

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1997

Introduced by Assembly Member Mark Stone

February 16, 2016

An act to amend Section 7911.1 of the Family Code, to amend Sections 1501.1, 1502, 1506.1, 1517, 1520.1, 1525.5, and 1562.01 of, and to add Section 1517.1 to, the Health and Safety Code, and to amend Sections 361.2, 366.26, 727, 4094.2, 11460, 11462, 11463.01, 11466, and 16519.5, 11466.21, 11466.22, 11469, 16514, 16519.5, and 16519.51 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1997, as amended, 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 also provide that the resource family approval process replaces the approval of guardians. The 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 requires the State Department of Social Services to develop, implement, and maintain a ratesetting system for foster family agencies that have been granted a specified rate exception extension. Existing law makes these provisions inoperative on January 1, 2018.

This bill would instead make those provision inoperative on January 1, 2019.

Existing law requires certain foster care providers, in accordance with the federal Single Audit Act, to annually submit a financial audit on its most recent fiscal period to the State Department of Social Services, and would require the department to provide timely notice to the providers of the date that submission of the financial audits is required. Existing law provides that repeated late financial audits may result in monetary penalties or termination of the provider's rate.

This bill would delete the requirement that the department provide timely notice of the date that submission of the financial audits is required and would instead require those foster care providers to submit a financial audit pursuant to Generally Accepted Government Auditing Standards. The bill would instead provide that repeated late submission of financial audits, repeat findings in financial audits, or failure to comply with corrective action in a management decision letter may result in monetary penalties or a reduction, suspension, or termination of the provider's rate.

Existing law authorizes the juvenile court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a minor or nonminor who is adjudged a ward of the court, and provides that, once the court makes a placement order, it is the sole responsibility of the probation agency to determine the appropriate placement for the ward. Existing law requires, if a placement is with a foster family agency or in a short-term residential treatment center and is for longer than 12 months, the placement to be approved by the chief probation officer or his or her designee.

This bill would require, for youth 13 years of age and older, a placement with a foster family agency or in a short-term residential treatment center to be approved by the chief probation officer or his or her designee, only if the placement is longer than 12 months.

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 requires, on and after January 1, 2017, a foster family agency to have national accreditation, as specified, and requires a short-term residential treatment center to have national accreditation, as specified. Existing law also authorizes, in certain circumstances, the department to extend the term of a foster family agency's or short-term residential treatment center's provisional license to 2 years if it determines that additional time is required to secure that accreditation.

This bill would delete that authorization. The bill would specify that a foster family agency licensed before January 1, 2017, has until December 31, 2018, to obtain accreditation, and that a foster family agency licensed on or after January 1, 2017, or a short-term residential treatment center has up to 24 months from the date of licensure to obtain accreditation. The bill would authorize the department to revoke a foster family agency's or a short-term treatment centers license for failure to obtain accreditation within these timeframes.

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 7911.1 of the Family Code is amended
2 to read:

3 7911.1. (a) Notwithstanding any other law, the State
4 Department of Social Services or its designee shall investigate any
5 threat to the health and safety of children placed by a California
6 county social services agency or probation department in an
7 out-of-state group home pursuant to the provisions of the Interstate
8 Compact on the Placement of Children. This authority shall include
9 the authority to interview children or staff in private or review
10 their file at the out-of-state facility or wherever the child or files
11 may be at the time of the investigation. Notwithstanding any other
12 law, the State Department of Social Services or its designee shall
13 require certified out-of-state group homes to comply with the
14 reporting requirements applicable to group homes licensed in
15 California pursuant to Title 22 of the California Code of
16 Regulations for each child in care regardless of whether he or she
17 is a California placement, by submitting a copy of the required
18 reports to the Compact Administrator within regulatory timeframes.
19 The Compact Administrator within one business day of receiving
20 a serious events report shall verbally notify the appropriate
21 placement agencies and within five working days of receiving a
22 written report from the out-of-state group home, forward a copy
23 of the written report to the appropriate placement agencies.

24 (b) Any contract, memorandum of understanding, or agreement
25 entered into pursuant to paragraph (b) of Article 5 of the Interstate
26 Compact on the Placement of Children regarding the placement
27 of a child out of state by a California county social services agency
28 or probation department shall include the language set forth in
29 subdivision (a).

1 (c) (1) The State Department of Social Services or its designee
2 shall perform initial and continuing inspection of out-of-state group
3 homes in order to either certify that the out-of-state group home
4 meets all licensure standards required of group homes operated in
5 California or that the department has granted a waiver to a specific
6 licensing standard upon a finding that there exists no adverse
7 impact to health and safety.

8 (2) On and after January 1, 2017, the licensing standards
9 applicable to out-of-state group homes certified by the department,
10 as described in paragraph (1) shall be those required of short-term
11 residential treatment centers operated in this state.

12 (3) *In order to receive certification, the out-of-state group home*
13 *shall have a current license, or an equivalent approval, in good*
14 *standing issued by the appropriate authority or authorities of the*
15 *state in which it is operating.*

16 (3)

17 (4) On and after January 1, 2017, an out-of-state group home
18 program shall, in order to receive an AFDC-FC rate, meet the
19 requirements of paragraph (2) of subdivision (c) of Section 11460
20 of the Welfare and Institutions Code.

21 (4)

22 (5) Any failure by an out-of-state group home facility to make
23 children or staff available as required by subdivision (a) for a
24 private interview or make files available for review shall be
25 grounds to deny or discontinue the certification. ~~Certifications~~

26 (6) *Certifications* made pursuant to this subdivision shall be
27 reviewed annually.

28 (d) A county shall be required to obtain an assessment and
29 placement recommendation by a county multidisciplinary team
30 prior to placement of a child in an out-of-state group home facility.

31 (e) Any failure by an out-of-state group home to obtain or
32 maintain its certification as required by subdivision (c) shall
33 preclude the use of any public funds, whether county, state, or
34 federal, in the payment for the placement of any child in that
35 out-of-state group home, pursuant to the Interstate Compact on
36 the Placement of Children.

37 (f) (1) A multidisciplinary team shall consist of participating
38 members from county social services, county mental health, county
39 probation, county superintendents of schools, and other members
40 as determined by the county.

1 (2) Participants shall have knowledge or experience in the
2 prevention, identification, and treatment of child abuse and neglect
3 cases, and shall be qualified to recommend a broad range of
4 services related to child abuse or neglect.

5 (g) (1) The department may deny, suspend, or discontinue the
6 certification of the out-of-state group home if the department makes
7 a finding that the group home is not operating in compliance with
8 the requirements of subdivision (c).

9 (2) Any judicial proceeding to contest the department's
10 determination as to the status of the out-of-state group home
11 certificate shall be held in California pursuant to Section 1085 of
12 the Code of Civil Procedure.

13 (h) The certification requirements of this section shall not impact
14 placements of emotionally disturbed children made pursuant to an
15 individualized education program developed pursuant to the federal
16 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
17 et seq.) if the placement is not funded with federal or state foster
18 care funds.

19 (i) Only an out-of-state group home authorized by the Compact
20 Administrator to receive state funds for the placement by a county
21 social services agency or probation department of any child in that
22 out-of-state group home from the effective date of this section
23 shall be eligible for public funds pending the department's
24 certification under this section.

25 **SECTION 1.**

26 *SEC. 2.* Section 1501.1 of the Health and Safety Code is
27 amended to read:

28 1501.1. (a) It is the policy of the state to facilitate the proper
29 placement of every child in residential care facilities where the
30 placement is in the best interests of the child. A county may require
31 placement or licensing agencies, or both placement and licensing
32 agencies, to actively seek out-of-home care facilities capable of
33 meeting the varied needs of the child. Therefore, in placing children
34 in out-of-home care, particular attention should be given to the
35 individual child's needs, the ability of the facility to meet those
36 needs, the needs of other children in the facility, the licensing
37 requirements of the facility as determined by the licensing agency,
38 and the impact of the placement on the family reunification plan.

39 (b) Pursuant to this section, children with varying designations
40 and varying needs, including, on and after January 1, 2012,

1 nonminor dependents, as defined in subdivision (v) of Section
2 11400 of the Welfare and Institutions Code, except as provided
3 by statute, may be placed in the same facility provided the facility
4 is licensed, complies with all licensing requirements relevant to
5 the protection of the child, and has a special permit, if necessary,
6 to meet the needs of each child so placed. A facility may not
7 require, as a condition of placement, that a child be identified as
8 an individual with exceptional needs as defined by Section 56026
9 of the Education Code.

10 (c) Neither the requirement for any license nor any regulation
11 shall restrict the implementation of the provisions of this section.
12 Implementation of this section does not obviate the requirement
13 for a facility to be licensed by the department.

14 (d) Pursuant to this section, children with varying designations
15 and varying needs, including, on and after January 1, 2012,
16 nonminor dependents, as defined in subdivision (v) of Section
17 11400 of the Welfare and Institutions Code, except as provided
18 by statute, may be placed in the same licensed foster family home
19 or with a foster family agency for subsequent placement in a
20 certified family home or with a resource family. Children, including
21 nonminor dependents, with developmental disabilities, mental
22 disorders, or physical disabilities may be placed in licensed foster
23 family homes or certified family homes or with resource families,
24 provided that an appraisal of the child's or nonminor dependent's
25 needs and the ability of the receiving home to meet those needs is
26 made jointly by the placement agency and the licensee in the case
27 of licensed foster family homes or the placement agency and the
28 foster family agency in the case of certified family homes or
29 resource families, and is followed by written confirmation prior
30 to placement. The appraisal shall confirm that the placement poses
31 no threat to any child in the home.

32 (e) (1) For purposes of this chapter, the placing of children by
33 foster family agencies shall be referred to as "subsequent
34 placement" to distinguish the activity from the placing by public
35 agencies.

36 (2) For purposes of this chapter, and unless otherwise specified,
37 references to a "child" shall include a "nonminor dependent" and
38 "nonminor former dependent or ward" as those terms are defined
39 in subdivision (v) and paragraph (1) of subdivision (aa) of Section
40 11400 of the Welfare and Institutions Code.

1 ~~SEC. 2.~~

2 SEC. 3. Section 1502 of the Health and Safety Code is amended
3 to read:

4 1502. As used in this chapter:

5 (a) “Community care facility” means any facility, place, or
6 building that is maintained and operated to provide nonmedical
7 residential care, day treatment, adult day care, or foster family
8 agency services for children, adults, or children and adults,
9 including, but not limited to, the physically handicapped, mentally
10 impaired, incompetent persons, and abused or neglected children,
11 and includes the following:

12 (1) “Residential facility” means any family home, group care
13 facility, or similar facility determined by the ~~director,~~ *department,*
14 for 24-hour nonmedical care of persons in need of personal
15 services, supervision, or assistance essential for sustaining the
16 activities of daily living or for the protection of the individual.

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

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

30 (4) “Foster family agency” means any public agency or private
31 ~~organization~~ *organization, organized and operated on a nonprofit*
32 *basis, engaged in the recruiting, any of the following:*

33 (A) *Recruiting*, certifying, approving, and training of, and
34 providing professional support to, foster parents and resource
35 ~~families, or in finding families.~~

36 (B) *Finding* homes for the placement of children for temporary
37 or permanent care who require that level of care. ~~Private foster~~
38 ~~family agencies shall be organized and operated on a nonprofit~~
39 ~~basis.~~

1 (C) *Cooperatively matching children with resource families as*
2 *specified in Section 1517.*

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

11 ~~(B) On and after January 1, 2017, the department shall not accept~~
12 ~~applications for foster family home licenses.~~

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

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

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

37 Nothing in this section shall be construed to prohibit or
38 discourage placement of persons who have mental or physical
39 disabilities into any category of community care facility that meets

1 the needs of the individual placed, if the placement is consistent
2 with the licensing regulations of the department.

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

6 (A) Assumes care, custody, and control of a child through
7 relinquishment of the child to the agency or involuntary termination
8 of parental rights to the child.

9 (B) Assesses the birth parents, prospective adoptive parents, or
10 child.

11 (C) Places children for adoption.

12 (D) Supervises adoptive placements.

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

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

24 (A) Assesses the prospective adoptive parents.

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

28 (C) Cooperatively supervises adoptive placements with a
29 full-service ~~adoptive~~ *adoption* agency, but does not disrupt a
30 placement or remove a child from a placement.

31 Private noncustodial adoption agencies shall be organized and
32 operated on a nonprofit basis. As a condition of licensure to provide
33 intercountry adoption services, a noncustodial adoption agency
34 shall be accredited and in good standing according to Part 96 of
35 Title 22 of the Code of Federal Regulations, or supervised by an
36 accredited primary provider, or acting as an exempted provider,
37 in compliance with Subpart F (commencing with Section 96.29)
38 of Part 96 of Title 22 of the Code of Federal Regulations.

39 (11) “Transitional shelter care facility” means any group care
40 facility that provides for 24-hour nonmedical care of persons in

1 need of personal services, supervision, or assistance essential for
2 sustaining the activities of daily living or for the protection of the
3 individual. Program components shall be subject to program
4 standards developed by the State Department of Social Services
5 pursuant to Section 1502.3.

6 (12) “Transitional housing placement provider” means an
7 organization licensed by the department pursuant to Section
8 1559.110 and Section 16522.1 of the Welfare and Institutions Code
9 to provide transitional housing to foster children at least 16 years
10 of age and not more than 18 years of age, and nonminor
11 dependents, as defined in subdivision (v) of Section 11400 of the
12 Welfare and Institutions Code, to promote their transition to
13 adulthood. A transitional housing placement provider shall be
14 privately operated and organized on a nonprofit basis.

15 (13) “Group home” means a residential facility that provides
16 24-hour care and supervision to children, delivered at least in part
17 by staff employed by the licensee in a structured environment. The
18 care and supervision provided by a group home shall be
19 nonmedical, except as otherwise permitted by law.

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

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

38 (16) “Community crisis home” means a facility certified by the
39 State Department of Developmental Services pursuant to Article
40 8 (commencing with Section 4698) of Chapter 6 of Division 4.5

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

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

22 (18) “Short-term residential treatment center” means a
23 residential facility licensed by the department pursuant to Section
24 1562.01 and operated by any public agency or private organization
25 that provides short-term, specialized, and intensive treatment, and
26 24-hour care and supervision to children. The care and supervision
27 provided by a short-term residential treatment center shall be
28 nonmedical, except as otherwise permitted by law. Private
29 short-term residential treatment centers shall be organized and
30 operated on a nonprofit basis.

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

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

34 *SEC. 4. Section 1506.1 of the Health and Safety Code is*
35 *amended to read:*

36 1506.1. (a) A foster family agency shall prepare and maintain
37 a current, written plan of operation as required by the department.

38 (b) (1) ~~On and after January 1, 2017, a~~ A foster family agency
39 shall have national accreditation from an entity identified by the
40 department pursuant to the process described in paragraph (8) of

1 subdivision (b) of Section 11463 of the Welfare and Institutions
2 Code.

3 ~~(2) Notwithstanding paragraph (1), the department may issue a~~
4 ~~provisional license to a foster family agency and may extend the~~
5 ~~term of the provisional license in order for the foster family agency~~
6 ~~to secure accreditation as set forth in subdivision (c) of Section~~
7 ~~1525.5.~~

8 *(2) The following applies to a foster family agency licensed*
9 *before January 1, 2017:*

10 *(A) The foster family agency shall have until December 31,*
11 *2018, to obtain accreditation.*

12 *(B) The foster family agency shall submit documentation of*
13 *accreditation or application for accreditation to the department*
14 *in a time and manner as determined by the department.*

15 *(C) The foster family agency shall provide documentation to*
16 *the department reporting its accreditation status as of January 1,*
17 *2018, and July 1, 2018, in a time and manner as determined by*
18 *the department.*

19 *(3) The following applies to a foster family agency licensed on*
20 *or after January 1, 2017:*

21 *(A) The foster family agency shall have up to 24 months from*
22 *the date of licensure to obtain accreditation.*

23 *(B) The foster family agency applicant shall submit*
24 *documentation of accreditation or application for accreditation*
25 *with its application for licensure.*

26 *(C) The foster family agency shall provide documentation to*
27 *the department reporting its accreditation status at 12 months and*
28 *at 18 months after the date of licensure.*

29 *(4) This subdivision does not preclude the department from*
30 *requesting additional information from the foster family agency*
31 *regarding its accreditation status.*

32 *(5) The department may revoke a foster family agency's license*
33 *pursuant to Article 5 (commencing with Section 1550) for failure*
34 *to obtain accreditation within the timeframes specified in this*
35 *subdivision.*

36 *(c) (1) On and after January 1, 2017, a foster family agency's*
37 *plan of operation shall demonstrate the foster family agency's*
38 *ability to support the differing needs of children and their families.*

39 *(2) On and after January 1, 2017, a foster family agency's plan*
40 *of operation shall contain a plan for the supervision, evaluation,*

1 and training of staff. The training plan shall be appropriate to meet
2 the needs of children, and it shall be consistent with the training
3 provided to resource families as set forth in Section 16519.5 of
4 the Welfare and Institutions Code.

5 (3) In addition to complying with the rules and regulations
6 adopted pursuant to this chapter, on and after January 1, 2017, a
7 foster family agency's plan of operation shall include a program
8 statement. The program statement shall contain a description of
9 all of the following:

10 (A) The core services and supports, as set forth in paragraph
11 (5) of subdivision (b) of Section 11463 of the Welfare and
12 Institutions Code, and as prescribed by the department, to be
13 offered to children and their families, as appropriate or as
14 necessary.

15 (B) The treatment practices that will be used in serving children
16 and families.

17 (C) The procedures for the development, implementation, and
18 periodic updating of the needs and services plan for children placed
19 with the foster family agency or served by the foster family agency,
20 and procedures for collaborating with the child and family team
21 as described in paragraph (4) of subdivision (a) of Section 16501
22 of the Welfare and Institutions Code, that includes, but is not
23 limited to, a description of the services to be provided to meet the
24 treatment needs of children assessed pursuant to subdivision (d)
25 or (e) of Section 11462.01 of the Welfare and Institutions Code.

26 (D) How the foster family agency will comply with the resource
27 family approval standards and requirements, as set forth in Section
28 16519.5 of the Welfare and Institutions Code.

29 (E) A description of the population or populations to be served.

30 (F) Any other information that may be prescribed by the
31 department for the proper administration of this section.

32 (d) In addition to the rules and regulations adopted pursuant to
33 this chapter, a county licensed to operate a foster family agency
34 shall describe, in the plan of operation, its conflict-of-interest
35 mitigation plan, on and after January 1, 2017, as set forth in
36 subdivision (g) of Section 11462.02 of the Welfare and Institutions
37 Code.

38 (e) The foster family agency's plan of operation shall
39 demonstrate the foster family agency's ability to provide treatment
40 services to meet the individual needs of children placed in licensed,

1 approved, or certified relative and nonrelative foster families, as
2 specified in Section 11402 of the Welfare and Institutions Code.

