

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1997**

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**Introduced by Assembly Member Mark Stone**

February 16, 2016

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An act to amend Section 7911.1 of the Family Code, to amend Sections 1501.1, 1502, 1506, 1506.1, 1506.5, 1506.6, 1506.7, 1506.8, 1517, 1520.1, 1522.44, 1523.1, 1525.5, 1536, 1538.8, 1538.9, and 1562.01 of, *to amend and repeal Section 1506.3 of*, and to add ~~Section 1517.1~~ Sections 1517.1, 1517.2, and 1517.3 to, the Health and Safety Code, *to amend Section 11165.7 of the Penal Code, to amend Sections 1541 and 1543 of the Probate Code, and to amend Sections 291, 293, 294, 295, 361.2, 361.5, 366.26, 727, 727.4, 4094.2, 11400, 11402, 11460, 11461, 11462, 11462.04, 11463, 11463.01, 11463.1, 11466, 11466.2, 11466.21, 11466.22, 11466.24, 11466.25, 11466.31, 11466.32, 11469, 16504.5, 16514, 16519.5, and 16519.51 of 16519.55 of*, *to amend, repeal, and add Section 11462.06 of, to add Sections 11466.01, 16519.61, and 16519.62 to, to add the heading of Article 2 (commencing with Section 16519.5) to Chapter 5 of Part 4 of Division 9 of, to add the heading of Article 3 (commencing with Section 16520) to Chapter 5 of Part 4 of Division 9 of, and to repeal and add Sections 11402.01 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~~ *specify* that the resource family approval process replaces *certification of foster homes by foster family agencies and 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 *make specified changes relating to resource families including by, among others, requiring that the basic rate paid to resource families be the same whether the family is approved by a foster family agency or a county, and would* revise certain aspects of the resource family approval process, including ~~by~~ *by, among other things*, 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~~ *exemptions, and making it a misdemeanor to declare as true, in a resource family application form, any material matter that the applicant knows to be false*. By imposing additional duties on counties, by creating a new ~~crime~~ *crime*, 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. *The bill would require the department to establish rates for foster family agencies that include an interim rate, provisional rate, and probationary rate, and would provide for the implementation of those rates.*

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~~ *requires* 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 the department to establish rates for short-term residential treatment centers that include an interim rate, provisional rate, and probationary rate, and would provide for the implementation of those rates.* The 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 the department to, at least annually, compile specified information relating to the use of psychotropic medication for each group home and to establish a methodology to identify those group homes that have levels of psychotropic drug utilization warranting additional review.*

*This bill would also require the department to compile that information for short-term residential treatment centers and require that methodology to apply to short-term residential treatment centers in a manner determined by the department.*

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.

*Existing federal law, the Adoption and Safe Families Act of 1997, among other provisions, establishes a permanent placement option for older children as an alternative to long-term foster care, referred to in the act as "another planned permanent living arrangement" (APPLA).*

*Existing law declares the intent of the Legislature to conform state law to the federal act, as specified. Existing law generally provides a minor 16 years of age and older with another planned permanent living arrangement, as prescribed.*

*This bill would make conforming changes by deleting references to long-term foster care and instead providing for placement in another planned permanent living arrangement.*

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~~ *and*, within five working days of receiving  
22 a written report from the out-of-state group home, forward a copy  
23 of the written report to the appropriate placement agencies.

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

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

14 (2) On and after January 1, 2017, the licensing standards  
15 applicable to out-of-state group homes certified by the department,  
16 as described in paragraph ~~(1)~~ (1), shall be those required of  
17 short-term residential treatment centers operated in this ~~state~~. *state,*  
18 *unless the out-of-state group home is granted an extension pursuant*  
19 *to subdivision (d) of Section 11462.04 of the Welfare and*  
20 *Institutions Code.*

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

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

29 (5) Any failure by an out-of-state group home facility to make  
30 children or staff available as required by subdivision (a) for a  
31 private interview or make files available for review shall be  
32 grounds to deny or discontinue the certification.

33 (6) Certifications made pursuant to this subdivision shall be  
34 reviewed annually.

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

38 (e) Any failure by an out-of-state group home to obtain or  
39 maintain its certification as required by subdivision (c) shall  
40 preclude the use of any public funds, whether county, state, or

1 federal, in the payment for the placement of any child in that  
2 out-of-state group home, pursuant to the Interstate Compact on  
3 the Placement of Children.

4 (f) (1) A multidisciplinary team shall consist of participating  
5 members from county social services, county mental health, county  
6 probation, county superintendents of schools, and other members  
7 as determined by the county.

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

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

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

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

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

32 SEC. 2. Section 1501.1 of the Health and Safety Code is  
33 amended to read:

34 1501.1. (a) It is the policy of the state to facilitate the proper  
35 placement of every child in residential care facilities where the  
36 placement is in the best interests of the child. A county may require  
37 placement or licensing agencies, or both placement and licensing  
38 agencies, to actively seek out-of-home care facilities capable of  
39 meeting the varied needs of the child. Therefore, in placing children  
40 in out-of-home care, particular attention should be given to the

1 individual child's needs, the ability of the facility to meet those  
2 needs, the needs of other children in the facility, the licensing  
3 requirements of the facility as determined by the licensing agency,  
4 and the impact of the placement on the family reunification plan.

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

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

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

38 (e) (1) For purposes of this chapter, the placing of children by  
39 foster family agencies shall be referred to as "subsequent

1 placement” to distinguish the activity from the placing by public  
2 agencies.

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

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

10 1502. As used in this chapter:

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

18 (1) “Residential facility” means any family home, group care  
19 facility, or similar facility determined by the department, for  
20 24-hour nonmedical care of persons in need of personal services,  
21 supervision, or assistance essential for sustaining the activities of  
22 daily living or for the protection of the individual.

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

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

36 (4) “Foster family agency” means any public agency or private  
37 organization, organized and operated on a nonprofit basis, engaged  
38 in ~~any~~ either of the following:

1 (A) Recruiting, certifying, approving, and training of, and  
2 providing professional support to, foster parents and resource  
3 families.

4 ~~(B) Finding homes for the placement of children for temporary  
5 or permanent care who require that level of care.~~

6 ~~(C) Cooperatively matching children with resource families as  
7 specified in Section 1517.~~

8 *(B) Coordinating with placing agencies to find homes for  
9 children in need of care.*

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

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

28 (7) “Social rehabilitation facility” means any residential facility  
29 that provides social rehabilitation services for no longer than 18  
30 months in a group setting to adults recovering from mental illness  
31 who temporarily need assistance, guidance, or counseling. Program  
32 components shall be subject to program standards pursuant to  
33 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part  
34 2 of Division 5 of the Welfare and Institutions Code.

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

1 Health Care Services pursuant to Section 4094 of the Welfare and  
2 Institutions Code.

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

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

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

14 (B) Assesses the birth parents, prospective adoptive parents, or  
15 child.

16 (C) Places children for adoption.

17 (D) Supervises adoptive placements.

