

ASSEMBLY BILL

No. 1997

Introduced by Assembly Member Mark Stone

February 16, 2016

An act to amend Sections 1501.1, 1502, 1517, 1520.1, 1525.5, and 1562.01 of the Health and Safety Code, and to amend Sections 4094.2, 11462, 11466, and 16519.5, of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1997, as introduced, Mark Stone. Foster care.

Existing law provides for the early implementation, by counties and foster family agencies, of the resource family approval process, which is a unified, family friendly, and child-centered approval process that replaces the multiple processes for licensing foster family homes, approving relatives and nonrelative extended family members as foster care providers, and approving adoptive families. Existing law requires the State Department of Social Services to implement the resource family approval process in all counties and with all foster family agencies by January 1, 2017.

This bill would make conforming statutory changes related to the statewide implementation of the resource family approval process, including prohibiting the department from accepting applications to license foster family homes on and after January 1, 2017. The bill would also revise certain aspects of the resource family approval process, including by requiring counties and foster family agencies to conduct annual, announced inspections of resource family homes and to inspect resource family homes as often as necessary to ensure the quality of care provided, and by authorizing counties to grant, deny, or rescind

criminal records exemptions. By imposing additional duties on counties, and by expanding the duties of foster family agencies, for which the failure to comply is a crime, this bill would impose a state-mandated local program.

Existing law, the California Community Care Facilities Act, provides for the licensure of short-term residential treatment centers, which are residential facilities licensed by the State Department of Social Services and operated by any public agency or private organization that provides short-term, specialized, and intensive treatment, and 24-hour care and supervision to children. A violation of the act is a crime.

This bill would require a private short-term residential treatment center to be organized and operated on a nonprofit basis. By expanding the scope of a crime, this bill would impose a state-mandated local program.

Existing law generally requires, commencing January 1, 2017, a community treatment facility program to have accreditation from a nationally recognized accrediting entity identified by the State Department of Social Services pursuant to a specified process. Existing law provides that a community treatment facility program that has been granted a specified extension does not have to comply with that requirement until January 1, 2018.

This bill would provide that a community treatment facility program that has been granted that specified extension does not have to comply with the accreditation requirement until January 1, 2019.

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 specified reasons.

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 1501.1 of the Health and Safety Code is
- 2 amended to read:
- 3 1501.1. (a) It is the policy of the state to facilitate the proper
- 4 placement of every child in residential care facilities where the
- 5 placement is in the best interests of the child. A county may require
- 6 placement or licensing agencies, or both placement and licensing

1 agencies, to actively seek out-of-home care facilities capable of
2 meeting the varied needs of the child. Therefore, in placing children
3 in out-of-home care, particular attention should be given to the
4 individual child's needs, the ability of the facility to meet those
5 needs, the needs of other children in the facility, the licensing
6 requirements of the facility as determined by the licensing agency,
7 and the impact of the placement on the family reunification plan.

8 (b) Pursuant to this section, children with varying designations
9 and varying needs, including, on and after January 1, 2012,
10 nonminor dependents, as defined in subdivision (v) of Section
11 11400 of the Welfare and Institutions Code, except as provided
12 by statute, may be placed in the same facility provided the facility
13 is licensed, complies with all licensing requirements relevant to
14 the protection of the child, and has a special permit, if necessary,
15 to meet the needs of each child so placed. A facility may not
16 require, as a condition of placement, that a child be identified as
17 an individual with exceptional needs as defined by Section 56026
18 of the Education Code.

19 (c) Neither the requirement for any license nor any regulation
20 shall restrict the implementation of the provisions of this section.
21 Implementation of this section does not obviate the requirement
22 for a facility to be licensed by the department.

23 (d) Pursuant to this section, children with varying designations
24 and varying needs, including, on and after January 1, 2012,
25 nonminor dependents, as defined in subdivision (v) of Section
26 11400 of the Welfare and Institutions Code, except as provided
27 by statute, may be placed in the same licensed foster family home
28 or with a foster family agency for subsequent placement in a
29 certified family ~~home~~; *home or with a resource family*. Children,
30 including nonminor dependents, with developmental disabilities,
31 mental disorders, or physical disabilities may be placed in licensed
32 foster family homes or certified family ~~homes~~; *homes or with*
33 *resource families*, provided that an appraisal of the child's or
34 nonminor dependent's needs and the ability of the receiving home
35 to meet those needs is made jointly by the placement agency and
36 the licensee in the case of licensed foster family homes or the
37 placement agency and the foster family agency in the case of
38 certified family ~~homes~~; *homes or resource families*, and is followed
39 by written confirmation prior to placement. The appraisal shall
40 confirm that the placement poses no threat to any child in the home.

1 For

2 (e) (1) For purposes of this chapter, the placing of children by
3 foster family agencies shall be referred to as “subsequent
4 placement” to distinguish the activity from the placing by public
5 agencies.

6 (2) For purposes of this chapter, and unless otherwise specified,
7 references to a “child” shall include a “nonminor dependent”
8 and “nonminor former dependent or ward” as those terms are
9 defined in subdivision (v) and paragraph (1) of subdivision (aa)
10 of Section 11400 of the Welfare and Institutions Code.

11 SEC. 2. Section 1502 of the Health and Safety Code is amended
12 to read:

13 1502. As used in this chapter:

14 (a) “Community care facility” means any facility, place, or
15 building that is maintained and operated to provide nonmedical
16 residential care, day treatment, adult day care, or foster family
17 agency services for children, adults, or children and adults,
18 including, but not limited to, the physically handicapped, mentally
19 impaired, incompetent persons, and abused or neglected children,
20 and includes the following:

21 (1) “Residential facility” means any family home, group care
22 facility, or similar facility determined by the director, for 24-hour
23 nonmedical care of persons in need of personal services,
24 supervision, or assistance essential for sustaining the activities of
25 daily living or for the protection of the individual.

26 (2) “Adult day program” means any community-based facility
27 or program that provides care to persons 18 years of age or older
28 in need of personal services, supervision, or assistance essential
29 for sustaining the activities of daily living or for the protection of
30 these individuals on less than a 24-hour basis.

31 (3) “Therapeutic day services facility” means any facility that
32 provides nonmedical care, counseling, educational or vocational
33 support, or social rehabilitation services on less than a 24-hour
34 basis to persons under 18 years of age who would otherwise be
35 placed in foster care or who are returning to families from foster
36 care. Program standards for these facilities shall be developed by
37 the department, pursuant to Section 1530, in consultation with
38 therapeutic day services and foster care providers.

39 (4) “Foster family agency” means any public agency or private
40 organization engaged in the recruiting, certifying, *approving*, and

1 training of, and providing professional support to, foster ~~parents,~~
2 *parents and resource families*, or in finding homes ~~or other places~~
3 for *the* placement of children for temporary or permanent care who
4 require that level of care. Private foster family agencies shall be
5 organized and operated on a nonprofit basis.

6 (5) (A) “Foster family home” means any residential facility
7 providing 24-hour care for six or fewer foster children that is
8 owned, leased, or rented and is the residence of the foster parent
9 or parents, including their family, in whose care the foster children
10 have been placed. The placement may be by a public or private
11 child placement agency or by a court order, or by voluntary
12 placement by a parent, parents, or guardian. It also means a foster
13 family home described in Section 1505.2.

14 (B) *On and after January 1, 2017, the department shall not*
15 *accept applications for foster family home licenses.*

16 (6) “Small family home” means any residential facility, in the
17 licensee’s family residence, that provides 24-hour care for six or
18 fewer foster children who have mental disorders or developmental
19 or physical disabilities and who require special care and supervision
20 as a result of their disabilities. A small family home may accept
21 children with special health care needs, pursuant to subdivision
22 (a) of Section 17710 of the Welfare and Institutions Code. In
23 addition to placing children with special health care needs, the
24 department may approve placement of children without special
25 health care needs, up to the licensed capacity.

26 (7) “Social rehabilitation facility” means any residential facility
27 that provides social rehabilitation services for no longer than 18
28 months in a group setting to adults recovering from mental illness
29 who temporarily need assistance, guidance, or counseling. Program
30 components shall be subject to program standards pursuant to
31 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
32 2 of Division 5 of the Welfare and Institutions Code.

33 (8) “Community treatment facility” means any residential
34 facility that provides mental health treatment services to children
35 in a group setting and that has the capacity to provide secure
36 containment. Program components shall be subject to program
37 standards developed and enforced by the State Department of
38 Health Care Services pursuant to Section 4094 of the Welfare and
39 Institutions Code.

1 Nothing in this section shall be construed to prohibit or
2 discourage placement of persons who have mental or physical
3 disabilities into any category of community care facility that meets
4 the needs of the individual placed, if the placement is consistent
5 with the licensing regulations of the department.

6 (9) “Full-service adoption agency” means any licensed entity
7 engaged in the business of providing adoption services, that does
8 all of the following:

9 (A) Assumes care, custody, and control of a child through
10 relinquishment of the child to the agency or involuntary termination
11 of parental rights to the child.

12 (B) Assesses the birth parents, prospective adoptive parents, or
13 child.

14 (C) Places children for adoption.

15 (D) Supervises adoptive placements.

16 Private full-service adoption agencies shall be organized and
17 operated on a nonprofit basis. As a condition of licensure to provide
18 intercountry adoption services, a full-service adoption agency shall
19 be accredited and in good standing according to Part 96 of Title
20 22 of the Code of Federal Regulations, or supervised by an
21 accredited primary provider, or acting as an exempted provider,
22 in compliance with Subpart F (commencing with Section 96.29)
23 of Part 96 of Title 22 of the Code of Federal Regulations.

24 (10) “Noncustodial adoption agency” means any licensed entity
25 engaged in the business of providing adoption services, that does
26 all of the following:

27 (A) Assesses the prospective adoptive parents.

28 (B) Cooperatively matches children freed for adoption, who are
29 under the care, custody, and control of a licensed adoption agency,
30 for adoption, with assessed and approved adoptive applicants.

31 (C) Cooperatively supervises adoptive placements with a
32 full-service adoptive agency, but does not disrupt a placement or
33 remove a child from a placement.

34 Private noncustodial adoption agencies shall be organized and
35 operated on a nonprofit basis. As a condition of licensure to provide
36 intercountry adoption services, a noncustodial adoption agency
37 shall be accredited and in good standing according to Part 96 of
38 Title 22 of the Code of Federal Regulations, or supervised by an
39 accredited primary provider, or acting as an exempted provider,

1 in compliance with Subpart F (commencing with Section 96.29)
2 of Part 96 of Title 22 of the Code of Federal Regulations.