3 (f) The department shall have the authority to inspect a foster
4 family agency pursuant to the system of governmental monitoring
5 and oversight developed by the department on and after January
6 1, 2017, pursuant to subdivision (c) of Section 11463 of the
7 Welfare and Institutions Code.

8 (g) The department shall establish procedures for a county
9 review process, at the county’s option, for foster family agencies,
10 which may include the review of the foster family agency’s
11 program statement, and which shall be established in consultation
12 with the County Welfare Directors Association of California, Chief
13 Probation Officers of California, and stakeholders, as appropriate.

14 ~~SEC. 3.~~

15 *SEC. 5.* Section 1517 of the Health and Safety Code is amended
16 to read:

17 1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5
18 of the Welfare and Institutions Code, the State Department of
19 Social Services, shall implement a unified, family friendly, and
20 child-centered resource family approval process to replace the
21 existing multiple processes for licensing foster family homes,
22 approving relatives and nonrelative extended family members as
23 foster care providers, and approving *guardians and* adoptive
24 families.

25 (2) For purposes of this section, a “resource family” means an
26 individual or family that has successfully met both the home
27 environment assessment and the permanency assessment criteria,
28 as set forth in Section 16519.5 of the Welfare and Institutions
29 Code, necessary for providing care for a related or unrelated child
30 who is under the jurisdiction of the juvenile court, or otherwise in
31 the care of a county child welfare agency or probation department.

32 (b) (1) A foster family agency shall comply with the provisions
33 of this section.

34 (2) Notwithstanding any other law, a foster family agency shall
35 require its applicants and resource families to meet the resource
36 family approval standards set forth in Section 16519.5 of the
37 Welfare and Institutions Code, the written directives or regulations
38 adopted thereto, and other applicable laws prior to approval and
39 in order to maintain approval.

- 1 (3) A foster family agency shall be responsible for all of the
2 following:
- 3 (A) Complying with the applicable provisions of this chapter,
4 the regulations for foster family agencies, the resource family
5 approval standards and requirements set forth in Section 16519.5
6 of the Welfare and Institutions Code, and the applicable written
7 directives or regulations adopted thereto by the department.
- 8 (B) Implementing the requirements for the resource family
9 approval and utilizing standardized documentation established by
10 the department.
- 11 (C) Ensuring staff have the education and experience necessary
12 to complete the home environment and psychosocial assessments
13 competently.
- 14 (D) Taking the following actions, as applicable:
- 15 (i) Approving or denying resource family applications.
16 (ii) Rescinding approvals of resource families.
- 17 (E) Providing to the department a log of resource families that
18 were approved or rescinded during the month by the 10th day of
19 the following month. For purposes of subdivision (d) of Section
20 1536, a certified family home includes a resource family approved
21 by the foster family agency pursuant to this section.
- 22 (F) (i) Updating resource family approval annually.
23 (ii) A foster family agency shall conduct an announced
24 inspection of a resource family home during the annual update in
25 order to ensure that the resource family is conforming to all
26 applicable laws and the written directives or regulations adopted
27 pursuant to Section 16519.5 of the Welfare and Institutions Code.
- 28 (G) Monitoring resource families through all of the following:
- 29 (i) Ensuring that social workers who identify a condition in the
30 home that may not meet the resource family approval standards
31 while in the course of a routine visit to children subsequently
32 placed with a resource family take appropriate action as needed.
- 33 (ii) Requiring resource families to comply with corrective action
34 plans as necessary to correct identified deficiencies. If corrective
35 action is not completed as specified in the plan, the foster family
36 agency or the department may rescind the approval of the resource
37 family in accordance with the written directives or regulations
38 adopted pursuant to Section 16519.5 of the Welfare and Institutions
39 Code.

1 (iii) Requiring resource families to report to the foster family
2 agency any incidents as specified in the written directives or
3 regulations adopted pursuant to Section 16519.5 of the Welfare
4 and Institutions Code.

5 (iv) Inspecting resource family homes as often as necessary to
6 ensure the quality of care provided.

7 (H) Performing corrective action as required by the department.

8 (I) Submitting information and data that the department
9 determines is necessary to study, monitor, and prepare the report
10 specified in paragraph (6) of subdivision (f) of Section 16519.5 of
11 the Welfare and Institutions Code.

12 (J) (i) Ensuring applicants and resource families meet the
13 training requirements, and, if applicable, the specialized training
14 requirements set forth in Section 16519.5 of the Welfare and
15 Institutions Code.

16 (ii) Nothing in this section shall preclude a foster family agency
17 from requiring resource family training in excess of the
18 requirements in this section.

19 (4) *A foster family agency may cooperatively match a child who*
20 *is under the care, custody, and control of a county with a resource*
21 *family for initial placement.*

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

25 (1) Requiring foster family agencies to monitor resource
26 families, including, but not limited to, developing and monitoring
27 resource family corrective action plans to correct identified
28 deficiencies and to rescind resource family approval if compliance
29 with a corrective action plan is not achieved.

30 (2) Investigating all complaints against a resource family
31 approved by a foster family agency and taking any action it deems
32 necessary. This shall include investigating any incidents reported
33 about a resource family indicating that the approval standard is
34 not being maintained. Complaint investigations shall be conducted
35 in accordance with the written directives or regulations adopted
36 pursuant to Section 16519.5 of the Welfare and Institutions Code.

37 (3) Rescinding approvals of a resource family approved by a
38 foster family agency.

39 (4) Excluding a resource family parent or other individual from
40 presence in a resource family home or licensed community care

1 facility, from being a member of the board of directors, an
2 executive director, or an officer of a licensed community care
3 facility, or prohibiting a licensed community care facility from
4 employing the resource family parent or other individual, if
5 appropriate.

6 (5) Issuing a temporary suspension order that suspends the
7 resource family approval prior to a hearing, when urgent action is
8 needed to protect a child from physical or mental abuse,
9 abandonment, or any other substantial threat to health or safety.

10 (6) *Providing a resource family parent, applicant, excluded*
11 *individual, or individual who is the subject of a criminal record*
12 *exemption decision, requesting review of that decision, with due*
13 *process pursuant to the department’s statutes, regulations, and*
14 *written directives.*

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

19 (e) Nothing in this section or in ~~Chapter 5 (commencing with~~
20 ~~Section 16500) of Part 4 of Division 9 Section 16519.5 and~~
21 *following* of the Welfare and Institutions Code limits the authority
22 of the department to inspect, evaluate, investigate a complaint or
23 incident, or initiate a disciplinary action against a foster family
24 agency pursuant to this chapter or to take any action it may deem
25 necessary for the health and safety of children ~~subsequently~~ placed
26 with the foster family agency.

27 (f) For purposes of paragraph (3) of subdivision (b) of Section
28 1523.1, a certified family home includes a resource family
29 approved by a foster family agency pursuant to this section.

30 (g) (1) *The applicable certification and oversight processes*
31 *shall continue to be administered for foster homes certified by a*
32 *foster family agency prior to January 1, 2017, until the certification*
33 *is revoked or forfeited by operation of law pursuant to this*
34 *subdivision.*

35 (2) *A foster family agency shall approve or deny all certified*
36 *family home applications received on or before December 31,*
37 *2016, in accordance with this chapter.*

38 ~~(g) (1)~~

39 (3) On and after January 1, 2017, ~~all licensed foster family~~
40 ~~agencies~~ *a foster family agency shall not accept applications to*

1 *certify foster homes and* shall approve resource families in lieu of
2 certifying foster homes. ~~A foster family agency shall require its~~
3 ~~applicants and resource families to meet the resource family~~
4 ~~approval standards and requirements set forth in Section 16519.5~~
5 ~~of the Welfare and Institutions Code, the written directives or~~
6 ~~regulations adopted thereto, and other applicable laws prior to~~
7 ~~approval and in order to maintain approval.~~

8 (2)

9 (4) No later than July 1, 2017, each foster family agency shall
10 provide the following information to all certified family homes:

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

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

15 (C) Notification that a certificate of approval shall be forfeited
16 by operation of law as provided for in paragraph ~~(5)~~. (7).

17 (3)

18 (5) By no later than January 1, 2018, the following shall apply
19 to all certified family homes:

20 (A) A certified family home with an approved adoptive home
21 study, completed prior to January 1, 2018, shall be deemed to be
22 an approved resource family.

23 (B) A certified family home that had a child in placement for
24 any length of time between January 1, 2017, and December 31,
25 2017, inclusive, may be approved as a resource family on the date
26 of successful completion of a psychosocial assessment pursuant
27 to subparagraph (B) of paragraph (3) of subdivision (d) of Section
28 16519.5 of the Welfare and Institutions Code.

29 (4)

30 (6) A foster family agency may provide supportive services to
31 all certified family homes with a child in placement to assist with
32 the resource family transition and to minimize placement
33 disruptions.

34 (5)

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

37 (A) ~~All certified family home~~ *homes* that did not have a child
38 in placement ~~for~~ *at any length of time* between January 1, 2017,
39 and December 31, 2017, inclusive, shall forfeit *the certificate of*

1 approval by operation of law ~~its certificate of approval~~ on January
2 1, 2018.

3 (B) For ~~a certified family home with a~~ *homes with* pending
4 resource family ~~application~~ *applications* on December 31, 2019,
5 the certificate of approval shall be forfeited by operation of law
6 on the date of approval as a resource family. If approval is denied,
7 forfeiture by operation of law shall occur on the date of completion
8 of any proceedings required by law to ensure due process.

9 *SEC. 6. Section 1517.1 is added to the Health and Safety Code,*
10 *to read:*

11 *1517.1. (a) (1) Pursuant to subdivision (a) of Section 16519.5*
12 *of the Welfare and Institutions Code, the State Department of*
13 *Social Services shall implement a unified, family friendly, and*
14 *child-centered resource family approval process to replace the*
15 *existing multiple processes for licensing foster family homes,*
16 *approving relatives and nonrelative extended family members as*
17 *foster care providers, and approving guardians and adoptive*
18 *families.*

19 *(2) For purposes of this section, a “resource family” means an*
20 *individual or family that has successfully met both the home*
21 *environment assessment and the permanency assessment criteria,*
22 *as set forth in Section 16519.5 of the Welfare and Institutions*
23 *Code, necessary for providing care for a related or unrelated child*
24 *who is under the jurisdiction of the juvenile court, or otherwise in*
25 *the care of a county child welfare agency or probation department.*

26 *(b) (1) The applicable licensure and oversight processes shall*
27 *continue to be administered for foster family homes licensed prior*
28 *to January 1, 2017, until the license or approval is revoked or*
29 *forfeited by operation of law pursuant to this section or Section*
30 *1524 of the Health and Safety Code.*

31 *(2) The department shall approve or deny all foster family home*
32 *license applications received on or before December 31, 2016, in*
33 *accordance with this chapter.*

34 *(3) On and after January 1, 2017, the department shall not*
35 *accept applications to license foster family homes.*

36 *(4) By no later than January 1, 2018, the following shall apply*
37 *to all foster family homes:*

38 *(A) A foster family home with an approved adoptive home study,*
39 *completed prior to January 1, 2018, shall be deemed to be an*
40 *approved resource family.*

1 (B) A foster family home that had a child in placement for any
2 length of time between January 1, 2017, and December 31, 2017,
3 inclusive, may be approved as a resource family on the date of
4 successful completion of a psychosocial assessment pursuant to
5 subparagraph (B) of paragraph (3) of subdivision (d) of Section
6 16519.5 of the Welfare and Institutions Code.

7 (5) All foster family home licenses shall be forfeited by operation
8 of law on December 31, 2019, except as provided in this
9 paragraph:

10 (A) All licensed foster family homes that did not have a child
11 in placement at any time between January 1, 2017, and December
12 31, 2017, inclusive, shall forfeit the license by operation of law
13 on January 1, 2018.

14 (B) For foster family home licensees who have pending resource
15 family applications on December 31, 2019, the foster family home
16 license shall be forfeited by operation of law on the date of
17 approval as a resource family. If approval is denied, forfeiture by
18 operation of law shall occur on the date of completion of any
19 proceedings required by law to ensure due process.

20 ~~SEC. 4.~~

21 *SEC. 7.* 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 provisional license for an additional~~
14 ~~period of time not to exceed a total of 24 months, only if it~~
15 ~~determines that this additional time period is required to secure~~
16 ~~accreditation from an entity identified by the department pursuant~~
17 ~~to the process described in paragraph (6) of subdivision (b) of~~
18 ~~Section 11462 of the Welfare and Institutions Code and provided~~
19 ~~that all other requirements for a license have been met.~~

20 (5)

21 (4) 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)

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

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

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

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

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

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

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

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

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

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

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

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

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

- 19 (A) A member of the facility’s board of directors.
- 20 (B) Members of the community where the facility is located.
- 21 (C) Neighbors of the facility.
- 22 (D) Current or former clients of the facility.
- 23 (E) A representative from a local law enforcement or other city
24 or county representative.

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

38 ~~SEC. 5.~~

39 *SEC. 8.* Section 1525.5 of the Health and Safety Code is
40 amended to read:

1 1525.5. (a) The department may issue provisional licenses to
2 operate community care facilities for facilities that ~~the director~~ *it*
3 determines are in substantial compliance with this chapter and the
4 rules and regulations adopted pursuant to this chapter, provided
5 that no life safety risks are involved, as determined by the ~~director~~.
6 *department*. In determining whether any life safety risks are
7 involved, the ~~director~~ *department* shall require completion of all
8 applicable fire clearances and criminal record clearances as
9 otherwise required by the department's rules and regulations. The
10 provisional license shall expire six months from the date of
11 issuance, or at any earlier time as the ~~director~~ *department* may
12 determine, and may not be renewed. However, the ~~director~~
13 *department* may extend the term of a provisional license for an
14 additional six months at time of application, if it is determined that
15 more than six months will be required to achieve full compliance
16 with licensing standards due to circumstances beyond the control
17 of the applicant, provided all other requirements for a license have
18 been met.

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

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

28 ~~SEC. 6.~~

29 *SEC. 9.* Section 1562.01 of the Health and Safety Code is
30 amended to read:

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

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

1 ~~(2) Notwithstanding paragraph (1), the department may issue a~~
 2 ~~provisional license to a short-term residential treatment center and~~
 3 ~~may extend the term of the provisional license not to exceed a total~~
 4 ~~of 24 months in order for the short-term residential treatment center~~
 5 ~~to secure accreditation as set forth in subdivision (a) of Section~~
 6 ~~1520.1.~~

7 *(2) A short-term residential treatment center applicant shall*
 8 *submit documentation of accreditation or application for*
 9 *accreditation with its application for licensure.*

10 *(3) A short-term residential treatment center shall have up to*
 11 *24 months from the date of licensure to obtain accreditation.*

12 *(4) A short-term residential treatment center shall provide*
 13 *documentation to the department reporting its accreditation status*
 14 *at 12 months and at 18 months after the date of licensure.*

15 *(5) This subdivision does not preclude the department from*
 16 *requesting additional information from the short-term residential*
 17 *treatment center regarding its accreditation status.*

18 *(6) The department may revoke a short-term residential*
 19 *treatment center’s license pursuant to Article 5 (commencing with*
 20 *Section 1550) for failure to obtain accreditation within the*
 21 *timeframes specified in this subdivision.*

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

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

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

30 (A) A statement of purposes and goals.

31 (B) A plan for the supervision, evaluation, and training of staff.
 32 The training plan shall be appropriate to meet the needs of staff
 33 and children.

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

35 (i) Description of the short-term residential treatment center’s
 36 ability to support the differing needs of children and their families
 37 with short-term, specialized, and intensive treatment.

38 (ii) Description of the core services, as set forth in paragraph
 39 (1) of subdivision (b) of Section 11462 of the Welfare and

1 Institutions Code, to be offered to children and their families, as
2 appropriate or necessary.

3 (iii) Procedures for the development, implementation, and
4 periodic updating of the needs and services plan for children served
5 by the short-term residential treatment center and procedures for
6 collaborating with the child and family team described in paragraph
7 (4) of subdivision (a) of Section 16501 of the Welfare and
8 Institutions Code, that include, but are not limited to, a description
9 of the services to be provided to meet the treatment needs of the
10 child as assessed, pursuant to subdivision (d) or (e) of Section
11 11462.01 of the Welfare and Institutions Code, the anticipated
12 duration of the treatment, and the timeframe and plan for
13 transitioning the child to a ~~less-restrictive~~ *less restrictive* family
14 environment.

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

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

18 (e) In addition to the rules and regulations adopted pursuant to
19 this chapter, a county licensed to operate a short-term residential
20 treatment center shall describe, in the plan of operation, its conflict
21 of interest mitigation plan, as set forth in subdivision (g) of Section
22 11462.02 of the Welfare and Institutions Code.

23 (f) The department shall establish procedures for a county review
24 process, at the county's option, for short-term residential treatment
25 centers, which may include the review of the short-term residential
26 treatment center's program statement, and which shall be
27 established in consultation with the County Welfare Directors
28 Association of California, Chief Probation Officers of California,
29 and stakeholders, as appropriate.

30 (g) (1) The department shall adopt regulations to establish
31 requirements for the education, qualification, and training of facility
32 managers and staff who provide care and supervision to children
33 or who have regular, direct contact with children in the course of
34 their responsibilities in short-term residential treatment centers
35 consistent with the intended role of these facilities to provide
36 short-term, specialized, and intensive treatment.

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

39 (A) Staff classifications.

- 1 (B) Specification of the date by which employees shall be
2 required to meet the education and qualification requirements.
- 3 (C) Any other requirements that may be prescribed by the
4 department for the proper administration of this section.
- 5 (h) The department shall adopt regulations to specify training
6 requirements for staff who provide care and supervision to children
7 or who have regular, direct contact with children in the course of
8 their responsibilities. These requirements shall include the
9 following:
- 10 (1) Timeframes for completion of training, including the
11 following:
- 12 (A) Training that shall be completed prior to unsupervised care
13 of children.
- 14 (B) Training to be completed within the first 180 days of
15 employment.
- 16 (C) Training to be completed annually.
- 17 (2) Topics to be covered in the training shall include, but are
18 not limited to, the following:
- 19 (A) Child and adolescent development, including sexual
20 orientation, gender identity, and gender expression.
- 21 (B) The effects of trauma, including grief and loss, and child
22 abuse and neglect on child development and behavior and methods
23 to behaviorally support children impacted by that trauma or child
24 abuse and neglect.
- 25 (C) The rights of a child in foster care, including the right to
26 have fair and equal access to all available services, placement,
27 care, treatment, and benefits, and to not be subjected to
28 discrimination or harassment on the basis of actual or perceived
29 race, ethnic group identification, ancestry, national origin, color,
30 religion, sex, sexual orientation, gender identity, mental or physical
31 disability, or HIV status.
- 32 (D) Positive discipline and the importance of self-esteem.
- 33 (E) Core practice model.
- 34 (F) An overview of the child welfare and probation systems.
- 35 (G) Reasonable and prudent parent standard.
- 36 (H) Instruction on cultural competency and sensitivity and
37 related best practices for providing adequate care for children
38 across diverse ethnic and racial backgrounds, as well as children
39 identifying as lesbian, gay, bisexual, or transgender.

