

AMENDED IN SENATE AUGUST 1, 2016

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

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An act to amend ~~Sections 11465 and 16521.5~~ *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: pregnancy prevention: supplement.~~

(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. pregnancy, as specified. 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.~~

~~(3)~~

~~(2) 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.

7     (b) For each category of eligible licensed community care  
8     facility, as defined in Section 1502 of the Health and Safety Code,  
9     the department shall adopt regulations setting forth a uniform rate  
10    to cover the cost of care and supervision of the child in each  
11    category of eligible licensed community care facility.

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

16    (2) (A) On and after July 1, 1999, the uniform rate to cover the  
17    cost of care and supervision of a child pursuant to this section shall  
18    be adjusted by an amount equal to the California Necessities Index  
19    computed pursuant to Section 11453, rounded to the nearest dollar.  
20    The resultant amounts shall constitute the new uniform rate, subject  
21    to further adjustment pursuant to subparagraph (B).

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

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

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

34    (5) Commencing July 1, 2016, the uniform rate to cover the  
35    cost of care and supervision of a child pursuant to this section shall  
36    be supplemented by an additional monthly amount of four hundred  
37    eighty-nine dollars (\$489). This monthly supplement shall only

1 be provided if funding for this purpose is appropriated in the annual  
2 Budget Act.

3 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the  
4 payment made pursuant to this section for care and supervision of  
5 a child who is living with a teen parent in a whole family foster  
6 home, as defined in Section 11400, shall equal the basic rate for  
7 children placed in a licensed or approved home as specified in  
8 subdivisions (a) to (d), inclusive, and subdivision (g), of Section  
9 11461.

10 (2) (A) The amount paid for care and supervision of a dependent  
11 infant living with a dependent teen parent receiving AFDC-FC  
12 benefits in a group home placement shall equal the infant  
13 supplement rate for group home placements.

14 (B) Commencing January 1, 2017, the amount paid for care and  
15 supervision of a dependent infant living with a dependent teenage  
16 parent receiving AFDC-FC benefits in a short-term residential  
17 treatment center shall equal the infant supplement rate for  
18 short-term residential treatment centers established by the  
19 department.

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

30 (B) A nonminor dependent parent residing in a supervised  
31 independent living placement, as defined in subdivision (w) of  
32 Section 11400, who develops a written parenting support plan  
33 pursuant to Section 16501.26 shall provide the county child welfare  
34 agency or probation department with a copy of the plan and shall  
35 advise the county child welfare agency or probation department  
36 of any subsequent changes to the plan. The payment made pursuant  
37 to this section shall be increased by an additional two hundred  
38 dollars (\$200) per month after all of the following have been  
39 satisfied:

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

3 (ii) The plan has been approved by the appropriate county  
4 agency.

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

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

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

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

21 *(e) The rate paid for a pregnant minor or nonminor dependent*  
22 *for the month in which the birth is anticipated and for the*  
23 *three-month period immediately prior to the month in which the*  
24 *birth is anticipated shall include the amount that would otherwise*  
25 *be paid under this section to cover the care and supervision of a*  
26 *child, if born. Any amount paid pursuant to this subdivision shall*  
27 *be used to meet the specialized needs of the pregnant minor or*  
28 *nonminor dependent and to properly prepare for the needs of the*  
29 *infant. Verification of pregnancy is a condition of eligibility for*  
30 *aid under this subdivision.*

31 ~~SECTION 1. Section 11465 of the Welfare and Institutions~~  
32 ~~Code is amended to read:~~

33 ~~11465. (a) (1) When a child is living with a dependent or~~  
34 ~~nonminor dependent parent and the caretaker receives AFDC-FC~~  
35 ~~benefits, Kin-GAP benefits, or benefits pursuant to Section~~  
36 ~~11461.3, on behalf of the parent, the rate shall include a supplement~~  
37 ~~for the care and supervision of each child in an amount equal to~~  
38 ~~the basic rate for children placed in a licensed or approved home~~  
39 ~~as specified in subdivisions (a) to (d), inclusive, and subdivision~~  
40 ~~(g), of Section 11461.~~

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

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

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

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

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

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

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

~~(3) A Kin-GAP relative who, immediately prior to entering the Kin-GAP program, was designated as a whole family foster home shall receive the same payment amounts for the care and~~

1 supervision of a child who is living with a teen parent they received  
2 in foster care as a whole family foster home.

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

13 ~~SEC. 2. Section 16521.5 of the Welfare and Institutions Code~~  
14 ~~is amended to read:~~

15 ~~16521.5. (a) A foster care provider, in consultation with the~~  
16 ~~county case manager, shall be responsible for ensuring that~~  
17 ~~adolescents, including nonminor dependents, as described in~~  
18 ~~subdivision (v) of Section 11400, who remain in long-term foster~~  
19 ~~care, as defined by the department, receive age-appropriate~~  
20 ~~pregnancy prevention information to the extent state and county~~  
21 ~~resources are provided.~~

22 ~~(b) A foster care provider, in consultation with the county case~~  
23 ~~manager, shall be responsible for ensuring that a foster youth or~~  
24 ~~nonminor dependent is provided with appropriate referrals to health~~  
25 ~~services when the foster youth either reaches 18 years of age or~~  
26 ~~the nonminor dependent exits foster care, and to the extent county~~  
27 ~~and state resources are provided.~~

28 ~~(c) As part of the home study process, the prospective foster~~  
29 ~~care provider shall notify the county if he or she objects to~~  
30 ~~participating in adolescent pregnancy prevention training or the~~  
31 ~~dissemination of information pursuant to subdivisions (a) and (b).~~  
32 ~~A licensed foster care provider shall notify the county if he or she~~  
33 ~~objects to participation. If the provider objects, the county case~~  
34 ~~manager shall assume this responsibility.~~

35 ~~(d) Subdivisions (a), (b), and (c) shall not take effect until the~~  
36 ~~department, in consultation with the workgroup, develops~~  
37 ~~guidelines that describe the duties and responsibilities of foster~~  
38 ~~care providers and county case managers in delivering pregnancy~~  
39 ~~prevention services and information.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1     ~~SEC. 3.~~

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

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