

AMENDED IN SENATE JULY 16, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 423

Introduced by Assembly Member Cooley

February 19, 2015

An act to amend Sections 309, 361.45, 11450, 11461.3, 11465, and 11477.02 of, and to add Section 13758 to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 423, as amended, Cooley. CalWORKs: relative caregivers.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Existing law specifies the amounts of cash aid to be paid each month to CalWORKs recipients.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Under existing law, a child who is placed in the approved home of a relative is eligible for AFDC-FC if he or she is eligible for federal financial participation in the AFDC-FC payment, as specified. Existing law establishes the Approved Relative Caregiver Funding Option Program in counties choosing to participate, for the purpose of making the amount paid to relative caregivers for the in-home care of

children placed with them who are ineligible for AFDC-FC payments equal to the amount paid on behalf of children who are eligible for AFDC-FC payments.

This bill would revise provisions of the Approved Relative Caregiver Funding Option Program to, among other things, authorize a relative caregiver to receive payments on behalf of a child pursuant to the program, regardless of whether the child resides, or will be residing, outside of the participating county pursuant to his or her placement. The bill would establish procedures for the distribution of payments to relative caregivers, as specified. The bill would also require that an infant supplement, as specified, be paid under the CalWORKs program and the Approved Relative Caregiver Funding Option Program to a teen parent who is placed with his or her child in the home of a relative caregiver and is the subject of a voluntary placement agreement or subject to the jurisdiction of the juvenile court, as provided.

Under existing law, if the county welfare department places a child who is in temporary custody or subject to the jurisdiction of the juvenile court with a relative or nonrelative extended family member, as defined, the county is required to evaluate and approve or deny the home for purposes of AFDC-FC eligibility.

This bill would instead require the county, immediately following the placement of a child in the home of a relative, to initiate an application for CalWORKs on behalf of the ~~child~~ *child using a shortened CalWORKs application and simplified CalWORKs eligibility standards*. The bill would require the county, concurrently with initiating the application for CalWORKs, to evaluate and approve or deny the home for purposes of AFDC-FC eligibility, and, if the child is found to be ineligible for AFDC-FC, would require the placing agency to initiate and complete the applications for, and determine eligibility for, the Approved Relative Caregiver Funding Option Program, as specified, and screen the child for eligibility for the federal Supplemental Security Income program. The bill would also require the county social worker or eligibility worker to explain to the relative, either in person or by telephone, the eligibility requirements and benefit amounts for the AFDC-FC and CalWORKs programs, and the Approved Relative Caregiver Funding Option Program if the county has opted into the program, as well as any actions the relative could take to affect the child's eligibility for those programs. By requiring county employees to provide these services, the bill would impose a state-mandated local program.

Existing law requires that every youth who is in foster care and nearing emancipation be screened by the county for potential eligibility for the federal Supplemental Security Income (SSI) program.

This bill would require that every youth who is in foster care and has been determined to be ineligible for AFDC-FC benefits be screened by the county for potential eligibility for the SSI program. By imposing this additional duty on counties, the bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

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. Section 309 of the Welfare and Institutions Code
2 is amended to read:
3 309. (a) Upon delivery to the social worker of a child who has
4 been taken into temporary custody under this article, the social
5 worker shall immediately investigate the circumstances of the child
6 and the facts surrounding the child's being taken into custody and
7 attempt to maintain the child with the child's family through the
8 provision of services. The social worker shall immediately release
9 the child to the custody of the child's parent, guardian, or
10 responsible relative, regardless of the parent's, guardian's, or
11 relative's immigration status, unless one or more of the following
12 conditions exist:

1 (1) The child has no parent, guardian, or responsible relative;
2 or the child’s parent, guardian, or responsible relative is not willing
3 to provide care for the child.

4 (2) Continued detention of the child is a matter of immediate
5 and urgent necessity for the protection of the child and there are
6 no reasonable means by which the child can be protected in his or
7 her home or the home of a responsible relative.

8 (3) There is substantial evidence that a parent, guardian, or
9 custodian of the child is likely to flee the jurisdiction of the court.

10 (4) The child has left a placement in which he or she was placed
11 by the juvenile court.

12 (5) The parent or other person having lawful custody of the
13 child voluntarily surrendered physical custody of the child pursuant
14 to Section 1255.7 of the Health and Safety Code and did not
15 reclaim the child within the 14-day period specified in subdivision
16 (g) of that section.

17 (b) In any case in which there is reasonable cause for believing
18 that a child who is under the care of a physician and surgeon or a
19 hospital, clinic, or other medical facility and cannot be immediately
20 moved and is a person described in Section 300, the child shall be
21 deemed to have been taken into temporary custody and delivered
22 to the social worker for the purposes of this chapter while the child
23 is at the office of the physician and surgeon or the medical facility.

24 (c) If the child is not released to his or her parent or guardian,
25 the child shall be deemed detained for purposes of this chapter.

26 (d) (1) If an able and willing relative, as defined in Section 319,
27 or an able and willing nonrelative extended family member, as
28 defined in Section 362.7, is available and requests temporary
29 placement of the child pending the detention hearing, or after the
30 detention hearing and pending the dispositional hearing conducted
31 pursuant to Section 358, the county welfare department shall
32 initiate an assessment of the relative’s or nonrelative extended
33 family member’s suitability, which shall include an in-home
34 inspection to assess the safety of the home and the ability of the
35 relative or nonrelative extended family member to care for the
36 child’s needs, and a consideration of the results of a criminal
37 records check conducted pursuant to subdivision (a) of Section
38 16504.5 and a check of allegations of prior child abuse or neglect
39 concerning the relative or nonrelative extended family member
40 and other adults in the home. A relative’s identification card from

1 a foreign consulate or foreign passport shall be considered a valid
2 form of identification for conducting a criminal records check and
3 fingerprint clearance check under this subdivision. Upon
4 completion of this assessment, the child may be placed in the
5 assessed home. For purposes of this paragraph, and except for the
6 criminal records check conducted pursuant to subdivision (a) of
7 Section 16504.5, the standards used to determine suitability shall
8 be the same standards set forth in the regulations for the licensing
9 of foster family homes.

10 (2) (A) Immediately following the placement of a child in the
11 home of a relative, the county shall initiate an application for
12 CalWORKs pursuant to Article 2 (commencing with Section
13 11250) on behalf of the child in order to ensure that the child
14 receives funding while eligibility determinations for other benefits
15 are pending. *The county shall utilize the shortened CalWORKs*
16 *application and simplified CalWORKs eligibility standards that*
17 *pertain to determining a foster child's CalWORKs eligibility*
18 *pursuant to Sections 11253.4 and 11461.3. The application date*
19 *for CalWORKs and the beginning date of aid shall be the date the*
20 *child was placed with the relative.* If the relative caregiver is also
21 needy, the relative caregiver shall be responsible for applying for
22 CalWORKs benefits to cover his or her own needs.

