

AMENDED IN SENATE AUGUST 16, 2016  
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**

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

February 9, 2016

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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.

(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 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, as specified. Because counties would administer these extended benefits, this bill would impose a state-mandated local program.

(2) *This bill would incorporate changes to Section 11465 of the Welfare and Institutions Code proposed by both this bill and AB 1997, which would become operative only if both bills are enacted and become effective on or before January 1, 2017, and this bill is chaptered last.*

(2)

(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) 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.

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

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

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

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

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

23 (5) Commencing July 1, 2016, the uniform rate to cover the  
24 cost of care and supervision of a child pursuant to this section shall  
25 be supplemented by an additional monthly amount of four hundred  
26 eighty-nine dollars (\$489). This monthly supplement shall only  
27 be provided if funding for this purpose is appropriated in the annual  
28 Budget Act.

29 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the  
30 payment made pursuant to this section for care and supervision of  
31 a child who is living with a teen parent in a whole family foster  
32 home, as defined in Section 11400, shall equal the basic rate for  
33 children placed in a licensed or approved home as specified in  
34 subdivisions (a) to (d), inclusive, and subdivision (g), of Section  
35 11461.

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

1 (B) Commencing January 1, 2017, the amount paid for care and  
2 supervision of a dependent infant living with a dependent teenage  
3 parent receiving AFDC-FC benefits in a short-term residential  
4 treatment center shall equal the infant supplement rate for  
5 short-term residential treatment centers established by the  
6 department.

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

17 (B) 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 shall provide the county child welfare  
21 agency or probation department with a copy of the plan and shall  
22 advise the county child welfare agency or probation department  
23 of any subsequent changes to the plan. The payment made pursuant  
24 to this section shall be increased by an additional two hundred  
25 dollars (\$200) per month after all of the following have been  
26 satisfied:

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

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

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

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

37 (5) A Kin-GAP relative who, immediately prior to entering the  
38 Kin-GAP program, was designated as a whole family foster home  
39 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 (6) On and after January 1, 2012, the rate paid for a child living  
4 with a teen parent in a whole family foster home as defined in  
5 Section 11400 shall also be paid for a child living with a nonminor  
6 dependent parent who is eligible to receive AFDC-FC or Kin-GAP  
7 pursuant to Section 11403.

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

18 *SEC. 1.5. Section 11465 of the Welfare and Institutions Code*  
19 *is amended to read:*

20 11465. (a) When a child is living with a parent who receives  
21 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on  
22 behalf of the parent shall include an amount for care and  
23 supervision of the child.

24 (b) For each category of eligible licensed community care  
25 facility, as defined in Section 1502 of the Health and Safety Code,  
26 the department shall adopt regulations setting forth a uniform rate  
27 to cover the cost of care and supervision of the child in each  
28 category of eligible licensed community care facility.

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

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

39 (B) In addition to the adjustment specified in subparagraph (A),  
40 on and after January 1, 2000, the uniform rate to cover the cost of

1 care and supervision of a child pursuant to this section shall be  
2 increased by 2.36 percent, rounded to the nearest dollar. The  
3 resultant amounts shall constitute the new uniform rate.

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

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

11 (5) Commencing July 1, 2016, the uniform rate to cover the  
12 cost of care and supervision of a child pursuant to this section shall  
13 be supplemented by an additional monthly amount of four hundred  
14 eighty-nine dollars (\$489). This monthly supplement shall only  
15 be provided if funding for this purpose is appropriated in the annual  
16 Budget Act.

17 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the  
18 payment made pursuant to this section for care and supervision of  
19 a child who is living with a teen parent in a whole family foster  
20 home, as defined in Section 11400, shall equal the basic rate for  
21 children placed in a licensed or approved home as specified in  
22 subdivisions (a) to (d), inclusive, and subdivision (g), of Section  
23 11461.

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

28 (B) Commencing January 1, 2017, the amount paid for care and  
29 supervision of a dependent infant living with a dependent teenage  
30 parent receiving AFDC-FC benefits in a short-term residential  
31 ~~treatment center~~ *therapeutic program* shall equal the infant  
32 supplement rate for short-term residential ~~treatment centers~~  
33 *therapeutic programs* established by the department.

34 (3) (A) The caregiver shall provide the county child welfare  
35 agency or probation department with a copy of the shared  
36 responsibility plan developed pursuant to Section 16501.25 and  
37 shall advise the county child welfare agency or probation  
38 department of any subsequent changes to the plan. Once the plan  
39 has been completed and provided to the appropriate agencies, the  
40 payment made pursuant to this section shall be increased by an

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

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

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

16 (ii) The plan has been approved by the appropriate county  
17 agency.

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

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

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

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

34 (e) *The rate paid for a pregnant minor or nonminor dependent*  
35 *for the month in which the birth is anticipated and for the*  
36 *three-month period immediately prior to the month in which the*  
37 *birth is anticipated shall include the amount that would otherwise*  
38 *be paid under this section to cover the care and supervision of a*  
39 *child, if born. Any amount paid pursuant to this subdivision shall*  
40 *be used to meet the specialized needs of the pregnant minor or*

1 nonminor dependent and to properly prepare for the needs of the  
2 infant. Verification of pregnancy is a condition of eligibility for  
3 aid under this subdivision.

4 SEC. 2. Section 1.5 of this bill incorporates amendments to  
5 Section 11465 of the Welfare and Institutions Code proposed by  
6 both this bill and Assembly Bill 1997. It shall only become  
7 operative if (1) both bills are enacted and become effective on or  
8 before January 1, 2017, (2) each bill amends Section 11465 of the  
9 Welfare and Institutions Code, and (3) this bill is enacted after  
10 Assembly Bill 1997, in which case Section 1 of this bill shall not  
11 become operative.

12 ~~SEC. 2.~~

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