

AMENDED IN SENATE JUNE 20, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY MARCH 16, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1838

**Introduced by Assembly Members Ting and Bonta
(Coauthor: Assembly Member Gonzalez)**

February 9, 2016

An act to amend ~~Section~~ *Sections 11465 and 16521.5* of the Welfare and Institutions Code, relating to foster children.

LEGISLATIVE COUNSEL’S DIGEST

AB 1838, as amended, Ting. Foster care: infant—~~supplement~~.
supplement: pregnancy prevention.

~~Existing~~

(1) *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 whose caretaker receives 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.

(2) Existing law requires foster care providers to ensure that adolescents who remain in long-term foster care receive age-appropriate pregnancy prevention information, provided that the department develops guidelines that describe the duties and responsibilities of foster care providers and county case managers in delivering pregnancy prevention services and information.

This bill would require the department to facilitate the development and availability of curriculum for foster care providers and county case managers on the reproductive rights of youth in foster care and age-appropriate materials and resources regarding pregnancy prevention information and health care services.

~~The~~

(3) 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 and the caretaker receives AFDC-FC
5 benefits, Kin-GAP benefits, or benefits pursuant to Section
6 11461.3, on behalf of the parent, the rate shall include a supplement
7 for the care and supervision of each child in an amount equal to
8 the basic rate for children placed in a licensed or approved home
9 as specified in subdivisions (a) to (d), inclusive, and subdivision
10 (g), of Section 11461.

11 (2) The rate paid to a nonminor dependent parent residing in a
12 supervised independent living placement, as defined in subdivision
13 (w) of Section 11400, shall include the supplement described in
14 paragraph (1).

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

20 (b) (1) The caregiver for a minor or nonminor dependent living
21 in a whole family foster home, as defined in Section 11400, shall
22 provide the county child welfare agency or probation department
23 with a copy of the shared responsibility plan developed pursuant
24 to Section 16501.25 and shall advise the county child welfare
25 agency or probation department of any subsequent changes to the
26 plan. Once the plan has been completed and provided to the
27 appropriate agencies, the payment made pursuant to this section
28 shall be increased by an additional two hundred dollars (\$200) per
29 month to reflect the increased care and supervision while he or
30 she is placed in the whole family foster home.

31 (2) A nonminor dependent parent residing in a supervised
32 independent living placement, as defined in subdivision (w) of
33 Section 11400, who develops a written parenting support plan
34 pursuant to Section 16501.26, shall provide the county child
35 welfare agency or probation department with a copy of the plan
36 and shall advise the county child welfare agency or probation
37 department of any subsequent changes to the plan. The payment
38 made pursuant to this section shall be increased by an additional

1 two hundred dollars (\$200) per month after all of the following
2 have been satisfied:

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

5 (B) The plan has been approved by the appropriate county
6 agency.

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

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

14 (c) The rate paid for a pregnant minor or nonminor dependent,
15 for the month in which the birth is anticipated and for the six-month
16 period immediately prior to the month in which the birth is
17 anticipated, shall include the amount that would otherwise be paid
18 to cover the care and supervision of a child, if born, under this
19 section. Any amount paid pursuant to this subdivision shall be
20 used to meet the specialized needs of the pregnant minor or
21 nonminor dependent and to properly prepare for the needs of the
22 infant. Verification of pregnancy is a condition of eligibility for
23 aid under this subdivision.

24 *SEC. 2. Section 16521.5 of the Welfare and Institutions Code*
25 *is amended to read:*

26 16521.5. (a) A foster care provider, in consultation with the
27 county case manager, shall be responsible for ensuring that
28 adolescents, including nonminor dependents, as described in
29 subdivision (v) of Section 11400, who remain in long-term foster
30 care, as defined by the department, receive age-appropriate
31 pregnancy prevention information to the extent state and county
32 resources are provided.

33 (b) A foster care provider, in consultation with the county case
34 manager, shall be responsible for ensuring that a foster youth or
35 nonminor dependent is provided with appropriate referrals to health
36 services when the foster youth either reaches 18 years of age or
37 the nonminor dependent exits foster care, and to the extent county
38 and state resources are provided.

39 (c) As part of the home study process, the prospective foster
40 care provider shall notify the county if he or she objects to

1 participating in adolescent pregnancy prevention training or the
2 dissemination of information pursuant to subdivisions (a) and (b).
3 A licensed foster care provider shall notify the county if he or she
4 objects to participation. If the provider objects, the county case
5 manager shall assume this responsibility.

6 (d) Subdivisions (a), (b), and (c) shall not take effect until the
7 department, in consultation with the workgroup, develops
8 guidelines that describe the duties and responsibilities of foster
9 care providers and county case managers in delivering pregnancy
10 prevention services and information.

11 (e) (1) The department, in consultation with the State
12 Department of Health Services, shall convene a working group
13 for the purpose of developing a pregnancy prevention plan that
14 will effectively address the needs of adolescent male and female
15 foster youth. The workgroup shall meet not more than three times
16 and thereafter shall provide consultation to the department upon
17 request.

18 (2) The working group shall include representatives from the
19 California Youth Connection, the Foster Parent's Association,
20 group home provider associations, the County Welfare Director's
21 Association, providers of teen pregnancy prevention programs, a
22 foster care case worker, an expert in pregnancy prevention
23 curricula, a representative of the Independent Living Program, and
24 an adolescent health professional.

25 (f) The plan required pursuant to subdivision (e) shall include,
26 but not be limited to, all of the following:

27 (1) Effective strategies and programs for preteen and older teen
28 foster youth and nonminor dependents.

29 (2) The role of foster care and group home care providers.

30 (3) The role of the assigned case management worker.

31 (4) How to involve foster youth and nonminor peers.

32 (5) Selecting and providing appropriate materials to educate
33 foster youth and nonminors in family life education.

34 (6) The training of foster care and group home care providers
35 and, when necessary, county case managers in adolescent
36 pregnancy prevention.

37 (g) Counties currently mandating foster care provider training
38 shall be encouraged to include the pregnancy prevention curricula
39 guidelines and educational materials that may be developed by the
40 workgroup pursuant to subdivision (f).

1 (h) The department shall facilitate the development and
2 availability of both of the following:

3 (1) Curriculum for foster care providers and county case
4 managers on the reproductive rights of youth in foster care.

5 (2) Age-appropriate materials and resources regarding
6 pregnancy prevention information and health care services to
7 fulfill the requirements set forth in subdivisions (a) and (b).

8 ~~(h)~~

9 (i) The department shall adopt regulations to implement this
10 section.

11 ~~SEC. 2.~~

12 SEC. 3. To the extent that this act has an overall effect of
13 increasing the costs already borne by a local agency for programs
14 or levels of service mandated by the 2011 Realignment Legislation
15 within the meaning of Section 36 of Article XIII of the California
16 Constitution, it shall apply to local agencies only to the extent that
17 the state provides annual funding for the cost increase. Any new
18 program or higher level of service provided by a local agency
19 pursuant to this act above the level for which funding has been
20 provided shall not require a subvention of funds by the state nor
21 otherwise be subject to Section 6 of Article XIII B of the California
22 Constitution.