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

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

29 (A) Assesses the prospective adoptive parents.

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

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

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

1 accredited primary provider, or acting as an exempted provider,  
2 in compliance with Subpart F (commencing with Section 96.29)  
3 of Part 96 of Title 22 of the Code of Federal Regulations.

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

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

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

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

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

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

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

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

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

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

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

39 *SEC. 4. Section 1506 of the Health and Safety Code is amended*  
40 *to read:*

1 1506. (a) (1) ~~Any holder of a valid license issued by the~~  
 2 ~~department that authorizes the licensee to engage in~~ A foster family  
 3 ~~agency functions~~ may use only a certified family home *or a*  
 4 *resource family* that has been certified *or approved* by that agency  
 5 ~~or or, pursuant to Section 1506.5, a licensed foster family home~~  
 6 *or a county-approved resource family* approved for this use by the  
 7 ~~licensing county pursuant to Section 1506.5. county.~~

8 (2) Any home selected and certified *or approved* for the  
 9 reception and care of children by ~~that licensee shall not, during~~  
 10 ~~the time it is certified and used only by that agency for these~~  
 11 ~~placements or care, be a foster family agency is not~~ subject to  
 12 Section 1508. A certified family home ~~may not be concurrently~~  
 13 *or a resource family of a foster family agency shall not be* licensed  
 14 as a ~~foster family home or as any other~~ licensed residential facility.

15 (3) A child with a developmental disability who is placed in a  
 16 certified family home *or with a resource family* by a foster family  
 17 agency that is operating under agreement with the regional center  
 18 responsible for that child may remain in the certified family home  
 19 ~~after the age of 18 years. or with the resource family after 18 years~~  
 20 *of age.* The determination regarding whether and how long he or  
 21 she may remain as a resident ~~after the age of 18 years~~ *18 years of*  
 22 *age* shall be made through the agreement of all parties involved,  
 23 including the resident, ~~the foster parent, certified parent or resource~~  
 24 *family,* the foster family agency social worker, the resident's  
 25 regional center case manager, and the resident's parent, legal  
 26 guardian, or conservator, as appropriate. This determination shall  
 27 include a needs and service plan that contains an assessment of  
 28 the child's needs to ensure continued compatibility with the other  
 29 children in placement. The needs and service plan shall be  
 30 completed no more than six months prior to the child's 18th  
 31 birthday. The assessment shall be documented and maintained in  
 32 the child's file with the foster family agency.

33 (b) (1) A foster family agency shall certify to the department  
 34 that the *certified family* home has met the department's licensing  
 35 standards. A foster family agency may require a *certified* family  
 36 home to meet additional standards or be compatible with its  
 37 treatment approach.

38 (2) The foster family agency shall issue a certificate of approval  
 39 to the certified family home upon its determination that it has met  
 40 the standards established by the department and before the

1 placement of any child in the home. The certificate shall be valid  
2 for a period not to exceed one year. The annual recertification shall  
3 require a certified family home to complete at least ~~12~~ *eight* hours  
4 of structured applicable training or continuing education. At least  
5 one hour of training during the first six months following initial  
6 certification shall be dedicated to meeting the requirements of  
7 paragraph (1) of subdivision (b) of Section 11174.1 of the Penal  
8 Code.

9 (3) If the agency determines that the home no longer meets the  
10 standards, it shall notify the department and the local placing  
11 agency.

12 (4) *This subdivision shall apply to foster family agencies only*  
13 *until December 31, 2019, in accordance with Section 1517.*

14 (c) As used in this chapter, “certified family home” means ~~a~~ *an*  
15 *individual or family residence* certified by a licensed foster family  
16 agency and issued a certificate of approval by that agency as  
17 meeting licensing standards, and used ~~only~~ *exclusively* by that  
18 foster family agency for placements.

19 (d) (1) Requirements for social work personnel for a foster  
20 family agency shall be a master’s degree from an accredited or  
21 state-approved graduate school in social work or social welfare,  
22 or equivalent education and experience, as determined by the  
23 department.

24 (2) Persons who possess a master’s degree from an accredited  
25 or state-approved graduate school in any of the following areas,  
26 or equivalent education and experience, as determined by the  
27 department, shall be considered to be qualified to perform social  
28 work activities in a foster family agency:

29 (A) Marriage, family, and child counseling.

30 (B) Child psychology.

31 (C) Child development.

32 (D) Counseling psychology.

33 (E) Social psychology.

34 (F) Clinical psychology.

35 (G) Educational psychology, consistent with the scope of  
36 practice as described in Section 4989.14 of the Business and  
37 Professions Code.

38 (H) Education, with emphasis on counseling.

39 (e) (1) In addition to the degree specifications in subdivision  
40 (d), all of the following coursework and field practice or

1 experience, as defined in departmental regulations, shall be required  
2 of all new hires for the position of social work personnel effective  
3 January 1, 1995:

4 (A) At least three semester units of field practice at the master's  
5 level or six months' full-time equivalent experience in a public or  
6 private social service agency setting.

7 (B) At least nine semester units of coursework related to human  
8 development or human behavior, or, within the first year of  
9 employment, experience working with children and families as a  
10 major responsibility of the position under the supervision of a  
11 supervising social worker.

12 (C) At least three semester units in working with minority  
13 populations or six months of experience in working with minority  
14 populations or training in cultural competency and working with  
15 minority populations within the first six months of employment  
16 as a condition of employment.

17 (D) At least three semester units in child welfare or at least six  
18 months of experience in a public or private child welfare social  
19 services setting for a nonsupervisory social worker. A supervising  
20 social worker shall have two years' experience in a public or private  
21 child welfare social services setting.

22 (2) (A) Persons who do not meet the requirements specified in  
23 subdivision (d) or (e) may apply for an exception as provided for  
24 in subdivisions (f) and (g).

25 (B) Exceptions granted by the department prior to January 1,  
26 1995, shall remain in effect.

27 (3) (A) Persons who are hired as social work personnel on or  
28 after January 1, 1995, who do not meet the requirements listed in  
29 this subdivision shall be required to successfully meet those  
30 requirements in order to be employed as social work personnel in  
31 a foster family agency.

32 (B) Employees who were hired prior to January 1, 1995, shall  
33 not be required to meet the requirements of this subdivision in  
34 order to remain employed as social work personnel in a foster  
35 family agency.

36 (4) Coursework and field practice or experience completed to  
37 fulfill the degree requirements of subdivision (d) may be used to  
38 satisfy the requirements of this subdivision.

39 (f) Individuals seeking an exception to the requirements of  
40 subdivision (d) or (e) based on completion of equivalent education

1 and experience shall apply to the department by the process  
2 established by the department.

3 (g) The department shall be required to complete the process  
4 for the exception to minimum education and experience  
5 requirements described in subdivisions (d) and (e) within 30 days  
6 of receiving the exception application of social work personnel or  
7 supervising social worker qualifications from the foster family  
8 agency.