3 (11) “Transitional shelter care facility” means any group care
4 facility that provides for 24-hour nonmedical care of persons in
5 need of personal services, supervision, or assistance essential for
6 sustaining the activities of daily living or for the protection of the
7 individual. Program components shall be subject to program
8 standards developed by the State Department of Social Services
9 pursuant to Section 1502.3.

10 (12) “Transitional housing placement provider” means an
11 organization licensed by the department pursuant to Section
12 1559.110 and Section 16522.1 of the Welfare and Institutions Code
13 to provide transitional housing to foster children at least 16 years
14 of age and not more than 18 years of age, and nonminor
15 dependents, as defined in subdivision (v) of Section 11400 of the
16 Welfare and Institutions Code, to promote their transition to
17 adulthood. A transitional housing placement provider shall be
18 privately operated and organized on a nonprofit basis.

19 (13) “Group home” means a residential facility that provides
20 24-hour care and supervision to children, delivered at least in part
21 by staff employed by the licensee in a structured environment. The
22 care and supervision provided by a group home shall be
23 nonmedical, except as otherwise permitted by law.

24 (14) “Runaway and homeless youth shelter” means a group
25 home licensed by the department to operate a program pursuant
26 to Section 1502.35 to provide voluntary, short-term, shelter and
27 personal services to runaway youth or homeless youth, as defined
28 in paragraph (2) of subdivision (a) of Section 1502.35.

29 (15) “Enhanced behavioral supports home” means a facility
30 certified by the State Department of Developmental Services
31 pursuant to Article 3.6 (commencing with Section 4684.80) of
32 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
33 and licensed by the State Department of Social Services as an adult
34 residential facility or a group home that provides 24-hour
35 nonmedical care to individuals with developmental disabilities
36 who require enhanced behavioral supports, staffing, and
37 supervision in a homelike setting. An enhanced behavioral supports
38 home shall have a maximum capacity of four consumers, shall
39 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal

1 Regulations, and shall be eligible for federal Medicaid home- and
2 community-based services funding.

3 (16) “Community crisis home” means a facility certified by the
4 State Department of Developmental Services pursuant to Article
5 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
6 of the Welfare and Institutions Code, and licensed by the State
7 Department of Social Services pursuant to Article 9.7 (commencing
8 with Section 1567.80), as an adult residential facility, providing
9 24-hour nonmedical care to individuals with developmental
10 disabilities receiving regional center service, in need of crisis
11 intervention services, and who would otherwise be at risk of
12 admission to the acute crisis center at Fairview Developmental
13 Center, Sonoma Developmental Center, an acute general hospital,
14 acute psychiatric hospital, an institution for mental disease, as
15 described in Part 5 (commencing with Section 5900) of Division
16 5 of the Welfare and Institutions Code, or an out-of-state
17 placement. A community crisis home shall have a maximum
18 capacity of eight consumers, as defined in subdivision (a) of
19 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
20 42 of the Code of Federal Regulations, and shall be eligible for
21 federal Medicaid home- and community-based services funding.

22 (17) “Crisis nursery” means a facility licensed by the department
23 to operate a program pursuant to Section 1516 to provide short-term
24 care and supervision for children under six years of age who are
25 voluntarily placed for temporary care by a parent or legal guardian
26 due to a family crisis or stressful situation.

27 (18) “Short-term residential treatment center” means a
28 residential facility licensed by the department pursuant to Section
29 1562.01 and operated by any public agency or private organization
30 that provides short-term, specialized, and intensive treatment, and
31 24-hour care and supervision to children. The care and supervision
32 provided by a short-term residential treatment center shall be
33 nonmedical, except as otherwise permitted by law. *Private*
34 *short-term residential treatment centers shall be organized and*
35 *operated on a nonprofit basis.*

36 (b) “Department” or “state department” means the State
37 Department of Social Services.

38 (c) “Director” means the Director of Social Services.

39 SEC. 3. Section 1517 of the Health and Safety Code is amended
40 to read:

1 1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5
2 of the Welfare and Institutions Code, the State Department of
3 Social Services, shall implement a unified, family friendly, and
4 child-centered resource family approval process to replace the
5 existing multiple processes for licensing foster family homes,
6 approving relatives and nonrelative extended family members as
7 foster care providers, and approving adoptive families.

8 (2) For purposes of this section, a “resource family” means an
9 individual or ~~couple~~ *family* that has successfully met both the home
10 environment assessment and the permanency assessment criteria,
11 as set forth in Section 16519.5 of the Welfare and Institutions
12 Code, necessary for providing care for a related or unrelated child
13 who is under the jurisdiction of the juvenile court, or otherwise in
14 the care of a county child welfare agency or probation department.

15 (b) ~~(1) A foster family agency that is selected and authorized~~
16 ~~to participate in early implementation of the resource family~~
17 ~~approval program, pursuant to subdivision (t) of Section 16519.5~~
18 ~~of the Welfare and Institutions Code,~~ shall comply with the
19 provisions of this section.

20 ~~(1)~~

21 (2) Notwithstanding any other law, ~~the~~ a foster family agency
22 shall require its applicants and resource families to meet the
23 resource family approval standards set forth in Section 16519.5
24 of the Welfare and Institutions Code, the written directives *or*
25 *regulations* adopted thereto, and other applicable laws prior to
26 approval and in order to maintain approval.

27 ~~(2) The~~

28 (3) A foster family agency shall be responsible for all of the
29 following:

30 (A) Complying with the applicable provisions of this chapter,
31 the regulations for foster family agencies, the resource family
32 approval standards and requirements set forth in Section 16519.5
33 of the Welfare and Institutions Code, and the applicable written
34 directives *or regulations* adopted thereto ~~as directed~~ by the
35 department.

36 (B) Implementing the requirements for the resource family
37 approval and utilizing standardized documentation established by
38 the department.

- 1 (C) Ensuring staff have the education and experience necessary
2 to complete the home environment and psychosocial assessments
3 competently.
- 4 (D) Taking the following actions, as applicable:
- 5 (i) Approving or denying resource family applications.
6 (ii) Rescinding approvals of resource families.
- 7 (E) Providing to the department a log of resource families that
8 were approved or rescinded during the month by the 10th day of
9 the following month. For purposes of subdivision (d) of Section
10 1536, a certified family home includes a resource family approved
11 by the foster family agency pursuant to this section.
- 12 (F) (i) Updating resource family approval annually.
13 (ii) *A foster family agency shall conduct an announced*
14 *inspection of a resource family home during the annual update in*
15 *order to ensure that the resource family is conforming to all*
16 *applicable laws and the written directives or regulations adopted*
17 *pursuant to Section 16519.5 of the Welfare and Institutions Code.*
- 18 (G) Monitoring resource families through all of the following:
- 19 (i) Ensuring that social workers who identify a condition in the
20 home that may not meet the resource family approval standards
21 while in the course of a routine visit to children subsequently
22 placed with a resource family take appropriate action as needed.
- 23 (ii) Requiring resource families to comply with corrective action
24 plans as necessary to correct identified deficiencies. If corrective
25 action is not completed as specified in the plan, the foster family
26 agency or the department may rescind the approval of the resource
27 family in accordance with the written directives *or regulations*
28 adopted pursuant to Section 16519.5 of the Welfare and Institutions
29 Code.
- 30 (iii) Requiring resource families to report to the foster family
31 agency any incidents as specified in the written directives *or*
32 *regulations* adopted pursuant to Section 16519.5 of the Welfare
33 and Institutions Code.
- 34 (iv) *Inspecting resource family homes as often as necessary to*
35 *ensure the quality of care provided.*
- 36 (H) Performing corrective action as required by the department.
- 37 (I) Submitting information and data that the department
38 determines is necessary to study, monitor, and prepare the report
39 specified in paragraph ~~(9)~~ (6) of subdivision (f) of Section 16519.5
40 of the Welfare and Institutions Code.

1 (J) (i) Ensuring ~~resource family~~ applicants and resource
2 families meet the training *requirements, and, if applicable, the*
3 *specialized training* requirements set forth in ~~paragraphs (12) to~~
4 ~~(14), inclusive, of subdivisions (g) and (h) of~~ Section 16519.5 of
5 the Welfare and Institutions Code.

6 (ii) *Nothing in this section shall preclude a foster family agency*
7 *from requiring resource family training in excess of the*
8 *requirements in this section.*

9 (c) In addition to subdivision (f) of Section 16519.5 of the
10 Welfare and Institutions Code, the State Department of Social
11 Services shall be responsible for all of the following:

12 (1) *Requiring foster family agencies to monitor resource*
13 *families, including, but not limited to, developing and monitoring*
14 *resource family corrective action plans to correct identified*
15 *deficiencies and to rescind resource family approval if compliance*
16 *with a corrective action plan is not achieved.*

17 ~~(1)~~

18 (2) Investigating all complaints against a resource family
19 approved by a foster family agency and taking any action it deems
20 necessary. This shall include investigating any incidents reported
21 about a resource family indicating that the approval standard is
22 not being maintained. Complaint investigations shall be conducted
23 in accordance with the written directives *or regulations* adopted
24 pursuant to Section 16519.5 of the Welfare and Institutions Code.

25 ~~(2)~~

26 (3) Rescinding approvals of a resource family approved by a
27 foster family agency.

28 ~~(3)~~

29 (4) Excluding a resource family parent or other individual from
30 presence in a resource family home or licensed community care
31 facility, from being a member of the board of directors, an
32 executive director, or an officer of a licensed community care
33 facility, or prohibiting a licensed community care facility from
34 employing the resource family parent or other individual, if
35 appropriate.

36 ~~(4)~~

37 (5) Issuing a temporary suspension order that suspends the
38 resource family approval prior to a hearing, when urgent action is
39 needed to protect a child ~~or nonminor dependent~~ from physical or

1 mental abuse, abandonment, or any other substantial threat to
2 health or safety.

3 (d) The department may enter and inspect the home of a resource
4 family approved by a foster family agency to secure compliance
5 with the resource family approval standards, investigate a
6 complaint or incident, or ensure the quality of care provided.