1 (I) Awareness and identification of commercial sexual
2 exploitation and best practices for providing care and supervision
3 to commercially sexually exploited children.

4 (J) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
5 et seq.), its historical significance, the rights of children covered
6 by the act, and the best interests of Indian children, including the
7 role of the caregiver in supporting culturally appropriate child
8 centered practices that respect Native American history, culture,
9 retention of tribal membership, and connection to the tribal
10 community and traditions.

11 (K) Permanence, well-being, and educational needs of children.

12 (L) Basic instruction on existing laws and procedures regarding
13 the safety of foster youth at school; and ensuring a harassment and
14 violence free school environment pursuant to Article 3.6
15 (commencing with Section 32228) of Chapter 2 of Part 19 of
16 Division 1 of Title 1 of the Education Code.

17 (M) Best practices for providing care and supervision to
18 nonminor dependents.

19 (N) Health issues in foster care.

20 (O) Physical and psychosocial needs of children, including
21 behavior management, deescalation techniques, and
22 trauma-informed crisis management planning.

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

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

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

37 (k) A short-term residential treatment center shall have a
38 qualified and certified administrator, as set forth in Section
39 1522.41.

1 (l) The department shall have the authority to inspect a
2 short-term residential treatment center pursuant to the system of
3 governmental monitoring and oversight developed by the
4 department pursuant to subdivision (c) of Section 11462 of the
5 Welfare and Institutions Code.

6 *SEC. 10. Section 361.2 of the Welfare and Institutions Code,*
7 *as added by Section 48 of Chapter 773 of the Statutes of 2015, is*
8 *amended to read:*

9 361.2. (a) When a court orders removal of a child pursuant to
10 Section 361, the court shall first determine whether there is a parent
11 of the child, with whom the child was not residing at the time that
12 the events or conditions arose that brought the child within the
13 provisions of Section 300, who desires to assume custody of the
14 child. If that parent requests custody, the court shall place the child
15 with the parent unless it finds that placement with that parent would
16 be detrimental to the safety, protection, or physical or emotional
17 well-being of the child. The fact that the parent is enrolled in a
18 certified substance abuse treatment facility that allows a dependent
19 child to reside with his or her parent shall not be, for that reason
20 alone, prima facie evidence that placement with that parent would
21 be detrimental.

22 (b) If the court places the child with that parent it may do any
23 of the following:

24 (1) Order that the parent become legal and physical custodian
25 of the child. The court may also provide reasonable visitation by
26 the noncustodial parent. The court shall then terminate its
27 jurisdiction over the child. The custody order shall continue unless
28 modified by a subsequent order of the superior court. The order
29 of the juvenile court shall be filed in any domestic relation
30 proceeding between the parents.

31 (2) Order that the parent assume custody subject to the
32 jurisdiction of the juvenile court and require that a home visit be
33 conducted within three months. In determining whether to take
34 the action described in this paragraph, the court shall consider any
35 concerns that have been raised by the child's current caregiver
36 regarding the parent. After the social worker conducts the home
37 visit and files his or her report with the court, the court may then
38 take the action described in paragraph (1), (3), or this paragraph.
39 However, nothing in this paragraph shall be interpreted to imply
40 that the court is required to take the action described in this

1 paragraph as a prerequisite to the court taking the action described
2 in either paragraph (1) or (3).

3 (3) Order that the parent assume custody subject to the
4 supervision of the juvenile court. In that case the court may order
5 that reunification services be provided to the parent or guardian
6 from whom the child is being removed, or the court may order that
7 services be provided solely to the parent who is assuming physical
8 custody in order to allow that parent to retain later custody without
9 court supervision, or that services be provided to both parents, in
10 which case the court shall determine, at review hearings held
11 pursuant to Section 366, which parent, if either, shall have custody
12 of the child.

13 (c) The court shall make a finding either in writing or on the
14 record of the basis for its determination under subdivisions (a) and
15 (b).

16 (d) Part 6 (commencing with Section 7950) of Division 12 of
17 the Family Code shall apply to the placement of a child pursuant
18 to paragraphs (1) and (2) of subdivision (e).

19 (e) When the court orders removal pursuant to Section 361, the
20 court shall order the care, custody, control, and conduct of the
21 child to be under the supervision of the social worker who may
22 place the child in any of the following:

23 (1) The home of a noncustodial parent as described in
24 subdivision (a), regardless of the parent's immigration status.

25 (2) The approved home of a relative, regardless of the relative's
26 immigration status.

27 (3) The approved home of a nonrelative extended family
28 member as defined in Section 362.7.

29 (4) The approved home of a resource family as defined in
30 Section 16519.5.

31 (5) A foster home considering first a foster home in which the
32 child has been placed before an interruption in foster care, if that
33 placement is in the best interest of the child and space is available.

34 (6) A home or facility in accordance with the federal Indian
35 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

36 (7) A suitable licensed community care facility, except a
37 runaway and homeless youth shelter licensed by the State
38 Department of Social Services pursuant to Section 1502.35 of the
39 Health and Safety Code.

1 (8) With a foster family agency, as defined in subdivision (g)
2 of Section 11400 and paragraph (4) of subdivision (a) of Section
3 1502 of the Health and Safety Code, to be placed in a suitable
4 family home certified or approved by the agency.

5 (9) A child of any age who is placed in a community care facility
6 licensed as a group home for children or a short-term residential
7 treatment center, as defined in subdivision (ad) of Section 11400
8 and paragraph (18) of subdivision (a) of Section 1502 of the Health
9 and Safety Code, shall have a case plan that indicates that
10 placement is for purposes of providing short term, specialized, and
11 intensive treatment for the child, the case plan specifies the need
12 for, nature of, and anticipated duration of this treatment, pursuant
13 to paragraph (2) of subdivision (c) of Section 16501.1, and the
14 case plan includes transitioning the child to a less restrictive
15 environment and the projected timeline by which the child will be
16 transitioned to a less restrictive environment. If the placement is
17 longer than six months, the placement shall be documented
18 consistent with paragraph (3) of subdivision (a) of Section 16501.1
19 and shall be approved by the deputy director or director of the
20 county child welfare department.

21 (A) A child under six years of age shall not be placed in a
22 community care facility licensed as a group home for children, or
23 a short-term residential treatment center, except under the following
24 circumstances:

25 (i) When the facility meets the applicable regulations adopted
26 under Section 1530.8 of the Health and Safety Code and standards
27 developed pursuant to Section 11467.1 of this code, and the deputy
28 director or director of the county child welfare department has
29 approved the case plan.

30 (ii) The short term, specialized, and intensive treatment period
31 shall not exceed 120 days, unless the county has made progress
32 toward or is actively working toward implementing the case plan
33 that identifies the services or supports necessary to transition the
34 child to a family setting, circumstances beyond the county's control
35 have prevented the county from obtaining those services or
36 supports within the timeline documented in the case plan, and the
37 need for additional time pursuant to the case plan is documented
38 by the caseworker and approved by a deputy director or director
39 of the county child welfare department.

1 (iii) To the extent that placements pursuant to this paragraph
2 are extended beyond an initial 120 days, the requirements of
3 clauses (i) and (ii) shall apply to each extension. In addition, the
4 deputy director or director of the county child welfare department
5 shall approve the continued placement no less frequently than
6 every 60 days.

7 (iv) In addition, when a case plan indicates that placement is
8 for purposes of providing family reunification ~~services~~. ~~The~~
9 *services*, the facility shall offer family reunification services that
10 meet the needs of the individual child and his or her family, permit
11 parents to have reasonable access to their children 24 hours a day,
12 encourage extensive parental involvement in meeting the daily
13 needs of their children, and employ staff trained to provide family
14 reunification services. In addition, one of the following conditions
15 exists:

16 (I) The child's parent is also under the jurisdiction of the court
17 and resides in the facility.

18 (II) The child's parent is participating in a treatment program
19 affiliated with the facility and the child's placement in the facility
20 facilitates the coordination and provision of reunification services.

21 (III) Placement in the facility is the only alternative that permits
22 the parent to have daily 24-hour access to the child in accordance
23 with the case plan, to participate fully in meeting all of the daily
24 needs of the child, including feeding and personal hygiene, and to
25 have access to necessary reunification services.

26 (B) A child who is 6 to 12 years of age, inclusive, may be placed
27 in a community care facility licensed as a group home for children
28 or a short-term residential treatment center under the following
29 conditions.

30 (i) The short-term, specialized, and intensive treatment period
31 shall not exceed six months, unless the county has made progress
32 or is actively working toward implementing the case plan that
33 identifies the services or supports necessary to transition the child
34 to a family setting, circumstances beyond the county's control
35 have prevented the county from obtaining those services or
36 supports within the timeline documented in the case plan, and the
37 need for additional time pursuant to the case plan is documented
38 by the caseworker and approved by a deputy director or director
39 of the county child welfare department.

1 (ii) To the extent that placements pursuant to this paragraph are
2 extended beyond an initial six months, the requirements of this
3 subparagraph shall apply to each extension. In addition, the deputy
4 director or director of the county child welfare department shall
5 approve the continued placement no less frequently than every 60
6 days.

7 (10) Any child placed in a short-term residential treatment center
8 shall be either of the following:

9 (A) A child who has been assessed as meeting one of the
10 placement requirements set forth in subdivisions (d) and (e) of
11 Section 11462.01.

12 (B) A child under 6 years of age who is placed with his or her
13 minor parent or for the purpose of reunification pursuant to clause
14 (iv) of subparagraph (A) of paragraph (9).

15 (11) Nothing in this subdivision shall be construed to allow a
16 social worker to place any dependent child outside the United
17 States, except as specified in subdivision (f).

18 (f) (1) A child under the supervision of a social worker pursuant
19 to subdivision (e) shall not be placed outside the United States
20 prior to a judicial finding that the placement is in the best interest
21 of the child, except as required by federal law or treaty.

22 (2) The party or agency requesting placement of the child outside
23 the United States shall carry the burden of proof and shall show,
24 by clear and convincing evidence, that placement outside the
25 United States is in the best interest of the child.

26 (3) In determining the best interest of the child, the court shall
27 consider, but not be limited to, the following factors:

28 (A) Placement with a relative.

29 (B) Placement of siblings in the same home.

30 (C) Amount and nature of any contact between the child and
31 the potential guardian or caretaker.

32 (D) Physical and medical needs of the dependent child.

33 (E) Psychological and emotional needs of the dependent child.

34 (F) Social, cultural, and educational needs of the dependent
35 child.

36 (G) Specific desires of any dependent child who is 12 years of
37 age or older.

38 (4) If the court finds that a placement outside the United States
39 is, by clear and convincing evidence, in the best interest of the
40 child, the court may issue an order authorizing the social worker

1 to make a placement outside the United States. A child subject to
2 this subdivision shall not leave the United States prior to the
3 issuance of the order described in this paragraph.

4 (5) For purposes of this subdivision, “outside the United States”
5 shall not include the lands of any federally recognized American
6 Indian tribe or Alaskan Natives.

7 (6) This subdivision shall not apply to the placement of a
8 dependent child with a parent pursuant to subdivision (a).

9 (g) (1) If the child is taken from the physical custody of the
10 child’s parent or guardian and unless the child is placed with
11 relatives, the child shall be placed in foster care in the county of
12 residence of the child’s parent or guardian in order to facilitate
13 reunification of the family.

14 (2) In the event that there are no appropriate placements
15 available in the parent’s or guardian’s county of residence, a
16 placement may be made in an appropriate place in another county,
17 preferably a county located adjacent to the parent’s or guardian’s
18 community of residence.

19 (3) Nothing in this section shall be interpreted as requiring
20 multiple disruptions of the child’s placement corresponding to
21 frequent changes of residence by the parent or guardian. In
22 determining whether the child should be moved, the social worker
23 shall take into consideration the potential harmful effects of
24 disrupting the placement of the child and the parent’s or guardian’s
25 reason for the move.

26 (4) When it has been determined that it is necessary for a child
27 to be placed in a county other than the child’s parent’s or guardian’s
28 county of residence, the specific reason the out-of-county
29 placement is necessary shall be documented in the child’s case
30 plan. If the reason the out-of-county placement is necessary is the
31 lack of resources in the sending county to meet the specific needs
32 of the child, those specific resource needs shall be documented in
33 the case plan.

34 (5) When it has been determined that a child is to be placed out
35 of county either in a group home or with a foster family agency
36 for subsequent placement in a certified foster family home, and
37 the sending county is to maintain responsibility for supervision
38 and visitation of the child, the sending county shall develop a plan
39 of supervision and visitation that specifies the supervision and
40 visitation activities to be performed and specifies that the sending

1 county is responsible for performing those activities. In addition
2 to the plan of supervision and visitation, the sending county shall
3 document information regarding any known or suspected dangerous
4 behavior of the child that indicates the child may pose a safety
5 concern in the receiving county. Upon implementation of the Child
6 Welfare Services Case Management System, the plan of
7 supervision and visitation, as well as information regarding any
8 known or suspected dangerous behavior of the child, shall be made
9 available to the receiving county upon placement of the child in
10 the receiving county. If placement occurs on a weekend or holiday,
11 the information shall be made available to the receiving county on
12 or before the end of the next business day.

13 (6) When it has been determined that a child is to be placed out
14 of county and the sending county plans that the receiving county
15 shall be responsible for the supervision and visitation of the child,
16 the sending county shall develop a formal agreement between the
17 sending and receiving counties. The formal agreement shall specify
18 the supervision and visitation to be provided the child, and shall
19 specify that the receiving county is responsible for providing the
20 supervision and visitation. The formal agreement shall be approved
21 and signed by the sending and receiving counties prior to placement
22 of the child in the receiving county. In addition, upon completion
23 of the case plan, the sending county shall provide a copy of the
24 completed case plan to the receiving county. The case plan shall
25 include information regarding any known or suspected dangerous
26 behavior of the child that indicates the child may pose a safety
27 concern to the receiving county.

28 (h) Whenever the social worker must change the placement of
29 the child and is unable to find a suitable placement within the
30 county and must place the child outside the county, the placement
31 shall not be made until he or she has served written notice on the
32 parent or guardian at least 14 days prior to the placement, unless
33 the child's health or well-being is endangered by delaying the
34 action or would be endangered if prior notice were given. The
35 notice shall state the reasons that require placement outside the
36 county. The parent or guardian may object to the placement not
37 later than seven days after receipt of the notice and, upon objection,
38 the court shall hold a hearing not later than five days after the
39 objection and prior to the placement. The court shall order

1 out-of-county placement if it finds that the child's particular needs
2 require placement outside the county.

3 (i) If the court has ordered removal of the child from the physical
4 custody of his or her parents pursuant to Section 361, the court
5 shall consider whether the family ties and best interest of the child
6 will be served by granting visitation rights to the child's
7 grandparents. The court shall clearly specify those rights to the
8 social worker.

9 (j) If the court has ordered removal of the child from the physical
10 custody of his or her parents pursuant to Section 361, the court
11 shall consider whether there are any siblings under the court's
12 jurisdiction, or any nondependent siblings in the physical custody
13 of a parent subject to the court's jurisdiction, the nature of the
14 relationship between the child and his or her siblings, the
15 appropriateness of developing or maintaining the sibling
16 relationships pursuant to Section 16002, and the impact of the
17 sibling relationships on the child's placement and planning for
18 legal permanence.

19 (k) (1) An agency shall ensure placement of a child in a home
20 that, to the fullest extent possible, best meets the day-to-day needs
21 of the child. A home that best meets the day-to-day needs of the
22 child shall satisfy all of the following criteria:

23 (A) The child's caregiver is able to meet the day-to-day health,
24 safety, and well-being needs of the child.

25 (B) The child's caregiver is permitted to maintain the least
26 restrictive family setting that promotes normal childhood
27 experiences and that serves the day-to-day needs of the child.

28 (C) The child is permitted to engage in reasonable,
29 age-appropriate day-to-day activities that promote normal
30 childhood experiences for the foster child.

31 (2) The foster child's caregiver shall use a reasonable and
32 prudent parent standard, as defined in paragraph (2) of subdivision
33 (a) of Section 362.04, to determine day-to-day activities that are
34 age appropriate to meet the needs of the child. Nothing in this
35 section shall be construed to permit a child's caregiver to permit
36 the child to engage in day-to-day activities that carry an
37 unreasonable risk of harm, or subject the child to abuse or neglect.

38 (l) This section shall become operative on January 1, 2017.

39 *SEC. 11. Section 366.26 of the Welfare and Institutions Code*
40 *is amended to read:*

1 366.26. (a) This section applies to children who are adjudged
2 dependent children of the juvenile court pursuant to subdivision
3 (d) of Section 360. The procedures specified herein are the
4 exclusive procedures for conducting these hearings; Part 2
5 (commencing with Section 3020) of Division 8 of the Family Code
6 is not applicable to these proceedings. Section 8616.5 of the Family
7 Code is applicable and available to all dependent children meeting
8 the requirements of that section, if the postadoption contact
9 agreement has been entered into voluntarily. For children who are
10 adjudged dependent children of the juvenile court pursuant to
11 subdivision (d) of Section 360, this section and Sections 8604,
12 8605, 8606, and 8700 of the Family Code and Chapter 5
13 (commencing with Section 7660) of Part 3 of Division 12 of the
14 Family Code specify the exclusive procedures for permanently
15 terminating parental rights with regard to, or establishing legal
16 guardianship of, the child while the child is a dependent child of
17 the juvenile court.

18 (b) At the hearing, which shall be held in juvenile court for all
19 children who are dependents of the juvenile court, the court, in
20 order to provide stable, permanent homes for these children, shall
21 review the report as specified in Section 361.5, 366.21, 366.22, or
22 366.25, shall indicate that the court has read and considered it,
23 shall receive other evidence that the parties may present, and then
24 shall make findings and orders in the following order of preference:

25 (1) Terminate the rights of the parent or parents and order that
26 the child be placed for adoption and, upon the filing of a petition
27 for adoption in the juvenile court, order that a hearing be set. The
28 court shall proceed with the adoption after the appellate rights of
29 the natural parents have been exhausted.

30 (2) Order, without termination of parental rights, the plan of
31 tribal customary adoption, as described in Section 366.24, through
32 tribal custom, traditions, or law of the Indian child's tribe, and
33 upon the court affording the tribal customary adoption order full
34 faith and credit at the continued selection and implementation
35 hearing, order that a hearing be set pursuant to paragraph (2) of
36 subdivision (e).

37 (3) Appoint a relative or relatives with whom the child is
38 currently residing as legal guardian or guardians for the child, and
39 order that letters of guardianship issue.