9 ~~(h) The department shall review the feasibility of instituting a~~  
10 ~~licensure category to cover foster homes that are established~~  
11 ~~specifically to care for and supervise adults with developmental~~  
12 ~~disabilities, as defined in subdivision (a) of Section 4512 of the~~  
13 ~~Welfare and Institutions Code, to prevent the institutionalization~~  
14 ~~of those individuals.~~

15 (i)

16 (h) For purposes of this section, “social work personnel” means  
17 supervising social workers as well as nonsupervisory social  
18 workers.

19 ~~SEC. 4.~~

20 *SEC. 5.* Section 1506.1 of the Health and Safety Code is  
21 amended to read:

22 1506.1. (a) A foster family agency shall prepare and maintain  
23 a current, written plan of operation as required by the department.

24 (b) (1) A foster family agency shall have national accreditation  
25 from an entity identified by the department pursuant to the process  
26 described in paragraph (8) of subdivision (b) of Section 11463 of  
27 the Welfare and Institutions Code.

28 (2) The following applies to a foster family agency licensed  
29 before January 1, 2017:

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

32 (B) The foster family agency shall submit documentation of  
33 accreditation or application for accreditation to the department in  
34 a time and manner as determined by the department.

35 (C) The foster family agency shall provide documentation to  
36 the department reporting its accreditation status as of January 1,  
37 2018, and July 1, 2018, in a time and manner as determined by the  
38 department.

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

- 1 (A) The foster family agency shall have up to 24 months from  
2 the date of licensure to obtain accreditation.
- 3 (B) The foster family agency applicant shall submit  
4 documentation of accreditation or application for accreditation  
5 with its application for licensure.
- 6 (C) The foster family agency shall provide documentation to  
7 the department reporting its accreditation status at 12 months and  
8 at 18 months after the date of licensure.
- 9 (4) This subdivision does not preclude the department from  
10 requesting additional information from the foster family agency  
11 regarding its accreditation status.
- 12 (5) The department may revoke a foster family agency's license  
13 pursuant to Article 5 (commencing with Section 1550) for failure  
14 to obtain accreditation within the timeframes specified in this  
15 subdivision.
- 16 (c) (1) On and after January 1, 2017, a foster family agency's  
17 plan of operation shall demonstrate the foster family agency's  
18 ability to support the differing needs of children and their families.
- 19 (2) On and after January 1, 2017, a foster family agency's plan  
20 of operation shall contain a plan for the supervision, evaluation,  
21 and training of staff. The training plan shall be appropriate to meet  
22 the needs of children, and it shall be consistent with the training  
23 provided to resource families as set forth in Section 16519.5 of  
24 the Welfare and Institutions Code.
- 25 (3) In addition to complying with the rules and regulations  
26 adopted pursuant to this chapter, on and after January 1, 2017, a  
27 foster family agency's plan of operation shall include a program  
28 statement. The program statement shall contain a description of  
29 all of the following:
  - 30 (A) The core services and supports, as set forth in paragraph  
31 (5) of subdivision (b) of Section 11463 of the Welfare and  
32 Institutions Code, and as prescribed by the department, to be  
33 offered to children and their families, as appropriate or as  
34 necessary.
  - 35 (B) The treatment practices that will be used in serving children  
36 and families.
  - 37 (C) The procedures for the development, implementation, and  
38 periodic updating of the needs and services plan for children placed  
39 with the foster family agency or served by the foster family agency,  
40 and procedures for collaborating with the child and family team

1 as described in paragraph (4) of subdivision (a) of Section 16501  
2 of the Welfare and Institutions Code, that includes, but is not  
3 limited to, a description of the services to be provided to meet the  
4 treatment needs of children assessed pursuant to subdivision (d)  
5 or (e) of Section 11462.01 of the Welfare and Institutions Code.

6 (D) How the foster family agency will comply with the resource  
7 family approval standards and requirements, as set forth in Section  
8 ~~16519.5~~ *1517 of this code and Article 2 (commencing with Section*  
9 *16519.5) of Chapter 5 of Part 4 of Division 9* of the Welfare and  
10 Institutions Code.

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

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

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

20 (e) The foster family agency's plan of operation shall  
21 demonstrate the foster family agency's ability to provide treatment  
22 services to meet the individual needs of children placed in ~~licensed,~~  
23 ~~approved, or certified relative and nonrelative foster families,~~  
24 *certified family homes or with resource families*, as specified in  
25 Section 11402 of the Welfare and Institutions Code.

26 (f) The department shall have the authority to inspect a foster  
27 family agency pursuant to the system of governmental monitoring  
28 and oversight developed by the department on and after January  
29 1, 2017, pursuant to subdivision (c) of Section 11463 of the  
30 Welfare and Institutions Code.

31 (g) The department shall establish procedures for a county  
32 review process, at the county's option, for foster family agencies,  
33 which may include the review of the foster family agency's  
34 program statement, and which shall be established in consultation  
35 with the County Welfare Directors Association of California, Chief  
36 Probation Officers of California, and stakeholders, as appropriate.

37 *SEC. 6. Section 1506.3 of the Health and Safety Code is*  
38 *amended to read:*

39 1506.3. (a) A foster family agency that provides treatment of  
40 children in foster families shall employ one full-time social work

1 supervisor for every eight social workers or fraction thereof in the  
2 agency.

3 (b) This section shall remain in effect only until the date when  
4 the total foster family agency rate by age group paid to licensed  
5 foster family agencies for the placement of children in certified  
6 foster family homes is restored to at least the rate in effect on  
7 September 30, 2009, and the Director of Social Services issues a  
8 declaration to this effect to the Senate Committee on Budget and  
9 Fiscal Review, Senate Committee on Human Services, the  
10 Assembly Committee on Budget, and the Assembly Committee  
11 on Human Services, or their successor committees. Upon the  
12 restoration to at least the rate in effect on September 30, 2009, the  
13 director shall issue the declaration. On that date, this section shall  
14 be repealed.

15 (c) *Notwithstanding subdivision (b), this section shall be*  
16 *inoperative on January 1, 2017, except with regard to foster family*  
17 *agencies that have been granted an extension pursuant to Section*  
18 *11463.1, in which case it shall be inoperative on January 1, 2019,*  
19 *and, as of January 1, 2019, is repealed, unless a later enacted*  
20 *statute, that becomes operative on or before January 1, 2019,*  
21 *deletes or extends the dates on which it becomes ineffective and*  
22 *is repealed.*

23 *SEC. 7. Section 1506.5 of the Health and Safety Code is*  
24 *amended to read:*

25 1506.5. (a) Foster family agencies shall not use foster family  
26 homes licensed by a county *or resource families approved by a*  
27 *county* without the approval of the licensing *or approving* county.  
28 When approval is granted, a written agreement between the foster  
29 family agency and the county shall specify the nature of  
30 administrative control and case management responsibility and  
31 the nature and number of the children to be served in the home.

32 (b) Before a foster family agency may use a licensed foster  
33 family home it shall review and, with the exception of a new  
34 fingerprint clearance, qualify the home in accordance with Section  
35 1506.