7 (e) Nothing in this section or ~~Section 16519.5 in Chapter 5~~
8 *(commencing with Section 16500) of Part 4 of Division 9* of the
9 Welfare and Institutions Code limits the authority of the department
10 to inspect, evaluate, investigate a complaint or incident, or initiate
11 a disciplinary action against a foster family agency pursuant to
12 this chapter or to take any action it may deem necessary for the
13 health and safety of children *subsequently* placed with the foster
14 family agency.

15 (f) For purposes of paragraph (3) of subdivision (b) of Section
16 1523.1, a certified family home includes a resource family
17 approved by a foster family agency pursuant to this section.

18 (g) (1) On and after January 1, 2017, all licensed foster family
19 agencies shall approve resource families in lieu of certifying foster
20 homes. A foster family agency shall require its applicants and
21 resource families to meet the resource family approval standards
22 and requirements set forth in Section 16519.5 of the Welfare and
23 Institutions Code, the written directives *or regulations* adopted
24 thereto, and other applicable laws prior to approval and in order
25 to maintain approval.

26 (2) No later than July 1, 2017, each foster family agency shall
27 provide the following information to all certified family homes:

28 (A) A detailed description of the resource family approval
29 program.

30 (B) Notification that, in order to care for a foster child, resource
31 family approval is required by December 31, 2019.

32 (C) Notification that a certificate of approval shall be forfeited
33 by operation of law as provided for in paragraph (5).

34 (3) By no later than January 1, 2018, the following shall apply
35 to all certified family homes:

36 (A) A certified family home with an approved adoptive home
37 study, completed prior to January 1, 2018, shall be deemed to be
38 an approved resource family.

39 (B) A certified family home that had a child in placement for
40 any length of ~~time~~, *time* between January 1, 2017, and December

1 31, 2017, inclusive, may be approved as a resource family on the
2 date of successful completion of a psychosocial assessment
3 pursuant to subparagraph (B) of paragraph ~~(2)~~ (3) of subdivision
4 (d) of Section 16519.5 of the Welfare and Institutions Code.

5 (4) A foster family agency may provide supportive services to
6 all certified family homes with a child in placement to assist with
7 the resource family transition and to minimize placement
8 disruptions.

9 (5) All certificates of approval shall be forfeited by operation
10 of law on December 31, 2019, except as provided in this paragraph:

11 (A) A certified family home that did not have a child in
12 placement for any length of time between January 1, 2017, and
13 December 31, 2017, inclusive, shall forfeit by operation of law its
14 certificate of approval on January 1, 2018.

15 (B) For a certified family home with a pending resource family
16 application on December 31, 2019, the certificate of approval shall
17 be forfeited by operation of law on the date of approval as a
18 resource family. If approval is denied, forfeiture by operation of
19 law shall occur on the date of completion of any proceedings
20 required by law to ensure due process.

21 SEC. 4. Section 1520.1 of the Health and Safety Code is
22 amended to read:

23 1520.1. In addition to Section 1520, applicants for a group
24 home or short-term residential treatment center license shall meet
25 the following requirements:

26 (a) (1) During the first 12 months of operation, the facility shall
27 operate with a provisional license. After eight months of operation,
28 the department shall conduct a comprehensive review of the facility
29 for compliance with all applicable laws and regulations and help
30 develop a plan of correction with the provisional licensee, if
31 appropriate. By the end of the 12th month of operation, the
32 department shall determine if the permanent license should be
33 issued.

34 (2) If the department determines that the group home or
35 short-term residential treatment center is in substantial compliance
36 with licensing standards, notwithstanding Section 1525.5, the
37 department may extend the provisional license for up to an
38 additional six months for either of the following reasons:

1 (A) The group home or short-term residential treatment center
2 requires additional time to be in full compliance with licensing
3 standards.

4 (B) After 12 months of operation, the group home or short-term
5 residential treatment center is not operating at 50 percent of its
6 licensed capacity.

7 (3) By no later than the first business day of the 17th month of
8 operation, the department shall conduct an additional review of a
9 facility for which a provisional license is extended pursuant to
10 paragraph (2), in order to determine whether a permanent license
11 should be issued.

12 (4) At the time of its review pursuant to paragraph (3), the
13 department may extend ~~the term of a~~ provisional license for a
14 ~~period not to exceed two years;~~ *an additional period of time not*
15 *to exceed a total of 24 months*, only if it determines that this
16 additional time period is required to secure accreditation from an
17 entity identified by the department pursuant to the process
18 described in paragraph ~~(5)~~ (6) of subdivision (b) of Section 11462
19 of the Welfare and Institutions Code and provided that all other
20 requirements for a license have been met.

21 (5) The department may deny a group home or short-term
22 residential treatment center license application at any time during
23 the term of the provisional license to protect the health and safety
24 of clients. If the department denies the application, the group home
25 or short-term residential treatment center shall cease operation
26 immediately. Continued operation of the facility after the
27 department denies the application or the provisional license expires
28 shall constitute unlicensed operation.

29 (6) When the department notifies a city or county planning
30 authority pursuant to subdivision (c) of Section 1520.5, the
31 department shall briefly describe the provisional licensing process
32 and the timelines provided for under that process, as well as provide
33 the name, address, and telephone number of the district office
34 licensing the facility where a complaint or comment about the
35 group home's or short-term residential treatment center's operation
36 may be filed.

37 (b) (1) After the production of the booklet provided for in
38 paragraph (2), every member of the group home's board of
39 directors or governing body and every member of a short-term
40 residential treatment center's board of directors or governing body

1 shall, prior to becoming a member of the board of directors or
2 governing body sign a statement that he or she understands his or
3 her legal duties and obligations as a member of the board of
4 directors or governing body and that the group home's or
5 short-term residential treatment center's operation is governed by
6 laws and regulations that are enforced by the department, as set
7 forth in the booklet. The applicant, provisional licensee, and
8 licensee shall have this statement available for inspection by the
9 department. For members of the board of directors or governing
10 body when the booklet is produced, the licensee shall obtain this
11 statement by the next scheduled meeting of the board of directors
12 or governing body. Compliance with this paragraph shall be a
13 condition of licensure.

14 (2) The department shall distribute to every group home provider
15 and short-term residential treatment center provider, respectively,
16 detailed information designed to educate members of the group
17 home provider's or short-term residential treatment center
18 provider's board of directors or governing body of their roles and
19 responsibilities as members of a public benefit corporation under
20 the laws of this state. The information shall be included in a
21 booklet, may be revised as deemed necessary by the department,
22 and shall include, but not be limited to, all of the following:

23 (A) The financial responsibilities of a member of the board of
24 directors or governing body.

25 (B) Disclosure requirements for self-dealing transactions.

26 (C) Legal requirements pertaining to articles of incorporation,
27 bylaws, length of member terms, voting procedures, board or
28 governing body meetings, quorums, minutes of meetings, and, as
29 provided for in subdivision (f), member duties.

30 (D) A general overview of the laws and regulations governing
31 the group home's or short-term residential treatment center's
32 operation that are enforced by the department.

33 (c) All financial records submitted by a facility to the
34 department, or that are submitted as part of an audit of the facility,
35 including, but not limited to, employee timecards and timesheets,
36 shall be signed and dated by the employee and by the group home
37 representative or short-term residential treatment center
38 representative who is responsible for ensuring the accuracy of the
39 information contained in the record, or when a time clock is used,
40 the payroll register shall be signed and dated, and those financial

1 records shall contain an affirmative statement that the signatories
2 understand that the information contained in the document is
3 correct to the best of their knowledge and that submission of false
4 or misleading information may be prosecuted as a crime.

5 (d) An applicant, provisional licensee, or licensee shall maintain,
6 submit, and sign financial documents to verify the legitimacy and
7 accuracy of these documents. These documents include, but are
8 not limited to, the group home or short-term residential treatment
9 center application, any financial documents and plans of corrections
10 submitted to the department, and time sheets.

11 (e) (1) It is the intent of the Legislature that a group home or
12 short-term residential treatment center have either representatives
13 on its board of directors, as listed in paragraph (2), or a community
14 advisory board, that meets at least annually.

15 (2) The representatives on the board of directors or the
16 community advisory board members should consist of at least the
17 following persons:

18 (A) A member of the facility's board of directors.

19 (B) Members of the community where the facility is located.

20 (C) Neighbors of the facility.

21 (D) Current or former clients of the facility.

22 (E) A representative from a local law enforcement or other city
23 or county representative.

24 (f) Each group home or short-term residential treatment center
25 provider shall schedule and conduct quarterly meetings of its board
26 of directors or governing body. During these quarterly meetings,
27 the board of directors or governing body shall review and discuss
28 licensing reports, financial and program audit reports of its group
29 home or short-term residential treatment center operations, special
30 incident reports, and any administrative action against the licensee
31 or its employees. The minutes shall reflect the board's or governing
32 body's discussion of these documents and the group home's or
33 short-term residential treatment center's operation. The licensee
34 shall make available the minutes of group home's or short-term
35 residential treatment center's board of directors or governing body
36 meetings to the department.

37 SEC. 5. Section 1525.5 of the Health and Safety Code is
38 amended to read:

39 1525.5. (a) The department may issue provisional licenses to
40 operate community care facilities for facilities that the director

1 determines are in substantial compliance with this chapter and the
2 rules and regulations adopted pursuant to this chapter, provided
3 that no life safety risks are involved, as determined by the director.
4 In determining whether any life safety risks are involved, the
5 director shall require completion of all applicable fire clearances
6 and criminal record clearances as otherwise required by the
7 department's rules and regulations. The provisional license shall
8 expire six months from the date of issuance, or at any earlier time
9 as the director may determine, and may not be renewed. However,
10 the director may extend the term of a provisional license for an
11 additional six months at time of application, if it is determined that
12 more than six months will be required to achieve full compliance
13 with licensing standards due to circumstances beyond the control
14 of the applicant, provided all other requirements for a license have
15 been met.

16 (b) This section shall not apply to foster family homes.

17 (c) ~~Notwithstanding subdivision (a), the~~ *The* department may
18 extend the term of a provisional license issued to a foster family
19 ~~agency, agency beyond the time limits specified in subdivision (a),~~
20 ~~not to exceed two years, a total of 24 months,~~ if it determines that
21 this additional time is required to secure accreditation from an
22 entity identified by the department pursuant to paragraph (8) of
23 subdivision (b) of Section 11463 of the Welfare and Institutions
24 Code and provided that all other requirements for a license have
25 been met.

