, as described in subdivision (a) of Section 5600.3, and
19 in need of the care and services provided by the group home
20 program.

21 (ii) The interagency placement committee shall, within 30 days
22 of placement pursuant to clause (i), make the determination
23 required by clause (i) of subparagraph (A).

24 (iii) If, pursuant to clause (ii), the placement is determined to
25 be appropriate, the committee shall transmit the approval, in
26 writing, to the county placing agency and the group home provider.

27 (iv) If, pursuant to clause (ii) the placement is determined not
28 to be appropriate, the child shall be removed from the group home
29 and referred to a more appropriate placement, as specified in
30 subdivision (f).

31 (C) With respect to AFDC-FC funded children, only those
32 children who are approved for placement by an interagency
33 placement committee may be accepted by a group home under this
34 subdivision.

35 (3) The group home program is certified by the State Department
36 of Health Care Services pursuant to Section 4096.5.

37 (b) The department shall not establish a rate for a group home
38 requesting a program change to RCL 13 or RCL 14 unless the
39 group home provider submits a recommendation from the host
40 county or the primary placing county that the program is needed

1 and that the provider is willing and capable of operating the
2 program at the level sought. For purposes of this subdivision, “host
3 county,” “primary placing county,” and “program change” mean
4 the same as defined in the department’s AFDC-FC ratesetting
5 regulations.

6 (c) The effective date of rates set at RCL 13 or RCL 14 shall
7 be the date that all the requirements are met, but not prior to July
8 1 of that fiscal year. Nothing in this section shall affect RCL 13
9 or RCL 14 ratesetting determinations in prior years.

10 (d) Any group home program that has been classified at RCL
11 13 or RCL 14 pursuant to the requirements of subdivision (a) shall
12 be reclassified at the appropriate lower RCL with a commensurate
13 reduction in rate if either of the following occurs:

14 (1) The group home program fails to maintain the level of care
15 and services necessary to generate the necessary number of points
16 for RCL 13 or RCL 14, as required by paragraph (1) of subdivision
17 (a). The determination of points shall be made consistent with the
18 department’s AFDC-FC ratesetting regulations for other rate
19 classification levels.

20 (2) The group home program fails to maintain a certified mental
21 health treatment program as required by paragraph (3) of
22 subdivision (a).

23 (3) In the event of a determination under paragraph (1), the
24 group home may appeal the finding or submit a corrective action
25 plan. The appeal process specified in Section 11466.6 shall be
26 available to RCL 13 and RCL 14 group home providers. During
27 any appeal, the group home shall maintain the appropriate level
28 of care.

29 (e) The interagency placement committee shall periodically
30 review, but no less often than that required by current law, the
31 placement of the child. If the committee determines that the child
32 no longer needs, or is not benefiting from, placement in a RCL 13
33 or RCL 14 group home, the committee shall require the removal
34 of the child and a new disposition.

35 (f) (1) (A) If, at any time subsequent to placement in an RCL
36 13 or RCL 14 group home program, the interagency placement
37 committee determines either that the child is not seriously
38 emotionally disturbed or is not in need of the care and services
39 provided by the group home program, it shall notify, in writing,

1 both the county placing agency and the group home provider within
2 10 days of the determination.

3 (B) The county placing agency shall notify the group home
4 provider, in writing, within five days from the date of the notice
5 from the committee, of the county's plan for removal of the child.

6 (C) The county placing agency shall remove the child from the
7 group home program within 30 days from the date of the notice
8 from the interagency placement committee.

9 (2) (A) If a county placing agency does not remove a child
10 within 30 days from the date of the notice from the interagency
11 placement committee, the group home provider shall notify the
12 interagency placement committee and the department, in writing,
13 of the county's failure to remove the child from the group home
14 program.

15 (B) The group home provider shall make the notification
16 required by subparagraph (A) within five days of the expiration
17 of the 30-day removal period. If notification is made, a group home
18 provider shall not be subject to an overpayment determination due
19 to failure of the county placing agency to remove the child.

20 (3) Any county placing agency that fails to remove a child from
21 a group home program under this paragraph within 30 days from
22 the date of the notice from the interagency placement committee
23 shall be assessed a penalty in the amount of the state and federal
24 financial participation in the AFDC-FC rate paid on behalf of the
25 child commencing on the 31st day and continuing until the child
26 is removed.

27 (g) (1) If any RCL 13 or RCL 14 group home provider discovers
28 that it does not have written approval for placement of any
29 AFDC-FC funded child from the interagency placement committee,
30 it shall notify the county placing agency, in writing, and shall
31 request the county to obtain approval from the interagency
32 placement committee or remove the child from the group home
33 program. A group home provider shall have 30 days from the
34 child's first day of placement to discover the placement error and
35 to notify the county placing agency.

36 (2) Any county placing agency that receives notification
37 pursuant to paragraph (2) of subdivision (f) shall obtain approval
38 for placement from the interagency placement committee or remove
39 the child from the group home program within 30 days from the
40 date of the notice from the group home provider. The program

1 shall not be reclassified to a lower RCL for a violation of the
2 provisions referred to in this paragraph.

3 (3) (A) If a county placing agency does not have the placement
4 of a child approved by the interagency placement committee or
5 removed from the group home within 30 days from the date of the
6 notice from the group home provider, the group home provider
7 shall notify the county placing agency and the department, in
8 writing, of the county's failure to have the placement of the child
9 approved or remove the child from the group home program.

10 (B) The group home provider shall make the notification
11 required by subparagraph (A) within five days after the expiration
12 of the 30-day approval or removal period. If notification is made,
13 a group home provider shall not be subject to an overpayment
14 determination due to failure of the county placing agency to remove
15 the child.

16 (C) Any group home provider that fails to notify the county
17 placing agency pursuant to subparagraph (A) shall be assessed a
18 penalty in the amount of the AFDC-FC rate paid to the group home
19 provider on behalf of the child commencing on the 31st day of
20 placement and continuing until the county placing agency is
21 notified.

22 (4) Any county placing agency that fails to have the placement
23 of a child approved or to have the child removed from the group
24 home program within 30 days shall be assessed a penalty in the
25 amount of the state and federal financial participation in the
26 AFDC-FC rate paid on behalf of the child commencing on the 31st
27 day of placement and continuing until the child is removed.

28 (h) The department shall develop regulations to obtain payment
29 of assessed penalties as provided in this section. For audit purposes
30 and the application of penalties for RCL 13 and RCL 14 programs,
31 the department shall apply statutory provisions that were in effect
32 during the period for which the audit was conducted.

33 (i) (1) Nothing in this subdivision shall prohibit a group home
34 classified at RCL 13 or RCL 14 for purposes of the AFDC-FC
35 program, from accepting private placements of children.

36 (2) When a referral is not from a public agency and no public
37 funding is involved, there shall be no requirement for public agency
38 review or determination of need.

39 (3) Children subject to paragraphs (1) and (2) shall have been
40 assessed as seriously emotionally disturbed, as described in

1 subdivision (a) of Section 5600.3, and subject to Section 1502.45
2 of the Health and Safety Code, by a licensed mental health
3 professional, as defined in subdivision (g) of Section 4096.

4 (j) A child shall not be placed in a group home program
5 classified at an RCL 13 or RCL 14 if the placement is paid for
6 with county-only funds unless the child is assessed as seriously
7 emotionally disturbed, as described in subdivision (a) of Section
8 5600.3, and subject to Section 1502.45 of the Health and Safety
9 Code, by a licensed mental health professional, as defined in
10 subdivision (g) of Section 4096.

11 (k) This section shall only apply to a group home that has been
12 granted an extension pursuant to the exception process described
13 in subdivision (d) of Section 11462.04.

14 (l) This section shall become operative on January 1, 2017.

15 (m) This section shall remain in effect only until January 1,
16 2019, and as of that date is repealed, unless a later enacted statute,
17 that is enacted before January 1, 2019, deletes or extends that date.

18 SEC. 77. Section 11462.02 of the Welfare and Institutions
19 Code is amended to read:

20 11462.02. (a) Notwithstanding paragraph (2) of subdivision
21 (a) of Section 11462, a foster care provider licensed as a group
22 home also may have a rate established if the group home is
23 operated by the County of San Mateo, as provided by subdivision
24 (h) of Section 11400.

25 (b) 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. 78. Section 11462.02 is added to the Welfare and
29 Institutions Code, to read:

30 11462.02. (a) Any existing county-operated foster family
31 agency or group home, including the group home operated by the
32 County of San Mateo, shall, commencing January 1, 2017, be
33 classified as, and shall meet all of the requirements of, a foster
34 family agency or a short-term residential treatment center, as
35 defined respectively in subdivisions (g) and (ad) of Section 11400,
36 to be eligible to receive AFDC-FC funds.

37 (b) Notwithstanding any other law, the State Department of
38 Social Services may license a county as a foster family agency or
39 as a short-term residential treatment center.

1 (c) If a county exercises its option to operate a foster family
2 agency or a short-term residential treatment center, the county
3 shall submit an application and shall comply with the requirements
4 of Chapter 3 (commencing with Section 1500) of Division 2 of
5 the Health and Safety Code related to foster family agency
6 programs or a short-term residential treatment center, as applicable.

7 (d) A county that requests, and is granted, a license for a foster
8 family agency or short-term residential treatment center shall apply
9 for an AFDC-FC rate pursuant to Section 11462 or 11463, as
10 applicable.

11 (e) As a condition for eligibility for an AFDC-FC rate for a
12 short-term residential treatment center or a foster family agency,
13 the county shall comply with all applicable law concerning a
14 short-term residential treatment center or foster family agency,
15 including, but not limited to, the following provisions related to
16 licensing, rate, audit, due process, enforcement, and overpayment
17 collection:

18 (1) Chapter 3 (commencing with Section 1500) of Division 2
19 of the Health and Safety Code.

20 (2) Article 10 (commencing with Section 360) of Chapter 2 of
21 Part 1 of Division 2 of this code.

22 (3) Article 18 (commencing with Section 725) of Chapter 2 of
23 Part 1 of Division 2 of this code.

24 (4) Article 22 (commencing with Section 825) of Chapter 2 of
25 Part 1 of Division 2 of this code.

26 (5) Article 5 (commencing with Section 11400) of Chapter 2
27 of Part 3 of Division 9 of this code.

28 (6) Article 6 (commencing with Section 11450) of Chapter 2
29 of Part 3 of Division 9 of this code.

30 (f) The state is not obligated under Section 36 of Article XIII
31 of the California Constitution to provide any annual funding to a
32 county to comply with this section; with any regulation, executive
33 order, or administrative order implementing this section; or with
34 any federal statute or regulation related to this section, because
35 the county's operation of a licensed short-term residential treatment
36 center or foster family agency is optional for the county and is not
37 required by this section.

38 (g) Counties licensed to operate a foster family agency or
39 short-term residential treatment center shall, as a condition to
40 receiving payment, ensure that its conflict-of-interest mitigation

1 plan, submitted to the department pursuant to subdivision (d) of
2 Section 1506.1 and subdivision (d) of Section 1562.01 of the Health
3 and Safety Code, addresses, but is not limited to, the following:

4 (1) A decision to place children and youth in a county-operated
5 facility when alternative appropriate placement options exist.

6 (2) The reporting by county staff to the department or other
7 agencies of observed noncompliant conditions or health and safety
8 concerns in county-operated foster family agencies or short-term
9 residential treatment centers.

10 (3) The cross-reporting of reports received from mandatory
11 child abuse and neglect reporters involving county-operated foster
12 family agencies and short-term residential treatment center
13 programs.

14 (4) Disclosures of fatalities and near fatalities of children placed
15 in county-operated foster family agencies and short-term residential
16 treatment centers.

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

18 SEC. 79. Section 11462.021 is added to the Welfare and
19 Institutions Code, to read:

20 11462.021. (a) Notwithstanding paragraph (2) of subdivision
21 (a) of Section 11462, a foster care provider licensed as a group
22 home also may have a rate established if the group home is
23 operated by the County of San Mateo, as provided by subdivision
24 (h) of Section 11400.

25 (b) This section shall only apply to a group home that has been
26 granted an extension pursuant to the exception process described
27 in subdivision (d) of Section 11462.04.

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

29 (d) This section shall remain in effect only until January 1, 2019,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2019, deletes or extends that date.

32 SEC. 80. Section 11462.022 is added to the Welfare and
33 Institutions Code, to read:

34 11462.022. (a) Upon meeting the licensure requirements
35 pursuant to Section 1530.8 of the Health and Safety Code, a county
36 child welfare agency operating a temporary shelter care facility,
37 as defined in Section 1530.8 of the Health and Safety Code, shall
38 comply with this section.

39 (b) Prior to detaining the child in the temporary shelter care
40 facility, the child welfare agency shall make reasonable efforts,

1 consistent with current law, to place the child with a relative, tribal
2 member, nonrelative extended family member, or in a licensed,
3 certified, approved or tribally approved foster family home or
4 approved resource family. When the child welfare agency has
5 reason to believe that the child is or may be an Indian child, the
6 agency shall make active efforts to comply with the federal Indian
7 Child Welfare Act placement preferences, as required by
8 subdivision (k) of Section 361.31.

9 (c) A child may be detained or placed in a temporary shelter
10 care facility only for the duration necessary to enable the county
11 placing agency to perform the required assessments and to
12 appropriately place the child.

13 (d) Upon admission, the temporary shelter care facility shall
14 provide each child with health, mental health, and developmental
15 screenings, as applicable. Commencing when a child is admitted
16 into a temporary shelter care facility, and continuing until the
17 child's discharge from the facility, the county welfare agency shall
18 continuously strive to identify and place the child in an appropriate
19 licensed or approved home or facility.

20 (e) The temporary shelter care facility shall ensure that the
21 following services, at a minimum, are identified in the facility's
22 plan of operation and are available to children detained at the
23 facility:

24 (1) Medical, developmental, behavioral, and mental health
25 assessments based on the information obtained through the
26 screenings required pursuant to subdivision (d).

27 (2) Based on the screening, assessments, and other information
28 obtained about the child, identification of the appropriate placement
29 resources that meet the child's needs.

30 (3) Trauma-informed services and interventions.

31 (4) Crisis intervention services.

32 (5) Care and supervision provided by trauma-informed trained
33 and qualified staff.

34 (6) Referrals to and coordination with service providers who
35 can meet the medical, developmental, behavioral, or mental health
36 needs of the child identified upon admission.

37 (7) Educational services to ensure the child's educational
38 progress, including efforts to maintain the child in his or her school
39 of origin if practical.

1 (8) Visitation services, including the ability to provide
2 court-ordered, supervised visitation.

3 (9) Structured indoor and outdoor activities, including
4 recreational and social programs.

5 (10) Transportation and other forms of support to ensure, to the
6 extent possible, the child's ability to attend and participate in
7 important milestone events.

8 (11) Mentorship and peer support-type programs.

9 (f) (1) In no case shall the detention or placement in a temporary
10 shelter care facility exceed 10 calendar days. For any stay that
11 exceeds 10 calendar days, the child welfare agency shall submit
12 a written report to the department, within 24 hours of an overstay,
13 that shall include a description of the reasons and circumstances
14 for the child's overstay, and shall be signed by the county child
15 welfare agency director or his or her designee. The department
16 may choose not to issue a citation to the county for a violation of
17 the 10-day placement limit when, based on the information
18 contained in the report, the overstay is reasonable and the county
19 is complying with subdivision (d).

20 (2) The child welfare agency may permit any child or youth to
21 access assessment and other services described in subdivision (d)
22 or (e) while in an out-of-home placement.

23 (3) To ensure the protection of children placed in temporary
24 shelter care facilities, the child welfare agency shall separate
25 children placed in temporary shelter care facilities pursuant to
26 subdivision (b) from children returning to the shelter due to a failed
27 placement, when possible, when circumstances warrant that
28 separation. Temporary shelters shall staff as necessary to
29 adequately supervise children to ensure an appropriate environment
30 for all children present.

31 (g) At the request of the county, the department shall provide
32 technical assistance necessary for the implementation of this
33 section.

34 (h) The department, in consultation with the counties, shall
35 provide a report to the Legislature no later than January 1, 2021,
36 that shall include the number of children and youth served by
37 temporary shelter care facilities, characteristics of children detained
38 in these facilities, and whether there is a continued need for the
39 licensing and operation of temporary shelter care facilities.

1 SEC. 81. Section 11462.04 of the Welfare and Institutions
2 Code is amended to read:

3 11462.04. (a) Notwithstanding any other law, no new group
4 home rate or change to an existing rate shall be established pursuant
5 to Section 11462. An application shall not be accepted or processed
6 for any of the following:

- 7 (1) A new program.
- 8 (2) A new provider.
- 9 (3) A program change, such as a rate classification level (RCL)
10 increase.
- 11 (4) A program capacity increase.
- 12 (5) A program reinstatement.

13 (b) Notwithstanding subdivision (a), the department may grant
14 exceptions as appropriate on a case-by-case basis, based upon a
15 written request and supporting documentation provided by county
16 placing agencies, including county welfare or probation directors.

17 (c) (1) For the 2012–13, 2013–14, and 2014–15 fiscal years,
18 notwithstanding subdivision (b), for any program below RCL 10,
19 the only exception that may be sought and granted pursuant to this
20 section is for an application requesting a program change, such as
21 an RCL increase. The authority to grant other exceptions does not
22 apply to programs below RCL 10 during these fiscal years.

23 (2) Notwithstanding paragraph (1), commencing January 1,
24 2017, no exception shall be granted for any program below RCL
25 10.

26 (d) 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. 82. Section 11462.04 is added to the Welfare and
30 Institutions Code, to read:

31 11462.04. (a) Notwithstanding any other law, commencing
32 January 1, 2017, no new group home rate or change to an existing
33 rate shall be established pursuant to the Rate Classification Level
34 (RCL) system.

35 (b) Notwithstanding subdivision (a), the department may grant
36 an exception as appropriate, on a case-by-case basis, when a written
37 request and supporting documentation are provided by a county
38 placing agency, including a county welfare or probation director,
39 that absent the granting of that exception, there is a material risk
40 to the welfare of children due to an inadequate supply of

1 appropriate alternative placement options to meet the needs of
2 children.

3 (c) For group homes being paid under the RCL system, and
4 those granted an exception pursuant to paragraph (b), group home
5 rates shall terminate on December 31, 2016, unless granted an
6 extension under the exception process in subdivision (d).

7 (d) A group home may request an exception to extend its rate
8 as follows:

9 (1) The department may grant an extension for up to two years,
10 through December 31, 2018, except as provided in paragraph (2),
11 on a case-by-case basis, when a written request and supporting
12 documentation are provided by a county placing agency, including
13 a county welfare or probation director, that absent the granting of
14 that exception, there is a material risk to the welfare of children
15 due to an inadequate supply of appropriate alternative placement
16 options to meet the needs of children. The exception may include
17 time to meet the program accreditation requirement or the mental
18 health certification requirement.

19 (2) Pursuant to Section 11462.041, the department may grant
20 an extension to a group home beyond December 31, 2018, upon
21 a provider submitting a written request and the county probation
22 department providing documentation stating that absent the grant
23 of that extension, there is a significant risk to the safety of the
24 youth or the public, due to an inadequate supply of short-term
25 residential treatment centers or resource families necessary to meet
26 the needs of probation youth. The extension granted to any provider
27 through this section may be reviewed annually by the department
28 if concerns arise regarding that provider's facility. Pursuant to
29 subdivision (e) of Section 11462.041, the final report submitted
30 to the Legislature shall address whether or not the extensions are
31 still necessary.

32 (3) The exception shall allow the provider to continue to receive
33 the rate under the prior ratesetting system.

34 (4) A provider granted an extension pursuant to this section
35 shall continue to operate and be governed by the applicable laws
36 and regulations that were operative on December 31, 2018.

37 (e) Upon termination of an existing group home rate under the
38 RCL system, a new rate shall not be paid until an application is
39 approved and a rate is granted by the department pursuant to

1 Section 11462 as a short-term residential treatment center or
2 pursuant to Section 11463 as a foster family agency.

3 (f) The department shall, in the development of the new rate
4 structures, consider and provide for placement of all children who
5 are displaced as a result of reclassification of treatment facilities.

6 (g) This section shall become operative on January 1, 2017.

7 SEC. 83. Section 11462.041 is added to the Welfare and
8 Institutions Code, to read:

9 11462.041. (a) The Legislature recognizes that group homes
10 are one of the primary placement options utilized by probation
11 departments to avoid inappropriate housing of youth in a detention
12 hall, more so since the 2007 realignment of most juvenile offenders
13 from state supervision to county supervision. In order to further
14 improve outcomes for these youth, targeted efforts will be required
15 at the state and local levels to create sufficient capacity in
16 home-based family care and in short-term residential treatment
17 centers in order to serve these youth safely in the least restrictive,
18 family-based settings, whenever possible. This increased capacity
19 is needed in both the number of related and unrelated family-based
20 caregivers, in the caregivers' ability to meet the needs of probation
21 youth, and in the services and supports available to these
22 caregivers. Additionally, there must be sufficient capacity in
23 short-term residential treatment centers to meet the needs of
24 probation youth and ensure public safety.

25 (b) To meet the capacity needs described in subdivision (a),
26 commencing on January 1, 2016, county probation departments
27 shall do all of the following:

28 (1) Work with group home providers to develop short-term
29 residential treatment center programs that meet the treatment needs
30 of probation supervised youth in foster care.

31 (2) Work with foster family agencies and other
32 community-based organizations to develop strategies to recruit,
33 retain, and support specialized foster homes for probation youth.

34 (3) Work with the department on strategies to identify, engage,
35 and support relative caregivers.

36 (4) Work with the department to define probation youth outcome
37 measures to be collected and analyzed to assess implementation
38 of this act.

39 (c) To support the activities described in subdivision (b),
40 commencing on January 1, 2016, the department, in consultation

1 with the Chief Probation Officers of California, shall do all of the
2 following:

3 (1) Work with providers, courts, and county probation
4 departments to develop capacity for home-based family care.

5 (2) Work with short-term residential treatment centers and foster
6 family agencies to address the treatment needs of specific probation
7 populations, including, but not limited to, sex offenders, youth
8 with gang affiliations, youth who currently are placed out of state,
9 and youth with mental illness.

10 (3) Develop appropriate rate structures to support probation
11 foster youth in home-based family care.

12 (4) Identify strategies to address the systemic challenges specific
13 to small and rural counties in meeting the needs of probation foster
14 youth in need of placement or treatment services.

15 (5) Provide technical assistance to existing group home providers
16 interested in serving probation youth during the transition to the
17 short-term residential treatment center or foster family agency
18 models outlined in this act.

19 (6) Provide technical assistance related to implementation of
20 this section to any requesting county probation department.

21 (d) Beginning January 1, 2018, the department, in consultation
22 with the Chief Probation Officers of California, shall assess the
23 capacity and quality of placement options for probation youth in
24 foster care, including home-based family care and short-term
25 residential treatment centers. This assessment shall include:

26 (1) The number and type of placement options.

27 (2) Whether short-term residential treatment centers have
28 developed programming tailored to address the propensity of
29 probation youth to run away.

30 (3) The degree to which foster family agencies,
31 community-based service providers, and county probation
32 departments have developed the programs and services necessary
33 to recruit, retain, and support foster families and relative caregivers
34 serving foster youth supervised by probation departments.

35 (4) Any need for additional training and technical assistance to
36 be provided to short-term residential treatment centers or foster
37 family agency providers.

38 (e) The department, in consultation with the Chief Probation
39 Officers of California and the counties, shall provide an interim
40 report, pursuant to Section 9795 of the Government Code, to the

1 Legislature no later than January 10, 2019, and a final report,
 2 pursuant to Section 9795 of the Government Code, to the
 3 Legislature no later than January 10, 2021, which shall include the
 4 number of youth served in home-based family care, in short-term
 5 residential treatment centers, and in group homes, characteristics
 6 of youth in these placement types, and whether there is a continued
 7 need for probation placement in group homes. The reports also
 8 shall provide recommendations on any further technical assistance
 9 and training, if needed, to facilitate county probation departments,
 10 county child welfare departments, DSS, and providers in
 11 strengthening the continuum of care for justice-involved youth.

12 SEC. 84. Section 11463 of the Welfare and Institutions Code
 13 is amended to read:

14 11463. (a) (1) The department, with the advice, assistance,
 15 and cooperation of the counties and foster care providers, shall
 16 develop, implement, and maintain a ratesetting system for foster
 17 family agencies.

18 (2) No county shall be reimbursed for any percentage increases
 19 in payments, made on behalf of AFDC-FC funded children who
 20 are placed with foster family agencies, that exceed the percentage
 21 cost-of-living increase provided in any fiscal year beginning on
 22 January 1, 1990, as specified in subdivision (c) of Section 11461.

23 (b) The department shall develop regulations specifying the
 24 purposes, types, and services of foster family agencies, including
 25 the use of those agencies for the provision of emergency shelter
 26 care. A distinction, for ratesetting purposes, shall be drawn between
 27 foster family agencies that provide treatment of children in foster
 28 families and those that provide nontreatment services.

29 (c) The department shall develop and maintain regulations
 30 specifying the procedure for the appeal of department decisions
 31 about the setting of an agency’s rate.

32 (d) On and after July 1, 1998, the schedule of rates, and the
 33 components used in the rate calculations specified in the
 34 department’s regulations, for foster family agencies shall be
 35 increased by 6 percent, rounded to the nearest dollar. The resultant
 36 amounts shall constitute the new schedule of rates for foster family
 37 agencies.

38 (e) (1) On and after July 1, 1999, the schedule of rates and the
 39 components used in the rate calculations specified in the
 40 department’s regulations for foster family agencies shall be

1 adjusted by an amount equal to the California Necessities Index
2 computed pursuant to Section 11453, rounded to the nearest dollar,
3 subject to the availability of funds. The resultant amounts shall
4 constitute the new schedule of rates for foster family agencies,
5 subject to further adjustment pursuant to paragraph (2).

6 (2) In addition to the adjustment specified in paragraph (1),
7 commencing January 1, 2000, the schedule of rates and the
8 components used in the rate calculations specified in the
9 department's regulations for foster family agencies shall be
10 increased by 2.36 percent, rounded to the nearest dollar. The
11 resultant amounts shall constitute the new schedule of rates for
12 foster family agencies.

13 (f) For the 1999–2000 fiscal year, foster family agency rates
14 that are not determined by the schedule of rates set forth in the
15 department's regulations, shall be increased by the same percentage
16 as provided in subdivision (e).

17 (g) (1) For the 2000–01 fiscal year and each fiscal year
18 thereafter, the foster family agency rate shall be supplemented by
19 one hundred dollars (\$100) for clothing per year per child in care,
20 subject to the availability of funds. The supplemental payment
21 shall be used to supplement, and shall not be used to supplant, any
22 clothing allowance paid in addition to the foster family agency
23 rate.

24 (2) Notwithstanding paragraph (1), commencing with the
25 2012–13 fiscal year, and each fiscal year thereafter, no
26 supplemental clothing allowance shall be provided, because the
27 rate issued in accordance with paragraph (1) of subdivision (m)
28 takes the cost of clothing into account.