23 (B) Concurrently with initiating the application for CalWORKs
24 pursuant to this paragraph, the county welfare department shall
25 also evaluate and approve or deny the home for purposes of
26 AFDC-FC eligibility pursuant to Section 11402. The placing
27 agency shall initiate the application for AFDC-FC and determine
28 eligibility. If the child is found to be ineligible for AFDC-FC, the
29 county shall initiate and complete the application for, and determine
30 eligibility for, the Approved Relative Caregiver Funding Option
31 Program if the child is placed with a relative and the county has
32 opted into the program pursuant to Section 11461.3. *If an*
33 *application was submitted for purposes of determining CalWORKs*
34 *eligibility pursuant to subparagraph (A) that contains all necessary*
35 *information to determine eligibility for the Approved Relative*
36 *Caregiver Funding Option Program, a new application need not*
37 *be initiated for purposes of complying with this subparagraph.*
38 *The beginning date of aid for the approved relative caregiver*
39 *funding shall be either the date of placement or the date of*
40 *approval of the home pursuant to this paragraph, whichever is*

1 later, but shall not be later than 30 days after the date of placement
 2 unless the county documents the need for additional time to
 3 complete the home approval process because of a need to obtain
 4 additional records or documentation to determine whether a
 5 criminal conviction can be waived, or because of another, similar
 6 circumstance. If additional time is necessary, the beginning date
 7 of aid for the Approved Relative Caregiver Funding Option
 8 Program shall be the date of approval of the home, but shall not
 9 be any later than 120 days after the date of placement. If the child
 10 is transferring from CalWORKs to the Approved Relative Caregiver
 11 Funding Option Program, but remains in the home of the same
 12 relative caregiver, the effective date of program transfer is the
 13 first of the month following the request to change programs.

14 (C) If the county determines that the child is not eligible for
 15 AFDC-FC benefits, the county welfare department shall explain
 16 the specific basis for this determination and shall screen the child
 17 for eligibility for the federal Supplemental Security Income
 18 program in accordance with Section 13758. ~~The application date~~
 19 ~~for CalWORKs for the child shall be the date the child was placed~~
 20 ~~with the relative.~~

21 (3) The standards used to evaluate and grant or deny approval
 22 of the home of the relative and of the home of a nonrelative
 23 extended family member, as described in Section 362.7, shall be
 24 the same standards set forth in regulations for the licensing of
 25 foster family homes which prescribe standards of safety and
 26 sanitation for the physical plant and standards for basic personal
 27 care, supervision, and services provided by the caregiver.

28 (4) To the extent allowed by federal law, as a condition of
 29 receiving funding under Title IV-E of the federal Social Security
 30 Act (42 U.S.C. Sec. 670 et seq.), if a relative or nonrelative
 31 extended family member meets all other conditions for approval,
 32 except for the receipt of the Federal Bureau of Investigation's
 33 criminal history information for the relative or nonrelative extended
 34 family member, and other adults in the home, as indicated, the
 35 county welfare department may approve the home and document
 36 that approval, if the relative or nonrelative extended family
 37 member, and each adult in the home, has signed and submitted a
 38 statement that he or she has never been convicted of a crime in the
 39 United States, other than a traffic infraction as defined in paragraph
 40 (1) of subdivision (a) of Section 42001 of the Vehicle Code. If,

1 after the approval has been granted, the department determines
2 that the relative or nonrelative extended family member or other
3 adult in the home has a criminal record, the approval may be
4 terminated.

5 (5) If the criminal records check indicates that the person has
6 been convicted of a crime for which the Director of Social Services
7 cannot grant an exemption under Section 1522 of the Health and
8 Safety Code, the child shall not be placed in the home. If the
9 criminal records check indicates that the person has been convicted
10 of a crime for which the Director of Social Services may grant an
11 exemption under Section 1522 of the Health and Safety Code, the
12 child shall not be placed in the home unless a criminal records
13 exemption has been granted by the county based on substantial
14 and convincing evidence to support a reasonable belief that the
15 person with the criminal conviction is of such good character as
16 to justify the placement and not present a risk of harm to the child.

17 (e) (1) If the child is removed, the social worker shall conduct,
18 within 30 days, an investigation in order to identify and locate all
19 grandparents, adult siblings, and other adult relatives of the child,
20 as defined in paragraph (2) of subdivision (f) of Section 319,
21 including any other adult relatives suggested by the parents. The
22 social worker shall provide to all adult relatives who are located,
23 except when that relative's history of family or domestic violence
24 makes notification inappropriate, within 30 days of removal of the
25 child, written notification and shall also, whenever appropriate,
26 provide oral notification, in person or by telephone, of all the
27 following information:

28 (A) The child has been removed from the custody of his or her
29 parent or parents, or his or her guardians.

30 (B) An explanation of the various options to participate in the
31 care and placement of the child and support for the child's family,
32 including any options that may be lost by failing to respond. The
33 notice shall provide information about providing care for the child
34 while the family receives reunification services with the goal of
35 returning the child to the parent or guardian, how to become a
36 foster family home or approved relative or nonrelative extended
37 family member as defined in Section 362.7, and additional services
38 and support that are available in out-of-home placements. The
39 notice shall also include information regarding the Kin-GAP
40 Program (Article 4.5 (commencing with Section 11360) of Chapter

1 2 of Part 3 of Division 9), the CalWORKs program for approved
2 relative caregivers (Chapter 2 (commencing with Section 11200)
3 of Part 3 of Division 9), the Approved Relative Caregiver Funding
4 Option Program if the county has opted into the program under
5 Section 11461.3, adoption, and adoption assistance (Chapter 2.1
6 (commencing with Section 16115) of Part 4 of Division 9), as well
7 as other options for contact with the child, including, but not
8 limited to, visitation. The State Department of Social Services, in
9 consultation with the County Welfare Directors Association of
10 California and other interested stakeholders, shall develop the
11 written notice.

12 (2) The social worker shall also provide the adult relatives
13 notified pursuant to paragraph (1) with a relative information form
14 to provide information to the social worker and the court regarding
15 the needs of the child. The form shall include a provision whereby
16 the relative may request the permission of the court to address the
17 court, if the relative so chooses. The Judicial Council, in
18 consultation with the State Department of Social Services and the
19 County Welfare Directors Association of California, shall develop
20 the form.

21 (3) The social worker shall use due diligence in investigating
22 the names and locations of the relatives pursuant to paragraph (1),
23 including, but not limited to, asking the child in an age-appropriate
24 manner about relatives important to the child, consistent with the
25 child's best interest, and obtaining information regarding the
26 location of the child's adult relatives. Each county welfare
27 department shall create and make public a procedure by which
28 relatives of a child who has been removed from his or her parents
29 or guardians may identify themselves to the county welfare
30 department and be provided with the notices required by paragraphs
31 (1) and (2).

32 (f) In addition to the notice required by subdivision (e), if a
33 relative requests placement of the child, the county social worker
34 or eligibility worker shall explain to the relative, either in person
35 or by telephone, the eligibility requirements and benefit amounts
36 for the AFDC-FC and CalWORKs programs, and the Approved
37 Relative Caregiver Funding Option Program if the county has
38 opted into the program under Section 11461.3, as well as any
39 actions the relative could take to affect the child's eligibility for
40 those programs.

1 SEC. 2. Section 361.45 of the Welfare and Institutions Code
2 is amended to read:

3 361.45. (a) Notwithstanding any other law, when the sudden
4 unavailability of a foster caregiver requires a change in placement
5 on an emergency basis for a child who is under the jurisdiction of
6 the juvenile court pursuant to Section 300, if an able and willing
7 relative, as defined in Section 319, or an able and willing
8 nonrelative extended family member, as defined in Section 362.7,
9 is available and requests temporary placement of the child pending
10 resolution of the emergency situation, the county welfare
11 department shall initiate an assessment of the relative's or
12 nonrelative extended family member's suitability, which shall
13 include an in-home inspection to assess the safety of the home and
14 the ability of the relative or nonrelative extended family member
15 to care for the child's needs, and a consideration of the results of
16 a criminal records check conducted pursuant to Section 16504.5
17 and a check of allegations of prior child abuse or neglect
18 concerning the relative or nonrelative extended family member
19 and other adults in the home. Upon completion of this assessment,
20 the child may be placed in the assessed home. For purposes of this
21 paragraph, and except for the criminal records check conducted
22 pursuant to Section 16504.5, the standards used to determine
23 suitability shall be the same standards set forth in the regulations
24 for the licensing of foster family homes.

