

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 878

Introduced by Assembly Member Eggman

February 26, 2015

An act to amend *Section 16501.2 of, and to amend, repeal, and add Section 11402 of the Welfare and Institutions Code, relating to child welfare.*

LEGISLATIVE COUNSEL’S DIGEST

AB 878, as amended, Eggman. Child welfare: foster care.

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. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state’s share of AFDC-FC costs funds.

In order to be eligible for AFDC-FC, existing law requires a child or nonminor dependent to be placed in a specified placement, including, among others, the approved home of a relative, provided the child is otherwise eligible for federal financial participation in the AFDC-FC payment including a licensed group home or an out-of-state group home. Existing law provides for the licensing and regulation of community care facilities, including group homes, by the State Department of Social Services. Existing law also requires the department to provide oversight of out-of-state group homes, as specified, pursuant to the Interstate Compact on the Placement of Children.

~~This bill would make technical, nonsubstantive changes to those provisions.~~

This bill would, on and after January 1, 2018, eliminate the placement option of a group home or an out-of-state group home. The bill would authorize a short-term residential treatment center as an additional placement option and would specify the conditions for that placement option, including that the child has a documented need for short-term specialized and intensive supervision or treatment that cannot be maintained in a family setting, that the placement not exceed 120 days, except under certain circumstances, and that the child and family team, as defined, convene at least every 60 days to conduct a review of the placement, as specified. By imposing a higher level of service on county employees, the bill would impose a state-mandated local program.

The bill would also require the State Department of Social Services, on or before December 31, 2016, to establish a working group consisting of county welfare departments and other stakeholders to develop and implement a single, statewide standardized child assessment tool, known as the Child and Adolescent Needs and Strengths Plus assessment tool, that would assess specified factors, such as the impact of trauma on the child and the child's behavioral and emotional needs. The bill would also require the department, on or before December 31, 2016, to issue guidance to the county child welfare agencies on utilizing child and family teams to review the assessment tool and make decisions concerning placements, services, and supports for a child.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 *SECTION 1. Section 11402 of the Welfare and Institutions*
- 2 *Code is amended to read:*
- 3 *11402. In order to be eligible for AFDC-FC, a child or*
- 4 *nonminor dependent shall be placed in one of the following:*

1 (a) The approved home of a relative, provided the child is
2 otherwise eligible for federal financial participation in the
3 AFDC-FC payment.

4 (b) (1) The licensed family home of a nonrelative.

5 (2) The approved home of a nonrelative extended family
6 member as described in Section 362.7.

7 (c) The approved home of a resource family as defined in
8 Section 16519.5.

9 (d) A licensed group home, as defined in subdivision (h) of
10 Section 11400, excluding a runaway and homeless youth shelter
11 as defined in subdivision (ab) of Section 11400, provided that the
12 placement worker has documented that the placement is necessary
13 to meet the treatment needs of the child and that the facility offers
14 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 who is otherwise eligible for AFDC-FC has been dismissed due
18 to the child's attaining 18 years of age.

19 (f) An exclusive-use home.

20 (g) A housing model certified by a licensed transitional housing
21 placement provider as described in Section 1559.110 of the Health
22 and Safety Code and as defined in subdivision (r) of Section 11400.

23 (h) An out-of-state group home, provided that the placement
24 worker, in addition to complying with all other statutory
25 requirements for placing a minor in an out-of-state group home,
26 documents that the requirements of Section 7911.1 of the Family
27 Code have been met.

28 (i) An approved supervised independent living setting for
29 nonminor dependents, as defined in subdivision (w) of Section
30 11400.

31 ~~(j) This section shall become operative on July 1, 2012.~~

32 (j) *This section shall remain in effect only until January 1, 2018,*
33 *and as of that date is repealed, unless a later enacted statute, that*
34 *is enacted before January 1, 2018, deletes or extends that date.*

35 SEC. 2. Section 11402 is added to the Welfare and Institutions
36 Code, to read:

37 11402. (a) *In order to be eligible for AFDC-FC, a child or*
38 *nonminor dependent shall be placed in one of the following:*

39 (1) *The approved home of a relative.*

40 (2) (A) *The licensed family home of a nonrelative.*

1 (B) *The approved home of a nonrelative extended family member*
2 *as described in Section 362.7.*

3 (3) *The home of a nonrelated legal guardian or the home of a*
4 *former nonrelated legal guardian when the guardianship of a child*
5 *who is otherwise eligible for AFDC-FC has been dismissed due*
6 *to the child's attaining 18 years of age.*

7 (4) *A licensed foster family agency accredited by a national*
8 *accrediting body approved by the State Department of Social*
9 *Services.*

10 (5) *A housing model certified by a licensed transitional housing*
11 *placement provider as described in Section 1559.110 of the Health*
12 *and Safety Code and as defined in subdivision (r) of Section 11400.*