36 (c) When approval is ~~given~~, *granted pursuant to subdivision*  
37 *(a)*, and for the duration of the agreement permitting the foster  
38 family agency use of ~~its~~ *the* licensed foster family ~~home~~, *home or*  
39 *county-approved resource family*, no child shall be placed in that  
40 home except through the foster family agency.

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

6 (e) (1) If an application to a foster family agency for a certificate  
7 of approval indicates, or the department determines during the  
8 application review process, that the applicant previously was issued  
9 a license under this chapter or under Chapter 1 (commencing with  
10 Section 1200), Chapter 2 (commencing with Section 1250), Chapter  
11 3.01 (commencing with Section 1568.01), Chapter 3.2  
12 (commencing with Section 1569), Chapter 3.4 (commencing with  
13 Section 1596.70), Chapter 3.5 (commencing with Section 1596.90),  
14 or Chapter 3.6 (commencing with Section 1597.30) and the prior  
15 license was revoked within the preceding two years, the foster  
16 family agency shall cease any further review of the application  
17 until two years have elapsed from the date of the revocation.

18 (2) If an application to a foster family agency for a certificate  
19 of approval indicates, or the department determines during the  
20 application review process, that the applicant previously was issued  
21 a certificate of approval by a foster family agency that was revoked  
22 by the department pursuant to subdivision (b) of Section 1534  
23 within the preceding two years, the foster family agency shall cease  
24 any further review of the application until two years have elapsed  
25 from the date of the revocation.

26 (3) If an application to a foster family agency for a certificate  
27 of approval indicates, or the department determines during the  
28 application review process, that the applicant was excluded from  
29 a facility licensed by the department or from a certified family  
30 home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897,  
31 the foster family agency shall cease any further review of the  
32 application unless the excluded person has been reinstated pursuant  
33 to Section 11522 of the Government Code by the department.

34 (4) The cessation of review shall not constitute a denial of the  
35 application for purposes of subdivision (b) of Section 1534 or any  
36 other law.

37 (f) (1) If an application to a foster family agency for a certificate  
38 of approval indicates, or the department determines during the  
39 application review process, that the applicant had previously  
40 applied for a license under any of the chapters listed in paragraph

1 (1) of subdivision (e) and the application was denied within the  
2 last year, the foster family agency shall cease further review of the  
3 application as follows:

4 (A) ~~In cases where~~ *When* the applicant petitioned for a hearing,  
5 the foster family agency shall cease further review of the  
6 application until one year has elapsed from the effective date of  
7 the decision and order of the department upholding a denial.

8 (B) ~~In cases where~~ *When* the department informed the applicant  
9 of his or her right to petition for a hearing and the applicant did  
10 not petition for a hearing, the foster family agency shall cease  
11 further review of the application until one year has elapsed from  
12 the date of the notification of the denial and the right to petition  
13 for a hearing.

14 (2) The foster family agency may continue to review the  
15 application if the department has determined that the reasons for  
16 the denial of the application were due to circumstances and a  
17 condition that either have been corrected or are no longer in  
18 existence.

19 (3) The cessation of review shall not constitute a denial of the  
20 application for purposes of subdivision (b) of Section 1534 or any  
21 other law.

22 (g) (1) If an application to a foster family agency for a  
23 certificate of approval indicates, or the department determines  
24 during the application review process, that the applicant had  
25 previously applied for a certificate of approval with a foster family  
26 agency and the department ordered the foster family agency to  
27 deny the application pursuant to subdivision (b) of Section 1534,  
28 the foster family agency shall cease further review of the  
29 application as follows:

30 (A) In cases where the applicant petitioned for a hearing, the  
31 foster family agency shall cease further review of the application  
32 until one year has elapsed from the effective date of the decision  
33 and order of the department upholding a denial.

34 (B) In cases where the department informed the applicant of his  
35 or her right to petition for a hearing and the applicant did not  
36 petition for a hearing, the foster family agency shall cease further  
37 review of the application until one year has elapsed from the date  
38 of the notification of the denial and the right to petition for a  
39 hearing.

1 (2) The foster family agency may continue to review the  
2 application if the department has determined that the reasons for  
3 the denial of the application were due to circumstances and  
4 conditions that either have been corrected or are no longer in  
5 existence.

6 (3) The cessation of review shall not constitute a denial of the  
7 application for purposes of subdivision (b) of Section 1534 or any  
8 other law.

9 *(h) Subdivisions (e), (f), and (g) shall apply only to certified*  
10 *family home applications received on or before December 31,*  
11 *2016, in accordance with Section 1517.*

12 *SEC. 8. Section 1506.6 of the Health and Safety Code is*  
13 *amended to read:*

14 1506.6. (a) It is the intent of the Legislature that public and  
15 private efforts to recruit foster parents not be competitive and that  
16 the total number of foster parents be increased. ~~A~~

17 (b) A foster family agency shall not certify a family home ~~which~~  
18 *that* is licensed by the department or a county. A licensed foster  
19 family home shall forfeit its license, pursuant to subdivision (b)  
20 of Section 1524, concurrent with final certification by the foster  
21 family agency. The department or a county shall not license a  
22 family home that is certified by a foster family agency. A certified  
23 family home shall forfeit its certificate concurrent with final  
24 licensing by the department or a county.

25 (c) (1) *A licensed foster family home shall forfeit its license,*  
26 *pursuant to subdivision (b) of Section 1524, concurrent with*  
27 *resource family approval by a foster family agency. A resource*  
28 *family shall forfeit its resource family approval, pursuant to Section*  
29 *16519.5 of the Welfare and Institutions Code, concurrent with*  
30 *resource family approval by a foster family agency.*

31 (2) *A certified family home shall forfeit its certificate of approval*  
32 *concurrent with resource family approval by the county. A resource*  
33 *family shall forfeit its resource family approval, pursuant to Section*  
34 *1517, concurrent with resource family approval by the county.*

35 *SEC. 9. Section 1506.7 of the Health and Safety Code is*  
36 *amended to read:*

37 1506.7. (a) A foster family agency shall require the owner or  
38 operator of a family home applying for certification to sign an  
39 application that shall contain, but shall not be limited to, the  
40 following information:

1 (1) Whether the applicant has been certified, and by which foster  
2 family agency.

3 (2) Whether the applicant has been decertified, and by which  
4 foster family agency.

5 (3) Whether a placement hold has been placed on the applicant  
6 by a foster family agency, and by which foster family agency.

7 (4) Whether the applicant has been a foster home licensed by a  
8 county or by the state and, if so, by which county or state, or  
9 whether the applicant has been approved for relative placement  
10 by a county and, if so, by which county.

11 (b) (1) The application form signed by the owner or operator  
12 of the family home applying for certification shall contain notice  
13 to the applicant for certification that the foster family agency is  
14 required to check references of all foster family agencies that have  
15 previously certified the applicant and of all state or county licensing  
16 offices that have licensed the applicant as a foster parent, and that  
17 the signing of the application constitutes the authorization of the  
18 applicant for the foster family agency to conduct its check of  
19 references.