26 SEC. 6. Section 1562.01 of the Health and Safety Code is
27 amended to read:

28 1562.01. (a) The department shall license short-term residential
29 treatment centers, as defined in paragraph (18) of subdivision (a)
30 of Section 1502, pursuant to this chapter. A short-term residential
31 treatment center shall comply with all requirements of this chapter
32 that are applicable to group homes and to the requirements of this
33 section.

34 (b) (1) A short-term residential treatment center shall have
35 national accreditation from an entity identified by the department
36 pursuant to the process described in paragraph ~~(5)~~ (6) of
37 subdivision (b) of Section 11462 of the Welfare and Institutions
38 Code.

39 (2) Notwithstanding paragraph (1), the department may issue a
40 provisional license to a short-term residential treatment center and

1 may extend the term of the provisional license not to exceed ~~two~~
2 *years a total of 24 months* in order for the short-term residential
3 treatment center to secure accreditation as set forth in subdivision
4 (a) of Section 1520.1.

5 (c) A short-term residential treatment center shall obtain and
6 have in good standing a mental health certification, as set forth in
7 Section 4096.5 of the Welfare and Institutions Code.

8 (d) (1) A short-term residential treatment center shall prepare
9 and maintain a current, written plan of operation as required by
10 the department.

11 (2) The plan of operation shall include, but not be limited to,
12 all of the following:

13 (A) A statement of purposes and goals.

14 (B) A plan for the supervision, evaluation, and training of staff.
15 The training plan shall be appropriate to meet the needs of staff
16 and children.

17 (C) A program statement that includes all of the following:

18 (i) Description of the short-term residential treatment center's
19 ability to support the differing needs of children and their families
20 with short-term, specialized, and intensive treatment.

21 (ii) Description of the core services, as set forth, ~~on and after~~
22 *January 1, 2017,* ~~forth~~ in paragraph (1) of subdivision (b) of Section
23 11462 of the Welfare and Institutions Code, to be offered to
24 children and their families, as appropriate or necessary.

25 (iii) Procedures for the development, implementation, and
26 periodic updating of the needs and services plan for children served
27 by the short-term residential treatment center and procedures for
28 collaborating with the child and family team described in paragraph
29 (4) of subdivision (a) of Section 16501 of the Welfare and
30 Institutions Code, that include, but are not limited to, a description
31 of the services to be provided to meet the treatment needs of the
32 child as assessed, ~~on and after January 1, 2017,~~ pursuant to
33 subdivision (d) or (e) of Section 11462.01 of the Welfare and
34 Institutions Code, the anticipated duration of the treatment, and
35 the timeframe and plan for transitioning the child to a
36 less-restrictive family environment.

37 (iv) A description of the population or populations to be served.

38 (v) Any other information that may be prescribed by the
39 department for the proper administration of this section.

1 (e) In addition to the rules and regulations adopted pursuant to
2 this chapter, a county licensed to operate a short-term residential
3 treatment center shall describe, in the plan of operation, its conflict
4 of interest mitigation plan, as set forth ~~on and after January 1,~~
5 2017, in subdivision (g) of Section 11462.02 of the Welfare and
6 Institutions Code.

7 (f) The department shall establish procedures for a county review
8 process, at the county's option, for short-term residential treatment
9 centers, which may include the review of the short-term residential
10 treatment center's program statement, and which shall be
11 established in consultation with the County Welfare Directors
12 Association of California, Chief Probation Officers of California,
13 and stakeholders, as appropriate.

14 (g) (1) The department shall adopt regulations to establish
15 requirements for the education, qualification, and training of facility
16 managers and staff who provide care and supervision to children
17 or who have regular, direct contact with children in the course of
18 their responsibilities in short-term residential treatment centers
19 consistent with the intended role of these facilities to provide
20 short-term, specialized, and intensive treatment.

21 (2) Requirements shall include, but not be limited to, all of the
22 following:

23 (A) Staff classifications.

24 (B) Specification of the date by which employees shall be
25 required to meet the education and qualification requirements.

26 (C) Any other requirements that may be prescribed by the
27 department for the proper administration of this section.

28 (h) The department shall adopt regulations to specify training
29 requirements for staff who provide care and supervision to children
30 or who have regular, direct contact with children in the course of
31 their responsibilities. These requirements shall include the
32 following:

33 (1) Timeframes for completion of training, including the
34 following:

35 (A) Training that shall be completed prior to unsupervised care
36 of children.

37 (B) Training to be completed within the first 180 days of
38 employment.

39 (C) Training to be completed annually.

- 1 (2) Topics to be covered in the training shall include, but are
2 not limited to, the following:
- 3 (A) Child and adolescent development, including sexual
4 orientation, gender identity, and gender expression.
- 5 (B) The effects of trauma, including grief and loss, and child
6 abuse and neglect on child development and behavior and methods
7 to behaviorally support children impacted by that trauma or child
8 abuse and neglect.
- 9 (C) The rights of a child in foster care, including the right to
10 have fair and equal access to all available services, placement,
11 care, treatment, and benefits, and to not be subjected to
12 discrimination or harassment on the basis of actual or perceived
13 race, ethnic group identification, ancestry, national origin, color,
14 religion, sex, sexual orientation, gender identity, mental or physical
15 disability, or HIV status.
- 16 (D) Positive discipline and the importance of self-esteem.
- 17 (E) Core practice model.
- 18 (F) An overview of the child welfare and probation systems.
- 19 (G) Reasonable and prudent parent standard.
- 20 (H) Instruction on cultural competency and sensitivity and
21 related best practices for providing adequate care for children
22 across diverse ethnic and racial backgrounds, as well as children
23 identifying as lesbian, gay, bisexual, or transgender.
- 24 (I) Awareness and identification of commercial sexual
25 exploitation and best practices for providing care and supervision
26 to commercially sexually exploited children.
- 27 (J) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
28 et seq.), its historical significance, the rights of children covered
29 by the act, and the best interests of Indian children, including the
30 role of the caregiver in supporting culturally appropriate child
31 centered practices that respect Native American history, culture,
32 retention of tribal membership, and connection to the tribal
33 community and traditions.
- 34 (K) Permanence, well-being, and educational needs of children.
- 35 (L) Basic instruction on existing laws and procedures regarding
36 the safety of foster youth at school; and ensuring a harassment and
37 violence free school environment pursuant to Article 3.6
38 (commencing with Section 32228) of Chapter 2 of Part 19 of
39 Division 1 of Title 1 of the Education Code.

1 (M) Best practices for providing care and supervision to
2 nonminor dependents.

3 (N) Health issues in foster care.

4 (O) Physical and psychosocial needs of children, including
5 behavior management, deescalation techniques, and
6 trauma-informed crisis management planning.

7 (i) (1) Each person employed as a facility manager or staff
8 member of a short-term residential treatment center, who provides
9 direct care and supervision to children and youth residing in the
10 short-term residential treatment center shall be at least 21 years of
11 age.

12 (2) This subdivision shall not apply to a facility manager or staff
13 member employed, before October 1, 2014, at a short-term
14 residential treatment center which was operating under a group
15 home license prior to January 1, 2016.

16 (j) Notwithstanding any other section of this chapter, the
17 department may establish requirements for licensed group homes
18 that are transitioning to short-term residential treatment centers,
19 which may include, but not be limited to, requirements related to
20 application and plan of operation.

21 (k) A short-term residential treatment center shall have a
22 qualified and certified administrator, as set forth in Section
23 1522.41.

24 (l) The department shall have the authority to inspect a
25 short-term residential treatment center pursuant to the system of
26 governmental monitoring and oversight developed by the
27 department ~~on and after January 1, 2017~~, pursuant to subdivision
28 (c) of Section 11462 of the Welfare and Institutions Code.

29 SEC. 7. Section 4094.2 of the Welfare and Institutions Code
30 is amended to read:

31 4094.2. (a) For the purpose of establishing payment rates for
32 community treatment facility programs, the private nonprofit
33 agencies selected to operate these programs shall prepare a budget
34 that covers the total costs of providing residential care and
35 supervision and mental health services for their proposed programs.
36 These costs shall include categories that are allowable under
37 California's Foster Care program and existing programs for mental
38 health services. They shall not include educational, nonmental
39 health medical, and dental costs.

1 (b) Each agency operating a community treatment facility
2 program shall negotiate a final budget with the local mental health
3 department in the county in which its facility is located (the host
4 county) and other local agencies, as appropriate. This budget
5 agreement shall specify the types and level of care and services to
6 be provided by the community treatment facility program and a
7 payment rate that fully covers the costs included in the negotiated
8 budget. All counties that place children in a community treatment
9 facility program shall make payments using the budget agreement
10 negotiated by the community treatment facility provider and the
11 host county.

12 (c) A foster care rate shall be established for each community
13 treatment facility program by the State Department of Social
14 Services.

15 (1) These rates shall be established using the existing foster care
16 ratesetting system for group homes, or the rate for a short-term
17 residential treatment center as defined in subdivision (ad) of
18 Section 11400, with modifications designed as necessary. It is
19 anticipated that all community treatment facility programs will
20 offer the level of care and services required to receive the highest
21 foster care rate provided for under the current ratesetting system.

22 (2) Except as otherwise provided in paragraph (3), commencing
23 January 1, 2017, the program shall have accreditation from a
24 nationally recognized accrediting entity identified by the State
25 Department of Social Services pursuant to the process described
26 in paragraph (4) of subdivision (b) of Section 11462.

27 (3) With respect to a program that has been granted an extension
28 pursuant to the exception process described in subdivision (d) of
29 Section 11462.04, the requirement described in paragraph (2) shall
30 apply to that program commencing January 1, ~~2018~~. 2019.

31 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the
32 2003–04 fiscal year, and the 2004–05 fiscal year, community
33 treatment facility programs shall also be paid a community
34 treatment facility supplemental rate of up to two thousand five
35 hundred dollars (\$2,500) per child per month on behalf of children
36 eligible under the foster care program and children placed out of
37 home pursuant to an individualized education program developed
38 under Section 7572.5 of the Government Code. Subject to the
39 availability of funds, the supplemental rate shall be shared by the
40 state and the counties. Counties shall be responsible for paying a

1 county share of cost equal to 60 percent of the community
2 treatment rate for children placed by counties in community
3 treatment facilities and the state shall be responsible for 40 percent
4 of the community treatment facility supplemental rate. The
5 community treatment facility supplemental rate is intended to
6 supplement, and not to supplant, the payments for which children
7 placed in community treatment facilities are eligible to receive
8 under the foster care program and the existing programs for mental
9 health services.