25 (b) (1) Immediately following the placement of a child in the
26 home of a relative, the county shall initiate an application for
27 CalWORKs pursuant to Article 2 (commencing with Section
28 11250) on behalf of the child in order to ensure that the child
29 receives funding while eligibility determinations for other benefits
30 are pending. *The county shall utilize the shortened CalWORKs*
31 *application and simplified CalWORKs eligibility standards that*
32 *pertain to determining a foster child's CalWORKs eligibility*
33 *pursuant to Sections 11253.4 and 11461.3. The application date*
34 *for CalWORKs and the beginning date of aid shall be the date the*
35 *child was placed with the relative. If the relative caregiver is also*
36 *needy, the relative caregiver shall be responsible for applying for*
37 *CalWORKs benefits to cover his or her own needs.*

38 (2) Concurrently with initiating the application for CalWORKs
39 pursuant to this subdivision, the county welfare department shall
40 also evaluate and approve or deny the home for purposes of

1 AFDC-FC eligibility pursuant to Section 11402. The placing
2 agency shall initiate the application for AFDC-FC and determine
3 eligibility. If the child is found to be ineligible for AFDC-FC, the
4 county shall initiate and complete the application for, and determine
5 eligibility for, the Approved Relative Caregiver Funding Option
6 Program if the child is placed with a relative and the county has
7 opted into the program pursuant to Section 11461.3. *If an*
8 *application was submitted for purposes of determining CalWORKs*
9 *eligibility pursuant to subparagraph (A) that contains all necessary*
10 *information to determine eligibility for the Approved Relative*
11 *Caregiver Funding Option Program, a new application need not*
12 *be initiated for purposes of complying with this subparagraph.*
13 *The beginning date of aid for the approved relative caregiver*
14 *funding shall be either the date of placement or the date of*
15 *approval of the home pursuant to paragraph (2) of subdivision (d)*
16 *of Section 309, whichever is later, but shall not be later than 30*
17 *days after the date of placement unless the county documents the*
18 *need for additional time to complete the home approval process*
19 *because of a need to obtain additional records or documentation*
20 *to determine whether a criminal conviction can be waived, or*
21 *because of another, similar circumstance. If additional time is*
22 *necessary, the beginning date of aid for the Approved Relative*
23 *Caregiver Funding Option Program shall be the date of approval*
24 *of the home, but shall not be any later than 120 days after the date*
25 *of placement. If the child is transferring from CalWORKs to the*
26 *Approved Relative Caregiver Funding Option Program, but*
27 *remains in the home of the same relative caregiver, the effective*
28 *date of program transfer is the first of the month following the*
29 *request to change programs.*

30 (3) If the county determines that the child is not eligible for
31 AFDC-FC benefits, the county welfare department shall explain
32 the specific basis for this determination and shall screen the child
33 for eligibility for the federal Supplemental Security Income
34 program in accordance with Section 13758. ~~The application date~~
35 ~~for CalWORKs for the child shall be the date the child was placed~~
36 ~~with the relative.~~

37 (c) The standards used to evaluate and grant or deny approval
38 of the home of the relative and of the home of a nonrelative
39 extended family member, as described in Section 362.7, shall be
40 the same standards set forth in regulations for the licensing of

1 foster family homes which prescribe standards of safety and
2 sanitation for the physical plant and standards for basic personal
3 care, supervision, and services provided by the caregiver.

4 (d) If a relative or nonrelative extended family member, and
5 other adults in the home, as indicated, meets all other conditions
6 for approval, except for the receipt of the Federal Bureau of
7 Investigation's criminal history information for the relative or
8 nonrelative extended family member, the county welfare
9 department may approve the home and document that approval,
10 if the relative or nonrelative extended family member, and each
11 adult in the home, has signed and submitted a statement that he or
12 she has never been convicted of a crime in the United States, other
13 than a traffic infraction as defined in paragraph (1) of subdivision
14 (a) of Section 42001 of the Vehicle Code. If, after the approval
15 has been granted, the department determines that the relative or
16 nonrelative extended family member or other adult in the home
17 has a criminal record, the approval may be terminated.

18 (e) (1) If a nonminor dependent, as defined in subdivision (v)
19 of Section 11400, is placed in the home of a relative or nonrelative
20 extended family member, the home shall be approved using the
21 same standards set forth in regulations as described in Section
22 1502.7 of the Health and Safety Code.

23 (2) The department, in consultation with representatives of the
24 Legislature, the County Welfare Directors Association, the Chief
25 Probation Officers of California, the California Youth Connection,
26 the Judicial Council, former foster youth, child advocacy
27 organizations, dependency counsel for children, juvenile justice
28 advocacy organizations, foster caregiver organizations, labor
29 organizations, and representatives of Indian tribes, shall revise
30 regulations regarding health and safety standards for approving
31 relative homes in which nonminor dependents, as defined in
32 subdivision (v) of Section 11400, of the juvenile court are placed
33 under the responsibility of the county welfare or probation
34 department, or an Indian tribe that entered into an agreement
35 pursuant to Section 10553.1.

36 (3) Notwithstanding the Administrative Procedure Act (Chapter
37 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
38 Title 2 of the Government Code), the department, in consultation
39 with the stakeholders listed in paragraph (2), shall prepare for
40 implementation of the applicable provisions of this section by

1 publishing all-county letters or similar instructions from the director
2 by October 1, 2011, to be effective January 1, 2012. Emergency
3 regulations to implement this section may be adopted by the
4 director in accordance with the Administrative Procedure Act. The
5 initial adoption of the emergency regulations and one re-adoption
6 of the initial regulations shall be deemed to be an emergency and
7 necessary for the immediate preservation of the public peace,
8 health, safety, or general welfare. Initial emergency regulations
9 and the first re-adoption of those emergency regulations shall be
10 exempt from review by the Office of Administrative Law. The
11 emergency regulations authorized by this section shall be submitted
12 to the Office of Administrative Law for filing with the Secretary
13 of State and shall remain in effect for no more than 180 days.

14 SEC. 3. Section 11450 of the Welfare and Institutions Code,
15 as added by Section 4 of Chapter 632 of the Statutes of 2014, is
16 amended to read:

17 11450. (a) (1) (A) Aid shall be paid for each needy family,
18 which shall include all eligible brothers and sisters of each eligible
19 applicant or recipient child and the parents of the children, but
20 shall not include unborn children, or recipients of aid under Chapter
21 3 (commencing with Section 12000), qualified for aid under this
22 chapter. In determining the amount of aid paid, and notwithstanding
23 the minimum basic standards of adequate care specified in Section
24 11452, the family's income, exclusive of any amounts considered
25 exempt as income or paid pursuant to subdivision (e) or Section
26 11453.1, determined for the prospective semiannual period
27 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then
28 calculated pursuant to Section 11451.5, shall be deducted from
29 the sum specified in the following table, as adjusted for
30 cost-of-living increases pursuant to Section 11453 and paragraph
31 (2). In no case shall the amount of aid paid for each month exceed
32 the sum specified in the following table, as adjusted for
33 cost-of-living increases pursuant to Section 11453 and paragraph
34 (2), plus any special needs, as specified in subdivisions (c), (e),
35 (f), and (g):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

(B) If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of Section 11453.05, and no further reduction shall be made pursuant to that section.

(b) (1) When the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant child who is 18 years of age or younger at any time after verification of pregnancy, in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the child and her child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this subdivision.

1 (2) Notwithstanding paragraph (1), when the family does not
2 include a needy child qualified for aid under this chapter, aid shall
3 be paid to a pregnant woman for the month in which the birth is
4 anticipated and for the six-month period immediately prior to the
5 month in which the birth is anticipated, in the amount that would
6 otherwise be paid to one person, as specified in subdivision (a), if
7 the woman and child, if born, would have qualified for aid under
8 this chapter. Verification of pregnancy shall be required as a
9 condition of eligibility for aid under this subdivision.