29 (h) In addition to the adjustment made pursuant to subdivision
30 (e), the component for social work activities in the rate calculation
31 specified in the department's regulations for foster family agencies
32 shall be increased by 10 percent, effective January 1, 2001. This
33 additional funding shall be used by foster family agencies solely
34 to supplement staffing, salaries, wages, and benefit levels of staff
35 performing social work activities. The schedule of rates shall be
36 recomputed using the adjusted amount for social work activities.
37 The resultant amounts shall constitute the new schedule of rates
38 for foster family agencies. The department may require a foster
39 family agency receiving this additional funding to certify that the

1 funding was utilized in accordance with the provisions of this
2 section.

3 (i) The increased rate provided by subparagraph (C) of paragraph
4 (1) of subdivision (d) of Section 11461 shall not be used to compute
5 the monthly amount that may be paid to licensed foster family
6 agencies for the placement of children in certified foster homes.

7 (j) The total foster family agency rate by age group in effect as
8 of January 1, 2008, paid to licensed foster family agencies for the
9 placement of children in certified foster family homes, shall be
10 reduced by 10 percent, effective October 1, 2009. The foster family
11 agency shall have flexibility in applying the reduction, however,
12 nothing shall be deducted from the child base rate, as defined in
13 departmental regulations. When the rate is restored to at least the
14 rate in effect on September 1, 2009, the director shall issue the
15 declaration described in Section 1506.3 of the Health and Safety
16 Code.

17 (k) Effective October 1, 2009, the total foster family agency
18 rate by age group, in effect for those agency rates that are not
19 determined by the schedule of rates set forth in the department's
20 regulations, shall be reduced by the same percentage and in the
21 same manner as provided for in subdivision (j).

22 (l) (1) The department shall determine, consistent with the
23 requirements of this section and other relevant requirements under
24 law, the rate category for each foster family agency on a biennial
25 basis. Submission of the biennial rate application shall be according
26 to a schedule determined by the department.

27 (2) The department shall adopt regulations to implement this
28 subdivision. The adoption, amendment, repeal, or readoption of a
29 regulation authorized by this subdivision is deemed to be necessary
30 for the immediate preservation of the public peace, health and
31 safety, or general welfare, for purposes of Sections 11346.1 and
32 11349.6 of the Government Code, and the department is hereby
33 exempted from the requirement to describe specific facts showing
34 the need for immediate action.

35 (m) (1) On and after July 1, 2012, the basic rate payment that
36 shall be made to the certified parent pursuant to this section for
37 care and supervision of a child who is living in a certified home
38 of a foster family agency, as defined in Section 11400, shall equal
39 the basic rate for children based in a licensed or approved home,
40 as specified in paragraph (1) of subdivision (g) of Section 11461.

1 (2) The basic rate payment to the certified parent made pursuant
2 to paragraph (1) shall be adjusted annually on July 1, by the annual
3 percentage change in the California Necessities Index, in
4 accordance with paragraph (2) of subdivision (g) of Section 11461.
5 The adjustment in this paragraph shall be in lieu of any adjustment
6 pursuant to subdivision (e).

7 (n) Notwithstanding any other law, the changes to the basic rate
8 payment specified in subdivision (m) shall not change the
9 remaining components of the foster family agency rate. The new
10 foster family agency rate shall be increased only by the amounts
11 specified pursuant to subdivision (m). The resulting amounts shall
12 constitute the new schedule of rates for foster family agencies,
13 which shall be issued by all-county letters or similar instructions
14 from the department.

15 (o) Beginning in the 2011–12 fiscal year, and for each fiscal
16 year thereafter, funding and expenditures for programs and
17 activities under this section shall be in accordance with the
18 requirements provided in Sections 30025 and 30026.5 of the
19 Government Code.

20 (p) (1) Notwithstanding the rulemaking provisions of the
21 Administrative Procedure Act (Chapter 3.5 (commencing with
22 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
23 Code), the department may implement, interpret, or make specific
24 the changes to this section made by the act that added this section,
25 and amend and repeal regulations and orders subject to this section
26 and adopted by the department by means of all-county letters or
27 similar instructions from the department until regulations are
28 adopted. The department shall adopt emergency regulations no
29 later than July 1, 2014. The department may readopt any emergency
30 regulation authorized by this section that is the same as, or
31 substantially equivalent to, an emergency regulation previously
32 adopted under this section.

33 (2) The initial adoption of emergency regulations pursuant to
34 this section and one readoption of emergency regulations shall be
35 deemed an emergency and necessary for the immediate
36 preservation of the public peace, health, safety, or general welfare.
37 Initial emergency regulations and the one readoption of emergency
38 regulations authorized by this section shall be exempt from review
39 by the Office of Administrative Law. The initial emergency
40 regulations and the one readoption of emergency regulations

1 authorized by this section shall be submitted to the Office of
2 Administrative Law for filing with the Secretary of State and each
3 shall remain in effect for no more than 180 days, by which time
4 final regulations may be adopted.

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

8 SEC. 85. Section 11463 is added to the Welfare and Institutions
9 Code, to read:

10 11463. (a) The department shall commence development of
11 a new payment structure for the Title IV-E funded foster family
12 agency placement option that maximizes federal funding, in
13 consultation with county placing agencies.

14 (b) The department shall develop a payment system for foster
15 family agencies that provide treatment, intensive treatment, and
16 therapeutic foster care programs, and shall consider all of the
17 following factors:

18 (1) Administrative activities that are eligible for federal financial
19 participation provided, at county request, for and to county-licensed
20 or approved family homes and resource families, intensive case
21 management and supervision, and services to achieve legal
22 permanency or successful transition to adulthood.

23 (2) Social work activities that are eligible for federal financial
24 participation under Title IV-E of the Social Security Act.

25 (3) Social work and mental health services eligible for federal
26 financial participation under Title XIX of the Social Security Act.

27 (4) Intensive treatment or therapeutic services in the foster
28 family agency.

29 (5) Core services, made available to children and nonminor
30 dependents either directly or secured through formal agreements
31 with other agencies, which are trauma informed and culturally
32 relevant and include:

33 (A) Specialty mental health services for children who meet
34 medical necessity criteria for specialty mental health services under
35 the Medi-Cal Early and Periodic Screening, Diagnosis, and
36 Treatment program, as the criteria are described in Section
37 1830.210 of Title 9, of the California Code of Regulations.

38 (B) Transition support services for children, youth, and families
39 upon initial entry and placement changes and for families who

1 assume permanency through reunification, adoption, or
2 guardianship.

3 (C) Educational and physical, behavioral, and mental health
4 supports, including extracurricular activities and social supports.

5 (D) Activities designed to support transition-age youth and
6 nonminor dependents in achieving a successful adulthood.

7 (E) Services to achieve permanency, including supporting efforts
8 to reunify or achieve adoption or guardianship and efforts to
9 maintain or establish relationships with parents, siblings, extended
10 family members, tribes, or others important to the child or youth,
11 as appropriate.

12 (F) When serving Indian children, as defined in subdivisions
13 (a) and (b) of Section 224.1, the core services specified in
14 subparagraphs (A) to (E), inclusive, shall be provided to eligible
15 children consistent with active efforts pursuant to Section 361.7.

16 (G) The core services specified in subparagraphs (A) to (F),
17 inclusive, are not intended to duplicate services already available
18 to foster children in the community, but to support access to those
19 services and supports to the extent already available. Those services
20 and supports may include, but are not limited to, foster youth
21 services available through county offices of education, Indian
22 Health Services, and school-based extracurricular activities.

23 (6) Staff training.

24 (7) Health and Safety Code requirements.

25 (8) A process for accreditation that includes all of the following:

26 (A) Provision for all licensed foster family agencies to maintain
27 in good standing accreditation from a nationally recognized
28 accreditation agency with expertise in programs for youth group
29 care facilities, as determined by the department.

30 (B) Promulgation by the department of information identifying
31 the agency or agencies from which accreditation shall be required.

32 (C) Provision for timely reporting to the department of any
33 change in accreditation status.

34 (9) Mental health certification, including a requirement to timely
35 report to the department any change in mental health certificate
36 status.

37 (10) Populations served, including, but not limited to, any of
38 the following:

39 (A) (i) Children and youth assessed as seriously emotionally
40 disturbed, as described in subdivision (a) of Section 5600.3,

1 including those placed out-of-home pursuant to an individualized
2 education program developed under Article 2 (commencing with
3 Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of
4 the Education Code.

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

10 (B) AFDC-FC children and youth receiving intensive and
11 therapeutic treatment services in a foster family agency.

12 (C) AFDC-FC children and youth receiving mental health
13 treatment services from a foster family agency.

14 (11) Maximization of federal financial participation for Title
15 IV-E and Title XIX of the Social Security Act.

16 (c) The department shall develop a system of governmental
17 monitoring and oversight that shall be carried out in coordination
18 with the State Department of Health Care Services. Oversight
19 responsibilities shall include, but not be limited to, ensuring
20 conformity with federal and state law, including program, fiscal,
21 and health and safety reviews. The state agencies shall attempt to
22 minimize duplicative audits and reviews to reduce the
23 administrative burden on providers.

24 (d) The department shall consider the impact on children and
25 youth being transitioned to alternate programs as a result of the
26 new ratesetting system.

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

28 SEC. 86. Section 11463.01 is added to the Welfare and
29 Institutions Code, immediately after Section 11463, to read:

30 11463.01. (a) (1) The department, with the advice, assistance,
31 and cooperation of the counties and foster care providers, shall
32 develop, implement, and maintain a ratesetting system for foster
33 family agencies.

34 (2) No county shall be reimbursed for any percentage increases
35 in payments, made on behalf of AFDC-FC funded children who
36 are placed with foster family agencies, that exceed the percentage
37 cost-of-living increase provided in any fiscal year, as specified in
38 subdivision (c) of Section 11461.

39 (b) The department shall develop regulations specifying the
40 purposes, types, and services of foster family agencies, including

1 the use of those agencies for the provision of emergency shelter
2 care.

3 (c) The department shall develop and maintain regulations
4 specifying the procedures for the appeal of department decisions
5 about the setting of an agency's rate.

6 (d) No supplemental clothing allowance shall be provided,
7 because the rate issued in accordance with paragraph (1) of
8 subdivision (g) takes the cost of clothing into account.

9 (e) The schedule of rates for foster family agencies as set forth
10 in Section 11463, as that section read on January 1, 2015, shall
11 apply for purposes of, and may be modified pursuant to, this
12 section.

13 (f) (1) The department shall determine, consistent with the
14 requirements of this section and other relevant requirements under
15 law, the rate category for each foster family agency on a biennial
16 basis. Submission of the biennial rate application shall be according
17 to a schedule determined by the department.

18 (2) The department shall adopt regulations to implement this
19 subdivision. The adoption, amendment, repeal, or readoption of a
20 regulation authorized by this subdivision is deemed to be necessary
21 for the immediate preservation of the public peace, health and
22 safety, or general welfare, for purposes of Sections 11346.1 and
23 11349.6 of the Government Code, and the department is hereby
24 exempted from the requirement to describe specific facts showing
25 the need for immediate action.

26 (g) (1) The basic rate payment that shall be made to the certified
27 parent pursuant to this section for care and supervision of a child
28 who is living in a certified home of a foster family agency, as
29 defined in Section 11400, shall equal the basic rate for children
30 placed in a licensed or approved home, as specified in paragraph
31 (1) of subdivision (g) of Section 11461.

32 (2) The basic rate payment to the certified parent made pursuant
33 to paragraph (1) shall be adjusted annually on July 1, by the annual
34 percentage change in the California Necessities Index, in
35 accordance with paragraph (2) of subdivision (g) of Section 11461.
36 The adjustment in this paragraph shall be in lieu of any adjustment
37 pursuant to subdivision (e) of Section 11463, as that section read
38 on January 1, 2015.

39 (h) Notwithstanding any other law, the changes to the basic rate
40 payment specified in subdivision (g) shall not change the remaining

1 components of the foster family agency rate. The new foster family
2 agency rate shall be increased only by the amounts specified
3 pursuant to subdivision (g). The resulting amounts shall constitute
4 the new schedule of rates for foster family agencies, which shall
5 be issued by all-county letters or similar instructions from the
6 department.

7 (i) For each fiscal year, funding and expenditures for programs
8 and activities under this section shall be in accordance with the
9 requirements provided in Sections 30025 and 30026.5 of the
10 Government Code.

11 (j) (1) Notwithstanding the rulemaking provisions of the
12 Administrative Procedure Act (Chapter 3.5 (commencing with
13 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
14 Code), the department may implement, interpret, or make specific
15 the changes to this section made by the act that added this section,
16 and amend and repeal regulations and orders subject to this section
17 and adopted by the department by means of all-county letters or
18 similar instructions from the department until regulations are
19 adopted. The department shall adopt emergency regulations no
20 later than July 1, 2016. The department may readopt any emergency
21 regulation authorized by this section that is the same as, or
22 substantially equivalent to, an emergency regulation previously
23 adopted under this section.

24 (2) The initial adoption of emergency regulations pursuant to
25 this section and one readoption of emergency regulations shall be
26 deemed an emergency and necessary for the immediate
27 preservation of the public peace, health, safety, or general welfare.
28 Initial emergency regulations and the one readoption of emergency
29 regulations authorized by this section shall be exempt from review
30 by the Office of Administrative Law. The initial emergency
31 regulations and the one readoption of emergency regulations
32 authorized by this section shall be submitted to the Office of
33 Administrative Law for filing with the Secretary of State and each
34 shall remain in effect for no more than 180 days, by which time
35 final regulations may be adopted.

36 (k) This section shall only apply to a foster family agency that
37 has been granted an extension pursuant to the exception process
38 described in subdivision (d) of Section 11463.1.

39 (l) This section shall become operative on January 1, 2017.

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

4 SEC. 87. Section 11463.1 is added to the Welfare and
5 Institutions Code, to read:

6 11463.1. (a) Notwithstanding any other law, commencing
7 January 1, 2017, no new foster family agency shall be established
8 pursuant to the rate in effect through December 31, 2016.

9 (b) Notwithstanding subdivision (a), the department may grant
10 an exception as appropriate, on a case-by-case basis, when a written
11 request and supporting documentation are provided by a county
12 placing agency, including a county welfare or probation director,
13 that absent the granting of that exception, there is a material risk
14 to the welfare of children due to an inadequate supply of
15 appropriate alternative placement options to meet the needs of
16 children or youth.

17 (c) Rates for foster family agencies paid under the prior rate
18 system, and those granted an exception pursuant to subdivision
19 (b), shall terminate on December 31, 2016, unless granted an
20 extension under the exception process in subdivision (d).

21 (d) A foster family agency may request an exception to extend
22 its rate as follows:

23 (1) The department may grant an extension for up to two years,
24 through December 31, 2018, on a case-by-case basis, when a
25 written request and supporting documentation are provided by a
26 county placing agency, including a county welfare or probation
27 director, that absent the granting of that exception, there is a
28 material risk to the welfare of children or youth due to an
29 inadequate supply of appropriate alternative placement options to
30 meet the needs of children. The exception may include time to
31 meet the accreditation requirement or the mental health certification
32 requirement.

33 (2) The exception shall allow the provider to continue to receive
34 the rate under the prior ratesetting system.

35 (e) Upon termination of an existing foster family agency rate
36 under the prior rate system, a new rate shall not be paid until an
37 application is approved and a rate is granted by the department
38 pursuant to Section 11463 as a foster family agency or Section
39 11462 as a short-term residential treatment center.

1 (f) The department shall, in the development of the new rate
2 structures, consider and provide for placement of all children who
3 are displaced as a result of reclassification of treatment facilities.

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

7 SEC. 88. Section 11465 of the Welfare and Institutions Code
8 is amended to read:

9 11465. (a) When a child is living with a parent who receives
10 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
11 behalf of the parent shall include an amount for care and
12 supervision of the child.

13 (b) For each category of eligible licensed community care
14 facility, as defined in Section 1502 of the Health and Safety Code,
15 the department shall adopt regulations setting forth a uniform rate
16 to cover the cost of care and supervision of the child in each
17 category of eligible licensed community care facility.

18 (c) (1) On and after July 1, 1998, the uniform rate to cover the
19 cost of care and supervision of a child pursuant to this section shall
20 be increased by 6 percent, rounded to the nearest dollar. The
21 resultant amounts shall constitute the new uniform rate.

22 (2) (A) On and after July 1, 1999, the uniform rate to cover the
23 cost of care and supervision of a child pursuant to this section shall
24 be adjusted by an amount equal to the California Necessities Index
25 computed pursuant to Section 11453, rounded to the nearest dollar.
26 The resultant amounts shall constitute the new uniform rate, subject
27 to further adjustment pursuant to subparagraph (B).

28 (B) In addition to the adjustment specified in subparagraph (A),
29 on and after January 1, 2000, the uniform rate to cover the cost of
30 care and supervision of a child pursuant to this section shall be
31 increased by 2.36 percent, rounded to the nearest dollar. The
32 resultant amounts shall constitute the new uniform rate.

33 (3) Subject to the availability of funds, for the 2000–01 fiscal
34 year and annually thereafter, these rates shall be adjusted for cost
35 of living pursuant to procedures in Section 11453.

36 (4) On and after January 1, 2008, the uniform rate to cover the
37 cost of care and supervision of a child pursuant to this section shall
38 be increased by 5 percent, rounded to the nearest dollar. The
39 resulting amount shall constitute the new uniform rate.

1 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
2 payment made pursuant to this section for care and supervision of
3 a child who is living with a teen parent in a whole family foster
4 home, as defined in Section 11400, shall equal the basic rate for
5 children placed in a licensed or approved home as specified in
6 subdivisions (a) to (d), inclusive, and subdivision (g), of Section
7 11461.

8 (2) (A) The amount paid for care and supervision of a dependent
9 infant living with a dependent teen parent receiving AFDC-FC
10 benefits in a group home placement shall equal the infant
11 supplement rate for group home placements.

12 (B) Commencing January 1, 2017, the amount paid for care and
13 supervision of a dependent infant living with a dependent teenage
14 parent receiving AFDC-FC benefits in a short-term residential
15 treatment center shall equal the infant supplement rate for
16 short-term residential treatment centers established by the
17 department.

18 (3) (A) The caregiver shall provide the county child welfare
19 agency or probation department with a copy of the shared
20 responsibility plan developed pursuant to Section 16501.25 and
21 shall advise the county child welfare agency or probation
22 department of any subsequent changes to the plan. Once the plan
23 has been completed and provided to the appropriate agencies, the
24 payment made pursuant to this section shall be increased by an
25 additional two hundred dollars (\$200) per month to reflect the
26 increased care and supervision while he or she is placed in the
27 whole family foster home.

28 (B) A nonminor dependent parent residing in a supervised
29 independent living placement, as defined in subdivision (w) of
30 Section 11400, who develops a written parenting support plan
31 pursuant to Section 16501.26 shall provide the county child welfare
32 agency or probation department with a copy of the plan and shall
33 advise the county child welfare agency or probation department
34 of any subsequent changes to the plan. The payment made pursuant
35 to this section shall be increased by an additional two hundred
36 dollars (\$200) per month after all of the following have been
37 satisfied:

38 (i) The plan has been completed and provided to the appropriate
39 county agency.

1 (ii) The plan has been approved by the appropriate county
2 agency.

3 (iii) The county agency has determined that the identified
4 responsible adult meets the criteria specified in Section 16501.27.

5 (4) In a year in which the payment provided pursuant to this
6 section is adjusted for the cost of living as provided in paragraph
7 (1) of subdivision (c), the payments provided for in this subdivision
8 shall also be increased by the same procedures.

9 (5) A Kin-GAP relative who, immediately prior to entering the
10 Kin-GAP program, was designated as a whole family foster home
11 shall receive the same payment amounts for the care and
12 supervision of a child who is living with a teen parent they received
13 in foster care as a whole family foster home.

14 (6) On and after January 1, 2012, the rate paid for a child living
15 with a teen parent in a whole family foster home as defined in
16 Section 11400 shall also be paid for a child living with a nonminor
17 dependent parent who is eligible to receive AFDC-FC or Kin-GAP
18 pursuant to Section 11403.

19 SEC. 89. Section 11466 is added to the Welfare and Institutions
20 Code, to read:

21 11466. For the purposes of this section to Section 114691.1,
22 inclusive, “provider” shall mean a group home, short-term
23 residential treatment center, a foster family agency that provides
24 treatment services, and similar foster care business entities.

25 SEC. 90. Section 11466.2 of the Welfare and Institutions Code
26 is amended to read:

27 11466.2. (a) (1) The department shall perform or have
28 performed group home program and fiscal audits as needed. Group
29 home programs shall maintain all child-specific, programmatic,
30 personnel, fiscal, and other information affecting group home
31 ratesetting and AFDC-FC payments for a period not less than five
32 years.

33 (2) Notwithstanding paragraph (1), the department shall not
34 establish an overpayment based upon a nonprovisional program
35 audit conducted on less than a one-year audit period.

36 (3) Notwithstanding paragraph (2), the department may conduct
37 audits covering a period of less than 12 months. Based upon the
38 findings of these audits, the department may reduce a group home
39 program’s AFDC-FC rate or RCL pursuant to this paragraph.

1 (A) In an audit of a period of less than 12 months, if a provider's
2 audited RCL is no more than three levels below the paid RCL, the
3 provider's rate and RCL will be reduced to the audited RCL. The
4 provider will be allowed the opportunity to bring a program into
5 compliance with the paid RCL.

6 (B) In an audit of a period of less than 12 months, if the
7 provider's audited RCL is more than three levels below the paid
8 RCL, the department shall conduct an audit as identified in
9 paragraph (2) of subdivision (a) of Section 11466.2. The provider
10 will be allowed the opportunity to bring a program into compliance
11 with the paid RCL.

12 (C) For audit purposes, when the group home program serves
13 a mixture of AFDC-FC eligible and ineligible children, the
14 weighted hours for child care and social work services provided
15 and the capacity of the group home shall be adjusted by the ratio
16 of AFDC-FC eligible children to all children in placement.

17 (D) A group home provider may request a hearing of the
18 department's RCL determination under subparagraph (A) no later
19 than 30 days after the date the department issues its RCL
20 determination. The department's RCL determination shall be final
21 if the group home provider does not request a hearing within the
22 prescribed time. Within 60 days of receipt of the request for
23 hearing, the department shall conduct a hearing on the RCL
24 determination. The standard of proof shall be the preponderance
25 of the evidence and the burden of proof shall be on the department.
26 The hearing officer shall issue the proposed decision within 45
27 days of the close of the evidentiary record. The director shall adopt,
28 reject, or modify the proposed decision, or refer the matter back
29 to the hearing officer for additional evidence or findings within
30 100 days of issuance of the proposed decision. If the director takes
31 no action on the proposed decision within the prescribed time, the
32 proposed decision shall take effect by operation of law.

33 (b) (1) The department shall develop regulations to correct a
34 group home program's RCL, and to adjust the rate and to recover
35 any overpayments resulting from an overstatement of the projected
36 level of care and services.

37 (2) The department shall modify the amount of the overpayment
38 pursuant to paragraph (1) in cases where the level of care and
39 services provided per child in placement equals or exceeds the
40 level associated with the program's RCL. In making this

1 modification, the department shall determine whether services
 2 other than child care supervision were provided to children in
 3 placement in an amount that is at least proportionate, on a per child
 4 basis, to the amount projected in the group home’s rate application.
 5 In cases where these services are provided in less than a
 6 proportionate amount, staffing for child care supervision in excess
 7 of its proportionate share shall not be substituted for nonchild care
 8 supervision staff hours.

9 (c) (1) In any audit conducted by the department, the
 10 department, or other public or private audit agency with which the
 11 department contracts, shall coordinate with the department’s
 12 licensing and ratesetting entities so that a consistent set of
 13 standards, rules, and auditing protocols are maintained. The
 14 department, or other public or private audit agency with which the
 15 department contracts, shall make available to all group home
 16 providers, in writing, any standards, rules, and auditing protocols
 17 to be used in those audits.

18 (2) The department shall provide exit interviews with providers
 19 whenever deficiencies found are explained and the opportunity
 20 exists for providers to respond. The department shall adopt
 21 regulations specifying the procedure for the appeal of audit
 22 findings.

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

26 SEC. 91. Section 11466.2 is added to the Welfare and
 27 Institutions Code, to read:

28 11466.2. (a) (1) The department shall perform or have
 29 performed provider program and fiscal audits as needed. Provider
 30 programs shall maintain all child-specific, programmatic,
 31 personnel, fiscal, and other information affecting ratesetting and
 32 AFDC-FC payments for a period of not less than five years.

33 (2) A provider may request a hearing of the department’s audit
 34 determination under this section no later than 30 days after the
 35 date the department issues its audit determination. The
 36 department’s audit determination shall be final if the provider does
 37 not request a hearing within the prescribed time. Within 60 days
 38 of receipt of the request for hearing, the department shall conduct
 39 a hearing on the audit determination. The standard of proof shall
 40 be the preponderance of the evidence and the burden of proof shall

1 be on the department. The hearing officer shall issue the proposed
2 decision within 45 days of the close of the evidentiary record. The
3 director shall adopt, reject, or modify the proposed decision, or
4 refer the matter back to the hearing officer for additional evidence
5 or findings within 100 days of issuance of the proposed decision.
6 If the director takes no action on the proposed decision within the
7 prescribed time, the proposed decision shall take effect by operation
8 of law.

9 (b) The department shall develop regulations to correct a
10 program's audit findings, adjust the rate, and recover any
11 overpayments resulting from an overstatement of the projected
12 level of care and services and other audit findings.

13 (c) (1) In any audit conducted by the department, the
14 department, or other public or private audit agency with which the
15 department contracts, shall coordinate with the department's
16 licensing and ratesetting entities so that a consistent set of
17 standards, rules, and auditing protocols are maintained. The
18 department, or other public or private audit agency with which the
19 department contracts, shall make available to all providers, in
20 writing, any standards, rules, and auditing protocols to be used in
21 those audits.

22 (2) The department shall provide exit interviews with providers,
23 whenever deficiencies are found, in which those deficiencies may
24 be explained and permit providers an opportunity to respond. The
25 department shall adopt regulations specifying the procedure for
26 the appeal of audit findings.

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

28 SEC. 92. Section 11466.21 of the Welfare and Institutions
29 Code is amended to read:

30 11466.21. (a) In accordance with subdivision (b), as a
31 condition to receive an AFDC-FC rate for a program including,
32 but not limited to, a group home, a foster family agency that
33 provides treatment services, a short-term residential treatment
34 center, and other similar business entities providing foster care,
35 the following shall apply:

36 (1) Any provider who expends in combined federal funds an
37 amount at or above the federal funding threshold in accordance
38 with the federal Single Audit Act, as amended, and Section 200.501
39 of Title 2 of the Code of Federal Regulations shall arrange to have
40 a financial audit conducted on an annual basis, and shall submit

1 the annual financial audit to the department in accordance with
2 regulations adopted by the department, all-county letter, or similar
3 written instructions.