13 (6) *An approved supervised independent living setting for*
14 *nonminor dependents, as defined in subdivision (w) of Section*
15 *11400.*

16 (7) *A licensed short-term residential treatment center accredited*
17 *by a national accrediting body approved by the State Department*
18 *of Social Services, excluding a runaway and homeless youth*
19 *shelter, as defined in subdivision (ab) of Section 11400, provided*
20 *that the placement worker has documented that the placement is*
21 *necessary to meet the treatment needs of the child and that the*
22 *facility offers those treatment services and subject to the limitations*
23 *in subdivision (b).*

24 (8) *An out-of-state short-term residential treatment center*
25 *accredited by a national accrediting body approved by the State*
26 *Department of Social Services, provided that the placement worker,*
27 *in addition to complying with all other statutory requirements for*
28 *placing a minor in an out-of-state short-term residential treatment*
29 *center, documents that the requirements of Section 7911.1 of the*
30 *Family Code have been met and satisfies the conditions in*
31 *subdivision (b).*

32 (b) (1) *In order for a child or nonminor dependent to be placed*
33 *into a licensed short-term residential treatment center, pursuant*
34 *to paragraph (7) of subdivision (a), or an out-of-state short-term*
35 *residential treatment center, pursuant to paragraph (8) of*
36 *subdivision (a), all of the following conditions, and, for nonminor*
37 *dependents, the conditions specified in paragraph (3) of subdivision*
38 *(c) of Section 16501.1, shall be met:*

1 (A) *The child has a documented need for short-term, specialized,*
2 *and intensive supervision or treatment that cannot be maintained*
3 *in a family-based setting.*

4 (B) *The facility is able to meet the child's documented needs.*

5 (C) *The child's case plan documents the anticipated duration*
6 *of the placement and includes (i) a plan for the active participation*
7 *of the foster family, resource family, relative caregiver, or birth*
8 *family in the child's care, and (ii) a plan and schedule for returning*
9 *the child to family care, including identification of the services*
10 *and supports necessary to return the child to a family setting or*
11 *another less restrictive placement, as described in subdivision (a),*
12 *as appropriate.*

13 (D) *The director or supervisor approves the placement.*

14 (2) *Placement in a short-term residential treatment center or*
15 *congregate or residential facility shall be reviewed by the social*
16 *worker or probation officer at each monthly visit to determine (A)*
17 *whether the placement is meeting the child's needs, (B) the*
18 *continued need for the placement, and (C) the anticipated date for*
19 *returning the child to family care.*

20 (3) *At least every 60 days, the child and family team shall*
21 *convene to conduct a review of (A) whether the placement is*
22 *meeting the child's needs, (B) the continued need for the placement,*
23 *and (C) the anticipated date for returning the child to family care.*

24 (4) *The placement shall not exceed 120 days unless the director*
25 *or the probation chief, or the designee of either the director or the*
26 *probation chief, has determined that progress has been made*
27 *toward implementing the case plan, that the needed services could*
28 *not be provided in a family-based setting, and that the need for*
29 *additional time in placement is substantiated.*

30 (5) *A child younger than 12 years of age shall not be placed in*
31 *a short-term residential treatment center unless the director or*
32 *the probation chief, or the designee of either the director or the*
33 *probation chief, in consultation with the child and family team,*
34 *has determined that the child cannot be maintained in a*
35 *family-based setting.*

36 (c) *For purposes of this section, "child and family team" means*
37 *a team including the child's social worker, the child's parents, if*
38 *appropriate and if the parents are able and willing to participate,*
39 *the child's current caregiver, if able and willing to participate,*
40 *the child, if developmentally appropriate, and any other relatives,*

1 *supportive adults, and health, mental health, and other*
2 *professionals involved in providing care or services to the child,*
3 *which shall be convened and facilitated by county child welfare*
4 *agency staff with specialized training in family-centered team*
5 *decisionmaking.*

6 *(d) This section shall become operative on January 1, 2018.*

7 *SEC. 3. Section 16501.2 of the Welfare and Institutions Code*
8 *is amended to read:*

9 16501.2. (a) The Legislature finds and declares all of the
10 following:

11 (1) Safety, stability, and the permanence of families in the child
12 welfare system are of paramount importance.

13 (2) Ongoing assessments that build on the strength of the child
14 and family unit, and that identify desired outcomes, are critical in
15 the development of appropriate case plans for children.

16 (3) If it is necessary to place a child in out-of-home care, the
17 use of a formal child and family assessment can enhance the
18 appropriateness of placement and the identification and delivery
19 of services necessary to meet the child's needs and strengths,
20 consistent with case plan goals.