10 (3) Paragraph (1) shall apply only when the Cal-Learn Program
11 is operative.

12 (c) The amount of forty-seven dollars (\$47) per month shall be
13 paid to pregnant women qualified for aid under subdivision (a) or
14 (b) to meet special needs resulting from pregnancy if the woman
15 and child, if born, would have qualified for aid under this chapter.
16 County welfare departments shall refer all recipients of aid under
17 this subdivision to a local provider of the Women, Infants, and
18 Children program. If that payment to pregnant women qualified
19 for aid under subdivision (a) is considered income under federal
20 law in the first five months of pregnancy, payments under this
21 subdivision shall not apply to persons eligible under subdivision
22 (a), except for the month in which birth is anticipated and for the
23 three-month period immediately prior to the month in which
24 delivery is anticipated, if the woman and child, if born, would have
25 qualified for aid under this chapter.

26 (d) For children receiving AFDC-FC under this chapter, there
27 shall be paid, exclusive of any amount considered exempt as
28 income, an amount of aid each month that, when added to the
29 child's income, is equal to the rate specified in Section 11460,
30 11461, 11462, 11462.1, or 11463. In addition, the child shall be
31 eligible for special needs, as specified in departmental regulations.

32 (e) In addition to the amounts payable under subdivision (a)
33 and Section 11453.1, a family shall be entitled to receive an
34 allowance for recurring special needs not common to a majority
35 of recipients. These recurring special needs shall include, but not
36 be limited to, special diets upon the recommendation of a physician
37 for circumstances other than pregnancy, and unusual costs of
38 transportation, laundry, housekeeping services, telephone, and
39 utilities. The recurring special needs allowance for each family
40 per month shall not exceed that amount resulting from multiplying

1 the sum of ten dollars (\$10) by the number of recipients in the
2 family who are eligible for assistance.

3 (f) After a family has used all available liquid resources, both
4 exempt and nonexempt, in excess of one hundred dollars (\$100),
5 with the exception of funds deposited in a restricted account
6 described in subdivision (a) of Section 11155.2, the family shall
7 also be entitled to receive an allowance for nonrecurring special
8 needs.

9 (1) An allowance for nonrecurring special needs shall be granted
10 for replacement of clothing and household equipment and for
11 emergency housing needs other than those needs addressed by
12 paragraph (2). These needs shall be caused by sudden and unusual
13 circumstances beyond the control of the needy family. The
14 department shall establish the allowance for each of the
15 nonrecurring special needs items. The sum of all nonrecurring
16 special needs provided by this subdivision shall not exceed six
17 hundred dollars (\$600) per event.

18 (2) (A) Homeless assistance is available to a homeless family
19 seeking shelter when the family is eligible for aid under this
20 chapter. Homeless assistance for temporary shelter is also available
21 to homeless families that are apparently eligible for aid under this
22 chapter. Apparent eligibility exists when evidence presented by
23 the applicant, or that is otherwise available to the county welfare
24 department, and the information provided on the application
25 documents indicate that there would be eligibility for aid under
26 this chapter if the evidence and information were verified.
27 However, an alien applicant who does not provide verification of
28 his or her eligible alien status, or a woman with no eligible children
29 who does not provide medical verification of pregnancy, is not
30 apparently eligible for purposes of this section.

31 (B) A family is considered homeless, for the purpose of this
32 section, when the family lacks a fixed and regular nighttime
33 residence; or the family has a primary nighttime residence that is
34 a supervised publicly or privately operated shelter designed to
35 provide temporary living accommodations; or the family is residing
36 in a public or private place not designed for, or ordinarily used as,
37 a regular sleeping accommodation for human beings. A family is
38 also considered homeless for the purpose of this section if the
39 family has received a notice to pay rent or quit. The family shall
40 demonstrate that the eviction is the result of a verified financial

1 hardship as a result of extraordinary circumstances beyond their
2 control, and not other lease or rental violations, and that the family
3 is experiencing a financial crisis that could result in homelessness
4 if preventative assistance is not provided.

5 (3) (A) (i) A nonrecurring special needs benefit of sixty-five
6 dollars (\$65) a day shall be available to families of up to four
7 members for the costs of temporary shelter, subject to the
8 requirements of this paragraph. The fifth and additional members
9 of the family shall each receive fifteen dollars (\$15) per day, up
10 to a daily maximum of one hundred twenty-five dollars (\$125).
11 County welfare departments may increase the daily amount
12 available for temporary shelter as necessary to secure the additional
13 bedspace needed by the family.

14 (ii) This special needs benefit shall be granted or denied
15 immediately upon the family's application for homeless assistance,
16 and benefits shall be available for up to three working days. The
17 county welfare department shall verify the family's homelessness
18 within the first three working days and if the family meets the
19 criteria of questionable homelessness established by the
20 department, the county welfare department shall refer the family
21 to its early fraud prevention and detection unit, if the county has
22 such a unit, for assistance in the verification of homelessness within
23 this period.

24 (iii) After homelessness has been verified, the three-day limit
25 shall be extended for a period of time which, when added to the
26 initial benefits provided, does not exceed a total of 16 calendar
27 days. This extension of benefits shall be done in increments of one
28 week and shall be based upon searching for permanent housing
29 which shall be documented on a housing search form, good cause,
30 or other circumstances defined by the department. Documentation
31 of a housing search shall be required for the initial extension of
32 benefits beyond the three-day limit and on a weekly basis thereafter
33 as long as the family is receiving temporary shelter benefits. Good
34 cause shall include, but is not limited to, situations in which the
35 county welfare department has determined that the family, to the
36 extent it is capable, has made a good faith but unsuccessful effort
37 to secure permanent housing while receiving temporary shelter
38 benefits.

39 (B) (i) A nonrecurring special needs benefit for permanent
40 housing assistance is available to pay for last month's rent and

1 security deposits when these payments are reasonable conditions
2 of securing a residence, or to pay for up to two months of rent
3 arrearages, when these payments are a reasonable condition of
4 preventing eviction.

5 (ii) The last month's rent or monthly arrearage portion of the
6 payment (I) shall not exceed 80 percent of the family's total
7 monthly household income without the value of CalFresh benefits
8 or special needs benefit for a family of that size and (II) shall only
9 be made to families that have found permanent housing costing
10 no more than 80 percent of the family's total monthly household
11 income without the value of CalFresh benefits or special needs
12 benefit for a family of that size.

13 (iii) However, if the county welfare department determines that
14 a family intends to reside with individuals who will be sharing
15 housing costs, the county welfare department shall, in appropriate
16 circumstances, set aside the condition specified in subclause (II)
17 of clause (ii).

18 (C) The nonrecurring special needs benefit for permanent
19 housing assistance is also available to cover the standard costs of
20 deposits for utilities which are necessary for the health and safety
21 of the family.

22 (D) A payment for or denial of permanent housing assistance
23 shall be issued no later than one working day from the time that a
24 family presents evidence of the availability of permanent housing.
25 If an applicant family provides evidence of the availability of
26 permanent housing before the county welfare department has
27 established eligibility for aid under this chapter, the county welfare
28 department shall complete the eligibility determination so that the
29 denial of or payment for permanent housing assistance is issued
30 within one working day from the submission of evidence of the
31 availability of permanent housing, unless the family has failed to
32 provide all of the verification necessary to establish eligibility for
33 aid under this chapter.