20 (2) The application form signed by the owner or operator of the  
21 family home applying for certification shall be signed with a  
22 declaration by the applicant that the information submitted is true,  
23 correct, and contains no material omissions of fact to the best  
24 knowledge and belief of the applicant. Any person who declares  
25 as true any material matter pursuant to this section that he or she  
26 knows to be false is guilty of a misdemeanor. The application shall  
27 include a statement that submitting false information is a violation  
28 of law punishable by incarceration, a fine, or both incarceration  
29 and a fine.

30 (c) *This section shall apply only to certified family home*  
31 *applications received on or before December 31, 2016, in*  
32 *accordance with Section 1517.*

33 *SEC. 10. Section 1506.8 of the Health and Safety Code is*  
34 *amended to read:*

35 1506.8. (a) Before certifying a family home, a foster family  
36 agency shall contact any foster family agencies by whom an  
37 applicant has been previously certified and any state or county  
38 licensing offices that have licensed the applicant as a foster parent,  
39 and shall conduct a reference check as to the applicant.

1 (b) *This section shall apply only to certified family home*  
2 *applications received on or before December 31, 2016, in*  
3 *accordance with Section 1517.*

4 ~~SEC. 5.~~

5 *SEC. 11.* Section 1517 of the Health and Safety Code is  
6 amended to read:

7 1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5  
8 of the Welfare and Institutions Code, the State Department of  
9 Social Services, shall implement a unified, family friendly, and  
10 child-centered resource family approval process to replace the  
11 existing multiple processes for licensing foster family homes,  
12 *certifying foster homes by licensed foster family agencies,*  
13 approving relatives and nonrelative extended family members as  
14 foster care providers, and approving guardians and adoptive  
15 families.

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

23 (3) *For purposes of this chapter, “resource family approval”*  
24 *means that the applicant or resource family successfully meets the*  
25 *home environment assessment and permanency assessment*  
26 *standards adopted pursuant to subdivision (d) of Section 16519.5*  
27 *of the Welfare and Institutions Code. This approval is in lieu of a*  
28 *certificate of approval issued by a licensed foster family agency*  
29 *pursuant to subdivision (b) of Section 1506.*

30 (4) *Approval of a resource family does not guarantee an initial,*  
31 *continued, or adoptive placement of a child with a resource family.*  
32 *Approval of a resource family does not guarantee the establishment*  
33 *of a legal guardianship of a child with a resource family. There*  
34 *is no fundamental right to resource family approval.*

35 (5) *Notwithstanding paragraphs (1) to (4), inclusive, a foster*  
36 *family agency shall cease any further review of an application if*  
37 *the applicant has had a previous application denial within the*  
38 *preceding year by the department or county, or if the applicant*  
39 *has had a previous rescission, revocation, or exemption denial or*  
40 *exemption rescission by the department or county within the*

1 preceding two years. However, a foster family agency may continue  
 2 to review an application if it has determined that the reasons for  
 3 the previous denial, rescission, or revocation were due to  
 4 circumstances and conditions that either have been corrected or  
 5 are no longer in existence. If an individual was excluded from a  
 6 resource family home or facility licensed by the department, a  
 7 foster family agency shall cease review of the individual's  
 8 application unless the excluded individual has been reinstated  
 9 pursuant to Section 11522 of the Government Code. The cessation  
 10 of review shall not constitute a denial of the application for  
 11 purposes of this section, Section 16519.5 of the Welfare and  
 12 Institutions Code, or any other law.

13 (6) A resource family shall meet the approval standards set  
 14 forth in Section 16519.5 of the Welfare and Institutions Code,  
 15 comply with the written directives or regulations adopted pursuant  
 16 to Section 16519.5 of the Welfare and Institutions Code, and  
 17 comply with other applicable laws in order to maintain approval.

18 (7) A resource family may be approved by the department or a  
 19 county pursuant to Section 16519.5 of the Welfare and Institutions  
 20 Code or by a foster family agency pursuant to this section.

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

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

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

31 (A) Complying with the applicable provisions of this chapter,  
 32 the regulations for foster family agencies, the resource family  
 33 approval standards and requirements set forth in ~~Section 16519.5~~  
 34 *Article 2 (commencing with Section 16519.5) of Chapter 5 of Part*  
 35 *4 of Division 9* of the Welfare and Institutions Code, and the  
 36 applicable written directives or regulations adopted thereto by the  
 37 department.

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

1 (C) Ensuring staff have the education and experience necessary  
2 to complete the home environment and psychosocial assessments  
3 competently.

4 (D) Taking the following actions, as applicable:

5 (i) Approving or denying resource family applications.

6 (ii) Rescinding approvals of resource families.

7 (E) Providing to the department a log of resource families that  
8 were approved or *had approval* rescinded during the month by the  
9 10th day of the following month. ~~For purposes of subdivision (d)~~  
10 ~~of Section 1536, a certified family home includes a resource family~~  
11 ~~approved by the foster family agency pursuant to this section.~~

12 (F) (i) Updating resource family approval ~~annually~~. *annually*  
13 *and as necessary to address any changes that have occurred in*  
14 *the resource family's circumstances, including, but not limited to,*  
15 *moving to a new home location or commencing operation of a*  
16 *family day care home, as defined in Section 1596.78.*

17 (ii) A foster family agency shall conduct an announced  
18 inspection of a resource family home during the annual ~~update in~~  
19 ~~order~~ *update, and as necessary to address any changes specified*  
20 *in clause (i), to ensure that the resource family is conforming to*  
21 *all applicable laws and the written directives or regulations adopted*  
22 *pursuant to Section 16519.5 of the Welfare and Institutions Code.*

23 (G) Monitoring resource families through all of the following:

24 (i) Ensuring that social workers who identify a condition in the  
25 home that may not meet the resource family approval standards  
26 while in the course of a routine visit to children subsequently  
27 placed with a resource family take appropriate action as needed.

28 (ii) Requiring resource families to ~~comply with~~ *meet the*  
29 *approval standards set forth in Section 16519.5 of the Welfare*  
30 *and Institutions Code and to comply with the written directives or*  
31 *regulations adopted thereto, other applicable laws, and corrective*  
32 *action plans as necessary to correct identified deficiencies. If*  
33 *corrective action is not completed as specified in the plan, the*  
34 *foster family agency or the department may rescind the approval*  
35 *of the resource family or take other administrative action in*  
36 *accordance with applicable law or the written directives or*  
37 *regulations adopted pursuant to Section 16519.5 of the Welfare*  
38 *and Institutions Code.*

39 (iii) Requiring resource families to report to the foster family  
40 agency any incidents as specified in the written directives or

1 regulations adopted pursuant to Section 16519.5 of the Welfare  
2 and Institutions Code.

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

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

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

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

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

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

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

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

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

1 (3) Rescinding approvals of a resource family approved by a  
2 foster family agency.

