

ASSEMBLY BILL

No. 1838

Introduced by Assembly Members Ting and Bonta

February 9, 2016

An act to amend Section 11465 of the Welfare and Institutions Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

AB 1838, as introduced, Ting. Foster care: infant supplement.

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. Existing law establishes a schedule of basic rates to be paid for the care and supervision of each foster child. Existing law also establishes the Kinship Guardianship Assistance Payment Program (Kin-GAP), which provides aid on behalf of eligible children who are placed in the home of a relative caretaker. Existing law prohibits the rate paid under the Kin-GAP program from exceeding the basic foster family home rate paid to caregivers under the AFDC-FC program.

Existing law requires, when a child is living with a parent who receives AFDC-FC or Kin-GAP benefits, that the rate paid to the foster care provider on behalf of the parent include an additional amount, known as an infant supplement, for the care and supervision of the child. Existing law requires the State Department of Social Services to adopt a uniform rate for the infant supplement for each category of eligible licensed community care facility. Existing law also requires that the infant supplement payment for a child living with a teen parent in a whole family foster home be equal to the basic foster family home rate.

This bill would require that the infant supplement payment for any child living with a parent who receives AFDC-FC or Kin-GAP benefits be equal to the basic foster family home rate. The bill would also make a pregnant minor or nonminor dependent eligible for the infant supplement for a specified period before the expected date of birth, subject to a verification of pregnancy. Because counties would administer these extended benefits, this bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 11465 of the Welfare and Institutions
2 Code is amended to read:
3 11465. (a) When a child is living with a parent who receives
4 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
5 behalf of the parent shall include an amount ~~for care and~~
6 ~~supervision of the child.~~ *equal to the basic rate for children placed*
7 *in a licensed or approved home as specified in subdivision (a) to*
8 *(d), inclusive, and subdivision (g), of Section 11461.*
9 ~~(b) For each category of eligible licensed community care~~
10 ~~facility, as defined in Section 1502 of the Health and Safety Code,~~
11 ~~the department shall adopt regulations setting forth a uniform rate~~
12 ~~to cover the cost of care and supervision of the child in each~~
13 ~~category of eligible licensed community care facility.~~
14 ~~(c) (1) On and after July 1, 1998, the uniform rate to cover the~~
15 ~~cost of care and supervision of a child pursuant to this section shall~~
16 ~~be increased by 6 percent, rounded to the nearest dollar. The~~
17 ~~resultant amounts shall constitute the new uniform rate.~~
18 ~~(2) (A) On and after July 1, 1999, the uniform rate to cover the~~
19 ~~cost of care and supervision of a child pursuant to this section shall~~
20 ~~be adjusted by an amount equal to the California Necessities Index~~
21 ~~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 (e), 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) (A) 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 (B) Commencing January 1, 2017, the amount paid for care and
27 supervision of a dependent infant living with a dependent teenage
28 parent receiving AFDC-FC benefits in a short-term residential
29 treatment center shall equal the infant supplement rate for
30 short-term residential treatment centers established by the
31 department.

32 (3) (A) The

33 (b) (1) The caregiver for a minor or nonminor dependent living
34 in a whole family foster home, as defined in Section 11400, shall
35 provide the county child welfare agency or probation department
36 with a copy of the shared responsibility plan developed pursuant
37 to Section 16501.25 and shall advise the county child welfare
38 agency or probation department of any subsequent changes to the
39 plan. Once the plan has been completed and provided to the
40 appropriate agencies, the payment made pursuant to this section

1 shall be increased by an additional two hundred dollars (\$200) per
2 month to reflect the increased care and supervision while he or
3 she is placed in the whole family foster home.

4 ~~(B)~~

5 (2) A nonminor dependent parent residing in a supervised
6 independent living placement, as defined in subdivision (w) of
7 Section 11400, who develops a written parenting support plan
8 pursuant to Section 16501.26 shall provide the county child welfare
9 agency or probation department with a copy of the plan and shall
10 advise the county child welfare agency or probation department
11 of any subsequent changes to the plan. The payment made pursuant
12 to this section shall be increased by an additional two hundred
13 dollars (\$200) per month after all of the following have been
14 satisfied:

15 ~~(i)~~

16 (A) The plan has been completed and provided to the appropriate
17 county agency.

18 ~~(ii)~~

19 (B) The plan has been approved by the appropriate county
20 agency.

21 ~~(iii)~~

22 (C) The county agency has determined that the identified
23 responsible adult meets the criteria specified in Section 16501.27.

24 ~~(4) In a year in which the payment provided pursuant to this~~
25 ~~section is adjusted for the cost of living as provided in paragraph~~
26 ~~(1) of subdivision (e), the payments provided for in this subdivision~~
27 ~~shall also be increased by the same procedures.~~

28 ~~(5)~~

29 (c) A Kin-GAP relative who, immediately prior to entering the
30 Kin-GAP program, was designated as a whole family foster home
31 shall receive the same payment amounts for the care and
32 supervision of a child who is living with a teen parent they received
33 in foster care as a whole family foster home.

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

39 (d) *The rate paid for a pregnant minor or nonminor dependent,*
40 *for the month in which the birth is anticipated and for the six-month*

1 *period immediately prior to the month in which the birth is*
2 *anticipated, shall include the amount that would otherwise be paid*
3 *to cover the care and supervision of a child, if born, under this*
4 *section. Any amount paid pursuant to this subdivision shall be*
5 *used to meet the specialized needs of the pregnant minor or*
6 *nonminor dependent and to properly prepare for the needs of the*
7 *infant. Verification of pregnancy is a condition of eligibility for*
8 *aid under this subdivision.*

9 SEC. 2. To the extent that this act has an overall effect of
10 increasing the costs already borne by a local agency for programs
11 or levels of service mandated by the 2011 Realignment Legislation
12 within the meaning of Section 36 of Article XIII of the California
13 Constitution, it shall apply to local agencies only to the extent that
14 the state provides annual funding for the cost increase. Any new
15 program or higher level of service provided by a local agency
16 pursuant to this act above the level for which funding has been
17 provided shall not require a subvention of funds by the state nor
18 otherwise be subject to Section 6 of Article XIII B of the California
19 Constitution.