34 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
35 for the temporary shelter assistance and the permanent housing
36 assistance pursuant to this paragraph shall be limited to one period
37 of up to 16 consecutive calendar days of temporary assistance and
38 one payment of permanent assistance. Any family that includes a
39 parent or nonparent caretaker relative living in the home who has
40 previously received temporary or permanent homeless assistance

1 at any time on behalf of an eligible child shall not be eligible for
2 further homeless assistance. Any person who applies for homeless
3 assistance benefits shall be informed that the temporary shelter
4 benefit of up to 16 consecutive days is available only once in a
5 lifetime, with certain exceptions, and that a break in the consecutive
6 use of the benefit constitutes permanent exhaustion of the
7 temporary benefit.

8 (ii) A family that becomes homeless as a direct and primary
9 result of a state or federally declared natural disaster shall be
10 eligible for temporary and permanent homeless assistance.

11 (iii) A family shall be eligible for temporary and permanent
12 homeless assistance when homelessness is a direct result of
13 domestic violence by a spouse, partner, or roommate; physical or
14 mental illness that is medically verified that shall not include a
15 diagnosis of alcoholism, drug addiction, or psychological stress;
16 or, the uninhabitability of the former residence caused by sudden
17 and unusual circumstances beyond the control of the family
18 including natural catastrophe, fire, or condemnation. These
19 circumstances shall be verified by a third-party governmental or
20 private health and human services agency, except that domestic
21 violence may also be verified by a sworn statement by the victim,
22 as provided under Section 11495.25. Homeless assistance payments
23 based on these specific circumstances may not be received more
24 often than once in any 12-month period. In addition, if the domestic
25 violence is verified by a sworn statement by the victim, the
26 homeless assistance payments shall be limited to two periods of
27 not more than 16 consecutive calendar days of temporary assistance
28 and two payments of permanent assistance. A county may require
29 that a recipient of homeless assistance benefits who qualifies under
30 this paragraph for a second time in a 24-month period participate
31 in a homelessness avoidance case plan as a condition of eligibility
32 for homeless assistance benefits. The county welfare department
33 shall immediately inform recipients who verify domestic violence
34 by a sworn statement of the availability of domestic violence
35 counseling and services, and refer those recipients to services upon
36 request.

37 (iv) If a county requires a recipient who verifies domestic
38 violence by a sworn statement to participate in a homelessness
39 avoidance case plan pursuant to clause (iii), the plan shall include
40 the provision of domestic violence services, if appropriate.

1 (v) If a recipient seeking homeless assistance based on domestic
2 violence pursuant to clause (iii) has previously received homeless
3 avoidance services based on domestic violence, the county shall
4 review whether services were offered to the recipient and consider
5 what additional services would assist the recipient in leaving the
6 domestic violence situation.

7 (vi) The county welfare department shall report necessary data
8 to the department through a statewide homeless assistance payment
9 indicator system, as requested by the department, regarding all
10 recipients of aid under this paragraph.

11 (F) The county welfare departments, and all other entities
12 participating in the costs of the CalWORKs program, have the
13 right in their share to any refunds resulting from payment of the
14 permanent housing. However, if an emergency requires the family
15 to move within the 12-month period specified in subparagraph
16 (E), the family shall be allowed to use any refunds received from
17 its deposits to meet the costs of moving to another residence.

18 (G) Payments to providers for temporary shelter and permanent
19 housing and utilities shall be made on behalf of families requesting
20 these payments.

21 (H) The daily amount for the temporary shelter special needs
22 benefit for homeless assistance may be increased if authorized by
23 the current year's Budget Act by specifying a different daily
24 allowance and appropriating the funds therefor.

25 (I) No payment shall be made pursuant to this paragraph unless
26 the provider of housing is a commercial establishment, shelter, or
27 person in the business of renting properties who has a history of
28 renting properties.

29 (g) A child who has been removed from his or her home and
30 detained or placed in the home of a relative caregiver and is the
31 subject of a petition filed under Section 300, 601, or 602, or is the
32 subject of a voluntary placement agreement, as defined in
33 subdivision (p) of Section 11400, and who is a teen parent whose
34 child is living in the same home or placement, shall also receive
35 an infant supplement, in an amount determined in the manner
36 provided in subdivision (b) of Section 11465 for a child in a foster
37 family home.

38 (h) The department shall establish rules and regulations ensuring
39 the uniform statewide application of this section.

1 (i) The department shall notify all applicants and recipients of
2 aid through the standardized application form that these benefits
3 are available and shall provide an opportunity for recipients to
4 apply for the funds quickly and efficiently.

5 (j) (1) Except for the purposes of Section 15200, the amounts
6 payable to recipients pursuant to Section 11453.1 shall not
7 constitute part of the payment schedule set forth in subdivision
8 (a).

9 (2) The amounts payable to recipients pursuant to Section
10 11453.1 shall not constitute income to recipients of aid under this
11 section.

12 (k) For children receiving Kin-GAP pursuant to Article 4.5
13 (commencing with Section 11360) or Article 4.7 (commencing
14 with Section 11385) there shall be paid, exclusive of any amount
15 considered exempt as income, an amount of aid each month, which,
16 when added to the child’s income, is equal to the rate specified in
17 Sections 11364 and 11387.

18 (l) (1) A county shall implement the semiannual reporting
19 requirements in accordance with Chapter 501 of the Statutes of
20 2011 no later than October 1, 2013.

21 (2) Upon completion of the implementation described in
22 paragraph (1), each county shall provide a certificate to the director
23 certifying that semiannual reporting has been implemented in the
24 county.

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

28 ~~SEC. 4. Section 11461.3 of the Welfare and Institutions Code~~
29 ~~is amended to read:~~

30 ~~11461.3. (a) (1) The Legislature recognizes the importance~~
31 ~~of approved relative caregivers to the state’s child welfare system.~~
32 ~~Relative placements are the most utilized type of foster placement~~
33 ~~in California. In establishing the Approved Relative Caregiver~~
34 ~~Funding Option Program pursuant to this section, the Legislature~~
35 ~~intends to ensure that children placed with relatives are able to~~
36 ~~access state funding in an equal amount and in a similar manner~~
37 ~~to children in other types of foster placements.~~

38 ~~(2) The Approved Relative Caregiver Funding Option Program~~
39 ~~is hereby established for the purpose of making the amount paid~~
40 ~~to approved relative caregivers for the in-home care of children~~

1 placed with them who are ineligible for AFDC-FC payments equal
2 to the amount paid on behalf of children who are eligible for
3 AFDC-FC payments. This is an optional program for counties
4 choosing to participate, and in so doing, participating counties
5 agree to the terms of this section as a condition of their
6 participation. It is the intent of the Legislature that the funding
7 described in paragraph (1) of subdivision (c) for the Approved
8 Relative Caregiver Funding Option Program be appropriated, and
9 available for use from January through December of each year,
10 unless otherwise specified.

11 (b) Subject to subdivision (c), effective January 1, 2015, counties
12 shall pay an approved relative caregiver a per child per month rate
13 in return for the care and supervision, as defined in subdivision
14 (b) of Section 11460, of a child that is placed with the relative
15 caregiver that is equal to the basic rate paid to foster care providers
16 pursuant to subdivision (g) of Section 11461, if both of the
17 following conditions are met:

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

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

24 (A) The child resides in the State of California.

25 (B) The child is described by subdivision (b), (c), or (e) of
26 Section 11401 and the county welfare department or the county
27 probation department is responsible for the placement and care of
28 the child.

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

32 (e) A county's election to participate in the Approved Relative
33 Caregiver Funding Option Program shall affirmatively indicate
34 that the county understands and agrees to all of the following
35 conditions:

36 (1) Commencing October 1, 2014, the county shall notify the
37 department in writing of its decision to participate in the Approved
38 Relative Caregiver Funding Option Program. Failure to make
39 timely notification, without good cause as determined by the
40 department, shall preclude the county from participating in the

1 program for the upcoming year. Annually thereafter, any county
2 not presently participating who elects to do so shall notify the
3 department in writing no later than October 1 of its decision to
4 participate for the upcoming calendar year.