1 (4) On making a finding under paragraph (3) of subdivision (c),
2 identify adoption or tribal customary adoption as the permanent
3 placement goal and order that efforts be made to locate an
4 appropriate adoptive family for the child within a period not to
5 exceed 180 days.

6 (5) Appoint a nonrelative legal guardian for the child and order
7 that letters of guardianship issue.

8 (6) Order that the child be permanently placed with a fit and
9 willing relative, subject to the periodic review of the juvenile court
10 under Section 366.3.

11 (7) Order that the child remain in foster care, subject to the
12 conditions described in paragraph (4) of subdivision (c) and the
13 periodic review of the juvenile court under Section 366.3.

14 In choosing among the above alternatives the court shall proceed
15 pursuant to subdivision (c).

16 (c) (1) If the court determines, based on the assessment provided
17 as ordered under subdivision (i) of Section 366.21, subdivision (b)
18 of Section 366.22, or subdivision (b) of Section 366.25, and any
19 other relevant evidence, by a clear and convincing standard, that
20 it is likely the child will be adopted, the court shall terminate
21 parental rights and order the child placed for adoption. The fact
22 that the child is not yet placed in a preadoptive home nor with a
23 relative or foster family who is prepared to adopt the child, shall
24 not constitute a basis for the court to conclude that it is not likely
25 the child will be adopted. A finding under subdivision (b) or
26 paragraph (1) of subdivision (e) of Section 361.5 that reunification
27 services shall not be offered, under subdivision (e) of Section
28 366.21 that the whereabouts of a parent have been unknown for
29 six months or that the parent has failed to visit or contact the child
30 for six months, or that the parent has been convicted of a felony
31 indicating parental unfitness, or, under Section 366.21 or 366.22,
32 that the court has continued to remove the child from the custody
33 of the parent or guardian and has terminated reunification services,
34 shall constitute a sufficient basis for termination of parental rights.
35 Under these circumstances, the court shall terminate parental rights
36 unless either of the following applies:

37 (A) The child is living with a relative who is unable or unwilling
38 to adopt the child because of circumstances that do not include an
39 unwillingness to accept legal or financial responsibility for the
40 child, but who is willing and capable of providing the child with

1 a stable and permanent environment through legal guardianship,
2 and the removal of the child from the custody of his or her relative
3 would be detrimental to the emotional well-being of the child. For
4 purposes of an Indian child, “relative” shall include an “extended
5 family member;” as defined in the federal Indian Child Welfare
6 Act of 1978 (25 U.S.C. Sec. 1903(2)).

7 (B) The court finds a compelling reason for determining that
8 termination would be detrimental to the child due to one or more
9 of the following circumstances:

10 (i) The parents have maintained regular visitation and contact
11 with the child and the child would benefit from continuing the
12 relationship.

13 (ii) A child 12 years of age or older objects to termination of
14 parental rights.

15 (iii) The child is placed in a residential treatment facility,
16 adoption is unlikely or undesirable, and continuation of parental
17 rights will not prevent finding the child a permanent family
18 placement if the parents cannot resume custody when residential
19 care is no longer needed.

20 (iv) The child is living with a foster parent or Indian custodian
21 who is unable or unwilling to adopt the child because of
22 exceptional circumstances, that do not include an unwillingness
23 to accept legal or financial responsibility for the child, but who is
24 willing and capable of providing the child with a stable and
25 permanent environment and the removal of the child from the
26 physical custody of his or her foster parent or Indian custodian
27 would be detrimental to the emotional well-being of the child. This
28 clause does not apply to any child who is either (I) under six years
29 of age or (II) a member of a sibling group where at least one child
30 is under six years of age and the siblings are, or should be,
31 permanently placed together.

32 (v) There would be substantial interference with a child’s sibling
33 relationship, taking into consideration the nature and extent of the
34 relationship, including, but not limited to, whether the child was
35 raised with a sibling in the same home, whether the child shared
36 significant common experiences or has existing close and strong
37 bonds with a sibling, and whether ongoing contact is in the child’s
38 best interest, including the child’s long-term emotional interest,
39 as compared to the benefit of legal permanence through adoption.

1 (vi) The child is an Indian child and there is a compelling reason
2 for determining that termination of parental rights would not be
3 in the best interest of the child, including, but not limited to:

4 (I) Termination of parental rights would substantially interfere
5 with the child's connection to his or her tribal community or the
6 child's tribal membership rights.

7 (II) The child's tribe has identified guardianship, foster care
8 with a fit and willing relative, tribal customary adoption, or another
9 planned permanent living arrangement for the child.

10 (III) The child is a nonminor dependent, and the nonminor and
11 the nonminor's tribe have identified tribal customary adoption for
12 the nonminor.

13 (C) For purposes of subparagraph (B), in the case of tribal
14 customary adoptions, Section 366.24 shall apply.

15 (D) If the court finds that termination of parental rights would
16 be detrimental to the child pursuant to clause (i), (ii), (iii), (iv),
17 (v), or (vi), it shall state its reasons in writing or on the record.

18 (2) The court shall not terminate parental rights if:

19 (A) At each hearing at which the court was required to consider
20 reasonable efforts or services, the court has found that reasonable
21 efforts were not made or that reasonable services were not offered
22 or provided.

23 (B) In the case of an Indian child:

24 (i) At the hearing terminating parental rights, the court has found
25 that active efforts were not made as required in Section 361.7.

26 (ii) The court does not make a determination at the hearing
27 terminating parental rights, supported by evidence beyond a
28 reasonable doubt, including testimony of one or more "qualified
29 expert witnesses" as defined in Section 224.6, that the continued
30 custody of the child by the parent is likely to result in serious
31 emotional or physical damage to the child.

32 (iii) The court has ordered tribal customary adoption pursuant
33 to Section 366.24.

34 (3) If the court finds that termination of parental rights would
35 not be detrimental to the child pursuant to paragraph (1) and that
36 the child has a probability for adoption but is difficult to place for
37 adoption and there is no identified or available prospective adoptive
38 parent, the court may identify adoption as the permanent placement
39 goal and without terminating parental rights, order that efforts be
40 made to locate an appropriate adoptive family for the child, within

1 the state or out of the state, within a period not to exceed 180 days.
2 During this 180-day period, the public agency responsible for
3 seeking adoptive parents for each child shall, to the extent possible,
4 ask each child who is 10 years of age or older, to identify any
5 individuals, other than the child's siblings, who are important to
6 the child, in order to identify potential adoptive parents. The public
7 agency may ask any other child to provide that information, as
8 appropriate. During the 180-day period, the public agency shall,
9 to the extent possible, contact other private and public adoption
10 agencies regarding the availability of the child for adoption. During
11 the 180-day period, the public agency shall conduct the search for
12 adoptive parents in the same manner as prescribed for children in
13 Sections 8708 and 8709 of the Family Code. At the expiration of
14 this period, another hearing shall be held and the court shall
15 proceed pursuant to paragraph (1), (2), (3), (5), or (6) of subdivision
16 (b). For purposes of this section, a child may only be found to be
17 difficult to place for adoption if there is no identified or available
18 prospective adoptive parent for the child because of the child's
19 membership in a sibling group, or the presence of a diagnosed
20 medical, physical, or mental handicap, or the child is seven years
21 of age or more.

22 (4) (A) If the court finds that adoption of the child or
23 termination of parental rights is not in the best interest of the child,
24 because one of the conditions in clause (i), (ii), (iii), (iv), (v), or
25 (vi) of subparagraph (B) of paragraph (1) or in paragraph (2)
26 applies, the court shall order that the present caretakers or other
27 appropriate persons shall become legal guardians of the child, or,
28 in the case of an Indian child, consider a tribal customary adoption
29 pursuant to Section 366.24. Legal guardianship shall be considered
30 before continuing the child in foster care under any other permanent
31 plan, if it is in the best interests of the child and if a suitable
32 guardian can be found. If the child continues in foster care, the
33 court shall make factual findings identifying any barriers to
34 achieving adoption, tribal customary adoption in the case of an
35 Indian child, legal guardianship, or placement with a fit and willing
36 relative as of the date of the hearing. A child who is 10 years of
37 age or older, shall be asked to identify any individuals, other than
38 the child's siblings, who are important to the child, in order to
39 identify potential guardians or, in the case of an Indian child,

1 prospective tribal customary adoptive parents. The agency may
2 ask any other child to provide that information, as appropriate.

3 (B) (i) If the child is living with an approved relative who is
4 willing and capable of providing a stable and permanent
5 environment, but not willing to become a legal guardian as of the
6 hearing date, the court shall order a permanent plan of placement
7 with a fit and willing relative, and the child shall not be removed
8 from the home if the court finds the removal would be seriously
9 detrimental to the emotional well-being of the child because the
10 child has substantial psychological ties to the relative caretaker.

11 (ii) If the child is living with a nonrelative caregiver who is
12 willing and capable of providing a stable and permanent
13 environment, but not willing to become a legal guardian as of the
14 hearing date, the court shall order that the child remain in foster
15 care with a permanent plan of return home, adoption, legal
16 guardianship, or placement with a fit and willing relative, as
17 appropriate. If the child is 16 years of age or older, or a nonminor
18 dependent, and no other permanent plan is appropriate at the time
19 of the hearing, the court may order another planned permanent
20 living arrangement, as described in paragraph (2) of subdivision
21 (i) of Section 16501. Regardless of the age of the child, the child
22 shall not be removed from the home if the court finds the removal
23 would be seriously detrimental to the emotional well-being of the
24 child because the child has substantial psychological ties to the
25 caregiver.

26 (iii) If the child is living in a group home or, on or after January
27 1, 2017, a short-term residential treatment center, the court shall
28 order that the child remain in foster care with a permanent plan of
29 return home, adoption, tribal customary adoption in the case of an
30 Indian child, legal guardianship, or placement with a fit and willing
31 relative, as appropriate. If the child is 16 years of age or older, or
32 a nonminor dependent, and no other permanent plan is appropriate
33 at the time of the hearing, the court may order another planned
34 permanent living arrangement, as described in paragraph (2) of
35 subdivision (i) of Section 16501.

36 (C) The court shall also make an order for visitation with the
37 parents or guardians unless the court finds by a preponderance of
38 the evidence that the visitation would be detrimental to the physical
39 or emotional well-being of the child.

1 (5) If the court finds that the child should not be placed for
2 adoption, that legal guardianship shall not be established, that
3 placement with a fit and willing relative is not appropriate as of
4 the hearing date, and that there are no suitable foster parents except
5 exclusive-use homes available to provide the child with a stable
6 and permanent environment, the court may order the care, custody,
7 and control of the child transferred from the county welfare
8 department to a licensed foster family agency. The court shall
9 consider the written recommendation of the county welfare director
10 regarding the suitability of the transfer. The transfer shall be subject
11 to further court orders.

12 The licensed foster family agency shall place the child in a
13 suitable licensed or exclusive-use home that has been certified by
14 the agency as meeting licensing standards. The licensed foster
15 family agency shall be responsible for supporting the child and
16 providing appropriate services to the child, including those services
17 ordered by the court. Responsibility for the support of the child
18 shall not, in and of itself, create liability on the part of the foster
19 family agency to third persons injured by the child. Those children
20 whose care, custody, and control are transferred to a foster family
21 agency shall not be eligible for foster care maintenance payments
22 or child welfare services, except for emergency response services
23 pursuant to Section 16504.

24 (d) The proceeding for the appointment of a guardian for a child
25 who is a dependent of the juvenile court shall be in the juvenile
26 court. If the court finds pursuant to this section that legal
27 guardianship is the appropriate permanent plan, it shall appoint
28 the legal guardian and issue letters of guardianship. The assessment
29 prepared pursuant to subdivision (g) of Section 361.5, subdivision
30 (i) of Section 366.21, subdivision (b) of Section 366.22, and
31 subdivision (b) of Section 366.25 shall be read and considered by
32 the court prior to the appointment, and this shall be reflected in
33 the minutes of the court. The person preparing the assessment may
34 be called and examined by any party to the proceeding.

35 (e) (1) The proceeding for the adoption of a child who is a
36 dependent of the juvenile court shall be in the juvenile court if the
37 court finds pursuant to this section that adoption is the appropriate
38 permanent plan and the petition for adoption is filed in the juvenile
39 court. Upon the filing of a petition for adoption, the juvenile court
40 shall order that an adoption hearing be set. The court shall proceed

1 with the adoption after the appellate rights of the natural parents
2 have been exhausted. The full report required by Section 8715 of
3 the Family Code shall be read and considered by the court prior
4 to the adoption and this shall be reflected in the minutes of the
5 court. The person preparing the report may be called and examined
6 by any party to the proceeding. It is the intent of the Legislature,
7 pursuant to this subdivision, to give potential adoptive parents the
8 option of filing in the juvenile court the petition for the adoption
9 of a child who is a dependent of the juvenile court. Nothing in this
10 section is intended to prevent the filing of a petition for adoption
11 in any other court as permitted by law, instead of in the juvenile
12 court.

13 (2) In the case of an Indian child, if the Indian child's tribe has
14 elected a permanent plan of tribal customary adoption, the court,
15 upon receiving the tribal customary adoption order will afford the
16 tribal customary adoption order full faith and credit to the same
17 extent that the court would afford full faith and credit to the public
18 acts, records, judicial proceedings, and judgments of any other
19 entity. Upon a determination that the tribal customary adoption
20 order may be afforded full faith and credit, consistent with Section
21 224.5, the court shall thereafter order a hearing to finalize the
22 adoption be set upon the filing of the adoption petition. The
23 prospective tribal customary adoptive parents and the child who
24 is the subject of the tribal customary adoption petition shall appear
25 before the court for the finalization hearing. The court shall
26 thereafter issue an order of adoption pursuant to Section 366.24.

27 (3) If a child who is the subject of a finalized tribal customary
28 adoption shows evidence of a developmental disability or mental
29 illness as a result of conditions existing before the tribal customary
30 adoption to the extent that the child cannot be relinquished to a
31 licensed adoption agency on the grounds that the child is considered
32 unadoptable, and of which condition the tribal customary adoptive
33 parent or parents had no knowledge or notice before the entry of
34 the tribal customary adoption order, a petition setting forth those
35 facts may be filed by the tribal customary adoptive parent or
36 parents with the juvenile court that granted the tribal customary
37 adoption petition. If these facts are proved to the satisfaction of
38 the juvenile court, it may make an order setting aside the tribal
39 customary adoption order. The set-aside petition shall be filed
40 within five years of the issuance of the tribal customary adoption

1 order. The court clerk shall immediately notify the child's tribe
2 and the department in Sacramento of the petition within 60 days
3 after the notice of filing of the petition. The department shall file
4 a full report with the court and shall appear before the court for
5 the purpose of representing the child. Whenever a final decree of
6 tribal customary adoption has been vacated or set aside, the child
7 shall be returned to the custody of the county in which the
8 proceeding for tribal customary adoption was finalized. The
9 biological parent or parents of the child may petition for return of
10 custody. The disposition of the child after the court has entered an
11 order to set aside a tribal customary adoption shall include
12 consultation with the child's tribe.

13 (f) At the beginning of any proceeding pursuant to this section,
14 if the child or the parents are not being represented by previously
15 retained or appointed counsel, the court shall proceed as follows:

16 (1) In accordance with subdivision (c) of Section 317, if a child
17 before the court is without counsel, the court shall appoint counsel
18 unless the court finds that the child would not benefit from the
19 appointment of counsel. The court shall state on the record its
20 reasons for that finding.

21 (2) If a parent appears without counsel and is unable to afford
22 counsel, the court shall appoint counsel for the parent, unless this
23 representation is knowingly and intelligently waived. The same
24 counsel shall not be appointed to represent both the child and his
25 or her parent. The public defender or private counsel may be
26 appointed as counsel for the parent.

27 (3) Private counsel appointed under this section shall receive a
28 reasonable sum for compensation and expenses, the amount of
29 which shall be determined by the court. The amount shall be paid
30 by the real parties in interest, other than the child, in any
31 proportions the court deems just. However, if the court finds that
32 any of the real parties in interest are unable to afford counsel, the
33 amount shall be paid out of the general fund of the county.

34 (g) The court may continue the proceeding for a period of time
35 not to exceed 30 days as necessary to appoint counsel, and to
36 enable counsel to become acquainted with the case.

37 (h) (1) At all proceedings under this section, the court shall
38 consider the wishes of the child and shall act in the best interests
39 of the child.

1 (2) In accordance with Section 349, the child shall be present
2 in court if the child or the child’s counsel so requests or the court
3 so orders. If the child is 10 years of age or older and is not present
4 at a hearing held pursuant to this section, the court shall determine
5 whether the minor was properly notified of his or her right to attend
6 the hearing and inquire as to the reason why the child is not present.

7 (3) (A) The testimony of the child may be taken in chambers
8 and outside the presence of the child’s parent or parents, if the
9 child’s parent or parents are represented by counsel, the counsel
10 is present, and any of the following circumstances exists:

11 (i) The court determines that testimony in chambers is necessary
12 to ensure truthful testimony.

13 (ii) The child is likely to be intimidated by a formal courtroom
14 setting.

15 (iii) The child is afraid to testify in front of his or her parent or
16 parents.

17 (B) After testimony in chambers, the parent or parents of the
18 child may elect to have the court reporter read back the testimony
19 or have the testimony summarized by counsel for the parent or
20 parents.

21 (C) The testimony of a child also may be taken in chambers and
22 outside the presence of the guardian or guardians of a child under
23 the circumstances specified in this subdivision.

24 (i) (1) Any order of the court permanently terminating parental
25 rights under this section shall be conclusive and binding upon the
26 child, upon the parent or parents and upon all other persons who
27 have been served with citation by publication or otherwise as
28 provided in this chapter. After making the order, the juvenile court
29 shall have no power to set aside, change, or modify it, except as
30 provided in paragraph (2), but nothing in this section shall be
31 construed to limit the right to appeal the order.

32 (2) A tribal customary adoption order evidencing that the Indian
33 child has been the subject of a tribal customary adoption shall be
34 afforded full faith and credit and shall have the same force and
35 effect as an order of adoption authorized by this section. The rights
36 and obligations of the parties as to the matters determined by the
37 Indian child’s tribe shall be binding on all parties. A court shall
38 not order compliance with the order absent a finding that the party
39 seeking the enforcement participated, or attempted to participate,
40 in good faith, in family mediation services of the court or dispute

1 resolution through the tribe regarding the conflict, prior to the
2 filing of the enforcement action.