4 (2) Any provider who expends in combined federal funds an
5 amount below the federal funding threshold in accordance with
6 the federal Single Audit Act, as amended, and Section 200.501 of
7 Title 2 of the Code of Federal Regulations shall annually submit
8 to the department a financial audit on its most recent fiscal period.
9 The department shall provide timely notice to the providers of the
10 date that submission of the financial audit is required. That date
11 of submission of the financial audit shall be established in
12 accordance with regulations adopted by the department.

13 (3) The scope of the financial audit shall include all of the
14 programs and activities operated by the provider and shall not be
15 limited to those funded in whole or in part by the AFDC-FC
16 program. The financial audits shall include, but not be limited to,
17 an evaluation of the expenditures and accounting and control
18 systems of the provider.

19 (4) The provider shall have its financial audit conducted by
20 certified public accountants or by state-licensed public accountants,
21 with audit designation, who have no direct or indirect relationship
22 with the functions or activities being audited, or with the provider,
23 its board of directors, or other governing body, officers, or staff.

24 (5) The provider shall have its financial audits conducted in
25 accordance with Government Auditing Standards issued by the
26 Comptroller General of the United States and in compliance with
27 generally accepted accounting principles applicable to private
28 entities organized and operated on a nonprofit basis.

29 (6) (A) Each provider shall have the flexibility to define the
30 calendar months included in its fiscal year.

31 (B) A provider may change the definition of its fiscal year.
32 However, the financial audit conducted following the change shall
33 cover all of the months since the last audit, even though this may
34 cover a period that exceeds 12 months.

35 (b) (1) In accordance with subdivision (a), as a condition to
36 receive an AFDC-FC rate, a provider shall submit a copy of its
37 most recent financial audit report, except as provided in paragraph
38 (3).

39 (2) The department shall terminate the rate of a provider who
40 fails to submit a copy of its most recent financial audit pursuant

1 to subdivision (a). A terminated rate shall only be reinstated upon
2 the provider's submission to the department of an acceptable
3 financial audit.

4 (3) A new provider that has been incorporated for fewer than
5 12 calendar months shall not be required to submit a copy of a
6 financial audit to receive an AFDC-FC rate for a new program.
7 The financial audit shall be conducted on the provider's next full
8 fiscal year of operation. The provider shall submit the financial
9 audit to the department in accordance with subdivision (a).

10 (4) Repeated late financial audits may result in monetary
11 penalties or termination of the provider's rate as set forth in
12 regulation, all-county letter, or similar written directive by the
13 department.

14 (c) The department shall issue a management decision letter on
15 audit findings within six months of receipt of the financial audit
16 report. The management decision letter shall clearly state whether
17 or not the audit finding is sustained, the reasons for the decision,
18 and the action or actions expected of the nonprofit organization
19 provider to repay disallowed costs, make financial adjustments,
20 or take other action.

21 SEC. 93. Section 11466.22 of the Welfare and Institutions
22 Code is amended to read:

23 11466.22. (a) It is the intent of the Legislature to ensure overall
24 program integrity in the AFDC-FC program through the
25 establishment of an effective and efficient process for the collection
26 of provider sustained overpayments. Furthermore, the intent of the
27 Legislature is to ensure that children placed in AFDC-FC programs,
28 including, but not limited to, group homes, short-term residential
29 treatment centers, and foster family agencies, receive the level of
30 care and supervision commensurate with the program's paid rate.

31 (b) For the purposes of this section, a provider is a licensee of
32 an AFDC-FC program listed in Section 11402, including, but not
33 limited to, a group home, short-term residential treatment center,
34 foster family agency that provides treatment services, or a similar
35 business entity, receiving foster care maintenance payments under
36 the AFDC-FC program. The department may collect a sustained
37 overpayment from the party responsible for the sustained
38 overpayment, regardless of whether the party remains in the
39 business of providing any AFDC-FC programs, and regardless of
40 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 a hearing is not requested, or on the 60th day after an
19 informal decision if a provider or the department does not file a
20 notice of intent to file a formal appeal, or on the 30th day following
21 a formal appeal hearing decision, whichever is latest, a provider
22 overpayment shall be sustained for collection purposes and the
23 department shall issue a demand letter for repayment of the
24 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 consider, at the discretion of the director, renegotiation of a
37 voluntary repayment agreement if the director determines that the
38 agreement would cause severe harm to children in placement.

39 (4) The department shall establish an involuntary overpayment
40 collection procedure, that shall take into account the amount of

1 the overpayment, projected annual income, a minimum required
2 repayment amount, including principal and interest, of 5 percent
3 of the annual income prorated on a monthly basis, simple interest
4 on the overpayment amount based on the Surplus Money
5 Investment Fund, and a maximum repayment period of seven
6 years. The department may consider, at the discretion of the
7 director, renegotiation of an involuntary payment agreement if the
8 director determines that the agreement would cause severe harm
9 to children in placement.

10 (e) The department shall maintain, by regulation, all-county
11 letter, or similar written directive, a procedure for recovery of any
12 provider sustained overpayments. The department shall prioritize
13 collection methods, which shall include voluntary repayment
14 agreement procedures, involuntary overpayment collection
15 procedures, including the use of a statutory lien, rate request
16 denials, rate decreases, and rate terminations. The department may
17 also deny rate requests, including requests for rate increases, or
18 program changes or expansions, while an overpayment is due.

19 (f) Whenever the department determines that a provider
20 sustained overpayment has occurred, the department shall recover
21 from the provider the full amount of the sustained overpayment,
22 and simple interest on the sustained overpayment amount, pursuant
23 to methods described in subdivision (e), against the provider's
24 income or assets.

25 (g) If a provider is successful in its appeal of a collected
26 overpayment, it shall be repaid the collected overpayment plus
27 simple interest based on the Surplus Money Investment Fund.

28 SEC. 94. Section 11466.25 of the Welfare and Institutions
29 Code is amended to read:

30 11466.25. Interest begins to accrue on a provider overpayment
31 or penalty on the date of the issuance of the penalty or the final
32 audit report, or the date the final audit report is sustained, the date
33 of the issuance of a management decision letter in accordance with
34 Section 11466.21, or the date that a provider self-reports an
35 overpayment.

36 SEC. 95. Section 11466.3 of the Welfare and Institutions Code
37 is amended to read:

38 11466.3. (a) The department shall offer a voluntary repayment
39 agreement procedure to providers that owe a sustained
40 overpayment. A provider may enter into a voluntary repayment

1 agreement with the department to repay a sustained overpayment.
2 The voluntary repayment agreement shall, at a minimum, meet
3 the requirements developed pursuant to paragraph (3) of
4 subdivision (d) of Section 11466.22.

5 (b) The department shall charge simple interest on the voluntary
6 repayment agreement in accordance with paragraph (3) of
7 subdivision (d) of Section 11466.22.

8 SEC. 96. Section 11466.31 of the Welfare and Institutions
9 Code is amended to read:

10 11466.31. (a) When it has been determined that a provider
11 participating in the AFDC-FC program owes an overpayment that
12 is due and payable, the department may implement involuntary
13 offset collection procedures to collect sustained overpayments
14 from a provider if the provider does not enter into a voluntary
15 repayment agreement with the department or the provider has three
16 outstanding payments on a voluntary repayment agreement before
17 the overpayment is repaid.

18 (b) The minimum monthly overpayment offset amount from
19 monthly rate reimbursements shall be determined using the
20 involuntary collection procedures developed pursuant to paragraph
21 (4) of subdivision (d) of Section 11466.2. Overpayments shall be
22 offset against current monthly rate reimbursement payments due
23 and payable to a provider under this chapter.

24 (c) Failure to repay an overpayment shall be grounds for
25 termination of the provider's rate and shall result in a referral to
26 the department's Community Care Licensing Division for license
27 revocation.

28 SEC. 97. Section 11466.32 of the Welfare and Institutions
29 Code is amended to read:

30 11466.32. (a) If a provider that owes a sustained overpayment
31 pursuant to paragraph (2) of subdivision (d) of Section 11466.2
32 does not enter into a voluntary repayment agreement with the
33 department, or the provider has three outstanding payments on a
34 voluntary repayment agreement before the overpayment is repaid,
35 in addition to the monthly overpayment offset amount, 50 percent
36 of any increases resulting from California Necessities Index (CNI)
37 adjustments and provider's rate adjustments to the standard rate
38 that are due to a provider shall be withheld until the sustained
39 overpayment amount is collected. Once the overpayment amount
40 is collected, the provider shall begin to prospectively receive the

1 full amount of any California Necessities Index and rate adjustment
2 to which it is entitled.

3 (b) Any provider subject to involuntary repayment of a sustained
4 overpayment pursuant to Section 11466.31 shall be ineligible to
5 receive any rate increase or program change or expansion, until
6 the repayment is completed or until the host county or the primary
7 placement county provide the department with a request for waiver
8 of this paragraph.

9 SEC. 98. Section 11466.33 of the Welfare and Institutions
10 Code is amended to read:

11 11466.33. (a) If any amount is due and payable to the
12 department as a result of a sustained overpayment to a provider
13 for care and services in the AFDC-FC program, the department
14 may file, in the office of any county clerk of any county in which
15 the provider has real or personal property, a certificate if any of
16 the following conditions are met:

17 (1) No formal hearing is requested, the provider has not
18 submitted a voluntary repayment agreement with the first payment,
19 and 60 days have elapsed from the notice of audit results.

20 (2) The provider has not submitted a voluntary repayment
21 agreement along with the first payment, 30 days have elapsed after
22 an adverse appeal decision by a hearing officer sustaining an
23 overpayment, and that decision has been adopted by the department
24 or is effective by operation of law.

25 (b) The certificate provided for pursuant to subdivision (a) shall
26 contain:

27 (1) The amount due, owing, and unpaid, plus simple interest on
28 the amount owing and unpaid beginning on the date the certificate
29 is filed.

30 (2) A statement that the department has complied with this
31 section prior to the filing of the certificate.

32 (3) A request that a lien be recorded against the provider in the
33 amount set forth in the certificate.

34 (c) The county clerk immediately upon the filing of the
35 certificate shall record the lien for the State of California against
36 the provider in the amount set forth in the certificate. The lien may
37 be filed in the chain of title of the property.

38 (d) The department shall pay the cost of the first lien, and
39 providers shall be responsible for any subsequent liens on a
40 sustained overpayment.

1 (e) For the first certificate filed by the department pursuant to
2 this section, the county shall waive all filing fees.

3 SEC. 99. Section 11466.34 of the Welfare and Institutions
4 Code is amended to read:

5 11466.34. (a) (1) At any time within 10 years of the recording
6 of a lien pursuant to Section 11466.33, the department may bring
7 an action, in a superior court in the county in which the lien is
8 filed, seeking a judgment to establish the lien as a judgment lien.

9 (2) If a judgment is obtained pursuant to paragraph (1), the
10 county recorder shall record the lien as a judgment lien.

11 (b) An abstract of a judgment obtained pursuant to subdivision
12 (a) or a copy thereof may be recorded with the county recorder of
13 any county. From the time of recording, the judgment shall
14 constitute a lien upon all real or personal property of the provider
15 in that county owned by the provider at the time, or that the
16 provider may afterwards, but before the lien expires, acquire. The
17 judgment lien shall continue for 10 years from the time of recording
18 of the abstract of judgment obtained pursuant to subdivision (a),
19 unless sooner released or otherwise discharged.

20 (c) The judgment lien may, within 10 years from the date of
21 recording of the abstract of judgment or within 10 years from the
22 date of the last extension of the lien in the manner provided in this
23 section, be extended by recording a new abstract in the office of
24 the county recorder of any county. From the date of that recording,
25 the lien shall be extended for 10 years, unless sooner released or
26 otherwise discharged.

27 (d) The department may release any lien imposed pursuant to
28 this chapter, at the provider's cost, in which case any judgment
29 pertaining to that lien is for all purposes null and void, if all of the
30 following conditions are met:

31 (1) No temporary suspension order or license revocation actions
32 by the department's community care licensing division is pending
33 against a provider.

34 (2) A provider has made at least three timely payments on a
35 voluntary repayment agreement.

36 (3) The provider submits to the department corroborative
37 evidence that it is unable to obtain a loan from an institutional
38 lender unless the lien is released.

39 (e) Execution shall issue upon a judgment obtained pursuant to
40 this section upon request of the department in the same manner as

1 execution may issue upon other judgments. Sale shall be held under
2 that execution as prescribed in the Code of Civil Procedure. In all
3 proceedings under this section, the director or his or her authorized
4 agents may act on behalf of the state.

5 SEC. 100. Section 11466.35 of the Welfare and Institutions
6 Code is amended to read:

7 11466.35. (a) Any licensee or member of a governing board
8 of a nonprofit who has been determined to owe a sustained
9 overpayment under this chapter, and who, subsequent to notice of
10 the sustained overpayment, has its rate terminated, shall be
11 ineligible to apply or receive a rate for any future program until
12 the overpayment is repaid.

13 (b) A rate application shall be denied for a provider that meets
14 either of the following conditions:

15 (1) A provider owing a sustained overpayment under this
16 chapter, upon the occurrence of any additional sustained
17 overpayment, shall be ineligible to apply or receive a rate for an
18 existing or future program until the sustained overpayments are
19 repaid, unless a voluntary repayment agreement is approved by
20 the department.

21 (2) A provider incurring a sustained overpayment that constitutes
22 more than 60 percent of the provider's annual rate reimbursement
23 shall be ineligible to apply or receive a rate for any existing or
24 future programs until the sustained overpayments are repaid, unless
25 a voluntary repayment agreement is approved by the department.

26 SEC. 101. Section 11466.36 of the Welfare and Institutions
27 Code is amended to read:

28 11466.36. (a) The department may terminate a program rate
29 if any of the following conditions are met:

30 (1) The department determines that, based upon the findings of
31 a hearing officer, a rate application or information submitted by a
32 provider was fraudulently submitted to the department.

33 (2) A provider is failing to provide services in accordance with
34 the standards associated with its paid rate or in accordance with
35 its program statement.

36 (3) A provider with an outstanding sustained overpayment incurs
37 a second sustained overpayment, and is unable to repay the
38 sustained overpayments.

39 (4) A provider has a sustained overpayment that represents 100
40 percent of a provider's annual rate reimbursement.

1 (5) A provider has a sustained overpayment and has failed to
2 timely submit its payments on more than three occasions in a
3 12-month period.

4 (b) This chapter shall not be construed to affect the department's
5 authority under other provisions of law for collection of provider
6 sustained overpayments.

7 SEC. 102. Section 11466.5 of the Welfare and Institutions
8 Code is amended to read:

9 11466.5. The department shall collect cost data and monitor
10 the cost of providing care and supervision, and social work
11 services, to AFDC-FC recipients. These data shall include, but not
12 be limited to, the costs incurred for employee wages and benefits.

13 SEC. 103. Section 11466.6 of the Welfare and Institutions
14 Code is amended to read:

15 11466.6. A provider who disagrees with the rate determined
16 by the department, the rate adjusted by an audit, or a determination
17 made in a management decision letter may request in writing an
18 appeal by the director or the director's designee. The department
19 shall maintain, by regulation, all-county letter, or similar written
20 directive, procedures for the departmental appeal process.

21 SEC. 104. Section 11468 of the Welfare and Institutions Code
22 is amended to read:

23 11468. The department shall establish and maintain
24 administrative procedures to review the rate set by the department
25 for AFDC-FC programs, including, but not limited to, group
26 homes, short-term residential treatment centers, and foster family
27 agencies that provide treatment services.

28 SEC. 105. Section 16000 of the Welfare and Institutions Code
29 is amended to read:

30 16000. (a) It is the intent of the Legislature to preserve and
31 strengthen a child's family ties whenever possible, removing the
32 child from the custody of his or her parents only when necessary
33 for his or her welfare or for the safety and protection of the public.
34 If a child is removed from the physical custody of his or her
35 parents, preferential consideration shall be given whenever possible
36 to the placement of the child with the relative as required by
37 Section 7950 of the Family Code. If the child is removed from his
38 or her own family, it is the purpose of this chapter to secure as
39 nearly as possible for the child the custody, care, and discipline
40 equivalent to that which should have been given to the child by

1 his or her parents. It is further the intent of the Legislature to
2 reaffirm its commitment to children who are in out-of-home
3 placement to live in the least restrictive family setting promoting
4 normal childhood experiences that is suited to meet the child's or
5 youth's individual needs, and to live as close to the child's family
6 as possible pursuant to subdivision (c) of Section 16501.1. Family
7 reunification services shall be provided for expeditious
8 reunification of the child with his or her family, as required by
9 law. If reunification is not possible or likely, a permanent
10 alternative shall be developed.

11 (b) It is further the intent of the Legislature that all children live
12 with a committed, permanent, and nurturing family. Services and
13 supports should be tailored to meet the needs of the individual
14 child and family being served, with the ultimate goal of maintaining
15 the family, or when this is not possible, transitioning the child or
16 youth to a permanent family or preparing the child or youth for a
17 successful transition into adulthood. When needed, short-term
18 residential treatment center program services are a short-term,
19 specialized, and intensive intervention that is just one part of a
20 continuum of care available for children, youth, young adults, and
21 their families.

22 (c) It is further the intent of the Legislature to ensure that all
23 pupils in foster care and those who are homeless as defined by the
24 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
25 Sec. 11301 et seq.) have the opportunity to meet the challenging
26 state pupil academic achievement standards to which all pupils
27 are held. In fulfilling their responsibilities to pupils in foster care,
28 educators, county placing agencies, care providers, advocates, and
29 the juvenile courts shall work together to maintain stable school
30 placements and to ensure that each pupil is placed in the least
31 restrictive educational programs, and has access to the academic
32 resources, services, and extracurricular and enrichment activities
33 that are available to all pupils. In all instances, educational and
34 school placement decisions shall be based on the best interests of
35 the child.

36 SEC. 106. Section 16003 of the Welfare and Institutions Code
37 is amended to read:

38 16003. (a) In order to promote the successful implementation
39 of the statutory preference for foster care placement with a relative
40 caregiver as set forth in Section 7950 of the Family Code, each

1 community college district with a foster care education program
2 shall make available orientation and training to the relative or
3 nonrelative extended family member caregiver into whose care
4 the county has placed a foster child pursuant to Section 1529.2 of
5 the Health and Safety Code, including, but not limited to, courses
6 that cover the following:

7 (1) The role, rights, and responsibilities of a relative or
8 nonrelative extended family member caregiver caring for a child
9 in foster care, including the right of a foster child to have fair and
10 equal access to all available services, placement, care, treatment,
11 and benefits, and to not be subjected to discrimination or
12 harassment on the basis of actual or perceived race, ethnic group
13 identification, ancestry, national origin, color, religion, sex, sexual
14 orientation, gender identity, mental or physical disability, or HIV
15 status.

16 (2) An overview of the child protective system.

17 (3) The effects of child abuse and neglect on child development.

18 (4) Positive discipline and the importance of self-esteem.

19 (5) Health issues in foster care.

20 (6) Accessing education and health services that are available
21 to foster children.

22 (7) Relationship and safety issues regarding contact with one
23 or both of the birth parents.

24 (8) Permanency options for relative or nonrelative extended
25 family member caregivers, including legal guardianship, the
26 Kinship Guardianship Assistance Payment Program, and kin
27 adoption.

28 (9) Information on resources available for those who meet
29 eligibility criteria, including out-of-home care payments, the
30 Medi-Cal program, in-home supportive services, and other similar
31 resources.

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

35 (11) Basic instruction on the existing laws and procedures
36 regarding the safety of foster youth at school and the ensuring of
37 a harassment and violence free school environment contained in
38 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
39 19 of Division 1 of Title 1 of the Education Code.

- 1 (b) In addition to training made available pursuant to subdivision
2 (a), each community college district with a foster care education
3 program shall make training available to a relative or nonrelative
4 extended family member caregiver that includes, but need not be
5 limited to, courses that cover all of the following:
- 6 (1) Child and adolescent development, including sexual
7 orientation, gender identity, and expression.
 - 8 (2) Health issues in foster care.
 - 9 (3) Positive discipline and the importance of self-esteem.
 - 10 (4) Emancipation and independent living.
 - 11 (5) Accessing education and health services available to foster
12 children.
 - 13 (6) Relationship and safety issues regarding contact with one
14 or both of the birth parents.
 - 15 (7) Permanency options for relative or nonrelative extended
16 family member caregivers, including legal guardianship, the
17 Kinship Guardianship Assistance Payment Program, and kin
18 adoption.
 - 19 (8) Basic instruction on the existing laws and procedures
20 regarding the safety of foster youth at school and the ensuring of
21 a harassment and violence free school environment contained in
22 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
23 19 of Division 1 of Title 1 of the Education Code.
- 24 (c) In addition to the requirements of subdivisions (a) and (b),
25 each community college district with a foster care education
26 program, in providing the orientation program, shall develop
27 appropriate program parameters in collaboration with the counties.
- 28 (d) Each community college district with a foster care education
29 program shall make every attempt to make the training and
30 orientation programs for relative or nonrelative extended family
31 member caregivers highly accessible in the communities in which
32 they reside.
- 33 (e) When a child is placed with a relative or nonrelative extended
34 family member caregiver, the county shall inform the caregiver
35 of the availability of training and orientation programs and it is
36 the intent of the Legislature that the county shall forward the names
37 and addresses of relative or nonrelative extended family member
38 caregivers to the appropriate community colleges providing the
39 training and orientation programs.

1 (f) This section shall not be construed to preclude counties from
 2 developing or expanding existing training and orientation programs
 3 for foster care providers to include relative or nonrelative extended
 4 family member caregivers.

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

8 *SEC. 106.1. Section 16003 of the Welfare and Institutions Code*
 9 *is amended to read:*

10 16003. (a) In order to promote the successful implementation
 11 of the statutory preference for foster care placement with a relative
 12 ~~caretaker~~ *caregiver* as set forth in Section 7950 of the Family Code,
 13 each community college district with a foster care education
 14 program shall make available orientation and training to the relative
 15 or nonrelative extended family member caregiver into whose care
 16 the county has placed a foster child pursuant to Section 1529.2 of
 17 the Health and Safety Code, including, but not limited to, courses
 18 that cover the following:

19 (1) The role, rights, and responsibilities of a relative or
 20 nonrelative extended family member caregiver caring for a child
 21 in foster care, including the right of a foster child to have fair and
 22 equal access to all available services, placement, care, treatment,
 23 and benefits, and to not be subjected to discrimination or
 24 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 (2) An overview of the child protective system.

29 (3) The effects of child abuse and neglect on child development.

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

31 (5) Health issues in foster ~~care~~ *care, including, but not limited*

32 *to, the information described in subdivision (d) of Section 16501.4.*

33 (6) Accessing education and health services that are available
 34 to foster children.

35 (7) Relationship and safety issues regarding contact with one
 36 or both of the birth parents.

37 (8) Permanency options for relative or nonrelative extended
 38 family member caregivers, including legal guardianship, the
 39 Kinship Guardianship Assistance Payment Program, and kin
 40 adoption.

1 (9) Information on resources available for those who meet
2 eligibility criteria, including out-of-home care payments, the
3 Medi-Cal program, in-home supportive services, and other similar
4 resources.

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

8 (11) Basic instruction on the existing laws and procedures
9 regarding the safety of foster youth at school and the ensuring of
10 a harassment and violence free school environment contained in
11 the ~~California Student Safety and Violence Prevention Act of 2000~~
12 ~~(Article Article 3.6 (commencing with Section 32228) of Chapter~~
13 ~~2 of Part 19 of Division 1 of Title 1 of the Education Code)~~. Code.

14 (b) In addition to training made available pursuant to subdivision
15 (a), each community college district with a foster care education
16 program shall make training available to a relative or nonrelative
17 extended family member caregiver that includes, but need not be
18 limited to, courses that cover all of the following:

19 ~~(1) Age-appropriate child development.~~

20 *(1) Child and adolescent development, including sexual*
21 *orientation, gender identity, and expression.*

22 ~~(2) Health issues in foster care; care, including, but not limited~~
23 ~~to, the information described in subdivision (d) of Section 16501.4.~~

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

25 (4) Emancipation and independent living.

26 (5) Accessing education and health services available to foster
27 children.

28 (6) Relationship and safety issues regarding contact with one
29 or both of the birth parents.

30 (7) Permanency options for relative or nonrelative extended
31 family member caregivers, including legal guardianship, the
32 Kinship Guardianship Assistance Payment Program, and kin
33 adoption.

34 (8) Basic instruction on the existing laws and procedures
35 regarding the safety of foster youth at school and the ensuring of
36 a harassment and violence free school environment contained in
37 the ~~California Student Safety and Violence Prevention Act of 2000~~
38 ~~(Article Article 3.6 (commencing with Section 32228) of Chapter~~
39 ~~2 of Part 19 of Division 1 of Title 1 of the Education Code)~~. Code.

1 (c) In addition to the requirements of subdivisions (a) and (b),
2 each community college district with a foster care education
3 program, in providing the orientation program, shall develop
4 appropriate program parameters in collaboration with the counties.

5 (d) Each community college district with a foster care education
6 program shall make every attempt to make the training and
7 orientation programs for relative or nonrelative extended family
8 member caregivers highly accessible in the communities in which
9 they reside.

10 (e) When a child is placed with a relative or nonrelative extended
11 family member caregiver, the county shall inform the caregiver
12 of the availability of training and orientation programs and it is
13 the intent of the Legislature that the county shall forward the names
14 and addresses of relative or nonrelative extended family member
15 caregivers to the appropriate community colleges providing the
16 training and orientation programs.

17 (f) This section shall not be construed to preclude counties from
18 developing or expanding existing training and orientation programs
19 for foster care providers to include relative or nonrelative extended
20 family member caregivers.

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

24 *SEC. 106.2. 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 ~~caretaker~~ caregiver as set forth in Section 7950 of the Family Code,
29 each community college district with a foster care education
30 program shall make available orientation and ~~training to the~~
31 *training, pursuant to Sections 1522.44 and 1529.2 of the Health*
32 *and Safety Code, to the relative or nonrelative extended family*
33 *member caregiver into whose care the county has placed a foster*
34 *child pursuant to Section 1529.2 of the Health and Safety Code,*
35 *including, but child. The training shall include, but is not limited*
36 *to, courses that cover the following:*

37 (1) The role, rights, and responsibilities of a relative or
38 nonrelative extended family member caregiver caring for a child
39 in foster care, including the right of a foster child to have fair and
40 equal access to all available services, placement, care, treatment,

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

6 (2) An overview of the child protective system.

7 (3) The effects of child abuse and neglect on child development.

8 (4) Positive discipline and the importance of self-esteem.

9 (5) Health issues in foster care.

10 (6) Accessing education and health services that are available
11 to foster children.

12 (7) Relationship and safety issues regarding contact with one
13 or both of the birth parents.

14 (8) Permanency options for relative or nonrelative extended
15 family member caregivers, including legal guardianship, the
16 Kinship Guardianship Assistance Payment Program, and kin
17 adoption.