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

9 (3) ~~The county shall confirm that it will be solely responsible~~
10 ~~to pay any additional costs needed to make all payments pursuant~~
11 ~~to subdivision (b) if the state and federal funds allocated to the~~
12 ~~Approved Relative Caregiver Funding Option Program pursuant~~
13 ~~to paragraph (1) of subdivision (c) are insufficient to make all~~
14 ~~eligible payments.~~

15 (d) (1) ~~A county deciding to opt out of the Approved Relative~~
16 ~~Caregiver Funding Option Program shall provide at least 120 days'~~
17 ~~prior written notice of that decision to the department. Additionally,~~
18 ~~the county shall provide at least 90 days' prior written notice to~~
19 ~~the approved relative caregiver or caregivers informing them that~~
20 ~~his or her per child per month payment will be reduced and the~~
21 ~~date that the reduction will occur.~~

22 (2) ~~The department shall presume all counties have opted out~~
23 ~~of the Approved Relative Caregiver Funding Option Program if~~
24 ~~the funding appropriated in subclause (H) of clause (i) of~~
25 ~~subparagraph (B) of paragraph (1) of subdivision (c), including~~
26 ~~any additional funds appropriated pursuant to clause (ii) of~~
27 ~~subparagraph (B) of paragraph (1) of subdivision (c), is reduced,~~
28 ~~unless a county notifies the department in writing of its intent to~~
29 ~~opt in within 60 days of enactment of the State Budget. The~~
30 ~~counties shall provide at least 90 days' prior written notice to the~~
31 ~~approved relative caregiver or caregivers informing them that his~~
32 ~~or her per child per month payment will be reduced, and the date~~
33 ~~that the reduction will occur.~~

34 (3) ~~Any reduction in payments received by an approved relative~~
35 ~~caregiver on behalf of a child under this section that results from~~
36 ~~a decision by a county, including the presumed opt out pursuant~~
37 ~~to paragraph (2), to not participate in the Approved Relative~~
38 ~~Caregiver Funding Option Program shall be exempt from state~~
39 ~~hearing jurisdiction under Section 10950.~~

1 ~~(e) (1) The following funding shall be used for the Approved~~
2 ~~Relative Caregiver Funding Option Program:~~

3 ~~(A) The applicable regional per-child CalWORKs grant.~~

4 ~~(B) (i) General Fund resources that do not count toward the~~
5 ~~state's maintenance of effort requirements under Section~~
6 ~~609(a)(7)(B)(i) of Title 42 of the United States Code. For this~~
7 ~~purpose, the following money is hereby appropriated:~~

8 ~~(I) The sum of thirty million dollars (\$30,000,000) from the~~
9 ~~General Fund for the period January 1, 2015, through December~~
10 ~~31, 2015.~~

11 ~~(II) The sum of thirty million dollars (\$30,000,000) from the~~
12 ~~General Fund in each calendar year thereafter, as cumulatively~~
13 ~~adjusted annually by the California Necessities Index used for each~~
14 ~~May Revision of the Governor's Budget, to be used in each~~
15 ~~respective calendar year.~~

16 ~~(ii) To the extent that the appropriation made in subclause (I)~~
17 ~~is insufficient to fully fund the base caseload of approved relative~~
18 ~~caregivers as of July 1, 2014, for the period of time described in~~
19 ~~subclause (I), as jointly determined by the department and the~~
20 ~~County Welfare Directors' Association and approved by the~~
21 ~~Department of Finance on or before October 1, 2015, the amounts~~
22 ~~specified in subclauses (I) and (II) shall be increased in the~~
23 ~~respective amounts necessary to fully fund that base caseload.~~
24 ~~Thereafter, the adjusted amount of subclause (II), and the other~~
25 ~~terms of that provision, including an annual California Necessities~~
26 ~~Index adjustment to its amount, shall apply.~~

27 ~~(C) County funds only to the extent required under paragraph~~
28 ~~(3) of subdivision (e).~~

29 ~~(D) This section is intended to appropriate the funding necessary~~
30 ~~to fully fund the base caseload of approved relative caregivers,~~
31 ~~defined as the number of approved relative caregivers caring for~~
32 ~~a child who is not eligible to receive AFDC-FC payments, as of~~
33 ~~July 1, 2014.~~

34 ~~(2) Funds available pursuant to subparagraphs (A) and (B) of~~
35 ~~paragraph (1) shall be allocated to participating counties~~
36 ~~proportionate to the number of their approved relative caregiver~~
37 ~~placements, using a methodology and timing developed by the~~
38 ~~department, following consultation with county human services~~
39 ~~agencies and their representatives.~~

1 ~~(3) Notwithstanding subdivision (c), if in any calendar year the~~
2 ~~entire amount of funding appropriated by the state for the Approved~~
3 ~~Relative Caregiver Funding Option Program has not been fully~~
4 ~~allocated to or utilized by counties, a county that has paid any~~
5 ~~funds pursuant to subparagraph (C) of paragraph (1) of subdivision~~
6 ~~(e) may request reimbursement for those funds from the~~
7 ~~department. The authority of the department to approve the requests~~
8 ~~shall be limited by the amount of available unallocated funds.~~

9 ~~(4) Receipt of funding through the Approved Relative Caregiver~~
10 ~~Funding Option Program shall begin immediately upon a finding~~
11 ~~that the child is not eligible for AFDC-FC pursuant to subdivision~~
12 ~~(a) of Section 11404 and initiation of payment shall not be~~
13 ~~dependent upon completion of any application. To the extent that~~
14 ~~an application or other information is required to determine county~~
15 ~~share of costs or for the utilization of CalWORKs funding, the~~
16 ~~county shall complete that application, or provide that information,~~
17 ~~on behalf of the relative caregiver.~~

18 ~~(f) An approved relative caregiver receiving payments on behalf~~
19 ~~of a child pursuant to this section shall not be eligible to receive~~
20 ~~additional CalWORKs payments on behalf of the same child under~~
21 ~~Section 11450.~~

22 ~~(g) To the extent permitted by federal law, payments received~~
23 ~~by the approved relative caregiver from the Approved Relative~~
24 ~~Caregiver Funding Option Program shall not be considered income~~
25 ~~for the purpose of determining other public benefits.~~

26 ~~(h) Prior to referral of any individual or recipient, or that~~
27 ~~person's case, to the local child support agency for child support~~
28 ~~services pursuant to Section 17415 of the Family Code, the county~~
29 ~~human services agency shall determine if an applicant or recipient~~
30 ~~has good cause for noncooperation, as set forth in Section~~
31 ~~11477.04. If the applicant or recipient claims good cause exception~~
32 ~~at any subsequent time to the county human services agency or~~
33 ~~the local child support agency, the local child support agency shall~~
34 ~~suspend child support services until the county social services~~
35 ~~agency determines the good cause claim, as set forth in Section~~
36 ~~11477.04. If good cause is determined to exist, the local child~~
37 ~~support agency shall suspend child support services until the~~
38 ~~applicant or recipient requests their resumption, and shall take~~
39 ~~other measures that are necessary to protect the applicant or~~
40 ~~recipient and the children. If the applicant or recipient is the parent~~

1 of the child for whom aid is sought and the parent is found to have
2 not cooperated without good cause as provided in Section
3 11477.04, the applicant's or recipient's family grant shall be
4 reduced by 25 percent for the time the failure to cooperate lasts.