21 ~~(b) On or before December 31, 1998, the department shall issue~~
22 ~~to all county placing agencies and the courts, current best practice~~
23 ~~guidelines for the assessment of a child and the child's family unit.~~
24 ~~The guidelines shall include recommended methods for gathering~~
25 ~~certain background information on the child and the child's family~~
26 ~~unit, identifying appropriate services for the case plan, and methods~~
27 ~~of monitoring and reassessing the case plan to best meet case plan~~
28 ~~goals. For children placed in group homes or foster family agencies,~~
29 ~~the guidelines shall include methods for identifying appropriate~~
30 ~~placement options, and monitoring the services provided by the~~
31 ~~group home or foster family agency to best address the strengths~~
32 ~~and needs of the child and the child's family unit.~~

33 ~~(c) (1) The department shall conduct a pilot project to test the~~
34 ~~effectiveness of utilizing best practice standards for the assessment~~
35 ~~of children and families receiving child welfare and foster care~~
36 ~~services, for the purpose of identifying the strengths and needs of~~
37 ~~the family and the child, developing and monitoring appropriate~~
38 ~~case plans, and determining appropriate services.~~

39 ~~(2) The pilot project shall meet all of the following conditions:~~

1 ~~(A) On or before July 1, 1999, the department shall solicit~~
2 ~~participation in the pilot project by counties, and, to the extent~~
3 ~~possible, provide for broad geographical representation. On or~~
4 ~~before September 1, 1999, the department shall select pilot counties~~
5 ~~and begin operation of the pilot project.~~

6 ~~(B) The pilot project shall use an assessment protocol or process~~
7 ~~developed by the department in collaboration with county agencies~~
8 ~~and other stakeholders.~~

9 ~~(C) The pilot project shall be evaluated independently to judge~~
10 ~~the effectiveness of the assessment protocol or instrument,~~
11 ~~including whether the assessment provides adequate background~~
12 ~~data on the child and the child's family unit, improves achievement~~
13 ~~of case plan goals, is judged useful to the counties and service~~
14 ~~providers, and can be applied with ease.~~

15 ~~(D) For children placed in group homes or foster family~~
16 ~~agencies, the assessment protocol or process developed pursuant~~
17 ~~to subparagraph (B) shall identify the strengths and needs of the~~
18 ~~child to be met by the placement program and methods for~~
19 ~~monitoring the delivery of services by the placement agencies.~~

20 ~~(E) The assessment shall be sensitive to the ethnic and linguistic~~
21 ~~background of the children and families being assessed, and shall~~
22 ~~include, but not be limited to, the child's age, previous placement~~
23 ~~history, specific indicators, including living situation, social~~
24 ~~situation, medical situation, educational situation, vocational~~
25 ~~situation, emotional situation, behavioral situation, and legal,~~
26 ~~cultural, and religious history, and areas and activities of interest.~~

27 ~~(d) In collaboration with county agencies and other stakeholders,~~
28 ~~and based on the results of the pilot project described in this~~
29 ~~section, the department shall develop a formal assessment process~~
30 ~~for children receiving foster care and child welfare services. On~~
31 ~~or before May 1, 2001, the department shall inform the Legislature~~
32 ~~on the status of the pilot project described in this section, and the~~
33 ~~proposed assessment protocol or process with recommendations~~
34 ~~for its implementation, including incorporation of the assessment~~
35 ~~process into the child welfare services case management system.~~

36 ~~(e) Upon satisfactory completion of the pilot project described~~
37 ~~in this section, and development of a formal assessment instrument~~
38 ~~or process, the department, in collaboration with representatives~~
39 ~~of county placing agencies, training academies, and the California~~
40 ~~Social Work Education Center, shall integrate training and~~

~~1 technical assistance on the family assessment guidelines into the~~
~~2 curriculum of the regional training academies.~~

3 (b) (1) *On or before December 31, 2016, the State Department*
4 *of Social Services shall establish, pursuant to this section, in*
5 *consultation with county welfare departments and other*
6 *stakeholders, as appropriate, a working group consisting of*
7 *representatives of county welfare departments and other*
8 *stakeholders, including foster care providers, county probation*
9 *departments, and current and former foster youth, to develop and*
10 *implement the standardized Child and Adolescent Needs and*
11 *Strengths Plus assessment tool. In consultation with the working*
12 *group, the department shall issue guidance to all county placing*
13 *agencies as to the use of the Child and Adolescent Needs and*
14 *Strengths Plus assessment tool to determine the placement needs*
15 *of each child and the level of the child-centered supplement, if*
16 *any, required to meet the needs of the child.*

17 (2) *The “Child and Adolescent Needs and Strengths Plus*
18 *assessment tool” shall be a single, statewide standardized child*
19 *assessment tool that shall be used by all county child welfare*
20 *agencies to assess the needs and strengths of a child and the needs*
21 *of the child’s current or prospective foster caregiver.*