3 (3) A child who has not been adopted after the passage of at
4 least three years from the date the court terminated parental rights
5 and for whom the court has determined that adoption is no longer
6 the permanent plan may petition the juvenile court to reinstate
7 parental rights pursuant to the procedure prescribed by Section
8 388. The child may file the petition prior to the expiration of this
9 three-year period if the State Department of Social Services, county
10 adoption agency, or licensed adoption agency that is responsible
11 for custody and supervision of the child as described in subdivision
12 (j) and the child stipulate that the child is no longer likely to be
13 adopted. A child over 12 years of age shall sign the petition in the
14 absence of a showing of good cause as to why the child could not
15 do so. If it appears that the best interests of the child may be
16 promoted by reinstatement of parental rights, the court shall order
17 that a hearing be held and shall give prior notice, or cause prior
18 notice to be given, to the social worker or probation officer and to
19 the child’s attorney of record, or, if there is no attorney of record
20 for the child, to the child, and the child’s tribe, if applicable, by
21 means prescribed by subdivision (c) of Section 297. The court
22 shall order the child or the social worker or probation officer to
23 give prior notice of the hearing to the child’s former parent or
24 parents whose parental rights were terminated in the manner
25 prescribed by subdivision (f) of Section 294 where the
26 recommendation is adoption. The juvenile court shall grant the
27 petition if it finds by clear and convincing evidence that the child
28 is no longer likely to be adopted and that reinstatement of parental
29 rights is in the child’s best interest. If the court reinstates parental
30 rights over a child who is under 12 years of age and for whom the
31 new permanent plan will not be reunification with a parent or legal
32 guardian, the court shall specify the factual basis for its findings
33 that it is in the best interest of the child to reinstate parental rights.
34 This subdivision is intended to be retroactive and applies to any
35 child who is under the jurisdiction of the juvenile court at the time
36 of the hearing regardless of the date parental rights were terminated.

37 (j) If the court, by order or judgment, declares the child free
38 from the custody and control of both parents, or one parent if the
39 other does not have custody and control, or declares the child
40 eligible for tribal customary adoption, the court shall at the same

1 time order the child referred to the State Department of Social
2 Services, county adoption agency, or licensed adoption agency for
3 adoptive placement by the agency. However, except in the case
4 of a tribal customary adoption where there is no termination of
5 parental rights, a petition for adoption may not be granted until
6 the appellate rights of the natural parents have been exhausted.
7 The State Department of Social Services, county adoption agency,
8 or licensed adoption agency shall be responsible for the custody
9 and supervision of the child and shall be entitled to the exclusive
10 care and control of the child at all times until a petition for adoption
11 or tribal customary adoption is granted, except as specified in
12 subdivision (n). With the consent of the agency, the court may
13 appoint a guardian of the child, who shall serve until the child is
14 adopted.

15 (k) Notwithstanding any other law, the application of any person
16 who, as a relative caretaker or foster parent, has cared for a
17 dependent child for whom the court has approved a permanent
18 plan for adoption, or who has been freed for adoption, shall be
19 given preference with respect to that child over all other
20 applications for adoptive placement if the agency making the
21 placement determines that the child has substantial emotional ties
22 to the relative caretaker or foster parent and removal from the
23 relative caretaker or foster parent would be seriously detrimental
24 to the child's emotional well-being.

25 As used in this subdivision, "preference" means that the
26 application shall be processed and, if satisfactory, the family study
27 shall be completed before the processing of the application of any
28 other person for the adoptive placement of the child.

29 (l) (1) An order by the court that a hearing pursuant to this
30 section be held is not appealable at any time unless all of the
31 following apply:

32 (A) A petition for extraordinary writ review was filed in a timely
33 manner.

34 (B) The petition substantively addressed the specific issues to
35 be challenged and supported that challenge by an adequate record.

36 (C) The petition for extraordinary writ review was summarily
37 denied or otherwise not decided on the merits.

38 (2) Failure to file a petition for extraordinary writ review within
39 the period specified by rule, to substantively address the specific
40 issues challenged, or to support that challenge by an adequate

1 record shall preclude subsequent review by appeal of the findings
2 and orders made pursuant to this section.

3 (3) The Judicial Council shall adopt rules of court, effective
4 January 1, 1995, to ensure all of the following:

5 (A) A trial court, after issuance of an order directing a hearing
6 pursuant to this section be held, shall advise all parties of the
7 requirement of filing a petition for extraordinary writ review as
8 set forth in this subdivision in order to preserve any right to appeal
9 in these issues. This notice shall be made orally to a party if the
10 party is present at the time of the making of the order or by
11 first-class mail by the clerk of the court to the last known address
12 of a party not present at the time of the making of the order.

13 (B) The prompt transmittal of the records from the trial court
14 to the appellate court.

15 (C) That adequate time requirements for counsel and court
16 personnel exist to implement the objective of this subdivision.

17 (D) That the parent or guardian, or their trial counsel or other
18 counsel, is charged with the responsibility of filing a petition for
19 extraordinary writ relief pursuant to this subdivision.

20 (4) The intent of this subdivision is to do both of the following:

21 (A) Make every reasonable attempt to achieve a substantive and
22 meritorious review by the appellate court within the time specified
23 in Sections 366.21, 366.22, and 366.25 for holding a hearing
24 pursuant to this section.

25 (B) Encourage the appellate court to determine all writ petitions
26 filed pursuant to this subdivision on their merits.

27 (5) This subdivision shall only apply to cases in which an order
28 to set a hearing pursuant to this section is issued on or after January
29 1, 1995.

30 (m) Except for subdivision (j), this section shall also apply to
31 minors adjudged wards pursuant to Section 727.31.

32 (n) (1) Notwithstanding Section 8704 of the Family Code or
33 any other law, the court, at a hearing held pursuant to this section
34 or anytime thereafter, may designate a current caretaker as a
35 prospective adoptive parent if the child has lived with the caretaker
36 for at least six months, the caretaker currently expresses a
37 commitment to adopt the child, and the caretaker has taken at least
38 one step to facilitate the adoption process. In determining whether
39 to make that designation, the court may take into consideration
40 whether the caretaker is listed in the preliminary assessment

1 prepared by the county department in accordance with subdivision
2 (i) of Section 366.21 as an appropriate person to be considered as
3 an adoptive parent for the child and the recommendation of the
4 State Department of Social Services, county adoption agency, or
5 licensed adoption agency.

6 (2) For purposes of this subdivision, steps to facilitate the
7 adoption process include, but are not limited to, the following:

8 ~~(A) Applying for an adoption home study.~~

9 ~~(B) Cooperating with an adoption home study.~~

10 ~~(C)~~

11 (A) Being designated by the court or the adoption agency as the
12 adoptive family.

13 ~~(D)~~

14 (B) Requesting de facto parent status.

15 ~~(E)~~

16 (C) Signing an adoptive placement agreement.

17 ~~(F)~~

18 (D) Engaging in discussions regarding a postadoption contact
19 agreement.

20 ~~(G)~~

21 (E) Working to overcome any impediments that have been
22 identified by the State Department of Social Services, county
23 adoption agency, or licensed adoption agency.

24 ~~(H)~~

25 (F) Attending classes required of prospective adoptive parents.

26 (3) Prior to a change in placement and as soon as possible after
27 a decision is made to remove a child from the home of a designated
28 prospective adoptive parent, the agency shall notify the court, the
29 designated prospective adoptive parent or the current caretaker, if
30 that caretaker would have met the threshold criteria to be
31 designated as a prospective adoptive parent pursuant to paragraph
32 (1) on the date of service of this notice, the child's attorney, and
33 the child, if the child is 10 years of age or older, of the proposal
34 in the manner described in Section 16010.6.

35 (A) Within five court days or seven calendar days, whichever
36 is longer, of the date of notification, the child, the child's attorney,
37 or the designated prospective adoptive parent may file a petition
38 with the court objecting to the proposal to remove the child, or the
39 court, upon its own motion, may set a hearing regarding the
40 proposal. The court may, for good cause, extend the filing period.

1 A caretaker who would have met the threshold criteria to be
2 designated as a prospective adoptive parent pursuant to paragraph
3 (1) on the date of service of the notice of proposed removal of the
4 child may file, together with the petition under this subparagraph,
5 a petition for an order designating the caretaker as a prospective
6 adoptive parent for purposes of this subdivision.

7 (B) A hearing ordered pursuant to this paragraph shall be held
8 as soon as possible and not later than five court days after the
9 petition is filed with the court or the court sets a hearing upon its
10 own motion, unless the court for good cause is unable to set the
11 matter for hearing five court days after the petition is filed, in
12 which case the court shall set the matter for hearing as soon as
13 possible. At the hearing, the court shall determine whether the
14 caretaker has met the threshold criteria to be designated as a
15 prospective adoptive parent pursuant to paragraph (1), and whether
16 the proposed removal of the child from the home of the designated
17 prospective adoptive parent is in the child's best interest, and the
18 child may not be removed from the home of the designated
19 prospective adoptive parent unless the court finds that removal is
20 in the child's best interest. If the court determines that the caretaker
21 did not meet the threshold criteria to be designated as a prospective
22 adoptive parent on the date of service of the notice of proposed
23 removal of the child, the petition objecting to the proposed removal
24 filed by the caretaker shall be dismissed. If the caretaker was
25 designated as a prospective adoptive parent prior to this hearing,
26 the court shall inquire into any progress made by the caretaker
27 towards the adoption of the child since the caretaker was designated
28 as a prospective adoptive parent.

29 (C) A determination by the court that the caretaker is a
30 designated prospective adoptive parent pursuant to paragraph (1)
31 or subparagraph (B) does not make the caretaker a party to the
32 dependency proceeding nor does it confer on the caretaker any
33 standing to object to any other action of the department, county
34 adoption agency, or licensed adoption agency, unless the caretaker
35 has been declared a de facto parent by the court prior to the notice
36 of removal served pursuant to paragraph (3).

37 (D) If a petition objecting to the proposal to remove the child
38 is not filed, and the court, upon its own motion, does not set a
39 hearing, the child may be removed from the home of the designated
40 prospective adoptive parent without a hearing.

1 (4) Notwithstanding paragraph (3), if the State Department of
2 Social Services, county adoption agency, or licensed adoption
3 agency determines that the child must be removed from the home
4 of the caretaker who is or may be a designated prospective adoptive
5 parent immediately, due to a risk of physical or emotional harm,
6 the agency may remove the child from that home and is not
7 required to provide notice prior to the removal. However, as soon
8 as possible and not longer than two court days after the removal,
9 the agency shall notify the court, the caretaker who is or may be
10 a designated prospective adoptive parent, the child's attorney, and
11 the child, if the child is 10 years of age or older, of the removal.
12 Within five court days or seven calendar days, whichever is longer,
13 of the date of notification of the removal, the child, the child's
14 attorney, or the caretaker who is or may be a designated prospective
15 adoptive parent may petition for, or the court on its own motion
16 may set, a noticed hearing pursuant to paragraph (3). The court
17 may, for good cause, extend the filing period.

18 (5) Except as provided in subdivision (b) of Section 366.28, an
19 order by the court issued after a hearing pursuant to this subdivision
20 shall not be appealable.

21 (6) Nothing in this section shall preclude a county child
22 protective services agency from fully investigating and responding
23 to alleged abuse or neglect of a child pursuant to Section 11165.5
24 of the Penal Code.

25 (7) The Judicial Council shall prepare forms to facilitate the
26 filing of the petitions described in this subdivision, which shall
27 become effective on January 1, 2006.

28 *SEC. 12. Section 727 of the Welfare and Institutions Code is*
29 *amended to read:*

30 727. (a) (1) If a minor or nonminor is adjudged a ward of the
31 court on the ground that he or she is a person described by Section
32 601 or 602, the court may make any reasonable orders for the care,
33 supervision, custody, conduct, maintenance, and support of the
34 minor or nonminor, including medical treatment, subject to further
35 order of the court.

36 (2) In the discretion of the court, a ward may be ordered to be
37 on probation without supervision of the probation officer. The
38 court, in so ordering, may impose on the ward any and all
39 reasonable conditions of behavior as may be appropriate under
40 this disposition. A minor or nonminor who has been adjudged a

1 ward of the court on the basis of the commission of any of the
 2 offenses described in subdivision (b) or paragraph (2) of
 3 subdivision (d) of Section 707, Section 459 of the Penal Code, or
 4 subdivision (a) of Section 11350 of the Health and Safety Code,
 5 shall not be eligible for probation without supervision of the
 6 probation officer. A minor or nonminor who has been adjudged a
 7 ward of the court on the basis of the commission of any offense
 8 involving the sale or possession for sale of a controlled substance,
 9 except misdemeanor offenses involving marijuana, as specified in
 10 Chapter 2 (commencing with Section 11053) of Division 10 of the
 11 Health and Safety Code, or of an offense in violation of Section
 12 32625 of the Penal Code, shall be eligible for probation without
 13 supervision of the probation officer only when the court determines
 14 that the interests of justice would best be served and states reasons
 15 on the record for that determination.

16 (3) In all other cases, the court shall order the care, custody, and
 17 control of the minor or nonminor to be under the supervision of
 18 the probation officer.

19 (4) It is the sole responsibility pursuant to 42 U.S.C. Section
 20 672(a)(2)(B) of the probation agency to determine the appropriate
 21 placement for the ward once the court issues a placement order.
 22 In determination of the appropriate placement for the ward, the
 23 probation officer shall consider any recommendations of the child
 24 and family. The probation agency may place the minor or nonminor
 25 in any of the following:

26 (A) The approved home of a relative or the approved home of
 27 a nonrelative, extended family member, as defined in Section
 28 362.7. If a decision has been made to place the minor in the home
 29 of a relative, the court may authorize the relative to give legal
 30 consent for the minor’s medical, surgical, and dental care and
 31 education as if the relative caregiver were the custodial parent of
 32 the minor.

33 (B) A foster home, the approved home of a resource family as
 34 defined in Section 16519.5, or a home or facility in accordance
 35 with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
 36 et seq.).

37 (C) A suitable licensed community care facility, as identified
 38 by the probation officer, except a runaway and homeless youth
 39 shelter licensed by the State Department of Social Services
 40 pursuant to Section 1502.35 of the Health and Safety Code.

1 (D) A foster family agency, as defined in subdivision (g) of
2 Section 11400 and paragraph (4) of subdivision (a) of Section 1502
3 of the Health and Safety Code, in a suitable program in a family
4 home, which has been certified by the agency as meeting licensing
5 standards. Commencing January 1, 2017, the requirements of
6 Section 11462.01 shall be met.

7 (E) Commencing January 1, 2017, a minor or nonminor
8 dependent may be placed in a short-term residential treatment
9 center as defined in subdivision (ad) of Section 11400 and
10 paragraph (18) of subdivision (a) of Section 1502 of the Health
11 and Safety Code, or a foster family agency, as defined in paragraph
12 (4) of subdivision (a) of Section 1502 of the Health and Safety
13 Code. The placing agency shall also comply with requirements set
14 forth in paragraph (9) of subdivision (e) of Section 361.2, which
15 includes, but is not limited to, authorization, limitation on length
16 of stay, extensions, and additional requirements related to minors.
17 ~~If the placement is longer than 12 months,~~ *For youth 13 years of*
18 *age and older,* the placement shall be approved by the chief
19 probation officer of the county probation department, or his or her
20 ~~designee.~~ *designee, only if the placement is longer than 12 months.*

21 (F) (i) Every minor adjudged a ward of the juvenile court shall
22 be entitled to participate in age-appropriate extracurricular,
23 enrichment, and social activities. A state or local regulation or
24 policy shall not prevent, or create barriers to, participation in those
25 activities. Each state and local entity shall ensure that private
26 agencies that provide foster care services to wards have policies
27 consistent with this section and that those agencies promote and
28 protect the ability of wards to participate in age-appropriate
29 extracurricular, enrichment, and social activities. A group home
30 administrator, a facility manager, or his or her responsible designee,
31 and a caregiver, as defined in paragraph (1) of subdivision (a) of
32 Section 362.04, shall use a reasonable and prudent parent standard,
33 as defined in paragraph (2) of subdivision (a) of Section 362.04,
34 in determining whether to give permission for a minor residing in
35 foster care to participate in extracurricular, enrichment, and social
36 activities. A group home administrator, a facility manager, or his
37 or her responsible designee, and a caregiver shall take reasonable
38 steps to determine the appropriateness of the activity taking into
39 consideration the minor's age, maturity, and developmental level.

1 (ii) A group home administrator or a facility manager, or his or
2 her responsible designee, is encouraged to consult with social work
3 or treatment staff members who are most familiar with the minor
4 at the group home in applying and using the reasonable and prudent
5 parent standard.

6 (G) For nonminors, an approved supervised independent living
7 setting as defined in Section 11400, including a residential housing
8 unit certified by a licensed transitional housing placement provider.

9 (5) The minor or nonminor shall be released from juvenile
10 detention upon an order being entered under paragraph (3), unless
11 the court determines that a delay in the release from detention is
12 reasonable pursuant to Section 737.

13 (b) (1) To facilitate coordination and cooperation among
14 agencies, the court may, at any time after a petition has been filed,
15 after giving notice and an opportunity to be heard, join in the
16 juvenile court proceedings any agency that the court determines
17 has failed to meet a legal obligation to provide services to a minor,
18 for whom a petition has been filed under Section 601 or 602, to a
19 nonminor, as described in Section 303, or to a nonminor dependent,
20 as defined in subdivision (v) of Section 11400. In any proceeding
21 in which an agency is joined, the court shall not impose duties
22 upon the agency beyond those mandated by law. The purpose of
23 joinder under this section is to ensure the delivery and coordination
24 of legally mandated services to the minor. The joinder shall not
25 be maintained for any other purpose. Nothing in this section shall
26 prohibit agencies that have received notice of the hearing on joinder
27 from meeting prior to the hearing to coordinate services.

28 (2) The court has no authority to order services unless it has
29 been determined through the administrative process of an agency
30 that has been joined as a party, that the minor, nonminor, or
31 nonminor dependent is eligible for those services. With respect to
32 mental health assessment, treatment, and case management services
33 pursuant to an individualized education program developed
34 pursuant to Article 2 (commencing with Section 56320) of Chapter
35 4 of Part 30 of Division 4 of Title 2 of the Education Code, the
36 court's determination shall be limited to whether the agency has
37 complied with that chapter.

38 (3) For the purposes of this subdivision, "agency" means any
39 governmental agency or any private service provider or individual
40 that receives federal, state, or local governmental funding or

1 reimbursement for providing services directly to a child, nonminor,
2 or nonminor dependent.

3 (c) If a minor has been adjudged a ward of the court on the
4 ground that he or she is a person described in Section 601 or 602,
5 and the court finds that notice has been given in accordance with
6 Section 661, and if the court orders that a parent or guardian shall
7 retain custody of that minor either subject to or without the
8 supervision of the probation officer, the parent or guardian may
9 be required to participate with that minor in a counseling or
10 education program, including, but not limited to, parent education
11 and parenting programs operated by community colleges, school
12 districts, or other appropriate agencies designated by the court.

13 (d) The juvenile court may direct any reasonable orders to the
14 parents and guardians of the minor who is the subject of any
15 proceedings under this chapter as the court deems necessary and
16 proper to carry out subdivisions (a), (b), and (c), including orders
17 to appear before a county financial evaluation officer, to ensure
18 the minor's regular school attendance, and to make reasonable
19 efforts to obtain appropriate educational services necessary to meet
20 the needs of the minor.