5 (i) Consistent with Section 17552 of the Family Code, if aid is
6 paid under this chapter on behalf of a child who is under the
7 jurisdiction of the juvenile court and whose parent or guardian is
8 receiving reunification services, the county human services agency
9 shall determine, prior to referral of the case to the local child
10 support agency for child support services, whether the referral is
11 in the best interest of the child, taking into account both of the
12 following:

13 (1) Whether the payment of support by the parent will pose a
14 barrier to the proposed reunification in that the payment of support
15 will compromise the parent's ability to meet the requirements of
16 the parent's reunification plan.

17 (2) Whether the payment of support by the parent will pose a
18 barrier to the proposed reunification in that the payment of support
19 will compromise the parent's current or future ability to meet the
20 financial needs of the child.

21 (j) An approved relative caregiver may receive payments on
22 behalf of a child who meets the requirements of paragraph (2) of
23 subdivision (b), regardless of whether the child resides, or will be
24 residing, outside of the county of jurisdiction pursuant to his or
25 her placement. The county of jurisdiction shall be responsible for
26 providing the Approved Relative Caregiver Funding Option
27 payment to the relative caregiver.

28 (k) A child who has been removed from his or her home and
29 detained or placed in the home of a relative caregiver and is the
30 subject of a petition filed under Section 300, 601, or 602, or is the
31 subject of a voluntary placement agreement, as defined in
32 subdivision (p) of Section 11400, and who is a teen parent whose
33 child is living in the same home or placement, shall also receive
34 an infant supplement, in an amount determined in the manner
35 provided in subdivision (b) of Section 11465 for a child in a foster
36 family home.

37 *SEC. 4. Section 11461.3 of the Welfare and Institutions Code*
38 *is amended to read:*

39 11461.3. (a) (1) *The Legislature recognizes the importance*
40 *of approved relative caregivers to the state's child welfare system.*

1 *Relative placements are the most utilized type of foster placement*
2 *in California. In establishing the Approved Relative Caregiver*
3 *Funding Option Program pursuant to this section, the Legislature*
4 *intends to ensure that children placed with relatives are able to*
5 *access state funding in an equal amount and in a similar manner*
6 *to children in other types of foster placements.*

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

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

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

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

33 (A) The child resides in California.

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

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

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

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

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

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

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

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

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

38 (3) The county shall confirm that it will be solely responsible
39 to pay any additional costs needed to make all payments pursuant
40 to subdivision (b) if the state and federal funds allocated to the

1 Approved Relative Caregiver Funding Option Program pursuant
 2 to paragraph (1) of subdivision(g) are insufficient to make all
 3 eligible payments.

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

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

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

28 (4) *Receipt of funding through the Approved Relative Caregiver*
 29 *Funding Option Program shall begin immediately upon a finding*
 30 *that the child is not eligible for AFDC-FC pursuant to subdivision*
 31 *(a) of Section 11404 and approval of the home, consistent with the*
 32 *requirements of subparagraph (B) of paragraph (2) of subdivision*
 33 *(d) of Section 309. To the extent that an application or other*
 34 *information is required to determine county share of costs or for*
 35 *the utilization of CalWORKs funding, the county shall complete*
 36 *that application, or provide that information, on behalf of the*
 37 *relative caregiver, to the extent possible, prior to requesting*
 38 *information from the relative caregiver. If an application was*
 39 *submitted for purposes of determining CalWORKs eligibility*
 40 *pursuant to subparagraph (A) of paragraph (2) of subdivision (d)*

1 *of Section 309 or paragraph (1) of subdivision (b) of Section 361.45*
2 *that contains all necessary information to determine eligibility for*
3 *the Approved Relative Caregiver Funding Option Program, a new*
4 *application need not be initiated.*

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

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

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

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

12 (D) Funding described in subparagraphs (A) and (B) is intended
13 to fully fund the base caseload of approved relative caregivers,
14 which is defined as the number of approved relative caregivers
15 caring for a child who is not eligible to receive AFDC-FC
16 payments, as of July 1, 2014.

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

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

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

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

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

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

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

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

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

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

10 (D) Notwithstanding clauses (ii) and (iii) of subparagraph (B)
11 and clauses (ii) and (iii) of subparagraph (C), the total General
12 Fund appropriation made pursuant to subparagraph (B) shall not
13 be less than the greater of the following amounts:

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

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

17 (3) To the extent that the appropriation made by subparagraph
18 (A) of paragraph (2) is insufficient to fully fund the base caseload
19 of approved relative caregivers as of July 1, 2014, as described in
20 subparagraph (D) of paragraph (1), for the period of January 1,
21 2015, to June 30, 2015, inclusive, as jointly determined by the
22 department and the County Welfare Directors' Association and
23 approved by the Department of Finance on or before October 1,
24 2015, the amount specified in subparagraph (A) of paragraph (2)
25 shall be increased by the amount necessary to fully fund that base
26 caseload.

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

32 (5) Notwithstanding subdivision (e), if in any calendar year the
33 entire amount of funding appropriated by the state for the Approved
34 Relative Caregiver Funding Option Program has not been fully
35 allocated to or utilized by participating counties, a participating
36 county that has paid any funds pursuant to subparagraph (C) of
37 paragraph (1) of subdivision (g) may request reimbursement for
38 those funds from the department. The authority of the department
39 to approve the requests shall be limited by the amount of available
40 unallocated funds.

1 (h) An approved relative caregiver receiving payments on behalf
2 of a child pursuant to this section shall not be eligible to receive
3 additional CalWORKs payments on behalf of the same child under
4 Section 11450.

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

9 (j) Prior to referral of any individual or recipient, or that person's
10 case, to the local child support agency for child support services
11 pursuant to Section 17415 of the Family Code, the county human
12 services agency shall determine if an applicant or recipient has
13 good cause for noncooperation, as set forth in Section 11477.04.
14 If the applicant or recipient claims good cause exception at any
15 subsequent time to the county human services agency or the local
16 child support agency, the local child support agency shall suspend
17 child support services until the county social services agency
18 determines the good cause claim, as set forth in Section 11477.04.
19 If good cause is determined to exist, the local child support agency
20 shall suspend child support services until the applicant or recipient
21 requests their resumption, and shall take other measures that are
22 necessary to protect the applicant or recipient and the children. If
23 the applicant or recipient is the parent of the child for whom aid
24 is sought and the parent is found to have not cooperated without
25 good cause as provided in Section 11477.04, the applicant's or
26 recipient's family grant shall be reduced by 25 percent for the time
27 the failure to cooperate lasts.

28 (k) Consistent with Section 17552 of the Family Code, if aid is
29 paid under this chapter on behalf of a child who is under the
30 jurisdiction of the juvenile court and whose parent or guardian is
31 receiving reunification services, the county human services agency
32 shall determine, prior to referral of the case to the local child
33 support agency for child support services, whether the referral is
34 in the best interest of the child, taking into account both of the
35 following:

36 (1) Whether the payment of support by the parent will pose a
37 barrier to the proposed reunification in that the payment of support
38 will compromise the parent's ability to meet the requirements of
39 the parent's reunification plan.