3 (4) Excluding a resource family parent or other individual from  
4 presence in a resource family home or licensed community care  
5 facility, from being a member of the board of directors, an  
6 executive director, or an officer of a licensed community care  
7 facility, or prohibiting a licensed community care facility from  
8 employing the resource family parent or other individual, if  
9 appropriate.

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

14 (6) Providing a resource family parent, applicant, excluded  
15 individual, or individual who is the subject of a criminal record  
16 exemption decision, ~~requesting review of that decision, decision~~  
17 ~~with due process pursuant to the department's statutes, regulations,~~  
18 ~~and written directives. Section 16519.6 of the Welfare and~~  
19 ~~Institutions Code.~~

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

24 (e) Nothing in this section or in ~~Section 16519.5 and following~~  
25 ~~Article 2 (commencing with Section 16519.5) of Chapter 5 of Part~~  
26 ~~4 of Division 9 of the Welfare and Institutions Code~~ limits the  
27 authority of the department to inspect, evaluate, investigate a  
28 complaint or incident, or initiate a disciplinary action against a  
29 foster family agency pursuant to this chapter or to take any action  
30 it may deem necessary for the health and safety of children placed  
31 with the foster family agency.

32 (f) ~~For purposes of paragraph (3) of subdivision (b) of Section~~  
33 ~~1523.1, a certified family home includes a resource family~~  
34 ~~approved by a foster family agency pursuant to this section.~~

35 (g)

36 (f) (1) The applicable certification and oversight processes shall  
37 continue to be administered for foster homes certified by a foster  
38 family agency prior to January 1, 2017, *or as specified in*  
39 *paragraph (2)*, until the certification is revoked or forfeited by  
40 operation of law pursuant to this subdivision.

1 (2) ~~A~~ *Notwithstanding paragraph (3)*, a foster family agency  
 2 shall approve or deny all certified family home applications  
 3 received on or before December 31, 2016, in accordance with this  
 4 chapter.

5 (3) On and after January 1, 2017, a foster family agency shall  
 6 not accept applications to certify foster homes and shall approve  
 7 resource families in lieu of certifying foster homes.

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

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

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

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

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

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

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

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

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

33 (A) All certified family homes that did not have a child in  
 34 placement at any time between January 1, 2017, and December  
 35 31, 2017, inclusive, shall forfeit the certificate of approval by  
 36 operation of law on January 1, 2018.

37 (B) For certified family homes with *a* pending resource family  
 38 ~~applications~~ *application* on December 31, 2019, the certificate of  
 39 approval shall be forfeited by operation of law ~~on the date of~~ *upon*  
 40 approval as a resource family. If approval is denied, forfeiture by

1 operation of law shall occur on the date of completion of any  
2 proceedings required by law to ensure due process.

3 (C) *A certificate of approval shall be forfeited by operation of*  
4 *law upon approval as a resource family.*

5 ~~SEC. 6.~~

6 *SEC. 12.* Section 1517.1 is added to the Health and Safety  
7 Code, to read:

8 1517.1. (a) (1) Pursuant to subdivision (a) of Section 16519.5  
9 of the Welfare and Institutions Code, the State Department of  
10 Social Services shall implement a unified, family friendly, and  
11 child-centered resource family approval process to replace the  
12 existing multiple processes for licensing foster family homes,  
13 *certifying foster homes by licensed foster family agencies,*  
14 approving relatives and nonrelative extended family members as  
15 foster care providers, and approving guardians and adoptive  
16 families.

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

24 (b) (1) The applicable licensure and oversight processes shall  
25 continue to be administered for foster family homes licensed prior  
26 to January 1, 2017, *or as specified in paragraph (2),* until the  
27 license ~~or approval~~ is revoked or forfeited by operation of law  
28 pursuant to this section or Section 1524 of the Health and Safety  
29 Code.

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

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

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

37 (A) A foster family home with an approved adoptive home  
38 study, completed prior to January 1, 2018, shall be deemed to be  
39 an 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  
 8 operation of law on December 31, 2019, except as provided in this  
 9 ~~paragraph~~ *paragraph or Section 1524.*

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~~ *upon*  
 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 (C) *A foster family home license shall be forfeited by operation*  
 21 *of law upon approval as a resource family.*

22 *SEC. 13. Section 1517.2 is added to the Health and Safety*  
 23 *Code, to read:*

24 *1517.2. (a) The application form signed by a resource family*  
 25 *applicant of a foster family agency shall be signed with a*  
 26 *declaration by the applicant that the information submitted is true,*  
 27 *correct, and contains no material omissions of fact to the best*  
 28 *knowledge and belief of the applicant. Any person who declares*  
 29 *as true any material matter pursuant to this section that he or she*  
 30 *knows to be false is guilty of a misdemeanor. The application shall*  
 31 *include a statement that submitting false information is a violation*  
 32 *of law punishable by incarceration, a fine, or both incarceration*  
 33 *and a fine.*

34 *(b) Before approving a resource family, a foster family agency*  
 35 *shall conduct a reference check of the applicant by contacting all*  
 36 *of the following:*

37 *(1) Any foster family agencies that have certified the applicant.*

38 *(2) Any state or county licensing offices that have licensed the*  
 39 *applicant as a foster family home.*

1 (3) Any counties that have approved the applicant as a relative  
2 or nonrelative extended family member.

3 (4) Any foster family agencies or counties that have approved  
4 the applicant as a resource family.

5 (5) Any state licensing offices that have licensed the applicant  
6 as a community care facility, child day care center, or family child  
7 care home.

8 (c) The department, a county, or a foster family agency may  
9 request information from, or divulge information to, the  
10 department, a county, or a foster family agency regarding a  
11 prospective resource family for the purpose of conducting, and as  
12 necessary to conduct, a reference check to determine whether it  
13 is safe and appropriate to approve an applicant to be a resource  
14 family.

15 SEC. 14. Section 1517.3 is added to the Health and Safety  
16 Code, to read:

17 1517.3. (a) A person shall not incur civil liability as a result  
18 of providing the department with either of the following:

19 (1) A foster family agency's log of resource families that have  
20 been approved or have had approval rescinded.

21 (2) Notification of a foster family agency's determination to  
22 rescind the approval of a resource family due to any of the  
23 following actions by a resource family parent:

24 (A) Violation of Section 16519.5, the written directives or  
25 regulations adopted pursuant to Section 16519.5, or any other  
26 applicable law.

27 (B) Aiding, abetting, or permitting the violation of Section  
28 16519.5, the written directives or regulations adopted pursuant  
29 to Section 16519.5, or any other applicable law.

30 (C) Conduct that poses a risk or threat to the health and safety,  
31 protection, or well-being of a child, or the people of the State of  
32 California.

33 (D) Conviction at any time before or during his or her approval  
34 of a crime described in Section 1522.

35 (E) Knowingly allowing a child to have illegal drugs, alcohol,  
36 or any tobacco product, as defined in subdivision (d) of Section  
37 22950.5 of the Business and Professions Code.