18 (9) Information on resources available for those who meet
19 eligibility criteria, including out-of-home care payments, the
20 Medi-Cal program, in-home supportive services, and other similar
21 resources.

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

25 (11) Basic instruction on the existing laws and procedures
26 regarding the safety of foster youth at school and the ensuring of
27 a harassment and violence free school environment contained in
28 ~~the California Student Safety and Violence Prevention Act of 2000~~
29 ~~(Article Article 3.6 (commencing with Section 32228) of Chapter~~
30 ~~2 of Part 19 of Division 1 of Title 1 of the Education Code).~~ Code.

31 *(12) Knowledge of, and skills related to, the application of the*
32 *reasonable and prudent parent standard for the participation of*
33 *the child in age or developmentally appropriate activities, as set*
34 *forth in Section 1522.44 of the Health and Safety Code.*

35 (b) In addition to training made available pursuant to subdivision
36 (a), each community college district with a foster care education
37 program shall make training available to a relative or nonrelative
38 extended family member caregiver that includes, but need not be
39 limited to, courses that cover all of the following:

40 ~~(1) Age-appropriate child development.~~

- 1 (1) *Child and adolescent development, including sexual*
- 2 *orientation, gender identity, and expression.*
- 3 (2) Health issues in foster care.
- 4 (3) Positive discipline and the importance of self-esteem.
- 5 (4) Emancipation and independent living.
- 6 (5) Accessing education and health services available to foster
- 7 children.
- 8 (6) Relationship and safety issues regarding contact with one
- 9 or both of the birth parents.
- 10 (7) Permanency options for relative or nonrelative extended
- 11 family member caregivers, including legal guardianship, the
- 12 Kinship Guardianship Assistance Payment Program, and kin
- 13 adoption.
- 14 (8) Basic instruction on the existing laws and procedures
- 15 regarding the safety of foster youth at school and the ensuring of
- 16 a harassment and violence free school environment contained in
- 17 ~~the California Student Safety and Violence Prevention Act of 2000~~
- 18 ~~(Article Article 3.6 (commencing with Section 32228) of Chapter~~
- 19 ~~2 of Part 19 of Division 1 of Title 1 of the Education Code).~~ *Code.*
- 20 (9) *Knowledge of, and skills related to, the application of the*
- 21 *reasonable and prudent parent standard for the participation of*
- 22 *the child in age or developmentally appropriate activities, as set*
- 23 *forth in Section 1522.44 of the Health and Safety Code.*
- 24 (c) In addition to the requirements of subdivisions (a) and (b),
- 25 each community college district with a foster care education
- 26 program, in providing the orientation program, shall develop
- 27 appropriate program parameters in collaboration with the counties.
- 28 (d) Each community college district with a foster care education
- 29 program shall make every attempt to make the training and
- 30 orientation programs for relative or nonrelative extended family
- 31 member caregivers highly accessible in the communities in which
- 32 they reside.
- 33 (e) When a child is placed with a relative or nonrelative extended
- 34 family member caregiver, the county shall inform the caregiver
- 35 of the availability of training and orientation programs and it is
- 36 the intent of the Legislature that the county shall forward the names
- 37 and addresses of relative or nonrelative extended family member
- 38 caregivers to the appropriate community colleges providing the
- 39 training and orientation programs.

1 (f) This section shall not be construed to preclude counties from
2 developing or expanding existing training and orientation programs
3 for foster care providers to include relative or nonrelative extended
4 family member caregivers.

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

8 *SEC. 106.3. Section 16003 of the Welfare and Institutions Code*
9 *is amended to read:*

10 16003. (a) In order to promote the successful implementation
11 of the statutory preference for foster care placement with a relative
12 ~~caretaker~~ caregiver as set forth in Section 7950 of the Family Code,
13 each community college district with a foster care education
14 program shall make available orientation and ~~training to the~~
15 ~~training, pursuant to Sections 1522.44 and 1529.2 of the Health~~
16 ~~and Safety Code, to the~~ relative or nonrelative extended family
17 member caregiver into whose care the county has placed a foster
18 ~~child pursuant to Section 1529.2 of the Health and Safety Code,~~
19 ~~including, but~~ child. *The training shall include, but is not limited*
20 *to, courses that cover the following:*

21 (1) The role, rights, and responsibilities of a relative or
22 nonrelative extended family member caregiver caring for a child
23 in foster care, including the right of a foster child to have fair and
24 equal access to all available services, placement, care, treatment,
25 and benefits, and to not be subjected to discrimination or
26 harassment on the basis of actual or perceived race, ethnic group
27 identification, ancestry, national origin, color, religion, sex, sexual
28 orientation, gender identity, mental or physical disability, or HIV
29 status.

30 (2) An overview of the child protective system.

31 (3) The effects of child abuse and neglect on child development.

32 (4) Positive discipline and the importance of self-esteem.

33 (5) Health issues in foster ~~care~~ care, *including, but not limited*
34 *to, the information described in subdivision (d) of Section 16501.4.*

35 (6) Accessing education and health services that are available
36 to foster children.

37 (7) Relationship and safety issues regarding contact with one
38 or both of the birth parents.

39 (8) Permanency options for relative or nonrelative extended
40 family member caregivers, including legal guardianship, the

1 Kinship Guardianship Assistance Payment Program, and kin
 2 adoption.

3 (9) Information on resources available for those who meet
 4 eligibility criteria, including out-of-home care payments, the
 5 Medi-Cal program, in-home supportive services, and other similar
 6 resources.

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

10 (11) 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 the ~~California Student Safety and Violence Prevention Act of 2000~~
 14 ~~(Article Article 3.6 (commencing with Section 32228) of Chapter~~
 15 ~~2 of Part 19 of Division 1 of Title 1 of the Education Code)~~. Code.

16 (12) *Knowledge of, and skills related to, the application of the*
 17 *reasonable and prudent parent standard for the participation of*
 18 *the child in age or developmentally appropriate activities, as set*
 19 *forth in Section 1522.44 of the Health and Safety Code.*

20 (b) In addition to training made available pursuant to subdivision
 21 (a), each community college district with a foster care education
 22 program shall make training available to a relative or nonrelative
 23 extended family member caregiver that includes, but need not be
 24 limited to, courses that cover all of the following:

- 25 ~~(1) Age-appropriate child development.~~
- 26 (1) *Child and adolescent development, including sexual*
 27 *orientation, gender identity, and expression.*
- 28 (2) *Health issues in foster-care: care, including, but not limited*
 29 *to, the information described in subdivision (d) of Section 16501.4.*
- 30 (3) Positive discipline and the importance of self-esteem.
- 31 (4) Emancipation and independent living.
- 32 (5) Accessing education and health services available to foster
 33 children.

34 (6) Relationship and safety issues regarding contact with one
 35 or both of the birth parents.

36 (7) Permanency options for relative or nonrelative extended
 37 family member caregivers, including legal guardianship, the
 38 Kinship Guardianship Assistance Payment Program, and kin
 39 adoption.

1 (8) Basic instruction on the existing laws and procedures
2 regarding the safety of foster youth at school and the ensuring of
3 a harassment and violence free school environment contained in
4 the ~~California Student Safety and Violence Prevention Act of 2000~~
5 ~~(Article Article 3.6 (commencing with Section 32228) of Chapter~~
6 ~~2 of Part 19 of Division 1 of Title 1 of the Education Code)~~. Code.

7 (9) *Knowledge of, and skills related to, the application of the*
8 *reasonable and prudent parent standard for the participation of*
9 *the child in age or developmentally appropriate activities, as set*
10 *forth in Section 1522.44 of the Health and Safety Code.*

11 (c) In addition to the requirements of subdivisions (a) and (b),
12 each community college district with a foster care education
13 program, in providing the orientation program, shall develop
14 appropriate program parameters in collaboration with the counties.

15 (d) Each community college district with a foster care education
16 program shall make every attempt to make the training and
17 orientation programs for relative or nonrelative extended family
18 member caregivers highly accessible in the communities in which
19 they reside.

20 (e) When a child is placed with a relative or nonrelative extended
21 family member caregiver, the county shall inform the caregiver
22 of the availability of training and orientation programs and it is
23 the intent of the Legislature that the county shall forward the names
24 and addresses of relative or nonrelative extended family member
25 caregivers to the appropriate community colleges providing the
26 training and orientation programs.

27 (f) This section shall not be construed to preclude counties from
28 developing or expanding existing training and orientation programs
29 for foster care providers to include relative or nonrelative extended
30 family member caregivers.

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

34 SEC. 107. Section 16003.5 is added to the Welfare and
35 Institutions Code, to read:

36 16003.5. (a) Any state funding allocated to counties for the
37 purpose of recruiting, retaining, and supporting foster parents,
38 relative caregivers, and resource families shall be used to increase
39 the capacity and use of home-based family care and the provision
40 of services and supports to such caregivers. Allowable expenditures

1 of those funds shall include, but not be limited to, and shall be
2 used to supplement and not supplant, resources used by a county
3 for any of the following purposes:

4 (1) Staffing to provide and improve direct services and supports
5 to licensed foster family homes, approved resource families, and
6 relative caregivers, and to remove any barriers in those areas
7 defined as priorities in the county implementation plan and
8 subsequent reports on outcomes.

9 (2) Exceptional child needs not covered by the caregiver-specific
10 rate that would normalize the child's experience, stabilize the
11 placement, or enhance the child's well-being.

12 (3) Child care for licensed foster parents, approved resource
13 families, and relative caregivers.

14 (4) Intensive relative finding, engagement, and navigation
15 efforts.

16 (5) Emerging technological, evidence-informed, or other
17 nontraditional approaches to outreach to potential foster family
18 homes, resource families, and relatives.

19 (b) (1) The department shall provide available funding to
20 counties based upon its approval of plans submitted by each county
21 that requests funding described in subdivision (a). Each county
22 plan shall be submitted by September 1 of any year in which
23 funding is available. Each county plan shall include all of the
24 following:

25 (A) A definition of the specific goal or goals related to
26 increasing the capacity and use of home-based family care and the
27 provision of services and supports to such caregivers that the
28 county intends to achieve.

29 (B) A description of the strategy or strategies the county
30 proposes to pursue to address the goal or goals identified in
31 subparagraph (A).

32 (C) An explanation or rationale for the proposed strategy or
33 strategies relative to the goal or goals identified in subparagraph
34 (A).

35 (D) A list or description of the outcomes that shall be reported
36 pursuant to subdivision (c), including baseline data for those
37 outcomes.

38 (2) The department shall develop, following consultation with
39 the County Welfare Directors Association of California and the

1 Chief Probation Officers of California, criteria for the approval of
2 county plans submitted pursuant to paragraph (1).

3 (c) As a condition of accepting state funding described in
4 subdivision (a), counties receiving that funding shall, by September
5 30 of the year following the end of the fiscal year in which the
6 funding was available, report to the department the outcomes
7 achieved through the use of that funding and the activities that
8 contributed to those outcomes. This report from each receiving
9 county shall be made in a manner prescribed by the department,
10 following consultation with the County Welfare Directors
11 Association of California and the Chief Probation Officers of
12 California. Using these reports, the department shall share best
13 practices among counties and shall periodically update the
14 Legislature.

15 (d) Funding for the purposes of this section shall be subject to
16 an appropriation by the Legislature.

17 SEC. 108. Section 16501 of the Welfare and Institutions Code
18 is amended to read:

19 16501. (a) (1) As used in this chapter, “child welfare services”
20 means public social services that are directed toward the
21 accomplishment of any or all of the following purposes: protecting
22 and promoting the welfare of all children, including disabled,
23 homeless, dependent, or neglected children; preventing or
24 remedying, or assisting in the solution of problems which may
25 result in, the neglect, abuse, exploitation, or delinquency of
26 children; preventing the unnecessary separation of children from
27 their families by identifying family problems, assisting families
28 in resolving their problems, and preventing breakup of the family
29 where the prevention of child removal is desirable and possible;
30 restoring to their families children who have been removed, by
31 the provision of services to the child and the families; identifying
32 children to be placed in suitable adoptive homes, in cases where
33 restoration to the biological family is not possible or appropriate;
34 and ensuring adequate care of children away from their homes, in
35 cases where the child cannot be returned home or cannot be placed
36 for adoption.

37 (2) “Child welfare services” also means services provided on
38 behalf of children alleged to be the victims of child abuse, neglect,
39 or exploitation. The child welfare services provided on behalf of
40 each child represent a continuum of services, including emergency

1 response services, family preservation services, family maintenance
2 services, family reunification services, and permanent placement
3 services, including supportive transition services. The individual
4 child’s case plan is the guiding principle in the provision of these
5 services. The case plan shall be developed within a maximum of
6 60 days of the initial removal of the child or of the in-person
7 response required under subdivision (f) if the child has not been
8 removed from his or her home, or by the date of the dispositional
9 hearing pursuant to Section 358, whichever comes first.

10 (3) “Child welfare services” are best provided in a framework
11 that integrates service planning and delivery among multiple
12 service systems, including the mental health system, using a
13 team-based approach, such as a child and family team. A child
14 and family team brings together individuals that engage with the
15 child or youth and family in assessing, planning, and delivering
16 services consistent with paragraph (1) of subdivision (d) of Section
17 16501.1. Use of a team approach increases efficiency, and thus
18 reduces cost, by increasing coordination of formal services and
19 integrating the natural and informal supports available to the child
20 or youth and family.

21 (4) “Child and family team” means a group of individuals who
22 are convened by the placing agency and who are engaged through
23 a variety of team-based processes to identify the strengths and
24 needs of the child or youth and his or her family, and to help
25 achieve positive outcomes for safety, permanency, and well-being.

26 (A) The activities of the team shall include, but not be limited
27 to, both of the following:

28 (i) Providing input into the development of a child and family
29 plan that is strengths-based, needs-driven, and culturally relevant.

30 (ii) Providing input into the placement decision made by the
31 placing agency and the services to be provided in order to support
32 the child or youth.

33 (B) The child and family team process shall engage the child
34 or youth, the child’s family, and other people important to the
35 family or to the child or youth in meeting the objectives set forth
36 in subparagraph (A). The child and family team shall also include
37 representatives who provide formal supports to the child or youth
38 and family when appropriate, including, but not limited to, the
39 caregiver, the placing agency caseworker, a representative from a
40 foster family agency or short-term residential treatment center with

1 which a child or youth is placed, a county mental health
2 representative, a representative from the regional center when the
3 child is eligible for regional center service, and a representative
4 of the child’s or youth’s tribe or Indian custodian, as applicable.
5 As appropriate, the child and family team also may include other
6 formal supports, such as substance use disorder treatment
7 professionals and educational professionals, providing services to
8 the child or youth and family. For purposes of this definition, the
9 child and family team also may include extended family and
10 informal support persons, such as friends, coaches, faith-based
11 connections, and tribes as identified by the child or youth and
12 family. If placement into a short-term residential treatment center
13 or a foster family agency that provides treatment services has
14 occurred or is being considered, the mental health representative
15 is required to be a licensed mental health professional. Any party
16 to the child’s case who is represented by an attorney may consult
17 with his or her attorney regarding this process. The child or youth
18 and his or her family may request specific persons to be included
19 on the child and family team. Nothing shall preclude another
20 agency serving the child or youth from convening a team in
21 collaboration with the placing agency.

22 (5) Child welfare services may include, but are not limited to,
23 a range of service-funded activities, including case management,
24 counseling, emergency shelter care, emergency in-home caretakers,
25 temporary in-home caretakers, respite care, therapeutic day
26 services, teaching and demonstrating homemakers, parenting
27 training, substance abuse testing, and transportation. These
28 service-funded activities shall be available to children and their
29 families in all phases of the child welfare program in accordance
30 with the child’s case plan and departmental regulations. Funding
31 for services is limited to the amount appropriated in the annual
32 Budget Act and other available county funds.

33 (6) Service-funded activities to be provided may be determined
34 by each county, based upon individual child and family needs as
35 reflected in the service plan.

36 (7) As used in this chapter, “emergency shelter care” means
37 emergency shelter provided to children who have been removed
38 pursuant to Section 300 from their parent or parents or their
39 guardian or guardians. The department may establish, by
40 regulation, the time periods for which emergency shelter care shall

1 be funded. For the purposes of this paragraph, “emergency shelter
2 care” may include “transitional shelter care facilities” as defined
3 in paragraph (11) of subdivision (a) of Section 1502 of the Health
4 and Safety Code.

5 (b) As used in this chapter, “respite care” means temporary care
6 for periods not to exceed 72 hours, and, in order to preserve the
7 placement, may be extended up to 14 days in any one month
8 pending the development of policies and regulations in consultation
9 with county placing agencies and stakeholders. This care may be
10 provided to the child’s parents or guardians. This care shall not be
11 limited by regulation to care over 24 hours. These services shall
12 not be provided for the purpose of routine, ongoing child care.

13 (c) The county shall provide child welfare services as needed
14 pursuant to an approved service plan and in accordance with
15 regulations promulgated, in consultation with the counties, by the
16 department. Counties may contract for service-funded activities
17 as defined in paragraph (1) of subdivision (a). Counties shall not
18 contract for needs assessment, client eligibility determination, or
19 any other activity as specified by regulations of the State
20 Department of Social Services, except as specifically authorized
21 in Section 16100.

22 (d) Nothing in this chapter shall be construed to affect duties
23 which are delegated to probation officers pursuant to Sections 601
24 and 654.

25 (e) Any county may utilize volunteer individuals to supplement
26 professional child welfare services by providing ancillary support
27 services in accordance with regulations adopted by the State
28 Department of Social Services.

29 (f) As used in this chapter, emergency response services consist
30 of a response system providing in-person response, 24 hours a day,
31 seven days a week, to reports of abuse, neglect, or exploitation, as
32 required by Article 2.5 (commencing with Section 11164) of
33 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of
34 investigation pursuant to Section 11166 of the Penal Code and to
35 determine the necessity for providing initial intake services and
36 crisis intervention to maintain the child safely in his or her own
37 home or to protect the safety of the child. County welfare
38 departments shall respond to any report of imminent danger to a
39 child immediately and all other reports within 10 calendar days.
40 An in-person response is not required when the county welfare

1 department, based upon an evaluation of risk, determines that an
2 in-person response is not appropriate. This evaluation includes
3 collateral, contacts, a review of previous referrals, and other
4 relevant information, as indicated.

5 (g) As used in this chapter, family maintenance services are
6 activities designed to provide in-home protective services to
7 prevent or remedy neglect, abuse, or exploitation, for the purposes
8 of preventing separation of children from their families.

9 (h) As used in this chapter, family reunification services are
10 activities designed to provide time-limited foster care services to
11 prevent or remedy neglect, abuse, or exploitation, when the child
12 cannot safely remain at home, and needs temporary foster care,
13 while services are provided to reunite the family.

14 (i) As used in this chapter, permanent placement services are
15 activities designed to provide an alternate permanent family
16 structure for children who because of abuse, neglect, or exploitation
17 cannot safely remain at home and who are unlikely to ever return
18 home. These services shall be provided on behalf of children for
19 whom there has been a judicial determination of a permanent plan
20 for adoption, legal guardianship, or long-term foster care, and, as
21 needed, shall include supportive transition services to nonminor
22 dependents, as described in subdivision (v) of Section 11400.

23 (j) As used in this chapter, family preservation services include
24 those services specified in Section 16500.5 to avoid or limit
25 out-of-home placement of children, and may include those services
26 specified in that section to place children in the least restrictive
27 environment possible.

28 (k) (1) (A) In any county electing to implement this
29 subdivision, all county welfare department employees who have
30 frequent and routine contact with children shall, by February 1,
31 1997, and all welfare department employees who are expected to
32 have frequent and routine contact with children and who are hired
33 on or after January 1, 1996, and all such employees whose duties
34 change after January 1, 1996, to include frequent and routine
35 contact with children, shall, if the employees provide services to
36 children who are alleged victims of abuse, neglect, or exploitation,
37 sign a declaration under penalty of perjury regarding any prior
38 criminal conviction, and shall provide a set of fingerprints to the
39 county welfare director.

1 (B) The county welfare director shall secure from the
2 Department of Justice a criminal record to determine whether the
3 employee has ever been convicted of a crime other than a minor
4 traffic violation. The Department of Justice shall deliver the
5 criminal record to the county welfare director.

6 (C) If it is found that the employee has been convicted of a
7 crime, other than a minor traffic violation, the county welfare
8 director shall determine whether there is substantial and convincing
9 evidence to support a reasonable belief that the employee is of
10 good character so as to justify frequent and routine contact with
11 children.

12 (D) No exemption shall be granted pursuant to subparagraph
13 (C) if the person has been convicted of a sex offense against a
14 minor, or has been convicted of an offense specified in Section
15 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in
16 paragraph (1) of Section 273a of, or subdivision (a) or (b) of
17 Section 368 of, the Penal Code, or has been convicted of an offense
18 specified in subdivision (c) of Section 667.5 of the Penal Code.
19 The county welfare director shall suspend such a person from any
20 duties involving frequent and routine contact with children.

21 (E) Notwithstanding subparagraph (D), the county welfare
22 director may grant an exemption if the employee or prospective
23 employee, who was convicted of a crime against an individual
24 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5
25 of the Penal Code, has been rehabilitated as provided in Section
26 4852.03 of the Penal Code and has maintained the conduct required
27 in Section 4852.05 of the Penal Code for at least 10 years and has
28 the recommendation of the district attorney representing the
29 employee's or prospective employee's county of residence, or if
30 the employee or prospective employee has received a certificate
31 of rehabilitation pursuant to Chapter 3.5 (commencing with Section
32 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the
33 county welfare director may give the employee or prospective
34 employee an opportunity to explain the conviction and shall
35 consider that explanation in the evaluation of the criminal
36 conviction record.

37 (F) If no criminal record information has been recorded, the
38 county welfare director shall cause a statement of that fact to be
39 included in that person's personnel file.

1 (2) For purposes of this subdivision, a conviction means a plea
2 or verdict of guilty or a conviction following a plea of nolo
3 contendere. Any action that the county welfare director is permitted
4 to take following the establishment of a conviction may be taken
5 when the time for appeal has elapsed, or the judgment of conviction
6 has been affirmed on appeal or when an order granting probation
7 is made suspending the imposition of sentence, notwithstanding
8 a subsequent order pursuant to Sections 1203.4 and 1203.4a of the
9 Penal Code permitting the person to withdraw his or her plea of
10 guilty and to enter a plea of not guilty, or setting aside the verdict
11 of guilty, or dismissing the accusation, information, or indictment.
12 For purposes of this subdivision, the record of a conviction, or a
13 copy thereof certified by the clerk of the court or by a judge of the
14 court in which the conviction occurred, shall be conclusive
15 evidence of the conviction.

16 *SEC. 108.5. Section 16501 of the Welfare and Institutions Code*
17 *is amended to read:*

18 16501. (a) (1) As used in this chapter, “child welfare services”
19 means public social services ~~which~~ *that* are directed toward the
20 accomplishment of any or all of the following purposes: protecting
21 and promoting the welfare of all children, including ~~handicapped,~~
22 *disabled*, homeless, dependent, or neglected children; preventing
23 or remedying, or assisting in the solution of problems which may
24 result in, the neglect, abuse, exploitation, or delinquency of
25 children; preventing the unnecessary separation of children from
26 their families by identifying family problems, assisting families
27 in resolving their problems, and preventing breakup of the family
28 where the prevention of child removal is desirable and possible;
29 restoring to their families children who have been removed, by
30 the provision of services to the child and the families; identifying
31 children to be placed in suitable adoptive homes, in cases where
32 restoration to the biological family is not possible or appropriate;
33 and ensuring adequate care of children away from their homes, in
34 cases where the child cannot be returned home or cannot be placed
35 for adoption.

36 ~~“Child~~

37 (2) “*Child* welfare services” also means services provided on
38 behalf of children alleged to be the victims of child abuse, neglect,
39 or exploitation. The child welfare services provided on behalf of
40 each child represent a continuum of services, including emergency

1 response services, family preservation services, family maintenance
2 services, family reunification services, and permanent placement
3 services, including supportive transition services. The individual
4 child's case plan is the guiding principle in the provision of these
5 services. The case plan shall be developed within a maximum of
6 60 days of the initial removal of the child or of the in-person
7 response required under subdivision (f) if the child has not been
8 removed from his or her home, or by the date of the dispositional
9 hearing pursuant to Section 358, whichever comes first.

10 (3) *“Child welfare services” are best provided in a framework*
11 *that integrates service planning and delivery among multiple*
12 *service systems, including the mental health system, using a*
13 *team-based approach, such as a child and family team. A child*
14 *and family team brings together individuals that engage with the*
15 *child or youth and family in assessing, planning, and delivering*
16 *services consistent with paragraph (1) of subdivision (d) of Section*
17 *16501.1. Use of a team approach increases efficiency, and thus*
18 *reduces cost, by increasing coordination of formal services and*
19 *integrating the natural and informal supports available to the child*
20 *or youth and family.*

21 (4) *“Child and family team” means a group of individuals who*
22 *are convened by the placing agency and who are engaged through*
23 *a variety of team-based processes to identify the strengths and*
24 *needs of the child or youth and his or her family, and to help*
25 *achieve positive outcomes for safety, permanency, and well-being.*

26 (A) *The activities of the team shall include, but not be limited*
27 *to, both of the following:*

28 (i) *Providing input into the development of a child and family*
29 *plan that is strengths-based, needs-driven, and culturally relevant.*

30 (ii) *Providing input into the placement decision made by the*
31 *placing agency and the services to be provided in order to support*
32 *the child or youth.*

33 (B) *The child and family team process shall engage the child*
34 *or youth, the child's family, and other people important to the*
35 *family or to the child or youth in meeting the objectives set forth*
36 *in subparagraph (A). The child and family team shall also include*
37 *representatives who provide formal supports to the child or youth*
38 *and family when appropriate, including, but not limited to, the*
39 *caregiver, the placing agency caseworker, a representative from*
40 *a foster family agency or short-term residential treatment center*

1 *with which a child or youth is placed, a county mental health*
2 *representative, a representative from the regional center when the*
3 *child is eligible for regional center service, and a representative*
4 *of the child’s or youth’s tribe or Indian custodian, as applicable.*
5 *As appropriate, the child and family team also may include other*
6 *formal supports, such as substance use disorder treatment*
7 *professionals and educational professionals, providing services*
8 *to the child or youth and family. For purposes of this definition,*
9 *the child and family team also may include extended family and*
10 *informal support persons, such as friends, coaches, faith-based*
11 *connections, and tribes as identified by the child or youth and*
12 *family. If placement into a short-term residential treatment center*
13 *or a foster family agency that provides treatment services has*
14 *occurred or is being considered, the mental health representative*
15 *is required to be a licensed mental health professional. Any party*
16 *to the child’s case who is represented by an attorney may consult*
17 *with his or her attorney regarding this process. The child or youth*
18 *and his or her family may request specific persons to be included*
19 *on the child and family team. Nothing shall preclude another*
20 *agency serving the child or youth from convening a team in*
21 *collaboration with the placing agency.*

22 ~~(1)~~

23 (5) Child welfare services may include, but are not limited to,
24 a range of service-funded activities, including case management,
25 counseling, emergency shelter care, emergency in-home caretakers,
26 temporary in-home caretakers, respite care, therapeutic day
27 services, teaching and demonstrating homemakers, parenting
28 training, substance abuse testing, and transportation. These
29 service-funded activities shall be available to children and their
30 families in all phases of the child welfare program in accordance
31 with the child’s case plan and departmental regulations. Funding
32 for services is limited to the amount appropriated in the annual
33 Budget Act and other available county funds.