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

5 (l) *An approved relative caregiver may receive payments on*
6 *behalf of a child who meets the requirements of paragraph (2) of*
7 *subdivision (b), regardless of whether the child resides, or will be*
8 *residing, outside of the county of jurisdiction pursuant to his or*
9 *her placement. The county of jurisdiction shall be responsible for*
10 *providing the Approved Relative Caregiver Funding Option*
11 *payment to the relative caregiver.*

12 (m) *A child who has been removed from his or her home and*
13 *detained or placed in the home of a relative caregiver and is the*
14 *subject of a petition filed under Section 300, 601, or 602, or is the*
15 *subject of a voluntary placement agreement, as defined in*
16 *subdivision (p) of Section 11400, and who is a teen parent whose*
17 *child is living in the same home or placement, shall also receive*
18 *an infant supplement, in an amount determined in the manner*
19 *provided in subdivision (b) of Section 11465 for a child in a foster*
20 *family home.*

21 SEC. 5. Section 11465 of the Welfare and Institutions Code is
22 amended to read:

23 11465. (a) When a child is living with a parent who receives
24 AFDC-FC, Approved Relative Caregiver Funding Option Program
25 benefits, or Kin-GAP benefits, the rate paid to the provider on
26 behalf of the parent shall include an infant supplement to cover
27 the cost of care and supervision of the child.

28 (b) For each category of eligible licensed community care
29 facility, as defined in Section 1502 of the Health and Safety Code,
30 the department shall adopt regulations setting forth a uniform rate
31 to cover the cost of care and supervision of the child in each
32 category of eligible licensed community care facility.

33 (c) (1) On and after July 1, 1998, the uniform rate to cover the
34 cost of care and supervision of a child pursuant to this section shall
35 be increased by 6 percent, rounded to the nearest dollar. The
36 resultant amounts shall constitute the new uniform rate.

37 (2) (A) On and after July 1, 1999, the uniform rate to cover the
38 cost of care and supervision of a child pursuant to this section shall
39 be adjusted by an amount equal to the California Necessities Index
40 computed pursuant to Section 11453, rounded to the nearest dollar.

1 The resultant amounts shall constitute the new uniform rate, subject
2 to further adjustment pursuant to subparagraph (B).

3 (B) In addition to the adjustment specified in subparagraph (A),
4 on and after January 1, 2000, the uniform rate to cover the cost of
5 care and supervision of a child pursuant to this section shall be
6 increased by 2.36 percent, rounded to the nearest dollar. The
7 resultant amounts shall constitute the new uniform rate.

8 (3) Subject to the availability of funds, for the 2000–01 fiscal
9 year and annually thereafter, these rates shall be adjusted for cost
10 of living pursuant to procedures in Section 11453.

11 (4) On and after January 1, 2008, the uniform rate to cover the
12 cost of care and supervision of a child pursuant to this section shall
13 be increased by 5 percent, rounded to the nearest dollar. The
14 resulting amount shall constitute the new uniform rate.

15 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
16 payment made pursuant to this section for care and supervision of
17 a child who is living with a teen parent in a whole family foster
18 home, as defined in Section 11400, shall equal the basic rate for
19 children placed in a licensed or approved home as specified in
20 subdivisions (a) to (d), inclusive, and subdivision (g), of Section
21 11461.

22 (2) The amount paid for care and supervision of a dependent
23 infant living with a dependent teen parent receiving AFDC-FC
24 benefits in a group home placement shall equal the infant
25 supplement rate for group home placements.

26 (3) (A) The caregiver shall provide the county child welfare
27 agency or probation department with a copy of the shared
28 responsibility plan developed pursuant to Section 16501.25 and
29 shall advise the county child welfare agency or probation
30 department of any subsequent changes to the plan. Once the plan
31 has been completed and provided to the appropriate agencies, the
32 payment made pursuant to this section shall be increased by an
33 additional two hundred dollars (\$200) per month to reflect the
34 increased care and supervision while he or she is placed in the
35 whole family foster home.

36 (B) A nonminor dependent parent residing in a supervised
37 independent living placement, as defined in subdivision (w) of
38 Section 11400, who develops a written parenting support plan
39 pursuant to Section 16501.26 shall provide the county child welfare
40 agency or probation department with a copy of the plan and shall

1 advise the county child welfare agency or probation department
2 of any subsequent changes to the plan. The payment made pursuant
3 to this section shall be increased by an additional two hundred
4 dollars (\$200) per month after all of the following have been
5 satisfied:

6 (i) The plan has been completed and provided to the appropriate
7 county agency.

8 (ii) The plan has been approved by the appropriate county
9 agency.

10 (iii) The county agency has determined that the identified
11 responsible adult meets the criteria specified in Section 16501.27.

12 (4) In a year in which the payment provided pursuant to this
13 section is adjusted for the cost of living as provided in paragraph
14 (1) of subdivision (c), the payments provided for in this subdivision
15 shall also be increased by the same procedures.

16 (5) A Kin-GAP relative who, immediately prior to entering the
17 Kin-GAP program, was designated as a whole family foster home
18 shall receive the same payment amounts for the care and
19 supervision of a child who is living with a teen parent they received
20 in foster care as a whole family foster home.

21 (6) On and after January 1, 2012, the rate paid for a child living
22 with a teen parent in a whole family foster home as defined in
23 Section 11400 shall also be paid for a child living with a nonminor
24 dependent parent who is eligible to receive AFDC-FC or Kin-GAP
25 pursuant to Section 11403.

26 (7) An Approved Relative Funding Option Program relative or
27 a CalWORKs relative may be designated as a whole family foster
28 home.

29 SEC. 6. Section 11477.02 of the Welfare and Institutions Code
30 is amended to read:

31 11477.02. (a) Prior to referral of any individual or recipient,
32 or that person’s case, to the local child support agency for child
33 support services under Section 17400 or 17404 of the Family Code,
34 the county welfare department shall determine if an applicant or
35 recipient has good cause for noncooperation, as set forth in Section
36 11477.04. If the applicant or recipient claims a good cause
37 exception at any subsequent time to the county welfare department
38 or the local child support agency, the local child support agency
39 shall suspend child support services until the county welfare
40 department determines the good cause claim, as set forth in Section

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

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

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

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

27 SEC. 7. Section 13758 is added to the Welfare and Institutions
28 Code, to read:

29 13758. (a) Every youth who is in foster care and has been
30 determined to be ineligible for AFDC-FC benefits shall be screened
31 by the county for potential eligibility for the federal Supplemental
32 Security Income program utilizing the best practice guidelines
33 developed pursuant to Section 13752. *The screening shall not*
34 *occur any later than 120 days after the child is placed or upon*
35 *concluding that the child is ineligible for AFDC-FC benefits,*
36 *whichever is later.*

37 (b) An application shall be submitted to the federal Social
38 Security Administration on behalf of a youth who is screened as
39 being likely to be eligible for federal Supplemental Security Income
40 benefits.

1 SEC. 8. An appropriation pursuant to Section 15200 of the
2 Welfare and Institutions Code shall not be made for purposes of
3 implementing this act.

4 SEC. 9. To the extent that this act has an overall effect of
5 increasing certain costs already borne by a local agency for
6 programs or levels of service mandated by the 2011 Realignment
7 Legislation within the meaning of Section 36 of Article XIII of
8 the California Constitution, it shall apply to local agencies only to
9 the extent that the state provides annual funding for the cost
10 increase. Any new program or higher level of service provided by
11 a local agency pursuant to this act above the level for which
12 funding has been provided shall not require a subvention of funds
13 by the state nor otherwise be subject to Section 6 of Article XIII B
14 of the California Constitution.

15 However, if the Commission on State Mandates determines that
16 this act contains other costs mandated by the state, reimbursement
17 to local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.

20 ~~No reimbursement is required by this act pursuant to Section 6
21 of Article XIII B of the California Constitution for certain costs
22 that may be incurred by a local agency or school district because,
23 in that regard, this act creates a new crime or infraction, eliminates
24 a crime or infraction, or changes the penalty for a crime or
25 infraction, within the meaning of Section 17556 of the Government
26 Code, or changes the definition of a crime within the meaning of
27 Section 6 of Article XIII B of the California Constitution.~~

28 ~~However, if the Commission on State Mandates determines that
29 this act contains other costs mandated by the state, reimbursement
30 to local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.~~

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