21 If counseling or other treatment services are ordered for the
22 minor, the parent, guardian, or foster parent shall be ordered to
23 participate in those services, unless participation by the parent,
24 guardian, or foster parent is deemed by the court to be inappropriate
25 or potentially detrimental to the minor.

26 ~~SEC. 7.~~

27 *SEC. 13.* Section 4094.2 of the Welfare and Institutions Code
28 is amended to read:

29 4094.2. (a) For the purpose of establishing payment rates for
30 community treatment facility programs, the private nonprofit
31 agencies selected to operate these programs shall prepare a budget
32 that covers the total costs of providing residential care and
33 supervision and mental health services for their proposed programs.
34 These costs shall include categories that are allowable under
35 California's Foster Care program and existing programs for mental
36 health services. They shall not include educational, nonmental
37 health medical, and dental costs.

38 (b) Each agency operating a community treatment facility
39 program shall negotiate a final budget with the local mental health
40 department in the county in which its facility is located (the host

1 county) and other local agencies, as appropriate. This budget
2 agreement shall specify the types and level of care and services to
3 be provided by the community treatment facility program and a
4 payment rate that fully covers the costs included in the negotiated
5 budget. All counties that place children in a community treatment
6 facility program shall make payments using the budget agreement
7 negotiated by the community treatment facility provider and the
8 host county.

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

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

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

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

28 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the
29 2003–04 fiscal year, and the 2004–05 fiscal year, community
30 treatment facility programs shall also be paid a community
31 treatment facility supplemental rate of up to two thousand five
32 hundred dollars (\$2,500) per child per month on behalf of children
33 eligible under the foster care program and children placed out of
34 home pursuant to an individualized education program developed
35 under Section 7572.5 of the Government Code. Subject to the
36 availability of funds, the supplemental rate shall be shared by the
37 state and the counties. Counties shall be responsible for paying a
38 county share of cost equal to 60 percent of the community
39 treatment rate for children placed by counties in community
40 treatment facilities and the state shall be responsible for 40 percent

1 of the community treatment facility supplemental rate. The
2 community treatment facility supplemental rate is intended to
3 supplement, and not to supplant, the payments for which children
4 placed in community treatment facilities are eligible to receive
5 under the foster care program and the existing programs for mental
6 health services.

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

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

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

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

31 (i) The State Department of Health Care Services and the State
32 Department of Social Services may adopt emergency regulations
33 necessary to implement joint protocols for the oversight of
34 community treatment facilities, to modify existing licensing
35 regulations governing reporting requirements and other procedural
36 and administrative mandates to take into account the seriousness
37 and frequency of behaviors that are likely to be exhibited by
38 seriously emotionally disturbed children placed in community
39 treatment facility programs, to modify the existing foster care
40 ratesetting regulations, and to pay the community treatment facility

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

11 *SEC. 14. Section 11460 of the Welfare and Institutions Code*
12 *is amended to read:*

13 11460. (a) Foster care providers shall be paid a per child per
14 month rate in return for the care and supervision of the AFDC-FC
15 child placed with them. The department is designated the single
16 organizational unit whose duty it shall be to administer a state
17 system for establishing rates in the AFDC-FC program. State
18 functions shall be performed by the department or by delegation
19 of the department to county welfare departments or Indian tribes,
20 consortia of tribes, or tribal organizations that have entered into
21 an agreement pursuant to Section 10553.1.

22 (b) "Care and supervision" includes food, clothing, shelter, daily
23 supervision, school supplies, a child's personal incidentals, liability
24 insurance with respect to a child, reasonable travel to the child's
25 home for visitation, and reasonable travel for the child to remain
26 in the school in which he or she is enrolled at the time of
27 placement. Reimbursement for the costs of educational travel, as
28 provided for in this subdivision, shall be made pursuant to
29 procedures determined by the department, in consultation with
30 representatives of county welfare and probation directors, and
31 additional stakeholders, as appropriate.

32 (1) For a child or youth placed in a short-term residential
33 treatment center or a group home, care and supervision shall also
34 include reasonable administration and operational activities
35 necessary to provide the items listed in this subdivision.

36 (2) For a child or youth placed in a short-term residential
37 treatment center or a group home, care and supervision may also
38 include reasonable activities performed by social workers employed
39 by the program provider that are not otherwise considered daily
40 supervision or administration activities, but are eligible for federal

1 financial participation under Title IV-E of the federal Social
2 Security Act.

3 (3) The department, in consultation with the California State
4 Foster Parent Association, and other interested stakeholders, shall
5 provide information to the Legislature, no later than January 1,
6 2017, regarding the availability and cost for liability and property
7 insurance covering acts committed by children in care, and shall
8 make recommendations for any needed program development in
9 this area.

10 (c) It is the intent of the Legislature to establish the maximum
11 level of financial participation in out-of-state foster care group
12 home program rates for placements in facilities described in
13 subdivision (g) of Section 11402.

14 (1) The department shall develop regulations that establish the
15 method for determining the level of financial participation in the
16 rate paid for out-of-state placements in facilities described in
17 subdivision (g) of Section 11402. The department shall consider
18 all of the following methods:

19 (A) Until December 31, 2016, a standardized system based on
20 the rate classification level of care and services per child per month.

21 (B) The rate developed for a short-term residential treatment
22 center pursuant to Section 11462.

23 (C) A system that considers the actual allowable and reasonable
24 costs of care and supervision incurred by the out-of-state program.

25 (D) A system that considers the rate established by the host
26 state.

27 (E) Any other appropriate methods as determined by the
28 department.

29 (2) Reimbursement for the Aid to Families with Dependent
30 Children-Foster Care rate to be paid to an out-of-state program
31 described in subdivision (g) of Section 11402 shall only be paid
32 to programs that have done all of the following:

33 (A) Submitted a rate application to the department, which shall
34 include, but not be limited to, both of the following:

35 (i) Commencing January 1, 2017, *unless granted an extension*
36 *from the department pursuant to subdivision (d) of Section*
37 *11462.04*, the equivalent of the mental health certification required
38 in Section 4096.5.

39 (ii) Commencing January 1, 2017, unless granted an extension
40 from the department pursuant to subdivision (d) of Section

1 11462.04, the national accreditation required in paragraph (5) of
2 subdivision (b) of Section 11462.

3 (B) Maintained a level of financial participation that shall not
4 exceed any of the following:

5 (i) The current fiscal year’s standard rate for rate classification
6 level 14 for a group home.

7 (ii) Commencing January 1, 2017, the current fiscal year’s rate
8 for a short-term residential treatment center.

9 (iii) The rate determined by the ratesetting authority of the state
10 in which the facility is located.

11 (C) Agreed to comply with information requests, and program
12 and fiscal audits as determined necessary by the department.

13 (3) Except as specifically provided for in statute, reimbursement
14 for an AFDC-FC rate shall only be paid to a group home or
15 short-term residential treatment center organized and operated on
16 a nonprofit basis.

17 (d) A foster care provider that accepts payments, following the
18 effective date of this section, based on a rate established under this
19 section, shall not receive rate increases or retroactive payments as
20 the result of litigation challenging rates established prior to the
21 effective date of this section. This shall apply regardless of whether
22 a provider is a party to the litigation or a member of a class covered
23 by the litigation.

24 (e) Nothing shall preclude a county from using a portion of its
25 county funds to increase rates paid to family homes, foster family
26 agencies, group homes, and short-term residential treatment centers
27 within that county, and to make payments for specialized care
28 increments, clothing allowances, or infant supplements to homes
29 within that county, solely at that county’s expense.

30 (f) Nothing shall preclude a county from providing a
31 supplemental rate to serve commercially sexually exploited foster
32 children to provide for the additional care and supervision needs
33 of these children. To the extent that federal financial participation
34 is available, it is the intent of the Legislature that the federal
35 funding shall be utilized.

36 ~~SEC. 8.~~

37 *SEC. 15.* Section 11462 of the Welfare and Institutions Code,
38 as added by Section 72 of Chapter 773 of the Statutes of 2015, is
39 amended to read:

1 11462. (a) The department shall commence development of
2 a new payment structure for short-term residential treatment center
3 program placements claiming Title IV-E funding, in consultation
4 with county placing agencies and providers.

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

7 (1) Core services, made available to children and nonminor
8 dependents either directly or secured through formal agreements
9 with other agencies, which are trauma informed and culturally
10 relevant and include:

11 (A) Specialty mental health services for children who meet
12 medical necessity criteria for specialty mental health services under
13 the Medi-Cal Early and Periodic Screening, Diagnosis, and
14 Treatment program.

15 (B) Transition support services for children, youth, and families
16 upon initial entry and placement changes and for families who
17 assume permanency through reunification, adoption, or
18 guardianship.

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

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

23 (E) Services to achieve permanency, including supporting efforts
24 to reunify or achieve adoption or guardianship and efforts to
25 maintain or establish relationships with parents, siblings, extended
26 family members, tribes, or others important to the child or youth,
27 as appropriate.

28 (F) When serving Indian children, as defined in subdivisions
29 (a) and (b) of Section 224.1, the core services described in
30 ~~paragraphs~~ *subparagraphs* (A) to (E), inclusive, which shall be
31 provided to eligible children consistent with active efforts pursuant
32 to Section 361.7.

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

36 (ii) If a short-term residential treatment center elects to approve
37 and monitor resource families directly, the center shall comply
38 with all laws applicable to foster family agencies, including, but
39 not limited to, those set forth in the Community Care Facilities

1 Act (Chapter 3 (commencing with Section 1500) of Division 2 of
2 the Health and Safety Code).

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

10 (2) The core services specified in subparagraphs (A) to (G),
11 inclusive, of paragraph (1) are not intended to duplicate services
12 already available to foster children in the community, but to support
13 access to those services and supports to the extent they are already
14 available. Those services and supports may include, but are not
15 limited to, foster youth services available through county offices
16 of education, Indian Health Services, or school-based
17 ~~extra-curricular~~ *extracurricular* activities.

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

22 (4) Staff training.

23 (5) Health and Safety Code requirements.

24 (6) Accreditation that includes:

25 (A) Provision for all licensed short-term residential treatment
26 centers to obtain and maintain in good standing accreditation from
27 a nationally recognized accreditation agency, as identified by the
28 department, with expertise in programs for children or youth group
29 care facilities, as determined by the department.

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

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

34 (7) Mental health certification, including a requirement to timely
35 report to the department any change in mental health certificate
36 status.

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

39 (c) The department shall develop a system of governmental
40 monitoring and oversight that shall be carried out in coordination

1 with the State Department of Health Care Services. Oversight
2 responsibilities shall include, but not be limited to, ensuring
3 conformity with federal and state law, including program, fiscal,
4 and health and safety audits and reviews. The state agencies shall
5 attempt to minimize duplicative audits and reviews to reduce the
6 administrative burden on providers.

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

8 *SEC. 16. Section 11463.01 of the Welfare and Institutions Code*
9 *is amended to read:*

10 11463.01. (a) (1) The department, with the advice, assistance,
11 and cooperation of the counties and foster care providers, shall
12 develop, implement, and maintain a ratesetting system for foster
13 family agencies.

14 (2) No county shall be reimbursed for any percentage increases
15 in payments, made on behalf of AFDC-FC funded children who
16 are placed with foster family agencies, that exceed the percentage
17 cost-of-living increase provided in any fiscal year, as specified in
18 subdivision (c) of Section 11461.

19 (b) The department shall develop regulations specifying the
20 purposes, types, and services of foster family agencies, including
21 the use of those agencies for the provision of emergency shelter
22 care.

23 (c) The department shall develop and maintain regulations
24 specifying the procedures for the appeal of department decisions
25 about the setting of an agency's rate.

26 (d) No supplemental clothing allowance shall be provided,
27 because the rate issued in accordance with paragraph (1) of
28 subdivision (g) takes the cost of clothing into account.

29 (e) The schedule of rates for foster family agencies as set forth
30 in Section 11463, as that section read on January 1, 2015, shall
31 apply for purposes of, and may be modified pursuant to, this
32 section.

33 (f) (1) The department shall determine, consistent with the
34 requirements of this section and other relevant requirements under
35 law, the rate category for each foster family agency on a biennial
36 basis. Submission of the biennial rate application shall be according
37 to a schedule determined by the department.

38 (2) The department shall adopt regulations to implement this
39 subdivision. The adoption, amendment, repeal, or readoption of a
40 regulation authorized by this subdivision is deemed to be necessary

1 for the immediate preservation of the public peace, health and
 2 safety, or general welfare, for purposes of Sections 11346.1 and
 3 11349.6 of the Government Code, and the department is hereby
 4 exempted from the requirement to describe specific facts showing
 5 the need for immediate action.

6 (g) (1) The basic rate payment that shall be made to the certified
 7 parent pursuant to this section for care and supervision of a child
 8 who is living in a certified home of a foster family agency, as
 9 defined in Section 11400, shall equal the basic rate for children
 10 placed in a licensed or approved home, as specified in paragraph
 11 (1) of subdivision (g) of Section 11461.

12 (2) The basic rate payment to the certified parent made pursuant
 13 to paragraph (1) shall be adjusted annually on July 1, by the annual
 14 percentage change in the California Necessities Index, in
 15 accordance with paragraph (2) of subdivision (g) of Section 11461.
 16 The adjustment in this paragraph shall be in lieu of any adjustment
 17 pursuant to subdivision (e) of Section 11463, as that section read
 18 on January 1, 2015.

19 (h) Notwithstanding any other law, the changes to the basic rate
 20 payment specified in subdivision (g) shall not change the remaining
 21 components of the foster family agency rate. The new foster family
 22 agency rate shall be increased only by the amounts specified
 23 pursuant to subdivision (g). The resulting amounts shall constitute
 24 the new schedule of rates for foster family agencies, which shall
 25 be issued by all-county letters or similar instructions from the
 26 department.

27 (i) For each fiscal year, funding and expenditures for programs
 28 and activities under this section shall be in accordance with the
 29 requirements provided in Sections 30025 and 30026.5 of the
 30 Government Code.

31 (j) (1) Notwithstanding the rulemaking provisions of the
 32 Administrative Procedure Act (Chapter 3.5 (commencing with
 33 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
 34 Code), the department may implement, interpret, or make specific
 35 the changes to this section made by the act that added this section,
 36 and amend and repeal regulations and orders subject to this section
 37 and adopted by the department by means of all-county letters or
 38 similar instructions from the department until regulations are
 39 adopted. The department shall adopt emergency regulations no
 40 later than July 1, 2016. The department may readopt any emergency

1 regulation authorized by this section that is the same as, or
2 substantially equivalent to, an emergency regulation previously
3 adopted under this section.

4 (2) The initial adoption of emergency regulations pursuant to
5 this section and one readoption of emergency regulations shall be
6 deemed an emergency and necessary for the immediate
7 preservation of the public peace, health, safety, or general welfare.
8 Initial emergency regulations and the one readoption of emergency
9 regulations authorized by this section shall be exempt from review
10 by the Office of Administrative Law. The initial emergency
11 regulations and the one readoption of emergency regulations
12 authorized by this section shall be submitted to the Office of
13 Administrative Law for filing with the Secretary of State and each
14 shall remain in effect for no more than 180 days, by which time
15 final regulations may be adopted.

16 (k) This section shall only apply to a foster family agency that
17 has been granted an extension pursuant to the exception process
18 described in subdivision (d) of Section 11463.1.

19 (l) This section shall become operative on January 1, 2017.

20 (m) This section shall remain in effect only until January 1,
21 ~~2018~~, 2019, and as of that date is repealed, unless a later enacted
22 statute, that is enacted before January 1, ~~2018~~, 2019, deletes or
23 extends that date.

24 ~~SEC. 9.~~

25 *SEC. 17.* Section 11466 of the Welfare and Institutions Code
26 is amended to read:

27 11466. For the purposes of this section to Section 11469.1,
28 inclusive, “provider” shall mean a group home, short-term
29 residential treatment center, a foster family agency, and similar
30 foster care business entities.

31 *SEC. 18. Section 11466.21 of the Welfare and Institutions Code*
32 *is amended to read:*

33 11466.21. (a) In accordance with subdivision (b), as a
34 condition to receive an AFDC-FC rate for a program including,
35 but not limited to, a group home, a foster family ~~agency that~~
36 ~~provides treatment services,~~ *agency*, a short-term residential
37 treatment center, and other similar business entities providing
38 foster care, the following shall apply:

39 (1) Any provider who expends in combined federal funds an
40 amount at or above the federal funding threshold in accordance

1 with the federal Single Audit Act, as amended, and Section 200.501
2 of Title 2 of the Code of Federal Regulations shall arrange to have
3 a financial audit conducted on an annual basis, and shall submit
4 the ~~annual~~ financial audit to the department in accordance with
5 regulations adopted by the department, all-county letter, or similar
6 written instructions.

7 (2) Any provider who expends in combined federal funds an
8 amount below the federal funding threshold ~~in accordance with~~
9 ~~the federal Single Audit Act, as amended, and Section 200.501 of~~
10 ~~Title 2 of the Code of Federal Regulations~~ shall annually submit
11 *a financial audit* to the department ~~a financial audit on its most~~
12 ~~recent fiscal period. The department shall provide timely notice~~
13 ~~to the providers of the date that submission of the financial audit~~
14 ~~is required. That date of submission of the financial audit shall be~~
15 ~~established in accordance with regulations adopted by the~~
16 ~~department, pursuant to Generally Accepted Government Auditing~~
17 ~~Standards (GAGAS), and shall submit the financial audit to the~~
18 ~~department in accordance with regulations adopted by the~~
19 ~~department, all-county letter, or similar written instructions.~~

20 (3) The scope of the financial audit shall include all of the
21 programs and activities operated by the provider and shall not be
22 limited to those funded in whole or in part by the AFDC-FC
23 program. The financial audits shall include, but not be limited to,
24 an evaluation of the expenditures and accounting and control
25 systems of the provider.

26 (4) The provider shall have its financial audit conducted by
27 certified public accountants or by state-licensed public accountants,
28 with audit designation, who have no direct or indirect relationship
29 with the functions or activities being audited, or with the provider,
30 its board of directors, or other governing body, officers, or staff.

31 (5) The provider shall have its financial audits conducted in
32 accordance with Government Auditing Standards issued by the
33 Comptroller General of the United States and in compliance with
34 generally accepted accounting principles applicable to private
35 entities organized and operated on a nonprofit basis.

36 (6) (A) Each provider shall have the flexibility to define the
37 calendar months included in its fiscal year.

38 (B) A provider may change the definition of its fiscal year.
39 However, the financial audit conducted following the change shall

1 cover all of the months since the last audit, even though this may
2 cover a period that exceeds 12 months.

3 (b) (1) In accordance with subdivision (a), as a condition to
4 receive an AFDC-FC rate, a provider shall submit a copy of its
5 most recent financial audit report, except as provided in paragraph
6 (3).