34 ~~(2)~~

35 (6) Service-funded activities to be provided may be determined
36 by each county, based upon individual child and family needs as
37 reflected in the service plan.

38 ~~(3)~~

39 (7) As used in this chapter, “emergency shelter care” means
40 emergency shelter provided to children who have been removed

1 pursuant to Section 300 from their parent or parents or their
2 guardian or guardians. The department may establish, by
3 regulation, the time periods for which emergency shelter care shall
4 be funded. For the purposes of this paragraph, “emergency shelter
5 care” may include “transitional shelter care facilities” as defined
6 in paragraph (11) of subdivision (a) of Section 1502 of the Health
7 and Safety Code.

8 (b) As used in this chapter, “respite care” means temporary care
9 for periods not to exceed ~~72 hours~~: *hours, and, in order to preserve*
10 *the placement, may be extended up to 14 days in any one month*
11 *pending the development of policies and regulations in consultation*
12 *with county placing agencies and stakeholders.* This care may be
13 provided to the child’s parents or guardians. This care shall not be
14 limited by regulation to care over 24 hours. These services shall
15 not be provided for the purpose of routine, ongoing child care.

16 (c) The county shall provide child welfare services as needed
17 pursuant to an approved service plan and in accordance with
18 regulations promulgated, in consultation with the counties, by the
19 department. Counties may contract for service-funded activities
20 as defined in paragraph (1) of subdivision (a). ~~Each county shall~~
21 ~~use available private child welfare resources prior to developing~~
22 ~~new county-operated resources when the private child welfare~~
23 ~~resources are of at least equal quality and lesser or equal cost as~~
24 ~~compared with county-operated resources.~~ Counties shall not
25 contract for needs assessment, client eligibility determination, or
26 any other activity as specified by regulations of the State
27 Department of Social Services, except as specifically authorized
28 in Section 16100.

29 (d) Nothing in this chapter shall be construed to affect duties
30 which are delegated to probation officers pursuant to Sections 601
31 and 654.

32 (e) Any county may utilize volunteer individuals to supplement
33 professional child welfare services by providing ancillary support
34 services in accordance with regulations adopted by the State
35 Department of Social Services.

36 (f) As used in this chapter, emergency response services consist
37 of a response system providing in-person response, 24 hours a day,
38 seven days a week, to reports of abuse, neglect, or exploitation, as
39 required by Article 2.5 (commencing with Section 11164) of
40 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of

1 investigation pursuant to Section 11166 of the Penal Code and to
2 determine the necessity for providing initial intake services and
3 crisis intervention to maintain the child safely in his or her own
4 home or to protect the safety of the child. County welfare
5 departments shall respond to any report of imminent danger to a
6 child immediately and all other reports within 10 calendar days.
7 An in-person response is not required when the county welfare
8 department, based upon an evaluation of risk, determines that an
9 in-person response is not appropriate. This evaluation includes
10 collateral, contacts, a review of previous referrals, and other
11 relevant information, as indicated.

12 (g) As used in this chapter, family maintenance services are
13 activities designed to provide in-home protective services to
14 prevent or remedy neglect, abuse, or exploitation, for the purposes
15 of preventing separation of children from their families.

16 (h) As used in this chapter, family reunification services are
17 activities designed to provide time-limited foster care services to
18 prevent or remedy neglect, abuse, or exploitation, when the child
19 cannot safely remain at home, and needs temporary foster care,
20 while services are provided to reunite the family.

21 (i) (1) As used in this chapter, permanent placement services
22 are activities designed to provide an alternate permanent family
23 structure for children who because of abuse, neglect, or exploitation
24 cannot safely remain at home and who are unlikely to ever return
25 home. These services shall be provided on behalf of children for
26 whom there has been a judicial determination of a permanent plan
27 for adoption, legal guardianship, ~~or long-term foster care,~~
28 *placement with a fit and willing relative, or continued foster care*
29 *placement*, and, as needed, shall include supportive transition
30 services to nonminor dependents, as described in subdivision (v)
31 of Section 11400.

32 (2) *For purposes of this section, “another planned permanent*
33 *living arrangement” means a permanent plan ordered by the court*
34 *for a child 16 years of age or older or a nonminor dependent, when*
35 *there is a compelling reason or reasons to determine that it is not*
36 *in the best interest of the child or nonminor dependent to return*
37 *home, be placed for adoption, be placed for tribal customary*
38 *adoption in the case of an Indian child, or be placed with a fit and*
39 *willing relative. Placement in a group home, or, on and after*
40 *January 1, 2017, a short-term residential treatment facility, shall*

1 *not be the identified permanent plan for any child or nonminor*
 2 *dependent.*

3 (j) As used in this chapter, family preservation services include
 4 those services specified in Section 16500.5 to avoid or limit
 5 out-of-home placement of children, and may include those services
 6 specified in that section to place children in the least restrictive
 7 environment possible.

8 (k) (1) (A) In any county electing to implement this
 9 subdivision, all county welfare department employees who have
 10 frequent and routine contact with children shall, by February 1,
 11 1997, and all welfare department employees who are expected to
 12 have frequent and routine contact with children and who are hired
 13 on or after January 1, 1996, and all such employees whose duties
 14 change after January 1, 1996, to include frequent and routine
 15 contact with children, shall, if the employees provide services to
 16 children who are alleged victims of abuse, neglect, or exploitation,
 17 sign a declaration under penalty of perjury regarding any prior
 18 criminal conviction, and shall provide a set of fingerprints to the
 19 county welfare director.

20 (B) The county welfare director shall secure from the
 21 Department of Justice a criminal record to determine whether the
 22 employee has ever been convicted of a crime other than a minor
 23 traffic violation. The Department of Justice shall deliver the
 24 criminal record to the county welfare director.

25 (C) If it is found that the employee has been convicted of a
 26 crime, other than a minor traffic violation, the county welfare
 27 director shall determine whether there is substantial and convincing
 28 evidence to support a reasonable belief that the employee is of
 29 good character so as to justify frequent and routine contact with
 30 children.

31 (D) No exemption shall be granted pursuant to subparagraph
 32 (C) if the person has been convicted of a sex offense against a
 33 minor, or has been convicted of an offense specified in Section
 34 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in
 35 paragraph (1) of Section 273a of, or subdivision (a) or (b) of
 36 Section 368 of, the Penal Code, or has been convicted of an offense
 37 specified in subdivision (c) of Section 667.5 of the Penal Code.
 38 The county welfare director shall suspend such a person from any
 39 duties involving frequent and routine contact with children.

1 (E) Notwithstanding subparagraph (D), the county welfare
2 director may grant an exemption if the employee or prospective
3 employee, who was convicted of a crime against an individual
4 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5
5 of the Penal Code, has been rehabilitated as provided in Section
6 4852.03 of the Penal Code and has maintained the conduct required
7 in Section 4852.05 of the Penal Code for at least 10 years and has
8 the recommendation of the district attorney representing the
9 employee's or prospective employee's county of residence, or if
10 the employee or prospective employee has received a certificate
11 of rehabilitation pursuant to Chapter 3.5 (commencing with Section
12 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the
13 county welfare director may give the employee or prospective
14 employee an opportunity to explain the conviction and shall
15 consider that explanation in the evaluation of the criminal
16 conviction record.

17 (F) If no criminal record information has been recorded, the
18 county welfare director shall cause a statement of that fact to be
19 included in that person's personnel file.

20 (2) For purposes of this subdivision, a conviction means a plea
21 or verdict of guilty or a conviction following a plea of nolo
22 contendere. Any action ~~which~~ *that* the county welfare director is
23 permitted to take following the establishment of a conviction may
24 be taken when the time for appeal has elapsed, or the judgment of
25 conviction has been affirmed on appeal or when an order granting
26 probation is made suspending the imposition of sentence,
27 notwithstanding a subsequent order pursuant to Sections 1203.4
28 and 1203.4a of the Penal Code permitting the person to withdraw
29 his or her plea of guilty and to enter a plea of not guilty, or setting
30 aside the verdict of guilty, or dismissing the accusation,
31 information, or indictment. For purposes of this subdivision, the
32 record of a conviction, or a copy thereof certified by the clerk of
33 the court or by a judge of the court in which the conviction
34 occurred, shall be conclusive evidence of the conviction.

35 SEC. 109. Section 16501.1 of the Welfare and Institutions
36 Code is amended to read:

37 16501.1. (a) (1) The Legislature finds and declares that the
38 foundation and central unifying tool in child welfare services is
39 the case plan.

1 (2) The Legislature further finds and declares that a case plan
2 ensures that the child receives protection and safe and proper care
3 and case management, and that services are provided to the child
4 and parents or other caretakers, as appropriate, in order to improve
5 conditions in the parent's home, to facilitate the safe return of the
6 child to a safe home or the permanent placement of the child, and
7 to address the needs of the child while in foster care.

8 (3) The agency shall consider the recommendations of the child
9 and family team, as defined in paragraph (4) of subdivision (a) of
10 Section 16501, if any are available. The agency shall document
11 the rationale for any inconsistencies between the case plan and the
12 child and family team recommendations.

13 (b) (1) A case plan shall be based upon the principles of this
14 section and the input from the child and family team.

15 (2) The case plan shall document that a preplacement assessment
16 of the service needs of the child and family, and preplacement
17 preventive services, have been provided, and that reasonable efforts
18 to prevent out-of-home placement have been made. Preplacement
19 services may include intensive mental health services in the home
20 or a community setting and the reasonable efforts made to prevent
21 out-of home placement.

22 (3) In determining the reasonable services to be offered or
23 provided, the child's health and safety shall be the paramount
24 concerns.

25 (4) Upon a determination pursuant to paragraph (1) of
26 subdivision (e) of Section 361.5 that reasonable services will be
27 offered to a parent who is incarcerated in a county jail or state
28 prison, detained by the United States Department of Homeland
29 Security, or deported to his or her country of origin, the case plan
30 shall include information, to the extent possible, about a parent's
31 incarceration in a county jail or the state prison, detention by the
32 United States Department of Homeland Security, or deportation
33 during the time that a minor child of that parent is involved in
34 dependency care.

35 (5) Reasonable services shall be offered or provided to make it
36 possible for a child to return to a safe home environment, unless,
37 pursuant to subdivisions (b) and (e) of Section 361.5, the court
38 determines that reunification services shall not be provided.

39 (6) If reasonable services are not ordered, or are terminated,
40 reasonable efforts shall be made to place the child in a timely

1 manner in accordance with the permanent plan and to complete
2 all steps necessary to finalize the permanent placement of the child.

3 (c) If out-of-home placement is used to attain case plan goals,
4 the case plan shall consider the recommendations of the child and
5 family team.

6 (d) (1) The case plan shall include a description of the type of
7 home or institution in which the child is to be placed, and the
8 reasons for that placement decision. The decision regarding choice
9 of placement shall be based upon selection of a safe setting that is
10 the least restrictive family setting that promotes normal childhood
11 experiences and the most appropriate setting that meets the child's
12 individual needs and is available, in proximity to the parent's home,
13 in proximity to the child's school, and consistent with the selection
14 of the environment best suited to meet the child's special needs
15 and best interests. The selection shall consider, in order of priority,
16 placement with relatives, nonrelated extended family members,
17 and tribal members; foster family homes, resource families, and
18 nontreatment certified homes of foster family agencies; followed
19 by treatment and intensive treatment certified homes of foster
20 family agencies; or multidimensional treatment foster care homes
21 or therapeutic foster care homes; group care placements in the
22 order of short-term residential treatment centers, group homes,
23 community treatment facilities, and out-of-state residential
24 treatment pursuant to Part 5 (commencing with Section 7900) of
25 Division 12 of the Family Code.

26 (2) If a short-term intensive treatment center placement is
27 selected for a child, the case plan shall indicate the needs of the
28 child that necessitate this placement, the plan for transitioning the
29 child to a less restrictive environment, and the projected timeline
30 by which the child will be transitioned to a less restrictive
31 environment. This section of the case plan shall be reviewed and
32 updated at least semiannually.

33 (A) The case plan for placements in a group home, or
34 commencing January 1, 2017, in a short-term residential treatment
35 center, shall indicate that the county has taken into consideration
36 Section 16010.8.

37 (B) After January 1, 2017, a child and family team meeting as
38 defined in Section 16501 shall be convened by the county placing
39 agency for the purpose of identifying the supports and services
40 needed to achieve permanency and enable the child or youth to be

1 placed in the least restrictive family setting that promotes normal
2 childhood experiences.

3 (3) On or after January 1, 2012, for a nonminor dependent, as
4 defined in subdivision (v) of Section 11400, who is receiving
5 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
6 in addition to the above requirements, the selection of the
7 placement, including a supervised independent living placement,
8 as described in subdivision (w) of Section 11400, shall also be
9 based upon the developmental needs of young adults by providing
10 opportunities to have incremental responsibilities that prepare a
11 nonminor dependent to transition to independent living. If
12 admission to, or continuation in, a group home or short-term
13 residential treatment center placement is being considered for a
14 nonminor dependent, the group home or short-term residential
15 treatment center placement approval decision shall include a
16 youth-driven, team-based case planning process, as defined by the
17 department, in consultation with stakeholders. The case plan shall
18 consider the full range of placement options, and shall specify why
19 admission to, or continuation in, a group home placement is the
20 best alternative available at the time to meet the special needs or
21 well-being of the nonminor dependent, and how the placement
22 will contribute to the nonminor dependent's transition to
23 independent living. The case plan shall specify the treatment
24 strategies that will be used to prepare the nonminor dependent for
25 discharge to a less restrictive family setting that promotes normal
26 childhood experiences, including a target date for discharge from
27 the group home placement. The placement shall be reviewed and
28 updated on a regular, periodic basis to ensure that continuation in
29 the group home placement remains in the best interests of the
30 nonminor dependent and that progress is being made in achieving
31 case plan goals leading to independent living. The group home
32 placement planning process shall begin as soon as it becomes clear
33 to the county welfare department or probation office that a foster
34 child in group home placement is likely to remain in group home
35 placement on his or her 18th birthday, in order to expedite the
36 transition to a less restrictive family setting that promotes normal
37 childhood experiences, if he or she becomes a nonminor dependent.
38 The case planning process shall include informing the youth of all
39 of his or her options, including, but not limited to, admission to
40 or continuation in a group home placement. Consideration for

1 continuation of existing group home placement for a nonminor
2 dependent under 19 years of age may include the need to stay in
3 the same placement in order to complete high school. After a
4 nonminor dependent either completes high school or attains his or
5 her 19th birthday, whichever is earlier, continuation in or admission
6 to a group home placement is prohibited unless the nonminor
7 dependent satisfies the conditions of paragraph (5) of subdivision
8 (b) of Section 11403, and group home placement functions as a
9 short-term transition to the appropriate system of care. Treatment
10 services provided by the group home placement to the nonminor
11 dependent to alleviate or ameliorate the medical condition, as
12 described in paragraph (5) of subdivision (b) of Section 11403,
13 shall not constitute the sole basis to disqualify a nonminor
14 dependent from the group home placement.

15 (4) In addition to the requirements of paragraphs (1) to (3),
16 inclusive, and taking into account other statutory considerations
17 regarding placement, the selection of the most appropriate home
18 that will meet the child's special needs and best interests shall also
19 promote educational stability by taking into consideration
20 proximity to the child's school of origin, and school attendance
21 area, the number of school transfers the child has previously
22 experienced, and the child's school matriculation schedule, in
23 addition to other indicators of educational stability that the
24 Legislature hereby encourages the State Department of Social
25 Services and the State Department of Education to develop.

26 (e) A written case plan shall be completed within a maximum
27 of 60 days of the initial removal of the child or of the in-person
28 response required under subdivision (f) of Section 16501 if the
29 child has not been removed from his or her home, or by the date
30 of the dispositional hearing pursuant to Section 358, whichever
31 occurs first. The case plan shall be updated, as the service needs
32 of the child and family dictate. At a minimum, the case plan shall
33 be updated in conjunction with each status review hearing
34 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
35 the hearing conducted pursuant to Section 366.26, but no less
36 frequently than once every six months. Each updated case plan
37 shall include a description of the services that have been provided
38 to the child under the plan and an evaluation of the appropriateness
39 and effectiveness of those services.

1 (1) It is the intent of the Legislature that extending the maximum
2 time available for preparing a written case plan from 30 to 60 days
3 will afford caseworkers time to actively engage families, and to
4 solicit and integrate into the case plan the input of the child and
5 the child's family, as well as the input of relatives and other
6 interested parties.

7 (2) The extension of the maximum time available for preparing
8 a written case plan from the 30 to 60 days shall be effective 90
9 days after the date that the department gives counties written notice
10 that necessary changes have been made to the Child Welfare
11 Services Case Management System to account for the 60-day
12 timeframe for preparing a written case plan.

13 (f) The child welfare services case plan shall be comprehensive
14 enough to meet the juvenile court dependency proceedings
15 requirements pursuant to Article 6 (commencing with Section 300)
16 of Chapter 2 of Part 1 of Division 2.

17 (g) The case plan shall be developed considering the
18 recommendations of *the* child and family team, as follows:

19 (1) The case plan shall be based upon an assessment of the
20 circumstances that required child welfare services intervention.
21 The child shall be involved in developing the case plan as age and
22 developmentally appropriate.

23 (2) The case plan shall identify specific goals and the
24 appropriateness of the planned services in meeting those goals.

25 (3) The case plan shall identify the original allegations of abuse
26 or neglect, as defined in Article 2.5 (commencing with Section
27 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
28 conditions cited as the basis for declaring the child a dependent of
29 the court pursuant to Section 300, or all of these, and the other
30 precipitating incidents that led to child welfare services
31 intervention.

32 (4) The case plan shall include a description of the schedule of
33 the placement agency contacts with the child and the family or
34 other caretakers. The frequency of these contacts shall be in
35 accordance with regulations adopted by the State Department of
36 Social Services. If the child has been placed in foster care out of
37 state, the county social worker or probation officer, or a social
38 worker or probation officer on the staff of the agency in the state
39 in which the child has been placed, shall visit the child in a foster
40 family home or the home of a relative, consistent with federal law

1 and in accordance with the department’s approved state plan. For
2 children in out-of-state group home facilities, visits shall be
3 conducted at least monthly, pursuant to Section 16516.5. At least
4 once every six months, at the time of a regularly scheduled
5 placement agency contact with the foster child, the child’s social
6 worker or probation officer shall inform the child of his or her
7 rights as a foster child, as specified in Section 16001.9. The social
8 worker or probation officer shall provide the information to the
9 child in a manner appropriate to the age or developmental level of
10 the child.

11 (5) (A) When out-of-home services are used, the frequency of
12 contact between the natural parents or legal guardians and the child
13 shall be specified in the case plan. The frequency of those contacts
14 shall reflect overall case goals, and consider other principles
15 outlined in this section.

16 (B) Information regarding any court-ordered visitation between
17 the child and the natural parents or legal guardians, and the terms
18 and conditions needed to facilitate the visits while protecting the
19 safety of the child, shall be provided to the child’s out-of-home
20 caregiver as soon as possible after the court order is made.

21 (6) When out-of-home placement is made, the case plan shall
22 include provisions for the development and maintenance of sibling
23 relationships as specified in subdivisions (b), (c), and (d) of Section
24 16002. If appropriate, when siblings who are dependents of the
25 juvenile court are not placed together, the social worker for each
26 child, if different, shall communicate with each of the other social
27 workers and ensure that the child’s siblings are informed of
28 significant life events that occur within their extended family.
29 Unless it has been determined that it is inappropriate in a particular
30 case to keep siblings informed of significant life events that occur
31 within the extended family, the social worker shall determine the
32 appropriate means and setting for disclosure of this information
33 to the child commensurate with the child’s age and emotional
34 well-being. These significant life events shall include, but shall
35 not be limited to, the following:

36 (A) The death of an immediate relative.

37 (B) The birth of a sibling.

38 (C) Significant changes regarding a dependent child, unless the
39 child objects to the sharing of the information with his or her
40 siblings, including changes in placement, major medical or mental

1 health diagnoses, treatments, or hospitalizations, arrests, and
2 changes in the permanent plan.

3 (7) If out-of-home placement is made in a foster family home,
4 group home, or other child care institution that is either a
5 substantial distance from the home of the child's parent or out of
6 state, the case plan shall specify the reasons why that placement
7 is in the best interest of the child. When an out-of-state group home
8 placement is recommended or made, the case plan shall, in
9 addition, specify compliance with Section 7911.1 of the Family
10 Code.

11 (8) A case plan shall ensure the educational stability of the child
12 while in foster care and shall include both of the following:

13 (A) An assurance that the placement takes into account the
14 appropriateness of the current educational setting and the proximity
15 to the school in which the child is enrolled at the time of placement.

16 (B) An assurance that the placement agency has coordinated
17 with the person holding the right to make educational decisions
18 for the child and appropriate local educational agencies to ensure
19 that the child remains in the school in which the child is enrolled
20 at the time of placement or, if remaining in that school is not in
21 the best interests of the child, assurances by the placement agency
22 and the local educational agency to provide immediate and
23 appropriate enrollment in a new school and to provide all of the
24 child's educational records to the new school.

25 (9) (A) If out-of-home services are used, or if parental rights
26 have been terminated and the case plan is placement for adoption,
27 the case plan shall include a recommendation regarding the
28 appropriateness of unsupervised visitation between the child and
29 any of the child's siblings. This recommendation shall include a
30 statement regarding the child's and the siblings' willingness to
31 participate in unsupervised visitation. If the case plan includes a
32 recommendation for unsupervised sibling visitation, the plan shall
33 also note that information necessary to accomplish this visitation
34 has been provided to the child or to the child's siblings.

35 (B) Information regarding the schedule and frequency of the
36 visits between the child and siblings, as well as any court-ordered
37 terms and conditions needed to facilitate the visits while protecting
38 the safety of the child, shall be provided to the child's out-of-home
39 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. 109.5. Section 16501.1 of the Welfare and Institutions*
13 *Code is amended to read:*

14 16501.1. (a) (1) The Legislature finds and declares that the
15 foundation and central unifying tool in child welfare services is
16 the case plan.

17 (2) The Legislature further finds and declares that a case plan
18 ensures that the child receives protection and safe and proper care
19 and case management, and that services are provided to the child
20 and parents or other caretakers, as appropriate, in order to improve
21 conditions in the parent’s home, to facilitate the safe return of the
22 child to a safe home or the permanent placement of the child, and
23 to address the needs of the child while in foster care.

24 (3) *The agency shall consider the recommendations of the child*
25 *and family team, as defined in paragraph (4) of subdivision (a) of*
26 *Section 16501, if any are available. The agency shall document*
27 *the rationale for any inconsistencies between the case plan and*
28 *the child and family team recommendations.*

29 (b) (1) *A case plan shall be based upon the principles of this*
30 *section and the input from the child and family team.*

31 ~~(b) (1) A~~

32 (2) ~~The case plan shall be based upon the principles of this~~
33 ~~section and shall document that a preplacement assessment of the~~
34 ~~service needs of the child and family, and preplacement preventive~~
35 ~~services, have been provided, and that reasonable efforts to prevent~~
36 ~~out-of-home placement have been made. *Preplacement services*~~
37 ~~*may include intensive mental health services in the home or a*~~
38 ~~*community setting and the reasonable efforts made to prevent*~~
39 ~~*out-of-home placement.*~~

40 (2)

1 (3) In determining the reasonable services to be offered or
2 provided, the child's health and safety shall be the paramount
3 concerns.

4 ~~(3)~~

5 (4) Upon a determination pursuant to paragraph (1) of
6 subdivision (e) of Section 361.5 that reasonable services will be
7 offered to a parent who is incarcerated in a county jail or state
8 prison, detained by the United States Department of Homeland
9 Security, or deported to his or her country of origin, the case plan
10 shall include information, to the extent possible, about a parent's
11 incarceration in a county jail or the state prison, detention by the
12 United States Department of Homeland Security, or deportation
13 during the time that a minor child of that parent is involved in
14 dependency care.

15 ~~(4)~~

16 (5) Reasonable services shall be offered or provided to make it
17 possible for a child to return to a safe home environment, unless,
18 pursuant to subdivisions (b) and (e) of Section 361.5, the court
19 determines that reunification services shall not be provided.

20 ~~(5)~~

21 (6) If reasonable services are not ordered, or are terminated,
22 reasonable efforts shall be made to place the child in a timely
23 manner in accordance with the permanent plan and to complete
24 all steps necessary to finalize the permanent placement of the child.

25 *(c) If out-of-home placement is used to attain case plan goals,*
26 *the case plan shall consider the recommendations of the child and*
27 *family team.*

28 ~~(e) (1) If out-of-home placement is used to attain case plan~~
29 ~~goals, the case plan~~

30 *(d) (1) The case plan shall include a description of the type of*
31 *home or institution in which the child is to be placed, and the*
32 *reasons for that placement decision. The decision regarding choice*
33 *of placement shall be based upon selection of a safe setting that is*
34 *the least restrictive or most familylike family setting that promotes*
35 *normal childhood experiences and the most appropriate setting*
36 *that is available and in close meets the child's individual needs*
37 *and is available, in proximity to the parent's home, in proximity*
38 *to the child's school, and consistent with the selection of the*
39 *environment best suited to meet the child's special needs and best*
40 *interests. The selection shall consider, in order of priority,*

1 placement with relatives, nonrelated extended family members,
2 ~~and tribal members, and members~~; foster family homes, *resource*
3 *families, and nontreatment* certified homes of foster family
4 ~~agencies, intensive treatment agencies; followed by treatment and~~
5 *intensive treatment certified homes of foster family agencies*; or
6 multidimensional treatment foster care ~~homes, group care~~
7 ~~placements, such as group homes and homes or therapeutic foster~~
8 *care homes; group care placements in the order of short-term*
9 *residential treatment centers, group homes, community treatment*
10 *facilities, and out-of-state residential treatment pursuant to Section*
11 ~~7950 of Part 5 (commencing with Section 7900) of Division 12 of~~
12 *the Family Code.*

13 (2) If a ~~group care short-term intensive treatment center~~
14 placement is selected for a child, the case plan shall indicate the
15 needs of the child that necessitate this placement, the plan for
16 transitioning the child to a less restrictive environment, and the
17 projected timeline by which the child will be transitioned to a less
18 restrictive environment. This section of the case plan shall be
19 reviewed and updated at least semiannually.

