

Assembly Bill No. 1838

Passed the Assembly August 24, 2016

Chief Clerk of the Assembly

Passed the Senate August 18, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1838, 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 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.

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.

(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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) (A) The caregiver 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.

(B) 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:

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

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

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

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

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

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

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

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

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

(b) For each category of eligible licensed community care facility, as defined in Section 1502 of the Health and Safety Code, the department shall adopt regulations setting forth a uniform rate

to cover the cost of care and supervision of the child in each category of eligible licensed community care facility.

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

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

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

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

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

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

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

(2) (A) The amount paid for care and supervision of a dependent infant living with a dependent teen parent receiving AFDC-FC

benefits in a group home placement shall equal the infant supplement rate for group home placements.

(B) Commencing January 1, 2017, the amount paid for care and supervision of a dependent infant living with a dependent teenage parent receiving AFDC-FC benefits in a short-term residential therapeutic program shall equal the infant supplement rate for short-term residential therapeutic programs established by the department.

(3) (A) The caregiver 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.

(B) 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:

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

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

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

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

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

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

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

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

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

Approved _____, 2016

Governor