7 (2) The department shall terminate the rate of a provider who
8 fails to submit a copy of its most recent financial audit pursuant
9 to subdivision (a). A terminated rate shall only be reinstated upon
10 the provider's submission to the department of an acceptable
11 financial audit.

12 (3) A new provider that has been incorporated for fewer than
13 12 calendar months shall not be required to submit a copy of a
14 financial audit to receive an AFDC-FC rate for a new program.
15 The financial audit shall be conducted on the provider's next full
16 fiscal year of operation. The provider shall submit the financial
17 audit to the department in accordance with subdivision (a).

18 ~~(4) Repeated late financial audits may result in monetary~~
19 ~~penalties or termination of the provider's rate as set forth in~~
20 ~~regulation, all-county letter, or similar written directive by the~~
21 ~~department.~~

22 (c) The department shall issue a management decision letter on
23 ~~audit findings~~ *findings, made by the independent auditor or as a*
24 *result of department review*, within six months of receipt of the
25 financial audit report. The management decision letter shall clearly
26 state whether or not the audit finding is sustained, the reasons for
27 the decision, and the action or actions expected of the nonprofit
28 organization provider to repay disallowed costs, make financial
29 adjustments, or take other action.

30 *(d) Repeated late submission of financial audits, repeat findings*
31 *in financial audits, or failure to comply with corrective action in*
32 *a management decision letter may result in monetary penalties or*
33 *a reduction, suspension, or termination of the provider's rate in*
34 *accordance with regulations adopted by the department, all-county*
35 *letter, or similar written instructions. This subdivision shall not*
36 *be construed to affect the department's authority under other*
37 *provisions of law, including, but not limited to, Part 200 of Title*
38 *2 of the Code of Federal Regulations.*

39 *SEC. 19. Section 11466.22 of the Welfare and Institutions Code*
40 *is amended to read:*

1 11466.22. (a) It is the intent of the Legislature to ensure overall
2 program integrity in the AFDC-FC program through the
3 establishment of an effective and efficient process for the collection
4 of provider sustained overpayments. Furthermore, the intent of the
5 Legislature is to ensure that children placed in AFDC-FC programs,
6 including, but not limited to, group homes, short-term residential
7 treatment centers, and foster family agencies, receive the level of
8 care and supervision commensurate with the program's paid rate.

9 (b) For the purposes of this section, a provider is a licensee of
10 an AFDC-FC program listed in Section 11402, including, but not
11 limited to, a group home, short-term residential treatment center,
12 foster family agency that provides treatment services, or a similar
13 business entity, receiving foster care maintenance payments under
14 the AFDC-FC program. The department may collect a sustained
15 overpayment from the party responsible for the sustained
16 overpayment, regardless of whether the party remains in the
17 business of providing any AFDC-FC programs, and regardless of
18 whether the provider remains licensed by the department.

19 (c) For the purposes of this section, a provider overpayment is
20 an overpayment that results in an audit period when a provider
21 receives a rate reimbursement to which it is not entitled. If a
22 provider receives a rate reimbursement to which it is not entitled,
23 including, but not limited to, the provider failing to maintain a
24 license, or failing to maintain its status as a nonprofit organization,
25 or due to an overpayment determined as described in paragraph
26 (1) of subdivision (d). ~~If a provider receives a rate to which it is~~
27 ~~not entitled it~~ (d), it shall be liable to repay the overpayment.

28 (d) (1) Overpayments shall be determined by either a provider
29 audit pursuant to Section 11466.21, a department audit conducted
30 pursuant to Section 11466.2, a management decision letter, or a
31 provider self-reporting an overpayment. A self-reported
32 overpayment may include a finding in the financial audit report
33 submitted by the provider whether that finding is formally made
34 in the financial audit report or discovered through department
35 review of the report or other provider submission.

36 (2) If a hearing is not requested, or on the 60th day after an
37 informal decision if a provider or the department does not file a
38 notice of intent to file a formal appeal, or on the 30th day following
39 a formal appeal hearing decision, whichever is latest, a provider
40 overpayment shall be sustained for collection purposes and the

1 department shall issue a demand letter for repayment of the
2 sustained overpayment.

3 (3) The department shall establish a voluntary repayment
4 agreement procedure with a maximum repayment period of nine
5 years. The procedure shall take into account the amount of the
6 overpayment, projected annual income of the program that caused
7 the overpayment, a minimum repayment amount, including
8 principal and interest, of 3 percent of annual income prorated on
9 a monthly basis, simple interest for the first seven years of the
10 voluntary repayment agreement on the overpayment amount based
11 on the Surplus Money Investment Fund, and simple interest for
12 the eighth and ninth years of the voluntary repayment agreement
13 based on the prime rate at that time plus 3 percent. The department
14 ~~may consider, at the discretion of the director,~~ *consider*
15 renegotiation of a voluntary repayment agreement if the ~~director~~
16 *department* determines that the agreement would cause severe
17 harm to children in placement.

18 (4) The department shall establish an involuntary overpayment
19 collection procedure, that shall take into account the amount of
20 the overpayment, projected annual income, a minimum required
21 repayment amount, including principal and interest, of 5 percent
22 of the annual income prorated on a monthly basis, simple interest
23 on the overpayment amount based on the Surplus Money
24 Investment Fund, and a maximum repayment period of seven
25 years. The department ~~may consider, at the discretion of the~~
26 ~~director,~~ *consider* renegotiation of an involuntary payment
27 agreement if the ~~director~~ *department* determines that the agreement
28 would cause severe harm to children in placement.

29 (e) The department shall maintain, by regulation , all-county
30 letter, or similar written directive, a procedure for recovery of any
31 provider sustained overpayments. The department shall prioritize
32 collection methods, which shall include voluntary repayment
33 agreement procedures, involuntary overpayment collection
34 procedures, including the use of a statutory lien, rate request
35 denials, rate decreases, and rate terminations. The department may
36 also deny rate requests, including requests for rate increases, or
37 program changes or expansions, while an overpayment is due.

38 (f) Whenever the department determines that a provider
39 sustained overpayment has occurred, the department shall recover
40 from the provider the full amount of the sustained overpayment,

1 and simple interest on the sustained overpayment amount, pursuant
2 to methods described in subdivision (e), against the provider's
3 income or assets.

4 (g) If a provider is successful in its appeal of a collected
5 overpayment, it shall be repaid the collected overpayment plus
6 simple interest based on the Surplus Money Investment Fund.

7 *SEC. 20. Section 11469 of the Welfare and Institutions Code*
8 *is amended to read:*

9 11469. (a) The department shall develop, following
10 consultation with group home providers, the County Welfare
11 Directors Association of California, the Chief Probation Officers
12 of California, the County Behavioral Health Directors Association
13 of California, the State Department of Health Care Services, and
14 stakeholders, performance standards and outcome measures for
15 determining the effectiveness of the care and supervision, as
16 defined in subdivision (b) of Section 11460, provided by group
17 homes under the AFDC-FC program pursuant to Sections 11460
18 and 11462. These standards shall be designed to measure group
19 home program performance for the client group that the group
20 home program is designed to serve.

21 (1) The performance standards and outcome measures shall be
22 designed to measure the performance of group home programs in
23 areas over which the programs have some degree of influence, and
24 in other areas of measurable program performance that the
25 department can demonstrate are areas over which group home
26 programs have meaningful managerial or administrative influence.

27 (2) These standards and outcome measures shall include, but
28 are not limited to, the effectiveness of services provided by each
29 group home program, and the extent to which the services provided
30 by the group home assist in obtaining the child welfare case plan
31 objectives for the child.

32 (3) In addition, when the group home provider has identified
33 as part of its program for licensing, ratesetting, or county placement
34 purposes, or has included as a part of a child's case plan by mutual
35 agreement between the group home and the placing agency,
36 specific mental health, education, medical, and other child-related
37 services, the performance standards and outcome measures may
38 also measure the effectiveness of those services.

39 (b) Regulations regarding the implementation of the group home
40 performance standards system required by this section shall be

1 adopted no later than one year prior to implementation. The
2 regulations shall specify both the performance standards system
3 and the manner by which the AFDC-FC rate of a group home
4 program shall be adjusted if performance standards are not met.

5 (c) Except as provided in subdivision (d), effective July 1, 1995,
6 group home performance standards shall be implemented. Any
7 group home program not meeting the performance standards shall
8 have its AFDC-FC rate, set pursuant to Section 11462, adjusted
9 according to the regulations required by this section.

10 (d) A group home program shall be classified at rate
11 classification level 13 or 14 only if *it has been granted an extension*
12 *pursuant to Section 11462.04* and all of the following are met:

13 (1) The program generates the requisite number of points for
14 rate classification level 13 or 14.

15 (2) The program only accepts children with special treatment
16 needs as determined through the assessment process pursuant to
17 paragraph (2) of subdivision (a) of Section 11462.01.

18 (3) The program meets the performance standards designed
19 pursuant to this section.

20 (e) Notwithstanding subdivision (c), the group home program
21 performance standards system shall not be implemented prior to
22 the implementation of the AFDC-FC performance standards
23 system.

24 (f) On or before January 1, 2016, the department shall develop,
25 following consultation with the County Welfare Directors
26 Association of California, the Chief Probation Officers of
27 California, the County Behavioral Health Directors Association
28 of California, research entities, foster children, advocates for foster
29 children, foster care provider business entities organized and
30 operated on a nonprofit basis, Indian tribes, and other stakeholders,
31 additional performance standards and outcome measures that
32 require group homes to implement programs and services to
33 minimize law enforcement contacts and delinquency petition filings
34 arising from incidents of allegedly unlawful behavior by minors
35 occurring in group homes or under the supervision of group home
36 staff, including individualized behavior management programs,
37 emergency intervention plans, and conflict resolution processes.

38 (g) On or before January 1, 2017, the department shall develop,
39 following consultation with the County Welfare Directors
40 Association of California, the Chief Probation Officers of

1 California, the County Behavioral Health Directors Association
2 of California, the Medical Board of California, research entities,
3 foster children advocates for foster children, foster care provider
4 business entities organized and operated on a nonprofit basis,
5 Indian tribes, and other stakeholders, additional performance
6 standards and outcome measures that require group homes *and*
7 *short-term residential treatment centers* to implement alternative
8 programs and services, including individualized behavior
9 management programs, emergency intervention plans, and conflict
10 resolution processes.

11 *(h) Performance standards and outcome measures developed*
12 *pursuant to this section shall apply to short-term residential*
13 *treatment centers.*

14 *SEC. 21. Section 16514 of the Welfare and Institutions Code*
15 *is amended to read:*

16 16514. (a) A minor or nonminor who has been voluntarily
17 placed, adjudged a dependent child of the juvenile court pursuant
18 to Section 300, or as to whom a petition has been filed under
19 Section 325, may be housed in an emergency shelter or, pursuant
20 to the procedures for placement set forth in this code, placed in a
21 foster family home, a resource family home, or with a foster family
22 agency for subsequent placement in a suitable licensed foster
23 family home or certified family home, with minors adjudged wards
24 of the juvenile court pursuant to Section 601.

25 (b) A minor who has been voluntarily placed, adjudged a
26 dependent child of the juvenile court pursuant to Section 300, or
27 adjudged a ward of the juvenile court pursuant to Section 601,
28 shall not be housed in an emergency shelter with any minor
29 adjudged a ward of the juvenile court pursuant to Section 602.

30 (c) A minor or nonminor who has been voluntarily placed,
31 adjudged a dependent child of the juvenile court pursuant to Section
32 300, or as to whom a petition has been filed under Section 325, or
33 a nonminor dependent, as described in subdivision (v) of Section
34 11400, shall not be placed or detained in a short-term residential
35 treatment center, group home or licensed foster family home, a
36 resource family home, a certified family home, or an approved
37 resource family or foster family agency, ~~or, beginning January 1,~~
38 ~~2017, a short-term residential treatment center,~~ with any minor
39 adjudged a ward of the juvenile court pursuant to Section 601 or
40 602, unless the social worker or probation officer with placement

1 authority has determined that the placement setting has a program
2 that meets the specific needs of the minor or nonminor dependent
3 being placed or detained, and there is a commonality of needs with
4 the other minors and nonminor dependents in the placement setting.

5 (d) Nothing in this section shall transfer or eliminate the
6 responsibility of the placing agency for the care, custody, or control
7 of the child. Nothing in this section shall relieve a foster family
8 agency of its responsibilities for or on behalf of a child placed with
9 it.

10 (e) For purposes of this section, the placing of children or
11 nonminor dependents by foster family agencies shall be referred
12 to as “subsequent placement” to distinguish the activity from the
13 placing by public agencies.

14 ~~SEC. 10.~~

15 *SEC. 22.* Section 16519.5 of the Welfare and Institutions Code
16 is amended to read:

17 16519.5. (a) The State Department of Social Services, in
18 consultation with county child welfare agencies, foster parent
19 associations, and other interested community parties, shall
20 implement a unified, family friendly, and child-centered resource
21 family approval process to replace the existing multiple processes
22 for licensing foster family homes, approving relatives and
23 nonrelative extended family members as foster care providers, and
24 approving *guardians and* adoptive families.

25 (b) (1) Counties shall be selected to participate on a voluntary
26 basis as early implementation counties for the purpose of
27 participating in the initial development of the approval process.
28 Early implementation counties shall be selected according to
29 criteria developed by the department in consultation with the
30 County Welfare Directors Association. In selecting the five early
31 implementation counties, the department shall promote diversity
32 among the participating counties in terms of size and geographic
33 location.

34 (2) Additional counties may participate in the early
35 implementation of the program upon authorization by the
36 department.

37 (3) The State Department of Social Services shall be responsible
38 for all of the following:

- 1 (A) Selecting early implementation counties, based on criteria
2 established by the department in consultation with the County
3 Welfare Directors Association.
- 4 (B) Establishing timeframes for participating counties to submit
5 an implementation plan, enter into terms and conditions for early
6 implementation participation in the program, train appropriate
7 staff, and accept applications from resource families.
- 8 (C) Entering into terms and conditions for early implementation
9 participation in the program by counties.
- 10 (4) Counties participating in the early implementation of the
11 program shall be responsible for all of the following:
- 12 (A) Submitting an implementation plan.
- 13 (B) Entering into terms and conditions for early implementation
14 participation in the program.
- 15 (C) Consulting with the county probation department in the
16 development of the implementation plan.
- 17 (D) Training appropriate staff.
- 18 (E) Accepting applications from resource families within the
19 timeframes established by the department.
- 20 (5) (A) Approved relatives and nonrelative extended family
21 members, licensed foster family homes, or approved adoptive
22 homes that have completed the license or approval process prior
23 to statewide implementation of the program shall not be considered
24 part of the program. The otherwise applicable assessment and
25 oversight processes shall continue to be administered for families
26 and facilities not included in the program.
- 27 (B) Upon implementation of the program in a county, that
28 county shall not accept new applications for the licensure of foster
29 family homes, the approval of relative and nonrelative extended
30 family members, or the approval of prospective guardians and
31 adoptive homes.
- 32 (6) The department may waive regulations that pose a barrier
33 to the early implementation and operation of this program. The
34 waiver of any regulations by the department pursuant to this section
35 shall apply to only those counties or foster family agencies
36 participating in the early implementation of the program and only
37 for the duration of the program.
- 38 ~~(7) (A) The approval of a resource family who moves to a~~
39 ~~nonparticipating county remains in full force and effect pending~~
40 ~~a determination by the county approval agency or the department,~~

1 as appropriate, whether the new building and grounds and storage
2 areas meet applicable standards, and whether all adults residing
3 in the home have a criminal records clearance or exemptions
4 granted, using the exemption criteria specified in subdivision (g)
5 of Section 1522 of the Health and Safety Code. Upon this
6 determination, the nonparticipating county shall either approve
7 the family as a relative or nonrelative extended family member,
8 as applicable, or the department shall license the family as a foster
9 family home.

10 (B) A program-affiliated individual who moves to a
11 nonparticipating county may not transfer his or her subsequent
12 arrest notification from a participating county to the
13 nonparticipating county.

14 (c) (1) For the purposes of this chapter, “resource family” means
15 an individual or family that has successfully met both the home
16 environment assessment standards and the permanency assessment
17 criteria adopted pursuant to subdivision (d) necessary for providing
18 care for a related or unrelated child who is under the jurisdiction
19 of the juvenile court, or otherwise in the care of a county child
20 welfare agency or probation department. A resource family shall
21 demonstrate all of the following:

22 (A) An understanding of the safety, permanence, and well-being
23 needs of children who have been victims of child abuse and neglect,
24 and the capacity and willingness to meet those needs, including
25 the need for protection, and the willingness to make use of support
26 resources offered by the agency, or a support structure in place,
27 or both.

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

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

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

37 (E) An ability and willingness to provide a family setting that
38 promotes normal childhood experiences that serves the needs of
39 the child.

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

5 (3) *There is no fundamental right to approval as a resource*
 6 *family.*

7 ~~(3)~~

8 (4) Subsequent to meeting the criteria set forth in this
 9 subdivision and designation as a resource family, a resource family
 10 shall be considered eligible to provide foster care for related and
 11 unrelated children in out-of-home placement, shall be considered
 12 approved for adoption or guardianship, and shall not have to
 13 undergo any additional approval or licensure as long as the family
 14 lives in a county participating in the program.

15 ~~(4)~~

16 (5) Resource family approval means that the applicant
 17 successfully meets the home environment assessment and
 18 permanency assessment standards. This approval is in lieu of the
 19 existing foster care license, relative or nonrelative extended family
 20 member approval, *guardianship approval pursuant to Section 360,*
 21 *366.26, or 728,* and the adoption home study approval.

22 ~~(5)~~

23 (6) Approval of a resource family does not guarantee an ~~initial~~
 24 ~~or continued~~ *initial, continued, or adoptive* placement of a child
 25 with a resource family.

26 ~~(6)~~

27 (7) Notwithstanding paragraphs (1) to ~~(5)~~; (6), inclusive, the
 28 department or county may cease any further review of an
 29 application if the applicant has had a previous application denial
 30 within the preceding year, or if the applicant has had a previous
 31 rescission, revocation, or exemption denial or exemption rescission
 32 by the department or county within the preceding two years.
 33 However, the department or county may continue to review an
 34 application if it has determined that the reasons for the previous
 35 denial, rescission, or revocation were due to circumstances and
 36 conditions that either have been corrected or are no longer in
 37 existence. If an individual was excluded from a resource family
 38 home or facility licensed by the department, the department or
 39 county shall cease review of the individual’s application unless
 40 the excluded individual has been reinstated pursuant to Section

1 11522 of the Government Code. The cessation of review shall not
2 constitute a denial of the application for purposes of this section
3 or any other law.

4 (d) (1) The department shall adopt standards pertaining to the
5 home environment and permanency assessments of a resource
6 family.