20 (A) *The case plan for placements in a group home, or*
21 *commencing January 1, 2017, in a short-term residential treatment*
22 *center, shall indicate that the county has taken into consideration*
23 *Section 16010.8.*

24 (B) *After January 1, 2017, a child and family team meeting as*
25 *defined in Section 16501 shall be convened by the county placing*
26 *agency for the purpose of identifying the supports and services*
27 *needed to achieve permanency and enable the child or youth to*
28 *be placed in the least restrictive family setting that promotes*
29 *normal childhood experiences.*

30 (3) On or after January 1, 2012, for a nonminor dependent, as
31 defined in subdivision (v) of Section 11400, who is receiving
32 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
33 in addition to the above requirements, the selection of the
34 placement, including a supervised independent living placement,
35 as described in subdivision (w) of Section 11400, shall also be
36 based upon the developmental needs of young adults by providing
37 opportunities to have incremental responsibilities that prepare a
38 nonminor dependent to transition to ~~independent living.~~ *successful*
39 *adulthood.* If admission to, or continuation in, a group home *or*
40 *short-term residential treatment center* placement is being

1 considered for a nonminor dependent, the group home *or*
2 *short-term residential treatment center* placement approval decision
3 shall include a youth-driven, team-based case planning process,
4 as defined by the department, in consultation with stakeholders.
5 The case plan shall consider the full range of placement options,
6 and shall specify why admission to, or continuation in, a group
7 home placement is the best alternative available at the time to meet
8 the special needs or well-being of the nonminor dependent, and
9 how the placement will contribute to the nonminor dependent's
10 transition to ~~independent living~~; *successful adulthood*. The case
11 plan shall specify the treatment strategies that will be used to
12 prepare the nonminor dependent for discharge to a less restrictive
13 ~~and more familylike setting~~; *family setting that promotes normal*
14 *childhood experiences*, including a target date for discharge from
15 the group home placement. The placement shall be reviewed and
16 updated on a regular, periodic basis to ensure that continuation in
17 the group home *placement* remains in the best interests of the
18 nonminor dependent and that progress is being made in achieving
19 case plan goals leading to ~~independent living~~; *successful adulthood*.
20 The group home placement planning process shall begin as soon
21 as it becomes clear to the county welfare department or probation
22 office that a foster child in group home placement is likely to
23 remain in group home placement on his or her 18th birthday, in
24 order to expedite the transition to a less restrictive ~~and more~~
25 ~~familylike setting~~; *family setting that promotes normal childhood*
26 *experiences*, if he or she becomes a nonminor dependent. The case
27 planning process shall include informing the youth of all of his or
28 her options, including, but not limited to, admission to or
29 continuation in a group home placement. Consideration for
30 continuation of existing group home placement for a nonminor
31 dependent under 19 years of age may include the need to stay in
32 the same placement in order to complete high school. After a
33 nonminor dependent either completes high school or attains his or
34 her 19th birthday, whichever is earlier, continuation in or admission
35 to a group home *placement* is prohibited unless the nonminor
36 dependent satisfies the conditions of paragraph (5) of subdivision
37 (b) of Section 11403, and group home placement functions as a
38 short-term transition to the appropriate system of care. Treatment
39 services provided by the group home placement to the nonminor
40 dependent to alleviate or ameliorate the medical condition, as

1 described in paragraph (5) of subdivision (b) of Section 11403,
2 shall not constitute the sole basis to disqualify a nonminor
3 dependent from the group home placement.

4 (4) In addition to the requirements of paragraphs (1) to (3),
5 inclusive, and taking into account other statutory considerations
6 regarding placement, the selection of the most appropriate home
7 that will meet the child's special needs and best interests shall also
8 promote educational stability by taking into consideration
9 proximity to the child's school of origin, and school attendance
10 area, the number of school transfers the child has previously
11 experienced, and the child's school matriculation schedule, in
12 addition to other indicators of educational stability that the
13 Legislature hereby encourages the State Department of Social
14 Services and the State Department of Education to develop.

15 ~~(e)~~

16 (e) A written case plan shall be completed within a maximum
17 of 60 days of the initial removal of the child or of the in-person
18 response required under subdivision (f) of Section 16501 if the
19 child has not been removed from his or her home, or by the date
20 of the dispositional hearing pursuant to Section 358, whichever
21 occurs first. The case plan shall be updated, as the service needs
22 of the child and family dictate. At a minimum, the case plan shall
23 be updated in conjunction with each status review hearing
24 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
25 the hearing conducted pursuant to Section 366.26, but no less
26 frequently than once every six months. Each updated case plan
27 shall include a description of the services that have been provided
28 to the child under the plan and an evaluation of the appropriateness
29 and effectiveness of those services.

30 (1) It is the intent of the Legislature that extending the maximum
31 time available for preparing a written case plan from 30 to 60 days
32 will afford caseworkers time to actively engage families, and to
33 solicit and integrate into the case plan the input of the child and
34 the child's family, as well as the input of relatives and other
35 interested parties.

36 (2) The extension of the maximum time available for preparing
37 a written case plan from the 30 to 60 days shall be effective 90
38 days after the date that the department gives counties written notice
39 that necessary changes have been made to the Child Welfare

1 ~~Services Case Services/Case~~ Management System (CWS/CMS) to
2 account for the 60-day timeframe for preparing a written case plan.

3 (e)

4 (f) The child welfare services case plan shall be comprehensive
5 enough to meet the juvenile court dependency proceedings
6 requirements pursuant to Article 6 (commencing with Section 300)
7 of Chapter 2 of Part 1 of Division 2.

8 (f)

9 (g) The case plan shall be developed *considering the*
10 *recommendations of the child and family team*, as follows:

11 (1) The case plan shall be based upon an assessment of the
12 circumstances that required child welfare services intervention.
13 The child shall be involved in developing the case plan as age and
14 developmentally appropriate.

15 (2) The case plan shall identify specific goals and the
16 appropriateness of the planned services in meeting those goals.

17 (3) The case plan shall identify the original allegations of abuse
18 or neglect, as defined in Article 2.5 (commencing with Section
19 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
20 conditions cited as the basis for declaring the child a dependent of
21 the court pursuant to Section 300, or all of these, and the other
22 precipitating incidents that led to child welfare services
23 intervention.

24 (4) The case plan shall include a description of the schedule of
25 the placement agency contacts with the child and the family or
26 other caretakers. The frequency of these contacts shall be in
27 accordance with regulations adopted by the State Department of
28 Social Services. If the child has been placed in foster care out of
29 state, the county social worker or probation officer, or a social
30 worker or probation officer on the staff of the agency in the state
31 in which the child has been placed, shall visit the child in a foster
32 family home or the home of a relative, consistent with federal law
33 and in accordance with the department’s approved state plan. For
34 children in out-of-state group home facilities, visits shall be
35 conducted at least monthly, pursuant to Section 16516.5. At least
36 once every six months, at the time of a regularly scheduled
37 placement agency contact with the foster child, the child’s social
38 worker or probation officer shall inform the child of his or her
39 rights as a foster child, as specified in Section 16001.9. The social
40 worker or probation officer shall provide the information to the

1 child in a manner appropriate to the age or developmental level of
2 the child.

3 (5) (A) When out-of-home services are used, the frequency of
4 contact between the natural parents or legal guardians and the child
5 shall be specified in the case plan. The frequency of those contacts
6 shall reflect overall case goals, and consider other principles
7 outlined in this section.

8 (B) Information regarding any court-ordered visitation between
9 the child and the natural parents or legal guardians, and the terms
10 and conditions needed to facilitate the visits while protecting the
11 safety of the child, shall be provided to the child's out-of-home
12 caregiver as soon as possible after the court order is made.

13 (6) When out-of-home placement is made, the case plan shall
14 include provisions for the development and maintenance of sibling
15 relationships as specified in subdivisions (b), (c), and (d) of Section
16 16002. If appropriate, when siblings who are dependents of the
17 juvenile court are not placed together, the social worker for each
18 child, if different, shall communicate with each of the other social
19 workers and ensure that the child's siblings are informed of
20 significant life events that occur within their extended family.
21 Unless it has been determined that it is inappropriate in a particular
22 case to keep siblings informed of significant life events that occur
23 within the extended family, the social worker shall determine the
24 appropriate means and setting for disclosure of this information
25 to the child commensurate with the child's age and emotional
26 well-being. These significant life events shall include, but shall
27 not be limited to, the following:

28 (A) The death of an immediate relative.

29 (B) The birth of a sibling.

30 (C) Significant changes regarding a dependent child, unless the
31 child objects to the sharing of the information with his or her
32 siblings, including changes in placement, major medical or mental
33 health diagnoses, treatments, or hospitalizations, arrests, and
34 changes in the permanent plan.

35 (7) If out-of-home placement is made in a foster family home,
36 group home, or other child care institution that is either a
37 substantial distance from the home of the child's parent or out of
38 state, the case plan shall specify the reasons why that placement
39 is in the best interest of the child. When an out-of-state group home
40 placement is recommended or made, the case plan shall, in

1 addition, specify compliance with Section 7911.1 of the Family
2 Code.

3 (8) ~~Effective January 1, 2010, a~~ A case plan shall ensure the
4 educational stability of the child while in foster care and shall
5 include both of the following:

6 (A) An assurance that the placement takes into account the
7 appropriateness of the current educational setting and the proximity
8 to the school in which the child is enrolled at the time of placement.

9 (B) An assurance that the placement agency has coordinated
10 with the person holding the right to make educational decisions
11 for the child and appropriate local educational agencies to ensure
12 that the child remains in the school in which the child is enrolled
13 at the time of placement or, if remaining in that school is not in
14 the best interests of the child, assurances by the placement agency
15 and the local educational agency to provide immediate and
16 appropriate enrollment in a new school and to provide all of the
17 child's educational records to the new school.

18 (9) (A) If out-of-home services are used, or if parental rights
19 have been terminated and the case plan is placement for adoption,
20 the case plan shall include a recommendation regarding the
21 appropriateness of unsupervised visitation between the child and
22 any of the child's siblings. This recommendation shall include a
23 statement regarding the child's and the siblings' willingness to
24 participate in unsupervised visitation. If the case plan includes a
25 recommendation for unsupervised sibling visitation, the plan shall
26 also note that information necessary to accomplish this visitation
27 has been provided to the child or to the child's siblings.

28 (B) Information regarding the schedule and frequency of the
29 visits between the child and siblings, as well as any court-ordered
30 terms and conditions needed to facilitate the visits while protecting
31 the safety of the child, shall be provided to the child's out-of-home
32 caregiver as soon as possible after the court order is made.

33 (10) If out-of-home services are used and the goal is
34 reunification, the case plan shall describe the services to be
35 provided to assist in reunification and the services to be provided
36 concurrently to achieve legal permanency if efforts to reunify fail.
37 The plan shall also consider in-state and out-of-state placements,
38 the importance of developing and maintaining sibling relationships
39 pursuant to Section 16002, and the desire and willingness of the

1 caregiver to provide legal permanency for the child if reunification
2 is unsuccessful.

3 (11) If out-of-home services are used, the child has been in care
4 for at least 12 months, and the goal is not adoptive placement, the
5 case plan shall include documentation of the compelling reason
6 or reasons why termination of parental rights is not in the child's
7 best interest. A determination completed or updated within the
8 past 12 months by the department when it is acting as an adoption
9 agency or by a licensed adoption agency that it is unlikely that the
10 child will be adopted, or that one of the conditions described in
11 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
12 be deemed a compelling reason.

13 (12) (A) Parents and legal guardians shall have an opportunity
14 to review the case plan, and to sign it whenever possible, and then
15 shall receive a copy of the plan. In a voluntary service or placement
16 agreement, the parents or legal guardians shall be required to
17 review and sign the case plan. Whenever possible, parents and
18 legal guardians shall participate in the development of the case
19 plan. Commencing January 1, 2012, for nonminor dependents, as
20 defined in subdivision (v) of Section 11400, who are receiving
21 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
22 to Section 11403, the transitional independent living case plan, as
23 set forth in subdivision (y) of Section 11400, shall be developed
24 with, and signed by, the nonminor.

25 (B) Parents and legal guardians shall be advised that, pursuant
26 to Section 1228.1 of the Evidence Code, neither their signature on
27 the child welfare services case plan nor their acceptance of any
28 services prescribed in the child welfare services case plan shall
29 constitute an admission of guilt or be used as evidence against the
30 parent or legal guardian in a court of law. However, they shall also
31 be advised that the parent's or guardian's failure to cooperate,
32 except for good cause, in the provision of services specified in the
33 child welfare services case plan may be used in any hearing held
34 pursuant to Section 366.21, 366.22, or 366.25 *of this code* as
35 evidence.

36 (13) A child shall be given a meaningful opportunity to
37 participate in the development of the case plan and state his or her
38 preference for foster care placement. A child who is 12 years of
39 age or older and in a permanent placement shall also be given the

1 opportunity to review the case plan, sign the case plan, and receive
 2 a copy of the case plan.

3 (14) The case plan shall be included in the court report and shall
 4 be considered by the court at the initial hearing and each review
 5 hearing. Modifications to the case plan made during the period
 6 between review hearings need not be approved by the court if the
 7 casework supervisor for that case determines that the modifications
 8 further the goals of the plan. If out-of-home services are used with
 9 the goal of family reunification, the case plan shall consider and
 10 describe the application of subdivision (b) of Section 11203.

11 (15) (A) If the case plan has as its goal for the child a permanent
 12 plan of adoption or ~~placement in another permanent home~~, *legal*
 13 *guardianship*, it shall include a statement of the child’s wishes
 14 regarding their permanent placement plan and an assessment of
 15 those stated wishes. The agency shall also include documentation
 16 of the steps the agency is taking to find an adoptive family or other
 17 permanent living arrangements for the child; to place the child
 18 with an adoptive family, an appropriate and willing relative, *or* a
 19 legal guardian, ~~or in another planned permanent living~~
 20 ~~arrangement~~; and to finalize the adoption or legal guardianship.
 21 At a minimum, the documentation shall include child-specific
 22 recruitment efforts, such as the use of state, regional, and national
 23 adoption exchanges, including electronic exchange systems, when
 24 the child has been freed for adoption. *Regardless of whether the*
 25 *child has been freed for adoption, documentation shall include a*
 26 *description of any barriers to achieving legal permanence and the*
 27 *steps the agency will take to address those barriers. If the plan is*
 28 *for kinship guardianship, the case plan shall document how the*
 29 *child meets the kinship guardianship eligibility requirements.*

30 (B) *When the child is 16 years of age or older and is in another*
 31 *planned permanent living arrangement, the case plan shall identify*
 32 *the intensive and ongoing efforts to return the child to the home*
 33 *of the parent, place the child for adoption, place the child for tribal*
 34 *customary adoption in the case of an Indian child, establish a legal*
 35 *guardianship, or place the child nonminor dependent with a fit*
 36 *and willing relative, as appropriate. Efforts shall include the use*
 37 *of technology, including social media, to find biological family*
 38 *members of the child.*

39 (16) (A) (i) *For a child who is 14 or 15 years of age, the case*
 40 *plan shall include a written description of the programs and*

1 *services that will help the child, consistent with the child's best*
2 *interests, to prepare for the transition from foster care to successful*
3 *adulthood. The description may be included in the document*
4 *described in subparagraph (A) of paragraph (18).*

5 ~~(16)(A)~~

6 (ii) When appropriate, for a child who is 16 years of age or older
7 and, commencing January 1, 2012, for a nonminor dependent, the
8 case plan shall include the transitional independent living plan
9 (TILP), a written description of the programs and services that
10 will help the child, consistent with the child's best interests, to
11 prepare for the transition from foster care to ~~independent living,~~
12 *successful adulthood*, and, in addition, whether the youth has an
13 in-progress application pending for Title XVI Supplemental
14 Security Income benefits or for Special Immigrant Juvenile Status
15 or other applicable application for legal residency and an active
16 dependency case is required for that application. When appropriate,
17 for a nonminor dependent, the transitional independent living case
18 plan, as described in subdivision (v) of Section 11400, shall include
19 the TILP, a written description of the programs and services that
20 will help the nonminor dependent, consistent with his or her best
21 interests, to prepare for transition from foster care and assist the
22 youth in meeting the eligibility criteria set forth in paragraphs (1)
23 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
24 the case plan shall describe the individualized supervision provided
25 in the supervised independent living placement as defined in
26 subdivision (w) of Section 11400. The case plan shall be developed
27 with the child or nonminor dependent and individuals identified
28 as important to the child or nonminor dependent, and shall include
29 steps the agency is taking to ensure that the child or nonminor
30 dependent achieves permanence, including maintaining or
31 obtaining permanent connections to caring and committed adults.

32 (B) During the 90-day period prior to the participant attaining
33 18 years of age or older as the state may elect under Section
34 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
35 675(8)(B)(iii)), whether during that period foster care maintenance
36 payments are being made on the child's behalf or the child is
37 receiving benefits or services under Section 477 of the federal
38 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
39 appropriate agency staff or probation officer and other
40 representatives of the participant, as appropriate, shall provide the

1 youth or nonminor *dependent* with assistance and support in
2 developing the written 90-day transition plan, that is personalized
3 at the direction of the child, information as detailed as the
4 participant elects that shall include, but not be limited to, options
5 regarding housing, health insurance, education, local opportunities
6 for mentors and continuing support services, and workforce
7 supports and employment services, a power of attorney for health
8 care, and information regarding the advance health care directive
9 form.

10 (C) For youth ~~16~~ 14 years of age or older, the case plan shall
11 include documentation that a consumer credit report was requested
12 annually from each of the three major credit reporting agencies at
13 no charge to the youth and that any results were provided to the
14 youth. For nonminor dependents, the case plan shall include
15 documentation that the county assisted the nonminor dependent
16 in obtaining his or her reports. The case plan shall include
17 documentation of barriers, if any, to obtaining the credit reports.
18 If the consumer credit report reveals any accounts, the case plan
19 shall detail how the county ensured the youth received assistance
20 with interpreting the credit report and resolving any inaccuracies,
21 including any referrals made for the assistance.

22 *(17) For youth 14 years of age or older and nonminor*
23 *dependents, the case plan shall be developed in consultation with*
24 *the youth. At the youth's option, the consultation may include up*
25 *to two members of the case planning team who are chosen by the*
26 *youth and who are not foster parents of, or caseworkers for, the*
27 *youth. The agency, at any time, may reject an individual selected*
28 *by the youth to be a member of the case planning team if the agency*
29 *has good cause to believe that the individual would not act in the*
30 *youth's best interest. One individual selected by the youth to be a*
31 *member of the case planning team may be designated to be the*
32 *youth's adviser and advocate with respect to the application of*
33 *the reasonable and prudent parent standard to the youth, as*
34 *necessary.*

35 *(18) For youth in foster care 14 years of age and older and*
36 *nonminor dependents, the case plan shall include both of the*
37 *following:*

38 *(A) A document that describes the youth's rights with respect*
39 *to education, health, visitation, and court participation, the right*
40 *to be annually provided with copies of his or her credit reports at*

1 *no cost while in foster care pursuant to Section 10618.6, and the*
2 *right to stay safe and avoid exploitation.*

3 *(B) A signed acknowledgment by the youth that he or she has*
4 *been provided a copy of the document and that the rights described*
5 *in the document have been explained to the youth in an*
6 *age-appropriate manner.*

7 *(19) The case plan for a child or nonminor dependent who is,*
8 *or who is at risk of becoming, the victim of commercial sexual*
9 *exploitation, shall document the services provided to address that*
10 *issue.*

11 ~~(g)~~

12 *(h) If the court finds, after considering the case plan, that*
13 *unsupervised sibling visitation is appropriate and has been*
14 *consented to, the court shall order that the child or the child's*
15 *siblings, the child's current caregiver, and the child's prospective*
16 *adoptive parents, if applicable, be provided with information*
17 *necessary to accomplish this visitation. This section does not*
18 *require or prohibit the social worker's facilitation, transportation,*
19 *or supervision of visits between the child and his or her siblings.*

20 ~~(h)~~

21 *(i) The case plan documentation on sibling placements required*
22 *under this section shall not require modification of existing case*
23 *plan forms until the Child Welfare Services Case Service/Case*
24 *Management System (CWS/CMS) is implemented on a statewide*
25 *basis.*

26 ~~(i)~~

27 *(j) When a child is 10 years of age or older and has been in*
28 *out-of-home placement for six months or longer, the case plan*
29 *shall include an identification of individuals, other than the child's*
30 *siblings, who are important to the child and actions necessary to*
31 *maintain the child's relationship with those individuals, provided*
32 *that those relationships are in the best interest of the child. The*
33 *social worker or probation officer shall ask every child who is 10*
34 *years of age or older and who has been in out-of-home placement*
35 *for six months or longer to identify individuals other than the*
36 *child's siblings who are important to the child, and may ask any*
37 *other child to provide that information, or may seek that*
38 *information from the child and family team, as appropriate. The*
39 *social worker or probation officer shall make efforts to identify*

1 other individuals who are important to the child, consistent with
 2 the child’s best interests.

3 (j)

4 (k) The child’s caregiver shall be provided a copy of a plan
 5 outlining the child’s needs and services. The nonminor dependent’s
 6 caregiver shall be provided with a copy of the nonminor’s TILP.

7 ~~(k) On or before June 30, 2008, the department, in consultation~~
 8 ~~with the County Welfare Directors Association of California and~~
 9 ~~other advocates, shall develop a comprehensive plan to ensure that~~
 10 ~~90 percent of foster children are visited by their~~

11 (l) *Each county shall ensure that the total number of visits made*
 12 *by caseworkers on a monthly basis by October 1, 2011, to children*
 13 *in foster care during a federal fiscal year is not less than 95 percent*
 14 *of the total number of those visits that would occur if each child*
 15 *were visited once every month while in care and that the majority*
 16 *of the visits occur in the residence of the child. The plan shall*
 17 *include any county child welfare and probation departments shall*
 18 *comply with data reporting requirements that the department deems*
 19 *necessary to comply with the provisions of the federal Child and*
 20 *Family Services Improvement Act of 2006 (Public Law 109-288);*
 21 *109-288) and the federal Child and Family Services Improvement*
 22 *and Innovation Act of 2011 (Public Law 112-34).*

23 (l) The implementation and operation of the amendments to
 24 subdivision (i) enacted at the 2005–06 Regular Session shall be
 25 subject to appropriation through the budget process and by phase,
 26 as provided in Section 366.35.

27 SEC. 110. Section 16514 of the Welfare and Institutions Code
 28 is amended to read:

29 16514. (a) A minor or nonminor who has been voluntarily
 30 placed, adjudged a dependent child of the juvenile court pursuant
 31 to Section 300, or as to whom a petition has been filed under
 32 Section 325, may be housed in an emergency shelter or, pursuant
 33 to the procedures for placement set forth in this code, placed in a
 34 foster family home, a resource family home, or with a foster family
 35 agency for subsequent placement in a suitable licensed foster
 36 family home or certified family home, with minors adjudged wards
 37 of the juvenile court pursuant to Section 601.

38 (b) A minor who has been voluntarily placed, adjudged a
 39 dependent child of the juvenile court pursuant to Section 300, or
 40 adjudged a ward of the juvenile court pursuant to Section 601,

1 shall not be housed in an emergency shelter with any minor
2 adjudged a ward of the juvenile court pursuant to Section 602.

3 (c) A minor or nonminor who has been voluntarily placed,
4 adjudged a dependent child of the juvenile court pursuant to Section
5 300, or as to whom a petition has been filed under Section 325, or
6 a nonminor dependent, as described in subdivision (v) of Section
7 11400, shall not be placed or detained in a short-term residential
8 treatment center, group home or licensed foster family home, a
9 resource family home, a certified family home, or an approved
10 resource family or foster family agency, or, beginning January 1,
11 2017, a short-term residential treatment center, with any minor
12 adjudged a ward of the juvenile court pursuant to Section 601 or
13 602, unless the social worker or probation officer with placement
14 authority has determined that the placement setting has a program
15 that meets the specific needs of the minor or nonminor dependent
16 being placed or detained, and there is a commonality of needs with
17 the other minors and nonminor dependents in the placement setting.

18 (d) Nothing in this section shall transfer or eliminate the
19 responsibility of the placing agency for the care, custody, or control
20 of the child. Nothing in this section shall relieve a foster family
21 agency of its responsibilities for or on behalf of a child placed with
22 it.

23 For purposes of this section, the placing of children or nonminor
24 dependents by foster family agencies shall be referred to as
25 “subsequent placement” to distinguish the activity from the placing
26 by public agencies.

27 SEC. 111. Section 16519.5 of the Welfare and Institutions
28 Code is amended to read:

29 16519.5. (a) The State Department of Social Services, in
30 consultation with county child welfare agencies, foster parent
31 associations, and other interested community parties, shall
32 implement a unified, family friendly, and child-centered resource
33 family approval process to replace the existing multiple processes
34 for licensing foster family homes, approving relatives and
35 nonrelative extended family members as foster care providers, and
36 approving adoptive families.

37 (b) (1) Counties shall be selected to participate on a voluntary
38 basis as early implementation counties for the purpose of
39 participating in the initial development of the approval process.
40 Early implementation counties shall be selected according to

1 criteria developed by the department in consultation with the
2 County Welfare Directors Association. In selecting the five early
3 implementation counties, the department shall promote diversity
4 among the participating counties in terms of size and geographic
5 location.

6 (2) Additional counties may participate in the early
7 implementation of the program upon authorization by the
8 department.

9 (c) (1) For the purposes of this chapter, “resource family” means
10 an individual or couple that a participating county or foster family
11 *agency agency, as defined in subdivision (g) of Section 11400 of*
12 *this code, and paragraph (4) of subdivision (a) of Section 1502 of*
13 *the Health and Safety Code, determines to have successfully met*
14 both the home environment assessment standards and the
15 permanency assessment criteria adopted pursuant to subdivision
16 (d) necessary for providing care for a related or unrelated child
17 who is under the jurisdiction of the juvenile court, or otherwise in
18 the care of a county child welfare agency or probation department.
19 A resource family shall demonstrate all of the following:

20 (A) An understanding of the safety, permanence, and well-being
21 needs of children who have been victims of child abuse and neglect,
22 and the capacity and willingness to meet those needs, including
23 the need for protection, and the willingness to make use of support
24 resources offered by the agency, or a support structure in place,
25 or both.

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

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

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

35 (E) An ability and willingness to provide a family setting that
36 promotes normal childhood experiences that serves the needs of
37 the child.

38 (2) Subsequent to meeting the criteria set forth in this
39 subdivision and designation as a resource family, a resource family
40 shall be considered eligible to provide foster care for related and

1 unrelated children in out-of-home placement, shall be considered
2 approved for adoption or guardianship, and shall not have to
3 undergo any additional approval or licensure as long as the family
4 lives in a county participating in the program.

5 (3) Resource family approval means that the applicant
6 successfully meets the home environment assessment and
7 permanency assessment standards. This approval is in lieu of the
8 existing foster care license, relative or nonrelative extended family
9 member approval, and the adoption home study approval.