10 (e) For initial ratesetting purposes for community treatment
11 facility funding, the cost of mental health services shall be
12 determined by deducting the foster care rate and the community
13 treatment facility supplemental rate from the total allowable cost
14 of the community treatment facility program. Payments to certified
15 providers for mental health services shall be based on eligible
16 services provided to children who are Medi-Cal beneficiaries, up
17 to the approved federal rate for these services.

18 (f) The State Department of Health Care Services shall provide
19 the community treatment facility supplemental rates to the counties
20 for advanced payment to the community treatment facility
21 providers in the same manner as the regular foster care payment
22 and within the same required payment time limits.

23 (g) In order to facilitate the study of the costs of community
24 treatment facilities, licensed community treatment facilities shall
25 provide all documents regarding facility operations, treatment, and
26 placements requested by the department.

27 (h) It is the intent of the Legislature that the State Department
28 of Health Care Services and the State Department of Social
29 Services work to maximize federal financial participation in
30 funding for children placed in community treatment facilities
31 through funds available pursuant to Titles IV-E and XIX of the
32 federal Social Security Act (Title 42 U.S.C. Sec. 670 et seq. and
33 Sec. 1396 et seq.) and other appropriate federal programs.

34 (i) The State Department of Health Care Services and the State
35 Department of Social Services may adopt emergency regulations
36 necessary to implement joint protocols for the oversight of
37 community treatment facilities, to modify existing licensing
38 regulations governing reporting requirements and other procedural
39 and administrative mandates to take into account the seriousness
40 and frequency of behaviors that are likely to be exhibited by

1 seriously emotionally disturbed children placed in community
2 treatment facility programs, to modify the existing foster care
3 ratesetting regulations, and to pay the community treatment facility
4 supplemental rate. The adoption of these regulations shall be
5 deemed to be an emergency and necessary for the immediate
6 preservation of the public peace, health and safety, and general
7 welfare. The regulations shall become effective immediately upon
8 filing with the Secretary of State. The regulations shall not remain
9 in effect more than 180 days unless the adopting agency complies
10 with all the provisions of Chapter 3.5 (commencing with Section
11 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
12 as required by subdivision (e) of Section 11346.1 of the
13 Government Code.

14 SEC. 8. Section 11462 of the Welfare and Institutions Code,
15 as added by Section 72 of Chapter 773 of the Statutes of 2015, is
16 amended to read:

17 11462. (a) The department shall commence development of
18 a new payment structure for short-term residential treatment center
19 program placements claiming Title IV-E funding, in consultation
20 with county placing agencies and providers.

21 (b) The department shall develop a rate system that includes
22 consideration of all of the following factors:

23 (1) Core services, made available to children and nonminor
24 dependents either directly or secured through formal agreements
25 with other agencies, which are trauma informed and culturally
26 relevant and include:

27 ~~(A) Access to specialty~~ *Specialty* mental health services for
28 children who meet medical necessity criteria for specialty mental
29 health services under the Medi-Cal Early and Periodic Screening,
30 Diagnosis, and Treatment program.

31 (B) Transition support services for children, youth, and families
32 upon initial entry and placement changes and for families who
33 assume permanency through reunification, adoption, or
34 guardianship.

35 (C) Educational and physical, behavioral, and mental health
36 supports, including extracurricular activities and social supports.

37 (D) Activities designed to support transition-age youth and
38 nonminor dependents in achieving a successful adulthood.

39 (E) Services to achieve permanency, including supporting efforts
40 to reunify or achieve adoption or guardianship and efforts to

1 maintain or establish relationships with parents, siblings, extended
2 family members, tribes, or others important to the child or youth,
3 as appropriate.

4 (F) When serving Indian children, as defined in subdivisions
5 (a) and (b) of Section 224.1, the core services described in
6 paragraphs (A) to (E), inclusive, which shall be provided to eligible
7 children consistent with active efforts pursuant to Section 361.7.

8 (G) (i) Facilitating the identification and, as needed, the
9 approval of resource families pursuant to Section 16519.5, for the
10 purpose of transitioning children and youth to family-based care.

11 (ii) If a short-term residential treatment center elects to approve
12 and monitor resource families directly, the center shall comply
13 with all laws applicable to foster family agencies, including, but
14 not limited to, those set forth in the Community Care Facilities
15 Act (Chapter 3 (commencing with Section 1500) of Division 2 of
16 the Health and Safety Code).

17 (iii) For short-term residential treatment centers that elect to
18 approve and monitor resource families directly, the department
19 shall have all the same duties and responsibilities as those centers
20 have for licensed foster family agencies, as set forth in applicable
21 law, including, but not limited to, those set forth in the Community
22 Care Facilities Act (Chapter 3 (commencing with Section 1500)
23 of Division 2 of the Health and Safety Code).

24 (2) The core services specified in subparagraphs (A) to (G),
25 inclusive, of paragraph (1) are not intended to duplicate services
26 already available to foster children in the community, but to support
27 access to those services and supports to the extent they are already
28 available. Those services and supports may include, but are not
29 limited to, foster youth services available through county offices
30 of education, Indian Health Services, or school-based
31 extra-curricular activities.

32 (3) Specialized and intensive treatment supports that encompass
33 the elements of nonmedical care and supervision necessary to meet
34 a child's or youth's safety and other needs that cannot be met in
35 a family-based setting.

36 (4) Staff training.

37 (5) Health and Safety Code requirements.

38 (6) Accreditation that includes:

39 (A) Provision for all licensed short-term residential treatment
40 centers to obtain and maintain in good standing accreditation from

1 a nationally recognized accreditation agency, as identified by the
2 department, with expertise in programs for children or youth group
3 care facilities, as determined by the department.

4 (B) Promulgation by the department of information identifying
5 that agency or agencies from which accreditation shall be required.

6 (C) Provision for timely reporting to the department of any
7 change in accreditation status.

8 (7) Mental health certification, including a requirement to timely
9 report to the department any change in mental health certificate
10 status.

11 (8) Maximization of federal financial participation under Title
12 IV-E and Title XIX of the Social Security Act.

13 (c) The department shall develop a system of governmental
14 monitoring and oversight that shall be carried out in coordination
15 with the State Department of Health Care Services. Oversight
16 responsibilities shall include, but not be limited to, ensuring
17 conformity with federal and state law, including program, fiscal,
18 and health and safety audits and reviews. The state agencies shall
19 attempt to minimize duplicative audits and reviews to reduce the
20 administrative burden on providers.

21 (d) This section shall become operative on January 1, 2017.

22 SEC. 9. Section 11466 of the Welfare and Institutions Code is
23 amended to read:

24 11466. For the purposes of this section to Section ~~11469.1,~~
25 ~~11469.1~~, inclusive, “provider” shall mean a group home, short-term
26 residential treatment center, a foster family ~~agency that provides~~
27 ~~treatment services,~~ *agency*, and similar foster care business entities.

28 SEC. 10. Section 16519.5 of the Welfare and Institutions Code
29 is amended to read:

30 16519.5. (a) The State Department of Social Services, in
31 consultation with county child welfare agencies, foster parent
32 associations, and other interested community parties, shall
33 implement a unified, family friendly, and child-centered resource
34 family approval process to replace the existing multiple processes
35 for licensing foster family homes, approving relatives and
36 nonrelative extended family members as foster care providers, and
37 approving adoptive families.

38 (b) (1) Counties shall be selected to participate on a voluntary
39 basis as early implementation counties for the purpose of
40 participating in the initial development of the approval process.

1 Early implementation counties shall be selected according to
2 criteria developed by the department in consultation with the
3 County Welfare Directors Association. In selecting the five early
4 implementation counties, the department shall promote diversity
5 among the participating counties in terms of size and geographic
6 location.

7 (2) Additional counties may participate in the early
8 implementation of the program upon authorization by the
9 department.

10 (3) *The State Department of Social Services shall be responsible*
11 *for all of the following:*

12 (A) *Selecting early implementation counties, based on criteria*
13 *established by the department in consultation with the County*
14 *Welfare Directors Association.*

15 (B) *Establishing timeframes for participating counties to submit*
16 *an implementation plan, enter into terms and conditions for early*
17 *implementation participation in the program, train appropriate*
18 *staff, and accept applications from resource families.*

19 (C) *Entering into terms and conditions for early implementation*
20 *participation in the program by counties.*

21 (4) *Counties participating in the early implementation of the*
22 *program shall be responsible for all of the following:*

23 (A) *Submitting an implementation plan.*

24 (B) *Entering into terms and conditions for early implementation*
25 *participation in the program.*

26 (C) *Consulting with the county probation department in the*
27 *development of the implementation plan.*

28 (D) *Training appropriate staff.*

29 (E) *Accepting applications from resource families within the*
30 *timeframes established by the department.*

31 (5) (A) *Approved relatives and nonrelative extended family*
32 *members, licensed foster family homes, or approved adoptive*
33 *homes that have completed the license or approval process prior*
34 *to statewide implementation of the program shall not be considered*
35 *part of the program. The otherwise applicable assessment and*
36 *oversight processes shall continue to be administered for families*
37 *and facilities not included in the program.*

38 (B) *Upon implementation of the program in a county, that county*
39 *shall not accept new applications for the licensure of foster family*
40 *homes, the approval of relative and nonrelative extended family*

1 members, or the approval of prospective guardians and adoptive
2 homes.

3 (6) The department may waive regulations that pose a barrier
4 to the early implementation and operation of this program. The
5 waiver of any regulations by the department pursuant to this
6 section shall apply to only those counties or foster family agencies
7 participating in the early implementation of the program and only
8 for the duration of the program.

9 (7) (A) The approval of a resource family who moves to a
10 nonparticipating county remains in full force and effect pending
11 a determination by the county approval agency or the department,
12 as appropriate, whether the new building and grounds and storage
13 areas meet applicable standards, and whether all adults residing
14 in the home have a criminal records clearance or exemptions
15 granted, using the exemption criteria specified in subdivision (g)
16 of Section 1522 of the Health and Safety Code. Upon this
17 determination, the nonparticipating county shall either approve
18 the family as a relative or nonrelative extended family member,
19 as applicable, or the department shall license the family as a foster
20 family home.

