

AMENDED IN ASSEMBLY MARCH 16, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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 *be equal to the basic foster family home rate* for any child living with a *dependent or nonminor dependent parent who whose caretaker receives AFDC-FC or Kin-GAP benefits be equal to the basic foster family home rate. AFDC-FC, Kin-Gap, or Approved Relative Caregiver Funding Option Program benefits. The bill would require the department to adopt regulations by July 1, 2017, setting forth new infant supplement rates for a child in a group home placement, short-term residential treatment facility, or in THP-Plus Foster Care.* 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) (1) When a child is living with a *dependent or*
 4 *nonminor dependent parent who receives and the caretaker*
 5 *receives AFDC-FC or Kin-GAP benefits, or benefits pursuant to*
 6 *Section 11461.3, on behalf of the parent, the rate paid to the*
 7 *provider on behalf of the parent shall include a supplement for the*
 8 *care and supervision of each child in an amount equal to the basic*
 9 *rate for children placed in a licensed or approved home as specified*
 10 *in subdivisions (a) to (d), inclusive, and subdivision*
 11 *(g), of Section 11461.*
 12 (2) *The rate paid to a nonminor dependent parent residing in*
 13 *a supervised independent living placement, as defined in*
 14 *subdivision (w) of Section 11400, shall include the supplement*
 15 *described in paragraph (1).*

1 (3) *On or before July 1, 2017, the department shall adopt*
2 *regulations setting forth new supplement rates to cover the cost*
3 *of the care and supervision of a child who is living with a parent*
4 *in a group home placement, short-term residential treatment*
5 *facility, or in THP-Plus Foster Care.*

6 (b) (1) The caregiver for a minor or nonminor dependent living
7 in a whole family foster home, as defined in Section 11400, shall
8 provide the county child welfare agency or probation department
9 with a copy of the shared responsibility plan developed pursuant
10 to Section 16501.25 and shall advise the county child welfare
11 agency or probation department of any subsequent changes to the
12 plan. Once the plan has been completed and provided to the
13 appropriate agencies, the payment made pursuant to this section
14 shall be increased by an additional two hundred dollars (\$200) per
15 month to reflect the increased care and supervision while he or
16 she is placed in the whole family foster home.

17 (2) A nonminor dependent parent residing in a supervised
18 independent living placement, as defined in subdivision (w) of
19 Section 11400, who develops a written parenting support plan
20 pursuant to Section ~~16501.26~~ 16501.26, shall provide the county
21 child welfare agency or probation department with a copy of the
22 plan and shall advise the county child welfare agency or probation
23 department of any subsequent changes to the plan. The payment
24 made pursuant to this section shall be increased by an additional
25 two hundred dollars (\$200) per month after all of the following
26 have been satisfied:

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

29 (B) The plan has been approved by the appropriate county
30 agency.

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

33 ~~(e)~~

34 (3) A Kin-GAP relative who, immediately prior to entering the
35 Kin-GAP program, was designated as a whole family foster home
36 shall receive the same payment amounts for the care and
37 supervision of a child who is living with a teen parent they received
38 in foster care as a whole family foster home.

39 ~~(d)~~

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

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