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

12 (5) Notwithstanding paragraphs (1) to (4), inclusive, the
13 department or county may cease any further review of an
14 application if the applicant has had a previous application denial
15 within the preceding year, or if the applicant has had a previous
16 rescission, revocation, or exemption denial or rescission by the
17 department or county within the preceding two years. However,
18 the department or county may continue to review an application
19 if it has determined that the reasons for the previous denial,
20 rescission, or revocation were due to circumstances and conditions
21 that either have been corrected or are no longer in existence. If an
22 individual was excluded from a resource family home or facility
23 licensed by the department, the department or county shall cease
24 review of the individual's application unless the excluded
25 individual has been reinstated pursuant to Section 11522 of the
26 Government Code. The cessation of review shall not constitute a
27 denial of the application for purposes of this section or any other
28 law.

29 (d) Prior to implementation of this program, the department
30 shall adopt standards pertaining to the home environment and
31 permanency assessments of a resource family.

32 (1) Resource family home environment assessment standards
33 shall include, but not be limited to, all of the following:

34 (A) (i) Criminal records clearance of all adults residing in, or
35 regularly present in, the home, and not exempted from
36 fingerprinting, as set forth in subdivision (b) of Section 1522 of
37 the Health and Safety Code, pursuant to Section 8712 of the Family
38 Code, utilizing a check of the Child Abuse Central Index (CACI),
39 and receipt of a fingerprint-based state and federal criminal
40 offender record information search response. The criminal history

1 information shall include subsequent ~~state and federal arrest and~~
 2 ~~disposition~~ notifications pursuant to Section 11105.2 of the Penal
 3 Code.

4 (ii) Consideration of any substantiated allegations of child abuse
 5 or neglect against either the applicant or any other adult residing
 6 in the home. An approval may not be granted to applicants whose
 7 criminal record indicates a conviction for any of the offenses
 8 specified in subdivision (g) of Section 1522 of the Health and
 9 Safety Code.

10 (iii) If the resource family parent, applicant, or any other person
 11 specified in subdivision (b) of Section 1522 of the Health and
 12 Safety Code has been convicted of a crime other than a minor
 13 traffic violation, except for the civil penalty language, the criminal
 14 background check provisions specified in subdivisions (d) through
 15 (f) of Section 1522 of the Health and Safety Code shall apply.
 16 Exemptions from the criminal records clearance requirements set
 17 forth in this section may be granted by the director or the early
 18 implementation county, if that county has been granted permission
 19 by the director to issue criminal records exemptions pursuant to
 20 Section 361.4, using the exemption criteria currently used for foster
 21 care licensing as specified in subdivision (g) of Section 1522 of
 22 the Health and Safety Code.

23 (iv) *For public foster family agencies approving resource*
 24 *families, the criminal records clearance process set forth in clause*
 25 *(i) shall be utilized.*

26 (v) *For private foster family agencies approving resource*
 27 *families, the criminal records clearance process set forth in clause*
 28 *(i) shall be utilized, but the Department of Justice shall disseminate*
 29 *a fitness determination resulting from the federal criminal offender*
 30 *record information search.*

31 (B) Buildings and grounds and storage requirements set forth
 32 in Sections 89387 and 89387.2 of Title 22 of the California Code
 33 of Regulations.

34 (C) In addition to the foregoing requirements, the resource
 35 family home environment assessment standards shall also require
 36 the following:

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

1 (ii) That the total number of children residing in the home of a
2 resource family shall be no more than the total number of children
3 the resource family can properly care for, regardless of status, and
4 shall not exceed six children, unless exceptional circumstances
5 that are documented in the foster child's case file exist to permit
6 a resource family to care for more children, including, but not
7 limited to, the need to place siblings together.

8 (iii) That the applicant understands his or her responsibilities
9 with respect to acting as a reasonable and prudent parent, and
10 maintaining the least restrictive environment that serves the needs
11 of the child.

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

14 (A) The applicant shall complete caregiver training.

15 (B) (i) The applicant shall complete a psychosocial assessment,
16 which shall include the results of a risk assessment.

17 (ii) A caregiver risk assessment shall include, but shall not be
18 limited to, physical and mental health, alcohol and other substance
19 use and abuse, family and domestic violence, and the factors listed
20 in subparagraphs (A) and (D) of paragraph (1) of subdivision (c).

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

23 (e) (1) A child may be placed with a resource family that has
24 successfully completed the home environment assessment prior
25 to completion of a permanency assessment only if a compelling
26 reason for the placement exists based on the needs of the child.

27 (2) The permanency assessment shall be completed within 90
28 days of the child's placement in the home, unless good cause exists
29 based upon the needs of the child.

30 (3) If additional time is needed to complete the permanency
31 assessment, the county shall document the extenuating
32 circumstances for the delay and generate a timeframe for the
33 completion of the permanency assessment.

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

38 (5) A child may be placed with a relative, as defined in Section
39 319, or nonrelative extended family member, as defined in Section

1 362.7, prior to applying as a resource family only on an emergency
2 basis if all of the following requirements are met:
3 (A) Consideration of the results of a criminal records check
4 conducted pursuant to Section 16504.5 of the relative or nonrelative
5 extended family member and of every other adult in the home.
6 (B) Consideration of the results of the Child Abuse Central
7 Index (CACI) consistent with Section 1522.1 of the Health and
8 Safety Code of the relative or nonrelative extended family member,
9 and of every other adult in the home.
10 (C) The home and grounds are free of conditions that pose undue
11 risk to the health and safety of the child.
12 (D) For any placement made pursuant to this paragraph, the
13 county shall initiate the home environment assessment no later
14 than five business days after the placement, which shall include a
15 face-to-face interview with the resource family applicant and child.
16 (E) For any placement made pursuant to this paragraph,
17 AFDC-FC funding shall not be available until approval of the
18 resource family has been completed.
19 (F) Any child placed under this section shall be afforded all the
20 rights set forth in Section 16001.9.
21 (f) The State Department of Social Services shall be responsible
22 for all of the following:
23 (1) Selecting early implementation counties, based on criteria
24 established by the department in consultation with the County
25 Welfare Directors Association.
26 (2) Establishing timeframes for participating counties to submit
27 an implementation plan, enter into terms and conditions for
28 participation in the program, train appropriate staff, and accept
29 applications from resource families.
30 (3) Entering into terms and conditions for participation in the
31 program by counties.
32 (4) Administering the program through the issuance of written
33 directives that shall have the same force and effect as regulations.
34 Any directive affecting Article 1 (commencing with Section 700)
35 of Chapter 7 of Title 11 of the California Code of Regulations shall
36 be approved by the Department of Justice. The directives shall be
37 exempt from the rulemaking provisions of the Administrative
38 Procedure Act (Chapter 3.5 (commencing with Section 11340))
39 of Part 1 of Division 3 of Title 2 of the Government Code.

1 (5) Approving and requiring the use of a single standard for
2 resource family approval.

3 (6) Adopting and requiring the use of standardized
4 documentation for the home environment and permanency
5 assessments of resource families.

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

8 (A) Investigating complaints of resource families.

9 (B) Developing and monitoring resource family corrective action
10 plans to correct identified deficiencies and to rescind resource
11 family approval if compliance with corrective action plans is not
12 achieved.

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

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

16 (B) Reviewing an adequate number of approved resource
17 families in each participating county to ensure that approval
18 standards are being properly applied. The review shall include
19 case file documentation, and may include onsite inspection of
20 individual resource families. The review shall occur on an annual
21 basis, and more frequently if the department becomes aware that
22 a participating county is experiencing a disproportionate number
23 of complaints against individual resource family homes.

24 (C) Reviewing county reports of serious complaints and
25 incidents involving approved resource families, as determined
26 necessary by the department. The department may conduct an
27 independent review of the complaint or incident and change the
28 findings depending on the results of its investigation.

29 (D) Investigating unresolved complaints against participating
30 counties.

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

33 (9) Updating the Legislature on the early implementation phase
34 of the program, including the status of implementation, successes,
35 and challenges during the early implementation phase, and relevant
36 available data, including resource family satisfaction.

37 (10) Implementing due process procedures, including all of the
38 following:

39 (A) Providing a statewide fair hearing process for denials,
40 rescissions, or exclusion actions.

- 1 (B) Amending the department’s applicable state hearing
2 procedures and regulations or using the Administrative Procedure
3 Act, when applicable, as necessary for the administration of the
4 program.
- 5 (g) Counties participating in the program shall be responsible
6 for all of the following:
- 7 (1) Submitting an implementation plan, entering into terms and
8 conditions for participation in the program, consulting with the
9 county probation department in the development of the
10 implementation plan, training appropriate staff, and accepting
11 applications from resource families within the timeframes
12 established by the department.
- 13 (2) Complying with the written directives pursuant to paragraph
14 (4) of subdivision (f).
- 15 (3) Implementing the requirements for resource family approval
16 and utilizing standardized documentation established by the
17 department.
- 18 (4) Ensuring staff have the education and experience necessary
19 to complete the home environment and psychosocial assessments
20 competently.
- 21 (5) (A) Taking the following actions, as applicable:
- 22 (i) Approving or denying resource family applications.
- 23 (ii) Rescinding approvals of resource families.
- 24 (iii) Excluding a resource family parent or other individual from
25 presence in a resource family home, consistent with the established
26 standard.
- 27 (iv) Issuing a temporary suspension order that suspends the
28 resource family approval prior to a hearing when urgent action is
29 needed to protect a child or nonminor dependent from physical or
30 mental abuse, abandonment, or any other substantial threat to
31 health or safety, consistent with the established standard.
- 32 (B) Providing a resource family parent, applicant, or excluded
33 individual requesting review of that decision with due process
34 pursuant to the department’s statutes, regulations, and written
35 directives.
- 36 (C) Notifying the department of any decisions denying a
37 resource family’s application or rescinding the approval of a
38 resource family, excluding an individual, or taking other
39 administrative action.

1 (D) Issuing a temporary suspension order that suspends the
2 resource family approval prior to a hearing, when urgent action is
3 needed to protect a child or nonminor dependent who is or may
4 be placed in the home from physical or mental abuse, abandonment,
5 or any other substantial threat to health or safety.

6 (6) Updating resource family approval annually.

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

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

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

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

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

23 (A) The child's social worker shall not conduct the formal
24 investigation into the complaint received concerning a family
25 providing services under the standards required by subdivision
26 (d). To the extent that adequate resources are available, complaints
27 shall be investigated by a worker who did not initially conduct the
28 home environment or psychosocial assessments.

29 (B) Upon conclusion of the complaint investigation, the final
30 disposition shall be reviewed and approved by a supervising staff
31 member.

32 (C) The department shall be notified of any serious incidents
33 or serious complaints or any incident that falls within the definition
34 of Section 11165.5 of the Penal Code. If those incidents or
35 complaints result in an investigation, the department shall also be
36 notified as to the status and disposition of that investigation.

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

38 (10) Assessing county performance in related areas of the
39 California Child and Family Services Review System, and
40 remedying problems identified.

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

4 (12) Ensuring resource family applicants and resource families
5 have the necessary knowledge, skills, and abilities to support
6 children in foster care by completing caregiver training. The
7 training should include a curriculum that supports the role of a
8 resource family in parenting vulnerable children and should be
9 ongoing in order to provide resource families with information on
10 trauma-informed practices and requirements and other topics within
11 the foster care system.

12 (13) Ensuring that a resource family applicant completes a
13 minimum of 12 hours of preapproval training. The training shall
14 include, but not be limited to, all of the following courses:

15 (A) An overview of the child protective and probation systems.

16 (B) The effects of trauma, including grief and loss, and child
17 abuse and neglect, on child development and behavior, and
18 methods to behaviorally support children impacted by that trauma
19 or child abuse and neglect.

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

21 (D) Health issues in foster care.

22 (E) Accessing services and supports to address education needs,
23 physical, mental, and behavioral health, and substance use
24 disorders, including culturally relevant services.

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

33 (G) Cultural needs of children, including instruction on cultural
34 competency and sensitivity, and related best practices for providing
35 adequate care for children or youth across diverse ethnic and racial
36 backgrounds, as well as children or youth identifying as lesbian,
37 gay, bisexual, or transgender.

38 (H) Basic instruction on existing laws and procedures regarding
39 the safety of foster youth at school; and ensuring a harassment and
40 violence free school environment pursuant to Article 3.6

1 (commencing with Section 32228) of Chapter 2 of Part 19 of
2 Division 1 of Title 1 of the Education Code.

3 (I) Permanence, well-being, and education needs of children.

4 (J) Child and adolescent development, including sexual
5 orientation, gender identity, and expression.

6 (K) The role of resource families, including working
7 cooperatively with the child welfare or probation agency, the
8 child's family, and other service providers implementing the case
9 plan.

10 (L) The role of a resource family on the child and family team
11 as defined in paragraph (4) of subdivision (a) of Section 16501.

12 (M) A resource family's responsibility to act as a reasonable
13 and prudent parent, and to provide a family setting that promotes
14 normal childhood experiences and that serves the needs of the
15 child.

16 (N) An overview of the specialized training identified in
17 subdivision (h).

18 (14) Ensuring approved resource families complete a minimum
19 of eight training hours annually, a portion of which shall be from
20 one or more of the topics listed in paragraph (13).

21 (h) In addition to any training required by this section, a resource
22 family may be required to receive specialized training, as relevant,
23 for the purpose of preparing the resource family to meet the needs
24 of a particular child in care. This training may include, but is not
25 limited to, the following:

26 (1) Understanding how to use best practices for providing care
27 and supervision to commercially sexually exploited children.

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

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

36 (4) Understanding the federal Indian Child Welfare Act (25
37 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of
38 children covered by the act, and the best interests of Indian
39 children, including the role of the caregiver in supporting culturally
40 appropriate, child-centered practices that respect Native American

1 history, culture, retention of tribal membership and connection to
2 the tribal community and traditions.

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

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

7 (7) Understanding the different permanency options and the
8 services and benefits associated with the options.

9 (i) Nothing in this section shall preclude a county or a foster
10 family agency from requiring resource family training in excess
11 of the requirements in this section.

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

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

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

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

39 (m) (1) The approval of a resource family who moves to a
40 nonparticipating county remains in full force and effect pending

1 a determination by the county approval agency or the department,
2 as appropriate, whether the new building and grounds and storage
3 areas meet applicable standards, and whether all adults residing
4 in the home have a criminal records clearance or exemptions
5 granted, using the exemption criteria used for foster care licensing,
6 as specified in subdivision (g) of Section 1522 of the Health and
7 Safety Code. Upon this determination, the nonparticipating county
8 shall either approve the family as a relative or nonrelative extended
9 family member, as applicable, or the department shall license the
10 family as a foster family home.

11 (2) Subject to the requirements in paragraph (1), the family shall
12 continue to be approved for guardianship and adoption. Nothing
13 in this subdivision shall limit a county or adoption agency from
14 determining that the family is not approved for guardianship or
15 adoption based on changes in the family's circumstances or
16 psychosocial assessment.

17 (3) A program-affiliated individual who moves to a
18 nonparticipating county may not transfer his or her subsequent
19 arrest notification from a participating county to the
20 nonparticipating county.

21 (n) Implementation of the program shall be contingent upon the
22 continued availability of federal Social Security Act Title IV-E
23 (42 U.S.C. Sec. 670) funds for costs associated with placement of
24 children with resource families assessed and approved under the
25 program.

26 (o) A child placed with a resource family shall be eligible for
27 AFDC-FC payments. A resource family, or a foster family agency
28 pursuant to subdivisions (s) and (t), shall be paid an AFDC-FC
29 rate pursuant to Sections 11460, 11461, and 11463. Sharing ratios
30 for nonfederal expenditures for all costs associated with activities
31 related to the approval of relatives and nonrelative extended family
32 members shall be in accordance with Section 10101.

33 (p) The Department of Justice shall charge fees sufficient to
34 cover the cost of initial or subsequent criminal offender record
35 information and Child Abuse Central Index searches, processing,
36 or responses, as specified in this section.

37 (q) Except as provided, approved resource families under this
38 program shall be exempt from all of the following:

- 1 (1) Licensure requirements set forth under the Community Care
2 Facilities Act, commencing with Section 1500 of the Health and
3 Safety Code, and all regulations promulgated thereto.
- 4 (2) Relative and nonrelative extended family member approval
5 requirements set forth under Sections 309, 361.4, and 362.7, and
6 all regulations promulgated thereto.
- 7 (3) Adoptions approval and reporting requirements set forth
8 under Section 8712 of the Family Code, and all regulations
9 promulgated thereto.
- 10 (r) (1) Early implementation counties shall be authorized to
11 continue through December 31, 2016. The program shall be
12 implemented by each county on or before January 1, 2017.
- 13 (2) No later than July 1, 2017, each county shall provide the
14 following information to all licensed foster family homes and all
15 approved relatives and nonrelative extended family members:
 - 16 (A) A detailed description of the resource family approval
17 program.
 - 18 (B) Notification that, in order to care for a foster child, resource
19 family approval is required by December 31, 2019.
 - 20 (C) Notification that a foster family home license and an
21 approval of a relative or nonrelative extended family member shall
22 be forfeited by operation of law as provided for in paragraph (4).
- 23 (3) By no later than January 1, 2018, the following shall apply
24 to all licensed foster family homes and approved relative and
25 nonrelative extended family members:
 - 26 (A) A licensed foster family home, and an approved relative or
27 nonrelative extended family member with an approved adoptive
28 home study completed prior to January 1, 2018, shall be deemed
29 to be an approved resource family.
 - 30 (B) A licensed foster family home, and an approved relative or
31 nonrelative extended family member who had a child in placement
32 at any time, for any length of time, between January 1, 2017, and
33 December 31, 2017, inclusive, may be approved as a resource
34 family on the date of successful completion of a psychosocial
35 assessment pursuant to subparagraph (B) of paragraph (2) of
36 subdivision (d).
 - 37 (C) A county may provide supportive services to all licensed
38 foster family home providers, relatives, and nonrelative extended
39 family members with a child in placement to assist with the
40 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 in this paragraph:

4 (A) All licensed foster family homes that did not have a child
5 in placement at any time, for any length of time, between January
6 1, 2017, and December 31, 2017, inclusive, shall forfeit the license
7 by operation of law on January 1, 2018.

8 (B) For foster family home licensees and approved relatives or
9 nonrelative extended family members who have a pending resource
10 family application on December 31, 2019, the foster family home
11 license or relative and nonrelative extended family member
12 approval shall be forfeited by operation of law on the date of
13 approval as a resource family. If approval is denied, forfeiture by
14 operation of law shall occur on the date of completion of any
15 proceedings required by law to ensure due process.

16 (s) On and after January 1, 2017, all licensed foster family
17 agencies shall approve resource families in lieu of certifying foster
18 homes. A foster family agency or a short-term residential treatment
19 center pursuant to subdivision (b) of Section 11462 shall require
20 applicants and resource families to meet the resource family
21 approval standards and requirements set forth in this chapter and
22 in the written directives adopted pursuant to this chapter prior to
23 approval and in order to maintain approval.

24 (t) Commencing January 1, 2016, the department may establish
25 participation conditions, and select and authorize foster family
26 agencies that voluntarily submit implementation plans and revised
27 plans of operation in accordance with requirements established by
28 the department, to approve resource families in lieu of certifying
29 foster homes.

30 (1) Notwithstanding any other law, a participating foster family
31 agency shall require resource families to meet and maintain the
32 resource family approval standards and requirements set forth in
33 this chapter and in the written directives adopted hereto prior to
34 approval and in order to maintain approval.

35 (2) A participating foster family agency shall implement the
36 resource family approval program pursuant to Section 1517 of the
37 Health and Safety Code.

38 (3) Nothing in this section shall be construed to limit the
39 authority of the department to inspect, evaluate, or investigate a
40 complaint or incident, or initiate a disciplinary action against a

1 foster family agency pursuant to Article 5 (commencing with
2 Section 1550) of Chapter 3 of Division 2 of the Health and Safety
3 Code, or to take any action it may deem necessary for the health
4 and safety of children placed with the foster family agency.

5 (4) The department may adjust the foster family agency
6 AFDC-FC rate pursuant to Section 11463 for implementation of
7 this subdivision.

8 SEC. 112. Section 16519.52 is added to the Welfare and
9 Institutions Code, to read:

10 16519.52. (a) A resource family may install and use delayed
11 egress devices of the time delay type in the home of the resource
12 family.

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

17 (c) Within the 30 seconds of delay, a resource family may
18 attempt to redirect a resident who attempts to leave the home.

19 (d) Any person accepted by a resource family using delayed
20 egress devices in the home shall meet all of the following
21 conditions:

22 (1) The person shall have a developmental disability, as defined
23 in Section 4512.

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

28 (3) An interdisciplinary team, through the Individual Program
29 Plan (IPP) process pursuant to Section 4646.5, shall have
30 determined that the person lacks hazard awareness or impulse
31 control and requires the level of supervision afforded by a resource
32 family in a home equipped with delayed egress devices, and that,
33 but for this placement, the person would be at risk of admission
34 to, or would have no option but to remain in, a more restrictive
35 state hospital or state developmental center placement.

36 (e) The home shall be subject to all fire and building codes,
37 regulations, and standards applicable to residential care facilities
38 for the elderly utilizing delayed egress devices, and shall receive
39 approval by the county or city fire department, the local fire

1 prevention district, or the State Fire Marshal for the installed
2 delayed egress devices.

3 (f) The resource family shall provide training regarding the use
4 and operation of the egress control devices used by any person
5 caring for a resident, protection of residents' personal rights, lack
6 of hazard awareness and impulse control behavior, and emergency
7 evacuation procedures.

8 (g) The resource family shall develop a plan of operation that
9 is authorized by the approving county and includes a description
10 of how the home is to be equipped with egress control devices that
11 are consistent with regulations adopted by the State Fire Marshal
12 pursuant to Section 13143 of the Health and Safety Code.

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

15 (1) A description of how the resource family will provide
16 training for persons caring for a resident regarding the use and
17 operation of the egress control devices used in the home.

18 (2) A description of how the resource family will ensure the
19 protection of the residents' personal rights consistent with Sections
20 4502, 4503, and 4504.

21 (3) A description of how the resource family will manage the
22 person's lack of hazard awareness and impulse control behavior.

23 (4) A description of the resource family's emergency evacuation
24 procedures.

25 (i) Delayed egress devices shall not substitute for adequate
26 supervision. The capacity of the home shall not exceed six
27 residents.

28 (j) Emergency fire and earthquake drills shall be conducted at
29 least once every three months, and shall include all persons
30 providing resident care and supervision.

31 SEC. 113. Section 16519.53 is added to the Welfare and
32 Institutions Code, to read:

33 16519.53. (a) A resource family shall be authorized to
34 administer emergency medical assistance and injections for severe
35 diabetic hypoglycemia and anaphylactic shock to a foster child in
36 placement in accordance with subdivision (a) of Section 1507.25
37 of the Health and Safety Code.

38 (b) A resource family shall be authorized to administer
39 subcutaneous injections of other medications, including insulin,
40 as prescribed by a child's physician, to a foster child in placement

1 in accordance with subdivision (b) of Section 1507.25 of the Health
2 and Safety Code.

3 SEC. 114. Section 16519.54 is added to the Welfare and
4 Institutions Code, to read:

5 16519.54. Notwithstanding any other law, a resource family
6 shall not be subject to civil penalties imposed pursuant to the
7 Community Care Facilities Act (Chapter 3 (commencing with
8 Section 1500) of Division 2 of the Health and Safety Code).

9 SEC. 115. Section 16519.55 is added to the Welfare and
10 Institutions Code, to read:

11 16519.55. (a) Subject to subdivision (b), to encourage the
12 recruitment of resource families, to protect their personal privacy,
13 and to preserve the security of confidentiality of the placements
14 with resource families, the names, addresses, and other identifying
15 information of resource families shall be considered personal
16 information for purposes of the Information Practices Act of 1977
17 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
18 4 of Division 3 of the Civil Code). This information shall not be
19 disclosed by any state or local agency pursuant to the California
20 Public Records Act (Chapter 3.5 (commencing with Section 6250)
21 of Division 7 of Title 1 of the Government Code), except as
22 necessary for administering the resource family approval program,
23 facilitating the placement of children with resource families, and
24 providing names and addresses, upon request, only to bona fide
25 professional foster parent organizations and to professional
26 organizations educating foster parents, including the Foster and
27 Kinship Care Education Program of the California Community
28 Colleges.

29 (b) The department, a county, or a foster family agency may
30 request information from, or divulge information to, the
31 department, a county, or a foster family agency, regarding a
32 prospective resource family for the purpose of and as necessary
33 to conduct a reference check to determine whether it is safe and
34 appropriate to approve an applicant to be a resource family.

35 SEC. 116. Section 16519.6 is added to the Welfare and
36 Institutions Code, to read:

37 16519.6. (a) All hearings conducted pursuant to Section
38 16519.5 shall be conducted in accordance with the requirements
39 of this section.

1 (b) The procedures set forth in Chapter 7 (commencing with
2 Section 10950) of Part 2 apply to matters set before the department,
3 except as otherwise provided in this section.

4 (c) The procedures set forth in Chapter 3 (commencing with
5 Section 1500) of Division 2 of the Health and Safety Code, and
6 the procedures set forth in the Administrative Procedure Act, apply
7 to matters set before the Office of Administrative Hearings, except
8 as otherwise provided in this section.

9 (d) Notwithstanding Section 10951, a resource family, applicant,
10 or excluded individual may file an appeal within 25 days of service
11 of a notice of action. Pursuant to Section 1013 of the Code of Civil
12 Procedure, if the notice of action is served by mail, the time to
13 respond shall be extended five days, not to exceed 30 days to file
14 the appeal.

15 (e) Notwithstanding Section 10951, a county's action shall be
16 final, or for matters set before the department, an action shall be
17 subject to dismissal, if the resource family, applicant, or excluded
18 individual does not file an appeal to the notice of action within the
19 prescribed time.

20 (f) Except as provided in subdivisions (g) and (h), and
21 notwithstanding Section 10952, a hearing under this section shall
22 be held within 90 days following the receipt of a timely appeal or
23 notice of defense, unless a continuance of the hearing is granted
24 for good cause.

25 (g) If the county or department has issued an immediate
26 exclusion order, the timelines and provisions set forth in Section
27 1558 of the Health and Safety Code shall apply, unless a
28 continuance of the hearing is granted for good cause.

29 (h) If the county or department has issued a temporary
30 suspension order, the hearing shall be held within 30 days
31 following the receipt of a timely appeal or notice of defense. The
32 temporary suspension order shall remain in effect until the time
33 the hearing is completed and the director has made a final
34 determination on the merits. However, the temporary suspension
35 order shall be deemed vacated if the director fails to make a final
36 determination on the merits within 30 days after receipt of the
37 proposed decision by the county or department.

38 (i) Upon a finding of noncompliance, the department may
39 require a foster family agency to deny or rescind the approval of
40 a home, or take other action deemed necessary for the protection

1 of a child who is or who may be placed in the home. The resource
2 family, applicant, or excluded individual shall be afforded the due
3 process provided pursuant to this section.

4 (1) If the department requires a foster family agency to deny or
5 rescind the approval, the department shall serve an order of denial
6 or rescission notifying the resource family, applicant, and foster
7 family agency of the basis of the department's action and of the
8 right to a hearing.