21 (B) A program-affiliated individual who moves to a
22 nonparticipating county may not transfer his or her subsequent
23 arrest notification from a participating county to the
24 nonparticipating county.

25 (c) (1) For the purposes of this chapter, "resource family" means
26 an individual or couple family that a participating county or foster
27 family agency, as defined in subdivision (g) of Section 11400 of
28 this code, and paragraph (4) of subdivision (a) of Section 1502 of
29 the Health and Safety Code, determines to have *has* successfully
30 met both the home environment assessment standards and the
31 permanency assessment criteria adopted pursuant to subdivision
32 (d) necessary for providing care for a related or unrelated child
33 who is under the jurisdiction of the juvenile court, or otherwise in
34 the care of a county child welfare agency or probation department.

35 A resource family shall demonstrate all of the following:
36 (A) An understanding of the safety, permanence, and well-being
37 needs of children who have been victims of child abuse and neglect,
38 and the capacity and willingness to meet those needs, including
39 the need for protection, and the willingness to make use of support

1 resources offered by the agency, or a support structure in place,
2 or both.

3 (B) An understanding of children’s needs and development,
4 effective parenting skills or knowledge about parenting, and the
5 capacity to act as a reasonable, prudent parent in day-to-day
6 decisionmaking.

7 (C) An understanding of his or her role as a resource family and
8 the capacity to work cooperatively with the agency and other
9 service providers in implementing the child’s case plan.

10 (D) The financial ability within the household to ensure the
11 stability and financial security of the family.

12 (E) An ability and willingness to provide a family setting that
13 promotes normal childhood experiences that serves the needs of
14 the child.

15 *(2) For purposes of this chapter, and unless otherwise specified,*
16 *references to a “child” shall include a “nonminor dependent”*
17 *and “nonminor former dependent or ward” as defined in*
18 *subdivision (v) and paragraph (1) of subdivision (aa) of Section*
19 *11400.*

20 ~~(2)~~

21 (3) Subsequent to meeting the criteria set forth in this
22 subdivision and designation as a resource family, a resource family
23 shall be considered eligible to provide foster care for related and
24 unrelated children in out-of-home placement, shall be considered
25 approved for adoption or guardianship, and shall not have to
26 undergo any additional approval or licensure as long as the family
27 lives in a county participating in the program.

28 ~~(3)~~

29 (4) Resource family approval means that the applicant
30 successfully meets the home environment assessment and
31 permanency assessment standards. This approval is in lieu of the
32 existing foster care license, relative or nonrelative extended family
33 member approval, and the adoption home study approval.

34 ~~(4)~~

35 (5) Approval of a resource family does not guarantee an initial
36 or continued placement of a child with a resource family.

37 ~~(5)~~

38 (6) Notwithstanding paragraphs (1) to ~~(4)~~; (5), inclusive, the
39 department or county may cease any further review of an
40 application if the applicant has had a previous application denial

1 within the preceding year, or if the applicant has had a previous
2 rescission, revocation, or exemption denial or *exemption* rescission
3 by the department or county within the preceding two years.
4 However, the department or county may continue to review an
5 application if it has determined that the reasons for the previous
6 denial, rescission, or revocation were due to circumstances and
7 conditions that either have been corrected or are no longer in
8 existence. If an individual was excluded from a resource family
9 home or facility licensed by the department, the department or
10 county shall cease review of the individual's application unless
11 the excluded individual has been reinstated pursuant to Section
12 11522 of the Government Code. The cessation of review shall not
13 constitute a denial of the application for purposes of this section
14 or any other law.

15 ~~(d) Prior to implementation of this program, the~~ (1) The
16 department shall adopt standards pertaining to the home
17 environment and permanency assessments of a resource family.

18 ~~(1)~~

19 (2) Resource family home environment assessment standards
20 shall include, but not be limited to, all of the following:

21 (A) (i) Criminal records clearance of all adults residing in, or
22 regularly present in, the home, and not exempted from
23 fingerprinting, as set forth in subdivision (b) of Section 1522 of
24 the Health and Safety Code, pursuant to Section 8712 of the Family
25 Code, utilizing a check of the Child Abuse Central Index (CACI),
26 and receipt of a fingerprint-based state and federal criminal
27 offender record information search response. The criminal history
28 information shall include subsequent notifications pursuant to
29 Section 11105.2 of the Penal Code.

30 (ii) Consideration of any substantiated allegations of child abuse
31 or neglect against either the applicant or any other adult residing
32 in the home. An approval may not be granted to applicants whose
33 criminal record indicates a conviction for any of the offenses
34 specified in subdivision (g) of Section 1522 of the Health and
35 Safety Code.

36 (iii) If the resource family parent, applicant, or any other person
37 specified in subdivision (b) of Section 1522 of the Health and
38 Safety Code has been convicted of a crime other than a minor
39 traffic violation, except for the civil penalty language, the criminal
40 background check provisions specified in subdivisions (d) through

1 (f) of Section 1522 of the Health and Safety Code shall apply.
2 Exemptions from the criminal records clearance requirements set
3 forth in this section may be granted by the director or the early
4 implementation county, if that county has been granted permission
5 by the director to issue criminal records exemptions pursuant to
6 Section 361.4, using the exemption criteria ~~currently used for foster~~
7 ~~care licensing~~ as specified in subdivision (g) of Section 1522 of
8 the Health and Safety ~~Code~~. *Code and the written directives*
9 *adopted pursuant to this section. A county may obtain arrest and*
10 *conviction records or reports from any court or law enforcement*
11 *agency as necessary to the performance of its duties, as provided*
12 *in subdivision (e) of Section 1522 of the Health and Safety Code.*

13 (iv) For public foster family agencies approving resource
14 families, the criminal records clearance process set forth in clause
15 (i) shall be utilized.

16 (v) For private foster family agencies approving resource
17 families, the criminal records clearance process set forth in clause
18 (i) shall be utilized, but the Department of Justice shall disseminate
19 a fitness determination resulting from the federal criminal offender
20 record information search.

21 (B) Buildings and grounds and storage requirements ~~set forth~~
22 ~~in Sections 89387 and 89387.2 of Title 22 of the California Code~~
23 ~~of Regulations~~. *that ensure the health and safety of children.*

24 (C) In addition to the foregoing requirements, the resource
25 family home environment assessment standards shall also require
26 the following:

27 (i) That the applicant demonstrate an understanding about the
28 rights of children in care and his or her responsibility to safeguard
29 those rights.

30 (ii) That the total number of children residing in the home of a
31 resource family shall be no more than the total number of children
32 the resource family can properly care for, regardless of status, and
33 shall not exceed six children, unless exceptional circumstances
34 that are documented in the foster child's case file exist to permit
35 a resource family to care for more children, including, but not
36 limited to, the need to place siblings together.

37 (iii) That the applicant understands his or her responsibilities
38 with respect to acting as a reasonable and prudent parent, and
39 maintaining the least restrictive environment that serves the needs
40 of the child.

1 ~~(2)~~

2 (3) The resource family permanency assessment standards shall
3 include, but not be limited to, all of the following:

4 (A) The applicant shall complete caregiver training.

5 (B) (i) The applicant shall complete a psychosocial assessment,
6 which shall include the results of a risk assessment.

7 (ii) A caregiver risk assessment shall include, but shall not be
8 limited to, physical and mental health, alcohol and other substance
9 use and abuse, family and domestic violence, and the factors listed
10 in subparagraphs (A) and (D) of paragraph (1) of subdivision (c).

11 (C) The applicant shall complete any other activities that relate
12 to a resource family's ability to achieve permanency with the child.

13 (e) (1) A *county may place a child* ~~may be placed~~ with a
14 resource family that has successfully completed the home
15 environment assessment prior to completion of a permanency
16 assessment only if a compelling reason for the placement exists
17 based on the needs of the child.

18 (2) The permanency assessment shall be completed within 90
19 days of the child's placement in the home, unless good cause exists
20 based upon the needs of the child.

21 (3) If additional time is needed to complete the permanency
22 assessment, the county shall document the extenuating
23 circumstances for the delay and generate a timeframe for the
24 completion of the permanency assessment.

25 (4) The county shall report to the department on a quarterly
26 basis the number of families with a child in an approved home
27 whose permanency assessment goes beyond 90 days and
28 summarize the reasons for these delays.

29 (5) A *county may place a child* ~~may be placed~~ with a relative,
30 as defined in Section 319, or nonrelative extended family member,
31 as defined in Section 362.7, prior to applying as a resource family
32 only on an emergency basis if all of the following requirements
33 are met:

34 (A) Consideration of the results of a criminal records check
35 conducted pursuant to Section 16504.5 of the relative or nonrelative
36 extended family member and of every other adult in the home.

37 (B) Consideration of the results of the Child Abuse Central
38 Index (CACI) consistent with Section 1522.1 of the Health and
39 Safety Code of the relative or nonrelative extended family member,
40 and of every other adult in the home.

1 (C) The home and grounds are free of conditions that pose undue
2 risk to the health and safety of the child.

3 (D) For any placement made pursuant to this paragraph, the
4 county shall initiate the home environment assessment no later
5 than five business days after the placement, which shall include a
6 face-to-face interview with the resource family applicant and child.

7 (E) For any placement made pursuant to this paragraph,
8 AFDC-FC funding shall not be available until approval of the
9 resource family has been completed.

10 (F) Any child placed under this section shall be afforded all the
11 rights set forth in Section 16001.9.

12 (G) *Nothing in this paragraph shall limit the county's authority*
13 *to inspect the home of a resource family or a relative or nonrelative*
14 *extended family member as often as necessary to ensure the quality*
15 *of care provided to a child placed on an emergency basis.*

16 (f) The State Department of Social Services shall be responsible
17 for all of the following:

18 ~~(1) Selecting early implementation counties, based on criteria~~
19 ~~established by the department in consultation with the County~~
20 ~~Welfare Directors Association.~~

21 ~~(2) Establishing timeframes for participating counties to submit~~
22 ~~an implementation plan, enter into terms and conditions for~~
23 ~~participation in the program, train appropriate staff, and accept~~
24 ~~applications from resource families.~~

25 ~~(3) Entering into terms and conditions for participation in the~~
26 ~~program by counties.~~

27 ~~(4)~~

28 (1) Administering the program through the issuance of written
29 directives that shall have the same force and effect as regulations.
30 Any directive affecting Article 1 (commencing with Section 700)
31 of Chapter 7 of Title 11 of the California Code of Regulations shall
32 be approved by the Department of Justice. The directives shall be
33 exempt from the rulemaking provisions of the Administrative
34 Procedure Act (Chapter 3.5 (commencing with Section 11340))
35 of Part 1 of Division 3 of Title 2 of the Government Code.