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

9 (A) (i) Criminal records clearance of all adults residing in, or
10 regularly present in, the home, and not exempted from
11 fingerprinting, as set forth in subdivision (b) of Section 1522 of
12 the Health and Safety Code, pursuant to Section 8712 of the Family
13 Code, utilizing a check of the Child Abuse Central Index (CACI),
14 and receipt of a fingerprint-based state and federal criminal
15 offender record information search response. The criminal history
16 information shall include subsequent notifications pursuant to
17 Section 11105.2 of the Penal Code.

18 (ii) Consideration of any substantiated allegations of child abuse
19 or neglect against either the applicant or any other adult residing
20 in the home. An approval may not be granted to applicants whose
21 criminal record indicates a conviction for any of the offenses
22 specified in subdivision (g) of Section 1522 of the Health and
23 Safety Code.

24 (iii) If the resource family parent, applicant, or any other person
25 specified in subdivision (b) of Section 1522 of the Health and
26 Safety Code has been convicted of a crime other than a minor
27 ~~traffic violation, violation or arrested for a serious offense specified~~
28 ~~in subdivision (e) of Section 1522 of the Health and Safety Code,~~
29 except for the civil penalty language, the criminal background
30 check provisions specified in subdivisions (d) through (f) of Section
31 1522 of the Health and Safety Code shall apply. Exemptions from
32 the criminal records clearance requirements set forth in this section
33 may be granted by the ~~director~~ *department* or the ~~early~~
34 ~~implementation~~ county, if that county has been granted permission
35 by the ~~director~~ *department* to issue criminal records exemptions
36 pursuant to Section 361.4, using the exemption criteria specified
37 in subdivision (g) of Section 1522 of the Health and Safety Code
38 and the written directives *or regulations* adopted pursuant to this
39 section. A county may obtain arrest and conviction records or
40 reports from any court or law enforcement agency as necessary to

1 the performance of its duties, as provided in subdivision (e) of
2 Section 1522 of the Health and Safety Code.

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

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

11 (B) Buildings and grounds and storage requirements that ensure
12 the health and safety of children.

13 (C) In addition to the foregoing requirements, the resource
14 family home environment assessment standards shall also require
15 the following:

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

19 (ii) That the total number of children residing in the home of a
20 resource family shall be no more than the total number of children
21 the resource family can properly care for, regardless of status, and
22 shall not exceed six children, unless exceptional circumstances
23 that are documented in the foster child's case file exist to permit
24 a resource family to care for more children, including, but not
25 limited to, the need to place siblings together.

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

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

32 (A) The applicant shall complete caregiver training.

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

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

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

1 (e) (1) A county may place a child with a resource family
2 *applicant* that has successfully completed the home environment
3 assessment prior to completion of a permanency assessment only
4 if a compelling reason for the placement exists based on the needs
5 of the child.

6 ~~(2)~~

7 (A) The permanency assessment shall be completed within 90
8 days of the child's placement in the home, unless good cause exists
9 based upon the needs of the child.

10 ~~(3)~~

11 (B) If additional time is needed to complete the permanency
12 assessment, the county shall document the extenuating
13 circumstances for the delay and generate a timeframe for the
14 completion of the permanency assessment.

15 ~~(4)~~

16 (C) The county shall report to the department on a quarterly
17 basis the number of families with a child in an approved home
18 whose permanency assessment goes beyond 90 days and
19 summarize the reasons for these delays.

20 ~~(5)~~

21 (2) A county may place a child with a relative, as defined in
22 Section 319, or nonrelative extended family member, as defined
23 in Section 362.7, prior to applying as a resource family only on
24 an emergency basis if all of the following requirements are met:

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

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

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

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

38 ~~(E)~~

1 (3) For any placement made pursuant to this ~~paragraph,~~
2 *subdivision*, AFDC-FC funding shall not be available until approval
3 of the resource family has been completed.

4 ~~(F)~~

5 (4) Any child placed under this section shall be afforded all the
6 rights set forth in Section 16001.9.

7 ~~(G)~~

8 (5) Nothing in this ~~paragraph~~ *section* shall limit the county’s
9 authority to inspect the home of a resource family *applicant* or a
10 relative or nonrelative extended family member as often as
11 necessary to ensure the quality of care ~~provided to a child placed~~
12 ~~on an emergency basis.~~ *provided.*

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

15 (1) ~~Administering~~—(A) *Until regulations are adopted,*
16 *administering* the program through the issuance of written
17 directives that shall have the same force and effect as regulations.
18 Any directive affecting Article 1 (commencing with Section 700)
19 of Chapter 7 of Title 11 of the California Code of Regulations shall
20 be approved by the Department of Justice. The directives shall be
21 exempt from the rulemaking provisions of the Administrative
22 Procedure Act (Chapter 3.5 (commencing with Section 11340))
23 of Part 1 of Division 3 of Title 2 of the Government Code.

24 (B) *Adopting, amending, or repealing, in accordance with*
25 *Chapter 4.5 (commencing with Section 11371) of Part 1 of Division*
26 *3 of Title 2 of the Government Code, any reasonable rules,*
27 *regulations, and standards that may be necessary or proper to*
28 *carry out the purposes and intent of this chapter and to enable the*
29 *department to exercise the powers and perform the duties conferred*
30 *upon it by this section, consistent with the laws of this state.*

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

33 (3) Adopting and requiring the use of standardized
34 documentation for the home environment and permanency
35 assessments of resource families.

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

38 (A) Investigating complaints of resource families.

39 (B) Developing and monitoring resource family corrective action
40 plans to correct identified deficiencies and to rescind resource

1 family approval if compliance with corrective action plans is not
2 achieved.

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

5 (A) Reviewing the county's implementation plan and
6 implementation of the program.

7 (B) Reviewing an adequate number of county-approved resource
8 families in each county to ensure that approval standards are being
9 properly applied. The review shall include case file documentation,
10 and may include onsite inspection of individual resource families.
11 The review shall occur on an annual basis, and more frequently if
12 the department becomes aware that a county is experiencing a
13 disproportionate number of complaints against individual resource
14 family homes.

15 (C) Reviewing county reports of serious complaints and
16 incidents involving approved resource families, as determined
17 necessary by the department. The department may conduct an
18 independent review of the complaint or incident and change the
19 findings depending on the results of its investigation.

20 (D) Investigating unresolved complaints against counties.

21 (E) Requiring corrective action of counties that are not in full
22 compliance with this section.

23 (6) Updating the Legislature on the early implementation phase
24 of the program, including the status of implementation, successes,
25 and challenges during the early implementation phase, and relevant
26 available data, including resource family satisfaction.

27 (7) Implementing due process procedures, including, but not
28 limited to, all of the following:

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

31 (B) Amending the department's applicable state hearing
32 procedures and regulations or using the Administrative Procedure
33 Act, when applicable, as necessary for the administration of the
34 program.

35 (g) Counties shall be responsible for all of the following:

36 (1) Submitting an implementation plan and consulting with the
37 county probation department in the development of the
38 implementation plan.

39 (2) Complying with the written directives *or regulations* adopted
40 pursuant to this section.

- 1 (3) Implementing the requirements for resource family approval
2 and utilizing standardized documentation established by the
3 department.
- 4 (4) Training appropriate staff, including ensuring staff have the
5 education and experience necessary to complete the home
6 environment and psychosocial assessments competently.
- 7 (5) (A) Taking the following actions, as applicable:
8 (i) Approving or denying resource family applications.
9 (ii) Rescinding approvals of resource families.
10 (iii) Excluding a resource family parent or other individual from
11 presence in any resource family home, consistent with the
12 established standard.
13 (iv) Issuing a temporary suspension order that suspends the
14 resource family approval prior to a hearing when urgent action is
15 needed to protect a child from physical or mental abuse,
16 abandonment, or any other substantial threat to health or safety,
17 consistent with the established standard.
18 (v) Granting, denying, or rescinding criminal record exemptions.
- 19 (B) Providing a resource family parent, applicant, excluded
20 individual, or individual who is the subject of a criminal record
21 exemption decision, requesting review of that decision, with due
22 process pursuant to the department's statutes, regulations, and
23 written directives.
- 24 (C) ~~Notifying the department of any decisions denying a~~
25 ~~resource family's an application for resource family approval or~~
26 ~~rescinding the approval of a resource family, excluding an~~
27 ~~individual, or taking other administrative action. or denying or~~
28 ~~rescinding a criminal record exemption, and, if applicable,~~
29 ~~notifying the department of the results of an administrative action.~~
- 30 (6) (A) Updating resource family approval annually.
- 31 (B) A county shall conduct an announced inspection of a
32 resource family home during the annual update in order to ensure
33 that the resource family is conforming to all applicable laws and
34 the written directives or regulations adopted pursuant to this
35 section.
- 36 (7) Monitoring resource families through all of the following:
37 (A) Ensuring that social workers who identify a condition in
38 the home that may not meet the approval standards set forth in
39 subdivision (d) while in the course of a routine visit to children
40 placed with a resource family take appropriate action as needed.

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

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

8 (D) Inspecting resource family homes as often as necessary to
9 ensure the quality of care provided.

10 (8) (A) Investigating all complaints against a resource family
11 and taking action as necessary, including, but not limited to,
12 investigating any incidents reported about a resource family
13 indicating that the approval standard is not being maintained and
14 inspecting the resource family home.

15 (B) The child's social worker shall not conduct the formal
16 investigation into the complaint received concerning a family
17 providing services under the standards required by subdivision
18 (d). To the extent that adequate resources are available, complaints
19 shall be investigated by a worker who did not initially conduct the
20 home environment or psychosocial assessments.

21 (C) Upon conclusion of the complaint investigation, the final
22 disposition shall be reviewed and approved by a supervising staff
23 member.

24 (D) The department shall be notified of any serious incidents
25 or serious complaints or any incident that falls within the definition
26 of Section 11165.5 of the Penal Code. If those incidents or
27 complaints result in an investigation, the department shall also be
28 notified as to the status and disposition of that investigation.

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

30 (10) Assessing county performance in related areas of the
31 California Child and Family Services Review System, and
32 remedying problems identified.

33 (11) Submitting information and data that the department
34 determines is necessary to study, monitor, and prepare the report
35 specified in paragraph (6) of subdivision (f).

36 (12) Ensuring resource family applicants and resource families
37 have the necessary knowledge, skills, and abilities to support
38 children in foster care by completing caregiver training. The
39 training should include a curriculum that supports the role of a
40 resource family in parenting vulnerable children and should be

1 ongoing in order to provide resource families with information on
2 trauma-informed practices and requirements and other topics within
3 the foster care system.

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

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

8 (B) The effects of trauma, including grief and loss, and child
9 abuse and neglect, on child development and behavior, and
10 methods to behaviorally support children impacted by that trauma
11 or child abuse and neglect.

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

13 (D) Health issues in foster care.

14 (E) Accessing services and supports to address education needs,
15 physical, mental, and behavioral health, and substance use
16 disorders, including culturally relevant services.

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

25 (G) Cultural needs of children, including instruction on cultural
26 competency and sensitivity, and related best practices for providing
27 adequate care for children or youth across diverse ethnic and racial
28 backgrounds, as well as children or youth identifying as lesbian,
29 gay, bisexual, or transgender.

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

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

36 (J) Child and adolescent development, including sexual
37 orientation, gender identity, and expression.

38 (K) The role of resource families, including working
39 cooperatively with the child welfare or probation agency, the

1 child’s family, and other service providers implementing the case
2 plan.

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

5 (M) A resource family’s responsibility to act as a reasonable
6 and prudent parent, as described in subdivision (c) of Section
7 1522.44 of the Health and Safety Code, and to provide a family
8 setting that promotes normal childhood experiences and that serves
9 the needs of the child.

10 (N) An overview of the specialized training identified in
11 subdivision (h).

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

15 (h) In addition to any training required by this section, *a county*
16 *may require* a resource family ~~may be required~~ to receive *relevant*
17 ~~specialized training, as relevant and as needed,~~ *training* for the
18 purpose of preparing the resource family to meet the needs of a
19 particular child in care. This training may include, but is not limited
20 to, the following:

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

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

25 (3) Understanding the requirements and best practices regarding
26 psychotropic medications, including, but not limited to, court
27 authorization, benefits, uses, side effects, interactions, assistance
28 with self-administration, misuse, documentation, storage, and
29 metabolic monitoring of children prescribed psychotropic
30 medications.

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

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

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

3 (7) Understanding the different permanency options and the
4 services and benefits associated with the options.

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

8 (j) (1) Resource families who move home locations shall retain
9 their resource family status ~~if the new building and grounds,
10 outdoor activity areas, and storage areas meet home environment
11 standards.~~ *pending the outcome of the update conducted pursuant
12 to paragraph (6) of subdivision (g).*

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

18 (3) Subject to the requirements in paragraph (1), the family shall
19 continue to be approved for guardianship and adoption. Nothing
20 in this subdivision shall limit a county, foster family agency, or
21 adoption agency from determining that the family is not approved
22 for guardianship or adoption based on changes in the family's
23 circumstances or psychosocial assessment.

24 (k) Implementation of the program shall be contingent upon the
25 continued availability of federal Social Security Act Title IV-E
26 (42 U.S.C. Sec. 670) funds for costs associated with placement of
27 children with resource families assessed and approved under the
28 program.

29 (l) A child placed with a resource family shall be eligible for
30 AFDC-FC payments. A resource family, or a foster family agency
31 pursuant to subdivisions (p) and (q), shall be paid an AFDC-FC
32 rate pursuant to Sections 11460, 11461, and 11463. Sharing ratios
33 for nonfederal expenditures for all costs associated with activities
34 related to the approval of relatives and nonrelative extended family
35 members shall be in accordance with Section 10101.

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

1 (n) Except as provided, approved resource families shall be
2 exempt from ~~all~~ *both* of the following:

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

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

9 ~~(3) Adoptions approval and reporting requirements set forth~~
10 ~~under Section 8712 of the Family Code, and all regulations~~
11 ~~promulgated thereto.~~

12 (o) (1) Early implementation counties shall be authorized to
13 continue through December 31, 2016. The program shall be
14 implemented by each county on or before January 1, 2017. On and
15 after January 1, 2017, a county shall approve resource families in
16 lieu of licensing foster family homes and approving relative or
17 nonrelative extended family members. Notwithstanding this
18 provision, the existing licensure or approval and oversight
19 processes shall continue to be administered for foster family homes
20 and relatives or nonrelative extended family members licensed or
21 approved prior to January 1, 2017, ~~in accordance with paragraphs~~
22 ~~(3) and (4): until the license or approval is revoked or forfeited by~~
23 ~~operation of law pursuant to this section or Section 1524 of the~~
24 ~~Health and Safety Code.~~

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

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 foster family home license and an
33 approval of a relative or nonrelative extended family member shall
34 be forfeited by operation of law as provided for in paragraph (4).

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

38 (A) A licensed foster family home, and an approved relative or
39 nonrelative extended family member with an approved adoptive

1 home study completed prior to January 1, 2018, shall be deemed
2 to be an approved resource family.

3 (B) A licensed foster family home, and an approved relative or
4 nonrelative extended family member who had a child in placement
5 at any time between January 1, 2017, and December 31, 2017,
6 inclusive, may be approved as a resource family on the date of
7 successful completion of a psychosocial assessment pursuant to
8 subparagraph (B) of paragraph (3) of subdivision (d).

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

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

16 (A) All licensed foster family homes that did not have a child
17 in placement at any time between January 1, 2017, and December
18 31, 2017, inclusive, shall forfeit the license by operation of law
19 on January 1, 2018.

20 (B) For foster family home licensees and approved relatives or
21 nonrelative extended family members who have a pending resource
22 family application on December 31, 2019, the foster family home
23 license or relative and nonrelative extended family member
24 approval shall be forfeited by operation of law on the date of
25 approval as a resource family. If approval is denied, forfeiture by
26 operation of law shall occur on the date of completion of any
27 proceedings required by law to ensure due process.

28 (p) On and after January 1, 2017, all licensed foster family
29 agencies shall approve resource families in lieu of certifying foster
30 ~~homes. A foster family agency, or a short-term residential treatment~~
31 ~~center pursuant to subdivision (b) of Section 11462, shall require~~
32 ~~applicants and resource families to meet the resource family~~
33 ~~approval standards and requirements set forth in this chapter and~~
34 ~~in the written directives adopted pursuant to this chapter prior to~~
35 ~~approval and in order to maintain approval. homes, as set forth in~~
36 *Section 1517 of the Health and Safety Code.*

37 (q) Commencing January 1, 2016, the department may establish
38 participation conditions, and select and authorize foster family
39 agencies that voluntarily submit implementation plans and revised
40 plans of operation in accordance with requirements established by

1 the department, to approve resource families in lieu of certifying
2 foster homes.

3 (1) Notwithstanding any other law, a participating foster family
4 agency shall require resource families to meet and maintain the
5 resource family approval standards and requirements set forth in
6 this chapter and in the written directives adopted hereto prior to
7 approval and in order to maintain approval.

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

11 (3) Nothing in this section shall be construed to limit the
12 authority of the department to inspect, evaluate, or investigate a
13 complaint or incident, or initiate a disciplinary action against a
14 foster family agency pursuant to Article 5 (commencing with
15 Section 1550) of Chapter 3 of Division 2 of the Health and Safety
16 Code, or to take any action it may deem necessary for the health
17 and safety of children placed with the foster family agency.

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

21 (5) This subdivision shall become inoperative on January 1,
22 2017.

23 *SEC. 23. Section 16519.51 of the Welfare and Institutions Code*
24 *is amended to read:*

25 16519.51. Notwithstanding any other law, preapproval training
26 for a resource family applicant and annual training for an approved
27 resource family shall include training on knowledge and skills
28 related to the application of the reasonable and prudent parent
29 standard for the participation of the child in age or developmentally
30 appropriate activities, as set forth in ~~Section 1522.4~~ 1522.44 of
31 the Health and Safety Code.

32 ~~SEC. 11.~~

33 *SEC. 24.* To the extent that this act has an overall effect of
34 increasing certain costs already borne by a local agency for
35 programs or levels of service mandated by the 2011 Realignment
36 Legislation within the meaning of Section 36 of Article XIII of
37 the California Constitution, it shall apply to local agencies only to
38 the extent that the state provides annual funding for those cost
39 increases. Any new program or higher level of service provided
40 by a local agency pursuant to this act above the level for which

1 funding has been provided shall not require a subvention of funds
2 by the state nor otherwise be subject to Section 6 of Article XIII
3 B of the California Constitution.

4 With regard to certain other costs that may be incurred by a local
5 agency or school district, no reimbursement is required by this act
6 pursuant to Section 6 of Article XIII B of the California
7 Constitution because, in that regard, this act creates a new crime
8 or infraction, eliminates a crime or infraction, or changes the
9 penalty for a crime or infraction within the meaning of Section
10 17556 of the Government Code, or changes the definition of a
11 crime within the meaning of Section 6 of Article XIII B of the
12 California Constitution.

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