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

12 (3) A foster family agency's failure to comply with the
13 department's order to deny or rescind the approval by placing or
14 retaining a child in care shall be grounds for disciplining the foster
15 family agency pursuant to Section 1550 of the Health and Safety
16 Code.

17 (j) A resource family, applicant, or excluded individual who
18 files an appeal to a notice of action pursuant to this section shall,
19 as part of the appeal, provide his or her current mailing address.
20 The resource family, applicant, or excluded individual shall
21 subsequently notify the county, or department if applicable, in
22 writing of any change in mailing address, until the hearing process
23 has been completed or terminated.

24 (k) Service by mail of a notice or other writing on a resource
25 family, applicant, or excluded individual in a procedure provided
26 herein is effective if served to the last mailing address on file with
27 the county or department. Service of a notice of action may be by
28 personal service or by first class mail. If the last day for
29 performance of any action required herein falls on a holiday, then
30 such period shall be extended to the next day which is not a
31 holiday.

32 (l) In all proceedings conducted in accordance with this section,
33 the burden of proof on the department or county shall be by a
34 preponderance of the evidence.

35 (m) The county or department may institute or continue an
36 administrative proceeding against a resource family, applicant, or
37 excluded individual upon any ground provided by this section,
38 enter an order denying or rescinding the approval, exclude an
39 associated individual, issue a temporary suspension order, or
40 otherwise take disciplinary action against a resource family,

1 applicant, or excluded individual, notwithstanding any resignation,
2 withdrawal, surrender of approval, or denial or rescission of the
3 approval by a foster family agency.

4 SEC. 117. Section 18251 of the Welfare and Institutions Code
5 is amended to read:

6 18251. As used in this chapter:

7 (a) “County” means each county participating in an
8 individualized or wraparound services program.

9 (b) “County placing agency” means a county welfare or
10 probation department, or a county mental health department.

11 (c) “Eligible child” means a child or nonminor dependent, as
12 described in subdivision (v) of Section 11400, who is any of the
13 following:

14 (1) A child or nonminor dependent who has been adjudicated
15 as either a dependent, transition dependent, or ward of the juvenile
16 court pursuant to Section 300, 450, 601, or 602 and who would be
17 placed in a group home licensed by the department at a rate
18 classification level of 10 or higher, or commencing January 1,
19 2017, would be placed in a short-term residential treatment center.

20 (2) A child or nonminor dependent who is currently, or who
21 would be, placed in a group home licensed by the department at
22 a rate classification level of 10 or higher, or commencing January
23 1, 2017, would be placed in a short-term residential treatment
24 center.

25 (3) A child who is eligible for adoption assistance program
26 benefits when the responsible public agency has approved the
27 provision of wraparound services in lieu of out-of-home placement
28 care at a rate classification level of 10 or higher, or commencing
29 January 1, 2017, would be placed in a short-term residential
30 treatment center.

31 (d) “Wraparound services” means community-based intervention
32 services that emphasize the strengths of the child and family and
33 includes the delivery of coordinated, highly individualized
34 unconditional services to address needs and achieve positive
35 outcomes in their lives.

36 (e) “Service allocation slot” means a specified amount of funds
37 available to the county to pay for an individualized intensive
38 wraparound services package for an eligible child. A service
39 allocation slot may be used for more than one child on a successive
40 basis.

1 SEC. 118. Section 18254 of the Welfare and Institutions Code
2 is amended to read:

3 18254. (a) Rates for wraparound services, under the
4 wraparound services program, shall be based on the following
5 factors:

6 (1) The average cost of rate classification 10 to 11 in each
7 county, minus the cost of any concurrent out-of-home placement,
8 for children who are or would be placed in a rate level 10 or 11
9 group home.

10 (2) The average cost of rate classification 12 to 14 in each
11 county, minus the cost of any concurrent out-of-home placement,
12 for children who are or would be placed in a rate level 12 to 14
13 group home.

14 (b) (1) Prior to the 2011–12 fiscal year, the department shall
15 reimburse each county, for the purpose of providing intensive
16 wraparound services, up to 100 percent of the state share of
17 nonfederal funds, to be matched by each county’s share of cost as
18 established by law, and to the extent permitted by federal law, up
19 to 100 percent of the federal funds allocated for group home
20 placements of eligible children, at the rate authorized pursuant to
21 subdivision (a).

22 (2) Beginning in the 2011–12 fiscal year, and for each fiscal
23 year thereafter, funding and expenditures for programs and
24 activities under this section shall be in accordance with the
25 requirements provided in Sections 30025 and 30026.5 of the
26 Government Code.

27 (c) County, and to the extent permitted by federal law, federal,
28 foster care funds shall remain with the administrative authority of
29 the county, which may enter into an interagency agreement to
30 transfer those funds, and shall be used to provide intensive
31 wraparound services.

32 (d) Costs for the provision of benefits to eligible children, at
33 rates authorized by subdivision (a), through the wraparound
34 services program authorized by this chapter, shall not exceed the
35 costs which would otherwise have been incurred had the eligible
36 children been placed in a group home.

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

1 SEC. 119. Section 18254 is added to the Welfare and
2 Institutions Code, to read:

3 18254. (a) (1) Commencing January 1, 2017, the rate for
4 wraparound services, under the wraparound services program,
5 shall be eight thousand five hundred seventy-three dollars (\$8,573),
6 based on the average cost of rate classification levels 10.5 and 13
7 in effect for the 2014–15 fiscal year.

8 (2) The rate was determined by using the existing rates
9 determined for the 2014–15 fiscal year for rate classification levels
10 10.5 and 13.

11 (A) Combining and calculating the average of the two.

12 (B) Minus the cost of any concurrent out-of-home placement
13 for children who are or would be placed in a rate classification
14 level 10 to 11 and 12 to 14 group home, respectively.

15 (b) For each fiscal year, funding and expenditures for programs
16 and activities under this section shall be in accordance with the
17 requirements provided in Sections 30025 and 30026.5 of the
18 Government Code.

19 (c) County and federal foster care funds, to the extent permitted
20 by federal law, shall remain with the administrative authority of
21 the county, which may enter into an interagency agreement to
22 transfer those funds, and shall be used to provide intensive
23 wraparound services.

24 (d) Costs for the provision of benefits to eligible children, at
25 rates authorized by subdivision (a), through the wraparound
26 services program authorized by this chapter, shall not exceed the
27 costs that otherwise would have been incurred had the eligible
28 children been placed in a short-term residential treatment center.

29 (e) Commencing January 1, 2018, and each January 1 thereafter,
30 an annual cost-of-living increase shall be applied to the wraparound
31 rate, subject to the availability of county funds, equal to the
32 California Necessities Index used in the preparation of the May
33 Revision for the current fiscal year.

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

35 SEC. 120. Section 18987.72 of the Welfare and Institutions
36 Code is amended to read:

37 18987.72. (a) In order to obtain knowledge and experience
38 with which to inform the process of developing and implementing
39 the plan for residentially based services, required by Section
40 18987.7, the department shall encourage counties and private

1 nonprofit agencies to develop voluntary agreements to test
2 alternative program design and funding models for transforming
3 existing group home programs into residentially based services
4 programs in order to meet the diverse needs of children or youth
5 and families in the child welfare, juvenile justice, and mental health
6 systems.

7 (b) (1) With the approval of the department, any counties
8 participating in the federal Title IV-E waiver capped allocation
9 demonstration project pursuant to Section 18260, at their option,
10 and two other counties may enter into and implement voluntary
11 agreements with private nonprofit agencies to transform all or part
12 of an existing group home program into a residentially based
13 services program.

14 (2) If one or more counties participating in the federal Title
15 IV-E waiver capped allocation demonstration project opts not to
16 enter into a voluntary agreement pursuant to this chapter, the
17 department may select one or more nonwaiver counties. The
18 department may approve up to four counties to participate in the
19 voluntary agreements pursuant to this section.

20 (3) The department shall select participating counties, based on
21 letters of interest submitted to the department from counties, in
22 consultation with the California Alliance of Child and Family
23 Services and the County Welfare Directors Association.

24 (c) Voluntary agreements by counties and nonprofit agencies
25 shall satisfy all of the following requirements:

26 (1) Incorporate and address all of the components and elements
27 for residentially based services described in the “Framework for
28 a New System for Residentially-Based Services in California.”

29 (2) Reflect active collaboration among the private nonprofit
30 agency that will operate the residentially based services program
31 and county departments of social services, mental health, or
32 juvenile justice, alcohol and drug programs, county offices of
33 education, or other public entities, as appropriate, to ensure that
34 children, youth, and families receive the services and support
35 necessary to meet their needs.

36 (3) Provide for an annual evaluation report, to be prepared
37 jointly by the county and the private nonprofit agency. The
38 evaluation report shall include analyses of the outcomes for
39 children and youth, including achievement of permanency, average
40 lengths of stay, and rates of entry and reentry into group care. The

1 evaluation report shall also include analyses of the involvement
2 of children or youth and their families, client satisfaction, the use
3 of the program by the county, the operation of the program by the
4 private nonprofit agency, payments made to the private nonprofit
5 agency by the county, actual costs incurred by the nonprofit agency
6 for the operation of the program, and the impact of the program
7 on state and county AFDC-FC program costs. The county shall
8 send a copy of each annual evaluation report to the director, and
9 the director shall make these reports available to the Legislature
10 upon request.

11 (4) Permit amendments, modifications, and extensions of the
12 agreement to be made, with the mutual consent of both parties and
13 with approval of the department, based on the evaluations described
14 in paragraph (3), and on the experience and information acquired
15 from the implementation and the ongoing operation of the program.

16 (5) Be consistent with the county's system improvement plan
17 developed pursuant to the California Child Welfare Outcomes and
18 Accountability System.

19 (d) (1) Upon a county's request, the director may waive child
20 welfare regulations regarding the role of counties in conjunction
21 with private nonprofit agencies operating residentially based
22 services programs to enhance the development and implementation
23 of case plans and the delivery of services in order to enable a
24 county and a private nonprofit agency to implement an agreement
25 described in subdivision (b). Nothing in this section shall be
26 construed to supersede the requirements set forth in subdivision
27 (c) of Section 16501.

28 (2) Notwithstanding Sections 11460 and 11462, or any other
29 law or regulation governing payments under the AFDC-FC
30 program, upon the request of one or more counties, and in
31 accordance with the voluntary agreements as described in
32 subdivision (b), the director may also approve the use of up to a
33 total of five alternative funding models for determining the method
34 and level of payments that will be made under the AFDC-FC
35 program to private nonprofit agencies operating residentially based
36 services programs in lieu of using the rate classification levels and
37 schedule of standard rates provided for in Section 11462. These
38 alternative funding models may include, but shall not be limited
39 to, the use of cost reimbursement, case rates, per diem or monthly

1 rates, or a combination thereof. An alternative funding model shall
2 do all of the following:

3 (A) Support the values and goals for residentially based services,
4 including active child and family involvement, permanence,
5 collaborative decisionmaking, and outcome measurement.

6 (B) Ensure that quality care and effective services are delivered
7 to appropriate children or youth at a reasonable cost to the public.

8 (C) Ensure that payment levels are sufficient to permit the
9 private nonprofit agencies operating residentially based services
10 programs to provide care and supervision, social work activities,
11 parallel predischarge community-based interventions for families,
12 and followup postdischarge support and services for children and
13 their families, including the cost of hiring and retaining qualified
14 staff.

15 (D) Facilitate compliance with state requirements and the
16 attainment of federal and state performance objectives.

17 (E) Control overall program costs by providing incentives for
18 the private nonprofit agencies to use the most cost-effective
19 approaches for achieving positive outcomes for the children or
20 youth and their families.

21 (F) Facilitate the ability of the private nonprofit agencies to
22 access other available public sources of funding and services to
23 meet the needs of the children or youth placed in their residentially
24 based services programs, and the needs of their families.

25 (G) Enable the combination of various funding streams
26 necessary to meet the full range of services needed by foster
27 children or youth in residentially based services programs, with
28 particular reference to funding for mental health treatment services
29 through the Medi-Cal Early and Periodic Screening, Diagnosis,
30 and Treatment program.

31 (H) Maximize federal financial participation, and mitigate the
32 loss of federal funds, while ensuring the effective delivery of
33 services to children or youth and families, and the achievement of
34 positive outcomes.

35 (I) Provide for effective administrative oversight and
36 enforcement mechanisms in order to ensure programmatic and
37 fiscal accountability.

38 (3) A waiver granted by the director pursuant to paragraph (1),
39 or an approval of an alternative funding model pursuant to
40 paragraph (2), shall be applicable only to the development,

1 implementation, and ongoing operation of a residentially based
2 services program and related county activities provided under the
3 terms of the agreement and for the duration of the agreement, and
4 shall be granted only when all of the following apply:

5 (A) The agreement promises to offer a worthwhile test related
6 to the development, implementation, and ongoing operation of a
7 residentially based services program as described in this chapter.

8 (B) Existing regulatory provisions or the existing AFDC-FC
9 payment requirements, or both, impose barriers for the effective,
10 efficient, and timely implementation of the agreement.

11 (C) The requesting county proposes to monitor the agreement
12 for compliance with the terms of the waiver or the alternative
13 funding model, or both.

14 (D) Notwithstanding any change to payments made to group
15 homes under Section 11462, the department may pay higher
16 AFDC-FC payments for children and youth who are enrolled in a
17 residentially based services program, to be offset by cost
18 efficiencies achieved through shorter lengths of stay in foster care,
19 or a reduction of reentries into foster care, as a result of providing
20 pre-discharge support and post-discharge services to the children or
21 youth and their families. Any upfront costs for this project shall
22 be offset by other program savings identified by the department,
23 to ensure that there are no net General Fund costs in each fiscal
24 year.

25 (e) In addition to the requirements set forth in subdivision (c),
26 the voluntary agreements shall do all of the following:

27 (1) Provide that, to the extent that some of the care, services,
28 and other activities associated with a residentially based services
29 program operated under an agreement described in subdivision
30 (b) are not eligible for federal financial participation as foster care
31 maintenance payments under Part E (commencing with Section
32 470) of Title IV of the federal Social Security Act (42 U.S.C. Sec.
33 670 et seq.), but may be eligible for federal financial participation
34 as administration or training, or may be eligible for federal financial
35 participation under other programs, including, but not limited to,
36 Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396
37 et seq.), the appropriate state departments shall take measures to
38 obtain that federal funding.

39 (2) Provide that, prior to approving any waiver or alternative
40 funding model pursuant to subdivision (d), the director shall make

1 a determination that the design of the residentially based services
2 program to be operated under the agreement described in
3 subdivision (b) would ensure the health and safety of children or
4 youth to be served.

5 (f) Agreements entered into pursuant to this section shall
6 terminate on or before January 1, 2017, or may be extended until
7 January 1, 2019, upon approval by the department, on a
8 case-by-case basis, unless a later enacted statute extends or removes
9 this limitation.

10 (g) The department shall report during the legislative budget
11 hearings on the status of any county agreements entered into
12 pursuant to subdivision (b), and on the development of statewide
13 residentially based services programs. This report shall be
14 submitted with the recommendations made pursuant to Section
15 11461.2.

16 SEC. 121. Notwithstanding the provisions of this act, on and
17 after January 1, 2017, facilities with licensed capacity of 184 that
18 were in operation prior to January 1, 2015, that offer placements
19 for the purpose of attending an onsite high school, may continue
20 to operate under an appropriate licensing category determined by
21 the State Department of Social Services as long as those facilities
22 submit to the department a transition plan describing how the
23 program will comply with the provisions of this act, pursuant to a
24 timeframe to be determined with the department.

25 SEC. 122. The State Department of Social Services, State
26 Department of Education, and special education local plan area
27 (SELPA) directors shall work together to address the funding
28 formula currently based in part on the State Department of Social
29 Services rate classification level system. The rate classification
30 level for group homes set by the State Department of Social
31 Services shall sunset pursuant to this act. Section 56836.165 of
32 the Education Code takes into account the rate classification level
33 in Section 11462 of the Welfare and Institutions Code in setting
34 its severity rating for purposes of its bed allowances. Prior to the
35 sunset of the rate classification level, the departments and SELPA
36 directors shall work together to develop an alternative basis for its
37 bed allowance formula.

38 SEC. 123. (a) The State Department of Social Services and
39 the State Department of Health Care Services shall adopt
40 regulations as required to implement the provisions of this act.

1 (b) 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 departments identified in subdivision (a) may implement
5 and administer the changes made by this act through all-county
6 letters or similar written instructions until regulations are adopted.

7 SEC. 124. The State Department of Social Services shall
8 provide periodic progress updates to the Legislature on the
9 implementation of this act.

10 SEC. 125. The State Department of Social Services shall work
11 with counties that operate shelters, probation agencies, homeless
12 shelter providers, residential education providers, and others as
13 determined by the department to identify jointly developed
14 alternative timeframes or criteria to be met in order to address the
15 unique circumstances and needs of the populations they serve,
16 while remaining consistent with the principles of this act.

17 SEC. 126. (a) In order to accomplish the goals set forth in this
18 act, the State Department of Social Services shall work with
19 stakeholders, including other state departments, such as the State
20 Department of Health Care Services, legislative staff, counties,
21 and advocates, to address critical issues in the initial and ongoing
22 implementation of this act. This work with stakeholders shall
23 include the development of timelines and key milestones for
24 implementation of this act, including a process to monitor progress.
25 This work shall also include, but not be limited to, the identification
26 of major implementation tasks and action steps, monitoring
27 achievements, and developing recommendations for addressing
28 issues that arise during implementation. The department, in
29 consultation with the stakeholder groups, shall measure and track
30 changes in the numbers of out-of-home placements that are
31 available to county placing agencies, including the geographic
32 distribution of providers. The State Department of Health Care
33 Services and the State Department of Social Services, as
34 appropriate, shall also measure and track, in consultation with
35 stakeholders, the availability and utilization of services, including,
36 but not limited to, medical and behavioral health and child welfare
37 services for children in out-of-home placements.

38 (b) The stakeholder process described in subdivision (a) may
39 include the convening of a large workgroup or smaller workgroups

1 that would address specific subject areas that may include, but are
2 not limited to, the following:

3 (1) Rate development for short-term residential treatment
4 centers, foster family agencies, and other caregivers across the
5 continuum of care.

6 (2) Assessments.

7 (3) Retention and recruitment of home-based family caregivers.

8 (4) Availability of core services, including specialty mental
9 health services, across placement types.

10 (5) Meeting the needs of special populations within the child
11 welfare system.

12 (6) The mental health certification process.

13 (7) Simplification of the licensure and approval process for
14 resource families.

15 (8) Outcomes, accountability measures, and data collection.

16 SEC. 127. The Legislature finds and declares that this act,
17 which adds Section 16519.55 to the Welfare and Institutions Code,
18 imposes a limitation on the public’s right of access to the meetings
19 of public bodies or the writings of public officials and agencies
20 within the meaning of Section 3 of Article I of the California
21 Constitution. Pursuant to that constitutional provision, the
22 Legislature makes the following findings to demonstrate the interest
23 protected by this limitation and the need for protecting that interest:

24 In order to encourage the recruitment of resource families, to
25 protect their personal privacy, and to preserve the security of
26 confidentiality of the placements with resource families, it is
27 necessary that the names, addresses, and other identifying
28 information of resource families not be disclosed by any state or
29 local agency pursuant to the California Public Records Act
30 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
31 Title 1 of the Government Code), except as necessary for
32 administering the resource family approval program, facilitating
33 the placement of children with resource families, and providing
34 names and addresses only to bona fide professional foster parent
35 organizations upon request.

36 ~~SEC. 128. Except as required by Section 36 of Article XIII of~~
37 ~~the California Constitution, no reimbursement is required by this~~
38 ~~act pursuant to Section 6 of Article XIII B of the California~~
39 ~~Constitution for certain costs because, in that regard, this act~~
40 ~~implements a federal law or regulation and results in costs~~

1 mandated by the federal government, within the meaning of Section
2 17556 of the Government Code.

3 No reimbursement is required by this act pursuant to Section 6
4 of Article XIII B of the California Constitution for certain costs
5 that may be incurred by a local agency or school district because,
6 in that regard, this act creates a new crime or infraction, eliminates
7 a crime or infraction, or changes the penalty for a crime or
8 infraction, within the meaning of Section 17556 of the Government
9 Code, or changes the definition of a crime within the meaning of
10 Section 6 of Article XIII B of the California Constitution.

11 With regard to other costs, to the extent that this act has an
12 overall effect of increasing the costs already borne by a local
13 agency for programs or levels of service mandated by the 2011
14 Realignment Legislation within the meaning of Section 36 of
15 Article XIII of the California Constitution, it shall apply to local
16 agencies only to the extent that the state provides annual funding
17 for the cost increase. Any new program or higher level of service
18 provided by a local agency pursuant to this act above the level for
19 which funding has been provided shall not require a subvention
20 of funds by the state nor otherwise be subject to Section 6 of Article
21 XIII B of the California Constitution.

22 *SEC. 128. (a) Section 6.5 of this bill incorporates amendments*
23 *to Section 1502 of the Health and Safety Code proposed by both*
24 *this bill and Senate Bill 524. It shall only become operative if (1)*
25 *both bills are enacted and become effective on or before January*
26 *1, 2016, (2) each bill amends Section 1502 of the Health and Safety*
27 *Code, and (3) this bill is enacted after Senate Bill 524, in which*
28 *case Section 6 of this bill shall not become operative.*

29 *(b) Section 18.5 of this bill incorporates amendments to Section*
30 *1522.41 of the Health and Safety Code proposed by both this bill*
31 *and Senate Bill 238. It shall only become operative if (1) both bills*
32 *are enacted and become effective on or before January 1, 2016,*
33 *(2) each bill amends Section 1522.41 of the Health and Safety*
34 *Code, and (3) this bill is enacted after Senate Bill 238, in which*
35 *case Section 18 of this bill shall not become operative.*

36 *(c) Sections 23.5 and 24.5 of this bill incorporate statutory*
37 *changes to Section 1529.2 of the Health and Safety Code proposed*
38 *by both this bill and Senate Bill 238. They shall only become*
39 *operative if (1) both bills are enacted and become effective on or*
40 *before January 1, 2016, (2) each bill makes changes to Section*

1 1529.2 of the Health and Safety Code, and (3) this bill is enacted
2 after Senate Bill 238, in which case Sections 23 and 24 of this bill
3 shall not become operative.

4 (d) Section 31.5 of this bill incorporates amendments to Section
5 1536 of the Health and Safety Code proposed by both this bill and
6 Senate Bill 484. It shall only become operative if (1) both bills are
7 enacted and become effective on or before January 1, 2016, (2)
8 each bill amends Section 1536 of the Health and Safety Code, and
9 (3) this bill is enacted after Senate Bill 484, in which case Section
10 31 of this bill shall not become operative.

11 (e) Section 36.5 of this bill incorporates amendments to Section
12 1548 of the Health and Safety Code proposed by both this bill and
13 Assembly Bill 1387. It shall only become operative if (1) both bills
14 are enacted and become effective on or before January 1, 2016,
15 (2) each bill amends Section 1548 of the Health and Safety Code,
16 and (3) this bill is enacted after Assembly Bill 1387, in which case
17 Section 36 of this bill shall not become operative.

18 (f) Section 49.5 of this bill incorporates amendments to Section
19 706.6 of the Welfare and Institutions Code proposed by both this
20 bill and Senate Bill 794. It shall only become operative if (1) both
21 bills are enacted and become effective on or before January 1,
22 2016, (2) each bill amends Section 706.6 of the Welfare and
23 Institutions Code, and (3) this bill is enacted after Senate Bill 794,
24 in which case Section 49 of this bill shall not become operative.

25 (g)(1) Section 106.1 of this bill incorporates amendments to
26 Section 16003 of the Welfare and Institutions Code proposed by
27 both this bill and Senate Bill 238. It shall only become operative
28 if (1) both bills are enacted and become effective on or before
29 January 1, 2016, (2) each bill amends Section 16003 of the Welfare
30 and Institutions Code, and (3) Senate Bill 794 is not enacted or
31 as enacted does not amend that section, and (4) this bill is enacted
32 after Senate Bill 238, in which case Sections 106, 106.2, and 106.3
33 of this bill shall not become operative.

34 (2) Section 106.2 of this bill incorporates amendments to Section
35 16003 of the Welfare and Institutions Code proposed by both this
36 bill and Senate Bill 794. It shall only become operative if (1) both
37 bills are enacted and become effective on or before January 1,
38 2016, (2) each bill amends Section 16003 of the Welfare and
39 Institutions Code, (3) Senate Bill 238 is not enacted or as enacted
40 does not amend that section, and (4) this bill is enacted after Senate

1 *Bill 794 in which case Sections 106, 106.1 and 106.3 of this bill*
2 *shall not become operative.*

3 *(3) Section 106.3 of this bill incorporates amendments to Section*
4 *16003 of the Welfare and Institutions Code proposed by this bill,*
5 *Senate Bill 238, and Senate Bill 794. It shall only become operative*
6 *if (1) all three bills are enacted and become effective on or before*
7 *January 1, 2016, (2) each bill amends Section 16003 of the Welfare*
8 *and Institutions Code, and (3) this bill is enacted after Senate Bill*
9 *238 and Senate Bill 794, in which case Sections 106, 106.1, and*
10 *106.2 of this bill shall not become operative.*

11 *(h) Section 108.5 of this bill incorporates amendments to Section*
12 *16501 of the Welfare and Institutions Code proposed by both this*
13 *bill and Senate Bill 794. It shall only become operative if (1) both*
14 *bills are enacted and become effective on or before January 1,*
15 *2016, (2) each bill amends Section 16501 of the Welfare and*
16 *Institutions Code, and (3) this bill is enacted after Senate Bill 794,*
17 *in which case Section 108 of this bill shall not become operative.*

18 *(i) Section 109.5 of this bill incorporates amendments to Section*
19 *16501.1 of the Welfare and Institutions Code proposed by both*
20 *this bill and Senate Bill 794. It shall only become operative if (1)*
21 *both bills are enacted and become effective on or before January*
22 *1, 2016, (2) each bill amends Section 16501.1 of the Welfare and*
23 *Institutions Code, and (3) this bill is enacted after Senate Bill 794,*
24 *in which case Section 109 of this bill shall not become operative.*

25 *SEC. 129. (a) To the extent that this act has an overall effect*
26 *of increasing the costs already borne by a local agency for*
27 *programs or levels of service mandated by the 2011 Realignment*
28 *Legislation, Section 36 of Article XIII of the California Constitution*
29 *shall govern this act's application to local agencies and the state's*
30 *funding of those programs or levels of service.*

31 *(b) However, if the Commission on State Mandates determines*
32 *that this act contains other costs mandated by the state for*
33 *programs or levels of service not described in subdivision (a),*
34 *reimbursement to local agencies and school districts for those*
35 *costs shall be made pursuant to Part 7 (commencing with Section*
36 *17500) of Division 4 of Title 2 of the Government Code.*

O