22 (3) *The standardized assessment tool shall include a list of items*
23 *that may have a direct impact on service planning for the child*
24 *and the child’s foster parent. The list of items included in the Child*
25 *and Adolescent Needs and Strengths Plus assessment tool shall*
26 *assist with evaluation of all of the following:*

27 (A) *The child’s functioning, including all of the following:*

28 (i) *The impact of trauma on the child.*

29 (ii) *Life functioning, including physical, mental, and dental*
30 *health, relationships with family members, and social skills.*

31 (iii) *Functioning in a child care or school setting.*

32 (iv) *Behavioral and emotional needs.*

33 (v) *Risk behaviors.*

34 (vi) *Strengths.*

35 (vii) *The effect of the culture of the child and the child’s family*
36 *on service provision.*

37 (B) *The foster parent’s functioning in relation to the identified*
38 *foster child, including all of the following:*

39 (i) *Supervision.*

40 (ii) *Problem solving.*

- 1 (iii) *Involvement with care.*
- 2 (iv) *Knowledge.*
- 3 (v) *Empathy with the child.*
- 4 (vi) *Organization.*
- 5 (vii) *Social resources.*
- 6 (viii) *Physical health.*
- 7 (ix) *Mental health.*
- 8 (x) *Substance use.*
- 9 (xi) *Developmental.*
- 10 (xii) *Family stress.*
- 11 (xiii) *Cultural congruence.*

12 (c) *On or before December 31, 2016, the department shall issue*
13 *guidance to the county child welfare agencies on utilizing child*
14 *and family teams to review the Child and Adolescent Needs and*
15 *Strengths Plus assessment tool and make decisions concerning*
16 *placements, services, and support for a child. Child and family*
17 *teams shall include the county agency social worker, the child's*
18 *parents and current caregiver, if able and willing to participate,*
19 *the child, if developmentally appropriate, and any other relatives,*
20 *supportive adults, and health, mental health, and other*
21 *professionals involved in providing care or services to the child,*
22 *and shall be convened and facilitated by county child welfare*
23 *agency staff with specialized training in family-centered team*
24 *decisionmaking.*

25 *SEC. 4. To the extent that this act has an overall effect of*
26 *increasing the costs already borne by a local agency for programs*
27 *or levels of service mandated by the 2011 Realignment Legislation*
28 *within the meaning of Section 36 of Article XIII of the California*
29 *Constitution, it shall apply to local agencies only to the extent that*
30 *the state provides annual funding for the cost increase. Any new*
31 *program or higher level of service provided by a local agency*
32 *pursuant to this act above the level for which funding has been*
33 *provided shall not require a subvention of funds by the state nor*
34 *otherwise be subject to Section 6 of Article XIII B of the California*
35 *Constitution.*

36 ~~SECTION 1. Section 11402 of the Welfare and Institutions~~
37 ~~Code is amended to read:~~

38 ~~11402. In order to be eligible for AFDC-FC, a child or~~
39 ~~nonminor dependent shall be placed in one of the following:~~

- 1 ~~(a) The approved home of a relative, provided the child is~~
2 ~~otherwise eligible for federal financial participation in the~~
3 ~~AFDC-FC payment.~~
4 ~~(b) (1) The licensed family home of a nonrelative.~~
5 ~~(2) The approved home of a nonrelative extended family~~
6 ~~member, as described in Section 362.7.~~
7 ~~(c) The approved home of a resource family, as defined in~~
8 ~~Section 16519.5.~~
9 ~~(d) A licensed group home, as defined in subdivision (h) of~~
10 ~~Section 11400, excluding a runaway and homeless youth shelter,~~
11 ~~as defined in subdivision (ab) of Section 11400, if the placement~~
12 ~~worker has documented that the placement is necessary to meet~~
13 ~~the treatment needs of the child and that the facility offers those~~
14 ~~treatment services.~~
15 ~~(e) The home of a nonrelated legal guardian or the home of a~~
16 ~~former nonrelated legal guardian if the guardianship of a child~~
17 ~~who is otherwise eligible for AFDC-FC has been dismissed because~~
18 ~~the child has attained 18 years of age.~~
19 ~~(f) An exclusive-use home.~~
20 ~~(g) A housing model certified by a licensed transitional housing~~
21 ~~placement provider, as described in Section 1559.110 of the Health~~
22 ~~and Safety Code and as defined in subdivision (r) of Section 11400.~~
23 ~~(h) An out-of-state group home, if the placement worker, in~~
24 ~~addition to complying with all other statutory requirements for~~
25 ~~placing a minor in an out-of-state group home, documents that the~~
26 ~~requirements of Section 7911.1 of the Family Code have been met.~~
27 ~~(i) An approved supervised independent living setting for~~
28 ~~nonminor dependents, as defined in subdivision (w) of Section~~
29 ~~11400.~~
30 ~~(j) This section shall become operative on July 1, 2012.~~