38 (F) Committing an act of child abuse or neglect or an act of  
39 violence against another person.

1     ***(b) The department, a county, or a foster family agency shall***  
2     ***not incur civil liability for providing each other with information***  
3     ***if the communication is for the purpose of aiding in the evaluation***  
4     ***of an application for approval of a resource family by a foster***  
5     ***family agency.***

6     ~~SEC. 7.~~

7     SEC. 15. Section 1520.1 of the Health and Safety Code is  
8     amended to read:

9     1520.1. In addition to Section 1520, applicants for a group  
10    home or short-term residential treatment center license shall meet  
11    the following requirements:

12    (a) (1) During the first 12 months of operation, the facility shall  
13    operate with a provisional license. After eight months of operation,  
14    the department shall conduct a comprehensive review of the facility  
15    for compliance with all applicable laws and regulations and help  
16    develop a plan of correction with the provisional licensee, if  
17    appropriate. By the end of the 12th month of operation, the  
18    department shall determine if the permanent license should be  
19    issued.

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

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

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

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

36    (4) The department may deny a group home or short-term  
37    residential treatment center license application at any time during  
38    the term of the provisional license to protect the health and safety  
39    of clients. If the department denies the application, the group home  
40    or short-term residential treatment center shall cease operation

1 immediately. Continued operation of the facility after the  
2 department denies the application or the provisional license expires  
3 shall constitute unlicensed operation.

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

12 (b) (1) After the production of the booklet provided for in  
13 paragraph (2), every member of the group home's board of  
14 directors or governing body and every member of a short-term  
15 residential treatment center's board of directors or governing body  
16 shall, prior to becoming a member of the board of directors or  
17 governing body sign a statement that he or she understands his or  
18 her legal duties and obligations as a member of the board of  
19 directors or governing body and that the group home's or  
20 short-term residential treatment center's operation is governed by  
21 laws and regulations that are enforced by the department, as set  
22 forth in the booklet. The applicant, provisional licensee, and  
23 licensee shall have this statement available for inspection by the  
24 department. For members of the board of directors or governing  
25 body when the booklet is produced, the licensee shall obtain this  
26 statement by the next scheduled meeting of the board of directors  
27 or governing body. Compliance with this paragraph shall be a  
28 condition of licensure.

29 (2) The department shall distribute to every group home provider  
30 and short-term residential treatment center provider, respectively,  
31 detailed information designed to educate members of the group  
32 home provider's or short-term residential treatment center  
33 provider's board of directors or governing body of their roles and  
34 responsibilities as members of a public benefit corporation under  
35 the laws of this state. The information shall be included in a  
36 booklet, may be revised as deemed necessary by the department,  
37 and shall include, but not be limited to, all of the following:

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

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

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

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

8 (c) All financial records submitted by a facility to the  
9 department, or that are submitted as part of an audit of the facility,  
10 including, but not limited to, employee timecards and timesheets,  
11 shall be signed and dated by the employee and by the group home  
12 representative or short-term residential treatment center  
13 representative who is responsible for ensuring the accuracy of the  
14 information contained in the record, or when a time clock is used,  
15 the payroll register shall be signed and dated, and those financial  
16 records shall contain an affirmative statement that the signatories  
17 understand that the information contained in the document is  
18 correct to the best of their knowledge and that submission of false  
19 or misleading information may be prosecuted as a crime.

20 (d) An applicant, provisional licensee, or licensee shall maintain,  
21 submit, and sign financial documents to verify the legitimacy and  
22 accuracy of these documents. These documents include, but are  
23 not limited to, the group home or short-term residential treatment  
24 center application, any financial documents and plans of corrections  
25 submitted to the department, and timesheets.

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

30 (2) The representatives on the board of directors or the  
31 community advisory board members should consist of at least the  
32 following persons:

- 33 (A) A member of the facility’s board of directors.
- 34 (B) Members of the community where the facility is located.
- 35 (C) Neighbors of the facility.
- 36 (D) Current or former clients of the facility.
- 37 (E) A representative from a local law enforcement or other city  
38 or county representative.

39 (f) Each group home or short-term residential treatment center  
40 provider shall schedule and conduct quarterly meetings of its board

1 of directors or governing body. During these quarterly meetings,  
2 the board of directors or governing body shall review and discuss  
3 licensing reports, financial and program audit reports of its group  
4 home or short-term residential treatment center operations, special  
5 incident reports, and any administrative action against the licensee  
6 or its employees. The minutes shall reflect the board's or governing  
7 body's discussion of these documents and the group home's or  
8 short-term residential treatment center's operation. The licensee  
9 shall make available the minutes of group home's or short-term  
10 residential treatment center's board of directors or governing body  
11 meetings to the department.

12 *SEC. 16. Section 1522.44 of the Health and Safety Code is*  
13 *amended to read:*

14 1522.44. (a) It is the policy of the state that caregivers of  
15 children in foster care possess knowledge and skills relating to the  
16 reasonable and prudent parent standard, as defined in subdivision  
17 (c) of Section 362.05 of the Welfare and Institutions Code.

18 (b) Except for licensed foster family ~~homes and homes~~, certified  
19 family homes, *and resource families licensed by foster family*  
20 *agencies*, each licensed community care facility that provides care  
21 and supervision to children and operates with staff shall designate  
22 at least one onsite staff member to apply the reasonable and prudent  
23 parent standard to decisions involving the participation of a child  
24 who is placed in the facility in age or developmentally appropriate  
25 activities in accordance with the requirements of Section 362.05  
26 of the Welfare and Institutions Code, Section 671(a)(10) of Title  
27 42 of the United States Code, and the regulations adopted by the  
28 department pursuant to this chapter.

29 (c) A licensed and certified foster ~~parent~~ *parent, resource family,*  
30 *or facility staff member*, as described in subdivision (b), shall  
31 receive training related to the reasonable and prudent parent  
32 standard that is consistent with Section 671(a)(24) of Title 42 of  
33 the United States Code. This training shall include knowledge and  
34 skills relating to the reasonable and prudent parent standard for  
35 the participation of the child in age or developmentally appropriate  
36 activities, including knowledge and skills relating to the  
37 developmental stages of the cognitive, emotional, physical, and  
38 behavioral capacities of a child, and knowledge and skills relating  
39 to applying the standard to decisions such as whether to allow the  
40 child to engage in extracurricular, enrichment, cultural, and social

1 activities, including sports, field trips, and overnight activities  
2 lasting one or more days, and to decisions involving the signing  
3 of permission slips and arranging of transportation for the child to  
4 and from extracurricular, enrichment, and social activities.

5 (d) This section does not apply to runaway and homeless youth  
6 shelters as defined in paragraph (14) of subdivision (a) of Section  
7 1502.