36 ~~(5)~~

37 (2) Approving and requiring the use of a single standard for
38 resource family approval.

39 ~~(6)~~

1 (3) Adopting and requiring the use of standardized
2 documentation for the home environment and permanency
3 assessments of resource families.

4 ~~(7)~~

5 (4) Requiring counties to monitor *county-approved* resource
6 families including, but not limited to, all of the following:

7 (A) Investigating complaints of resource families.

8 (B) Developing and monitoring resource family corrective action
9 plans to correct identified deficiencies and to rescind resource
10 family approval if compliance with corrective action plans is not
11 achieved.

12 ~~(8)~~

13 (5) Ongoing oversight and monitoring of county systems and
14 operations including all of the following:

15 (A) Reviewing the county's *implementation plan and*
16 *implementation of the program.*

17 (B) Reviewing an adequate number of ~~approved~~
18 *county-approved* resource families in each ~~participating~~ county to
19 ensure that approval standards are being properly applied. The
20 review shall include case file documentation, and may include
21 onsite inspection of individual resource families. The review shall
22 occur on an annual basis, and more frequently if the department
23 becomes aware that a ~~participating~~ county is experiencing a
24 disproportionate number of complaints against individual resource
25 family homes.

26 (C) Reviewing county reports of serious complaints and
27 incidents involving approved resource families, as determined
28 necessary by the department. The department may conduct an
29 independent review of the complaint or incident and change the
30 findings depending on the results of its investigation.

31 (D) Investigating unresolved complaints against ~~participating~~
32 counties.

33 (E) Requiring corrective action of counties that are not in full
34 compliance with ~~the terms and conditions of the program.~~ *this*
35 *section.*

36 ~~(9)~~

37 (6) Updating the Legislature on the early implementation phase
38 of the program, including the status of implementation, successes,
39 and challenges during the early implementation phase, and relevant
40 available data, including resource family satisfaction.

1 ~~(10)~~

2 (7) Implementing due process procedures, ~~including~~ *including*,
3 *but not limited to*, all of the following:

4 (A) Providing a statewide fair hearing process for denials,
5 rescissions, or exclusion actions.

6 (B) Amending the department's applicable state hearing
7 procedures and regulations or using the Administrative Procedure
8 Act, when applicable, as necessary for the administration of the
9 program.

10 ~~(g) Counties participating in the program~~ shall be responsible
11 for all of the following:

12 ~~(1) Submitting an implementation plan, entering into terms and~~
13 ~~conditions for participation in the program, plan and~~ consulting
14 with the county probation department in the development of the
15 implementation plan, ~~training appropriate staff, and accepting~~
16 ~~applications from resource families within the timeframes~~
17 ~~established by the department. plan.~~

18 (2) Complying with the written directives *adopted* pursuant to
19 ~~paragraph (4) of subdivision (f): this section.~~

20 (3) Implementing the requirements for resource family approval
21 and utilizing standardized documentation established by the
22 department.

23 ~~(4) Ensuring~~ *Training appropriate staff, including ensuring*
24 *staff have the education and experience necessary to complete the*
25 *home environment and psychosocial assessments competently.*

26 (5) (A) Taking the following actions, as applicable:

27 (i) Approving or denying resource family applications.

28 (ii) Rescinding approvals of resource families.

29 (iii) Excluding a resource family parent or other individual from
30 presence in ~~a~~ *any* resource family home, consistent with the
31 established standard.

32 (iv) Issuing a temporary suspension order that suspends the
33 resource family approval prior to a hearing when urgent action is
34 needed to protect a child ~~or nonminor dependent~~ from physical or
35 mental abuse, abandonment, or any other substantial threat to
36 health or safety, consistent with the established standard.

37 (v) *Granting, denying, or rescinding criminal record exemptions.*

38 (B) Providing a resource family parent, applicant, ~~or excluded~~
39 ~~individual~~ *individual, or individual who is the subject of a criminal*
40 *record exemption decision, requesting review of that decision*

1 *decision*, with due process pursuant to the department's statutes,
2 regulations, and written directives.

3 (C) Notifying the department of any decisions denying a
4 resource family's application or rescinding the approval of a
5 resource family, excluding an individual, or taking other
6 administrative action.

7 ~~(D) Issuing a temporary suspension order that suspends the~~
8 ~~resource family approval prior to a hearing, when urgent action is~~
9 ~~needed to protect a child or nonminor dependent who is or may~~
10 ~~be placed in the home from physical or mental abuse, abandonment,~~
11 ~~or any other substantial threat to health or safety.~~

12 (6) (A) Updating resource family approval annually.

13 (B) *A county shall conduct an announced inspection of a*
14 *resource family home during the annual update in order to ensure*
15 *that the resource family is conforming to all applicable laws and*
16 *the written directives or regulations adopted pursuant to this*
17 *section.*

18 (7) Monitoring resource families through all of the following:

19 (A) Ensuring that social workers who identify a condition in
20 the home that may not meet the approval standards set forth in
21 subdivision (d) while in the course of a routine visit to children
22 placed with a resource family take appropriate action as needed.

23 (B) Requiring resource families to comply with corrective action
24 plans as necessary to correct identified deficiencies. If corrective
25 action is not completed as specified in the plan, the county may
26 rescind the resource family approval.

27 (C) Requiring resource families to report to the county child
28 welfare agency any incidents consistent with the reporting
29 requirements for licensed foster family homes.

30 ~~(D) Inspecting resource family homes as often as necessary to~~
31 ~~ensure the quality of care provided.~~

32 (8) (A) Investigating all complaints against a resource family
33 and taking action as ~~necessary. This shall include necessary,~~
34 ~~including, but not limited to,~~ investigating any incidents reported
35 about a resource family indicating that the approval standard is
36 not being ~~maintained.~~ *maintained and inspecting the resource*
37 *family home.*

38 ~~(A)~~

39 (B) The child's social worker shall not conduct the formal
40 investigation into the complaint received concerning a family

1 providing services under the standards required by subdivision
2 (d). To the extent that adequate resources are available, complaints
3 shall be investigated by a worker who did not initially conduct the
4 home environment or psychosocial assessments.

5 ~~(B)~~

6 (C) Upon conclusion of the complaint investigation, the final
7 disposition shall be reviewed and approved by a supervising staff
8 member.

9 ~~(C)~~

10 (D) The department shall be notified of any serious incidents
11 or serious complaints or any incident that falls within the definition
12 of Section 11165.5 of the Penal Code. If those incidents or
13 complaints result in an investigation, the department shall also be
14 notified as to the status and disposition of that investigation.

15 (9) Performing corrective action as required by the department.

16 (10) Assessing county performance in related areas of the
17 California Child and Family Services Review System, and
18 remedying problems identified.

19 (11) Submitting information and data that the department
20 determines is necessary to study, monitor, and prepare the report
21 specified in paragraph-~~(9)~~ (6) of subdivision (f).

22 (12) Ensuring resource family applicants and resource families
23 have the necessary knowledge, skills, and abilities to support
24 children in foster care by completing caregiver training. The
25 training should include a curriculum that supports the role of a
26 resource family in parenting vulnerable children and should be
27 ongoing in order to provide resource families with information on
28 trauma-informed practices and requirements and other topics within
29 the foster care system.

30 (13) Ensuring that a resource family applicant completes a
31 minimum of 12 hours of preapproval training. The training shall
32 include, but not be limited to, all of the following courses:

33 (A) An overview of the child protective and probation systems.

34 (B) The effects of trauma, including grief and loss, and child
35 abuse and neglect, on child development and behavior, and
36 methods to behaviorally support children impacted by that trauma
37 or child abuse and neglect.

38 (C) Positive discipline and the importance of self-esteem.

39 (D) Health issues in foster care.

1 (E) Accessing services and supports to address education needs,
2 physical, mental, and behavioral health, and substance use
3 disorders, including culturally relevant services.

4 (F) The rights of a child in foster care, and the resource family's
5 responsibility to safeguard those rights, including the right to have
6 fair and equal access to all available services, placement, care,
7 treatment, and benefits, and to not be subjected to discrimination
8 or harassment on the basis of actual or perceived race, ethnic group
9 identification, ancestry, national origin, color, religion, sex, sexual
10 orientation, gender identity, mental or physical disability, or HIV
11 status.

12 (G) Cultural needs of children, including instruction on cultural
13 competency and sensitivity, and related best practices for providing
14 adequate care for children or youth across diverse ethnic and racial
15 backgrounds, as well as children or youth identifying as lesbian,
16 gay, bisexual, or transgender.

17 (H) Basic instruction on existing laws and procedures regarding
18 the safety of foster youth at school; and ensuring a harassment and
19 violence free school environment pursuant to Article 3.6
20 (commencing with Section 32228) of Chapter 2 of Part 19 of
21 Division 1 of Title 1 of the Education Code.

22 (I) Permanence, well-being, and education needs of children.

23 (J) Child and adolescent development, including sexual
24 orientation, gender identity, and expression.

25 (K) The role of resource families, including working
26 cooperatively with the child welfare or probation agency, the
27 child's family, and other service providers implementing the case
28 plan.

29 (L) The role of a resource family on the child and family team
30 as defined in paragraph (4) of subdivision (a) of Section 16501.

31 (M) A resource family's responsibility to act as a reasonable
32 and prudent parent, *as described in subdivision (c) of Section*
33 *1522.44 of the Health and Safety Code*, and to provide a family
34 setting that promotes normal childhood experiences and that serves
35 the needs of the child.

36 (N) An overview of the specialized training identified in
37 subdivision (h).

38 (14) Ensuring approved resource families complete a minimum
39 of eight training hours annually, a portion of which shall be from
40 one or more of the topics listed in paragraph (13).

1 (h) In addition to any training required by this section, a resource
2 family may be required to receive specialized training, as ~~relevant,~~
3 *relevant and as needed*, for the purpose of preparing the resource
4 family to meet the needs of a particular child in care. This training
5 may include, but is not limited to, the following:

6 (1) Understanding how to use best practices for providing care
7 and supervision to commercially sexually exploited children.

8 (2) Understanding how to use best practices for providing care
9 and supervision to lesbian, gay, bisexual, and transgender children.

10 (3) Understanding the requirements and best practices regarding
11 psychotropic medications, including, but not limited to, court
12 authorization, benefits, uses, side effects, interactions, assistance
13 with self-administration, misuse, documentation, storage, and
14 metabolic monitoring of children prescribed psychotropic
15 medications.

16 (4) Understanding the federal Indian Child Welfare Act (25
17 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of
18 children covered by the act, and the best interests of Indian
19 children, including the role of the caregiver in supporting culturally
20 appropriate, child-centered practices that respect Native American
21 history, culture, retention of tribal membership and connection to
22 the tribal community and traditions.

23 (5) Understanding how to use best practices for providing care
24 and supervision to nonminor dependents.

25 (6) Understanding how to use best practices for providing care
26 and supervision to children with special health care needs.

27 (7) Understanding the different permanency options and the
28 services and benefits associated with the options.

29 (i) Nothing in this section shall preclude a county or a foster
30 family agency from requiring resource family training in excess
31 of the requirements in this section.

32 ~~(j) (1) Approved relatives and nonrelative extended family~~
33 ~~members, licensed foster family homes, or approved adoptive~~
34 ~~homes that have completed the license or approval process prior~~
35 ~~to full implementation of the program shall not be considered part~~
36 ~~of the program. The otherwise applicable assessment and oversight~~
37 ~~processes shall continue to be administered for families and~~
38 ~~facilities not included in the program.~~

39 ~~(2) Upon implementation of the program in a county, that~~
40 ~~county may not accept new applications for the licensure of foster~~

1 family homes, the approval of relative and nonrelative extended
2 family members, or the approval of prospective adoptive homes.

3 (k) ~~The department may waive regulations that pose a barrier
4 to implementation and operation of this program. The waiver of
5 any regulations by the department pursuant to this section shall
6 apply to only those counties or foster family agencies participating
7 in the program and only for the duration of the program.~~

8 (h)

9 (j) (1) ~~Resource families approved under initial implementation
10 of the program, who move within an early implementation county
11 or who move to another early implementation county, home
12 locations shall retain their resource family status if the new building
13 and grounds, outdoor activity areas, and storage areas meet home
14 environment standards. The~~

15 (2) ~~The State Department of Social Services or early
16 implementation a county may allow a program-affiliated individual
17 to transfer his or her subsequent arrest notification if the individual
18 moves from one early implementation county to another early
19 implementation county, as specified in subdivision (g) of Section
20 1522 of the Health and Safety Code.~~

21 (m) (1) ~~The approval of a resource family who moves to a
22 nonparticipating county remains in full force and effect pending
23 a determination by the county approval agency or the department,
24 as appropriate, whether the new building and grounds and storage
25 areas meet applicable standards, and whether all adults residing
26 in the home have a criminal records clearance or exemptions
27 granted, using the exemption criteria used for foster care licensing,
28 as specified in subdivision (g) of Section 1522 of the Health and
29 Safety Code. Upon this determination, the nonparticipating county
30 shall either approve the family as a relative or nonrelative extended
31 family member, as applicable, or the department shall license the
32 family as a foster family home.~~

33 (2)

34 (3) Subject to the requirements in paragraph (1), the family shall
35 continue to be approved for guardianship and adoption. Nothing
36 in this subdivision shall limit a ~~county~~ county, foster family agency,
37 or adoption agency from determining that the family is not
38 approved for guardianship or adoption based on changes in the
39 family's circumstances or psychosocial assessment.

1 ~~(3) A program-affiliated individual who moves to a~~
2 ~~nonparticipating county may not transfer his or her subsequent~~
3 ~~arrest notification from a participating county to the~~
4 ~~nonparticipating county.~~

5 ~~(n)~~

6 (k) Implementation of the program shall be contingent upon the
7 continued availability of federal Social Security Act Title IV-E
8 (42 U.S.C. Sec. 670) funds for costs associated with placement of
9 children with resource families assessed and approved under the
10 program.

11 ~~(o)~~

12 (l) A child placed with a resource family shall be eligible for
13 AFDC-FC payments. A resource family, or a foster family agency
14 pursuant to subdivisions ~~(s) and (t)~~, (p) and (q), shall be paid an
15 AFDC-FC rate pursuant to Sections 11460, 11461, and 11463.
16 Sharing ratios for nonfederal expenditures for all costs associated
17 with activities related to the approval of relatives and nonrelative
18 extended family members shall be in accordance with Section
19 10101.

20 ~~(p)~~

21 (m) The Department of Justice shall charge fees sufficient to
22 cover the cost of initial or subsequent criminal offender record
23 information and Child Abuse Central Index searches, processing,
24 or responses, as specified in this section.

25 ~~(q)~~

26 (n) Except as provided, approved resource families ~~under this~~
27 ~~program~~ shall be exempt from all of the following:

28 (1) Licensure requirements set forth under the Community Care
29 Facilities Act, commencing with Section 1500 of the Health and
30 Safety Code, and all regulations promulgated thereto.

31 (2) Relative and nonrelative extended family member approval
32 requirements set forth under Sections 309, 361.4, and 362.7, and
33 all regulations promulgated thereto.

34 (3) Adoptions approval and reporting requirements set forth
35 under Section 8712 of the Family Code, and all regulations
36 promulgated thereto.

37 ~~(r)~~

38 (o) (1) Early implementation counties shall be authorized to
39 continue through December 31, 2016. The program shall be
40 implemented by each county on or before January 1, 2017. *On and*

1 *after January 1, 2017, a county shall approve resource families*
2 *in lieu of licensing foster family homes and approving relative or*
3 *nonrelative extended family members. Notwithstanding this*
4 *provision, the existing licensure or approval and oversight*
5 *processes shall continue to be administered for foster family homes*
6 *and relatives or nonrelative extended family members licensed or*
7 *approved prior to January 1, 2017, in accordance with paragraphs*
8 *(3) and (4).*

9 (2) No later than July 1, 2017, each county shall provide the
10 following information to all licensed foster family homes and all
11 approved relatives and nonrelative extended family members:

12 (A) A detailed description of the resource family approval
13 program.

14 (B) Notification that, in order to care for a foster child, resource
15 family approval is required by December 31, 2019.

16 (C) Notification that a foster family home license and an
17 approval of a relative or nonrelative extended family member shall
18 be forfeited by operation of law as provided for in paragraph (4).

19 (3) By no later than January 1, 2018, the following shall apply
20 to all licensed foster family homes and approved relative and
21 nonrelative extended family members:

22 (A) A licensed foster family home, and an approved relative or
23 nonrelative extended family member with an approved adoptive
24 home study completed prior to January 1, 2018, shall be deemed
25 to be an approved resource family.

26 (B) A licensed foster family home, and an approved relative or
27 nonrelative extended family member who had a child in placement
28 at any ~~time, for any length of time,~~ *time* between January 1, 2017,
29 and December 31, 2017, inclusive, may be approved as a resource
30 family on the date of successful completion of a psychosocial
31 assessment pursuant to subparagraph (B) of paragraph ~~(2)~~ (3) of
32 subdivision (d).

33 (C) A county may provide supportive services to all licensed
34 foster family home providers, relatives, and nonrelative extended
35 family members with a child in placement to assist with the
36 resource family transition and to minimize placement disruptions.

37 (4) All foster family licenses and approvals of a relative or
38 nonrelative extended family member shall be forfeited by operation
39 of law on December 31, 2019, except as provided in this paragraph:

1 (A) All licensed foster family homes that did not have a child
2 in placement at any ~~time, for any length of time,~~ *time* between
3 January 1, 2017, and December 31, 2017, inclusive, shall forfeit
4 the license by operation of law on January 1, 2018.

5 (B) For foster family home licensees and approved relatives or
6 nonrelative extended family members who have a pending resource
7 family application on December 31, 2019, the foster family home
8 license or relative and nonrelative extended family member
9 approval shall be forfeited by operation of law on the date of
10 approval as a resource family. If approval is denied, forfeiture by
11 operation of law shall occur on the date of completion of any
12 proceedings required by law to ensure due process.

13 (s)

14 (p) On and after January 1, 2017, all licensed foster family
15 agencies shall approve resource families in lieu of certifying foster
16 homes. A foster family ~~agency~~ *agency*, or a short-term residential
17 treatment center pursuant to subdivision (b) of Section ~~11462~~
18 *11462*, shall require applicants and resource families to meet the
19 resource family approval standards and requirements set forth in
20 this chapter and in the written directives adopted pursuant to this
21 chapter prior to approval and in order to maintain approval.

22 (t)

23 (q) Commencing January 1, 2016, the department may establish
24 participation conditions, and select and authorize foster family
25 agencies that voluntarily submit implementation plans and revised
26 plans of operation in accordance with requirements established by
27 the department, to approve resource families in lieu of certifying
28 foster homes.

29 (1) Notwithstanding any other law, a participating foster family
30 agency shall require resource families to meet and maintain the
31 resource family approval standards and requirements set forth in
32 this chapter and in the written directives adopted hereto prior to
33 approval and in order to maintain approval.

34 (2) A participating foster family agency shall implement the
35 resource family approval program pursuant to Section 1517 of the
36 Health and Safety Code.

37 (3) Nothing in this section shall be construed to limit the
38 authority of the department to inspect, evaluate, or investigate a
39 complaint or incident, or initiate a disciplinary action against a
40 foster family agency pursuant to Article 5 (commencing with

1 Section 1550) of Chapter 3 of Division 2 of the Health and Safety
2 Code, or to take any action it may deem necessary for the health
3 and safety of children placed with the foster family agency.

4 (4) The department may adjust the foster family agency
5 AFDC-FC rate pursuant to Section 11463 for implementation of
6 this subdivision.

7 (5) *This subdivision shall become inoperative on January 1,*
8 *2017.*

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

20 With regard to certain other costs that may be incurred by a local
21 agency or school district, no reimbursement is required by this act
22 pursuant to Section 6 of Article XIII B of the California
23 Constitution because, in that regard, this act creates a new crime
24 or infraction, eliminates a crime or infraction, or changes the
25 penalty for a crime or infraction within the meaning of Section
26 17556 of the Government Code, or changes the definition of a
27 crime within the meaning of Section 6 of Article XIII B of the
28 California Constitution.