8 *SEC. 17. Section 1523.1 of the Health and Safety Code is*  
9 *amended to read:*

10 1523.1. (a) (1) An application fee adjusted by facility and  
11 capacity shall be charged by the department for the issuance of a  
12 license. After initial licensure, a fee shall be charged by the  
13 department annually on each anniversary of the effective date of  
14 the license. The fees are for the purpose of financing the activities  
15 specified in this chapter. Fees shall be assessed as follows, subject  
16 to paragraph (2):

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	Fee Schedule			
			Initial	
Facility Type	Capacity		Application	Annual
Foster Family and Adoption Agencies			\$3,025	\$1,513
Adult Day Programs	1-15		\$182	\$91
	16-30		\$303	\$152
	31-60		\$605	\$303
	61-75		\$758	\$378
	76-90		\$908	\$454
	91-120		\$1,210	\$605
	121+		\$1,513	\$757
Other Community Care Facilities	1-3		\$454	\$454
	4-6		\$908	\$454
	7-15		\$1,363	\$681
	16-30		\$1,815	\$908
	31-49		\$2,270	\$1,135
	50-74		\$2,725	\$1,363
	75-100		\$3,180	\$1,590
	101-150		\$3,634	\$1,817
151-200		\$4,237	\$2,119	
201-250		\$4,840	\$2,420	

1	251–300	\$5,445	\$2,723
2	301–350	\$6,050	\$3,025
3	351–400	\$6,655	\$3,328
4	401–500	\$7,865	\$3,933
5	501–600	\$9,075	\$4,538
6	601–700	\$10,285	\$5,143
7	701+	\$12,100	\$6,050

8  
9 (2) (A) The Legislature finds that all revenues generated by  
10 fees for licenses computed under this section and used for the  
11 purposes for which they were imposed are not subject to Article  
12 XIII B of the California Constitution.

13 (B) The department, at least every five years, shall analyze  
14 initial application fees and annual fees issued by it to ensure the  
15 appropriate fee amounts are charged. The department shall  
16 recommend to the Legislature that fees established by the  
17 Legislature be adjusted as necessary to ensure that the amounts  
18 are appropriate.

19 (b) (1) In addition to fees set forth in subdivision (a), the  
20 department shall charge the following fees:

21 (A) A fee that represents 50 percent of an established application  
22 fee when an existing licensee moves the facility to a new physical  
23 address.

24 (B) A fee that represents 50 percent of the established  
25 application fee when a corporate licensee changes who has the  
26 authority to select a majority of the board of directors.

27 (C) A fee of twenty-five dollars (\$25) when an existing licensee  
28 seeks to either increase or decrease the licensed capacity of the  
29 facility.

30 (D) An orientation fee of fifty dollars (\$50) for attendance by  
31 any individual at a department-sponsored orientation session.

32 (E) A probation monitoring fee equal to the current annual fee,  
33 in addition to the current annual fee for that category and capacity  
34 for each year a license has been placed on probation as a result of  
35 a stipulation or decision and order pursuant to the administrative  
36 adjudication procedures of the Administrative Procedure Act  
37 (Chapter 4.5 (commencing with Section 11400) and Chapter 5  
38 (commencing with Section 11500) of Part 1 of Division 3 of Title  
39 2 of the Government Code).

1 (F) A late fee that represents an additional 50 percent of the  
2 established current annual fee when any licensee fails to pay the  
3 current annual licensing fee on or before the due date as indicated  
4 by postmark on the payment.

5 (G) A fee to cover any costs incurred by the department for  
6 processing payments including, but not limited to, bounced check  
7 charges, charges for credit and debit transactions, and postage due  
8 charges.

9 (H) A plan of correction fee of two hundred dollars (\$200) when  
10 any licensee does not implement a plan of correction on or prior  
11 to the date specified in the plan.

12 (2) Foster family homes *and resource family homes approved*  
13 *by a foster family agency* shall be exempt from the fees imposed  
14 pursuant to this subdivision.

15 (3) Foster family agencies shall be annually assessed  
16 eighty-eight dollars (\$88) for each *certified family home and*  
17 *resource family certified or approved* by the agency.

18 (4) No local jurisdiction shall impose any business license, fee,  
19 or tax for the privilege of operating a facility licensed under this  
20 chapter which serves six or fewer persons.

21 (c) (1) The revenues collected from licensing fees pursuant to  
22 this section shall be utilized by the department for the purpose of  
23 ensuring the health and safety of all individuals provided care and  
24 supervision by licensees and to support activities of the licensing  
25 program, including, but not limited to, monitoring facilities for  
26 compliance with licensing laws and regulations pursuant to this  
27 chapter, and other administrative activities in support of the  
28 licensing program, when appropriated for these purposes. The  
29 revenues collected shall be used in addition to any other funds  
30 appropriated in the Budget Act in support of the licensing program.  
31 The department shall adjust the fees collected pursuant to this  
32 section as necessary to ensure that they do not exceed the costs  
33 described in this paragraph.

34 (2) The department shall not utilize any portion of these revenues  
35 sooner than 30 days after notification in writing of the purpose  
36 and use of this revenue, as approved by the Director of Finance,  
37 to the Chairperson of the Joint Legislative Budget Committee, and  
38 the chairpersons of the committee in each house that considers  
39 appropriations for each fiscal year. The department shall submit

1 a budget change proposal to justify any positions or any other  
2 related support costs on an ongoing basis.

3 (d) A facility may use a bona fide business check to pay the  
4 license fee required under this section.

5 (e) The failure of an applicant or licensee to pay all applicable  
6 and accrued fees and civil penalties shall constitute grounds for  
7 denial or forfeiture of a license.

8 ~~SEC. 8.~~

9 *SEC. 18.* Section 1525.5 of the Health and Safety Code is  
10 amended to read:

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

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

29 *SEC. 19.* Section 1536 of the Health and Safety Code is  
30 amended to read:

31 1536. (a) (1) At least annually, the department shall publish  
32 and make available to interested persons a list or lists covering all  
33 licensed community care facilities, ~~other than foster family homes~~  
34 ~~and certified family homes of foster family agencies providing~~  
35 ~~24-hour care for six or fewer foster children,~~ *facilities* and the  
36 services for which each facility has been licensed or issued a special  
37 permit.

38 (2) For a group home, transitional housing placement provider,  
39 community treatment facility, runaway and homeless youth shelter,

1 or short-term residential treatment center, the list shall include  
2 both of the following:

3 (A) The number of licensing complaints, types of complaint,  
4 and outcomes of complaints, including citations, fines, exclusion  
5 orders, license suspensions, revocations, and surrenders.

6 (B) The number, types, and outcomes of law enforcement  
7 contacts made by the facility staff or children, as reported pursuant  
8 to subdivision (a) of Section 1538.7.

9 *(3) This subdivision does not apply to foster family homes or*  
10 *the certified family homes or resource families of foster family*  
11 *agencies.*

12 (b) Subject to subdivision (c), ~~to encourage the recruitment of~~  
13 ~~foster family homes and certified family homes of foster family~~  
14 ~~agencies, protect their personal privacy, protect the personal~~  
15 ~~privacy of foster family homes and the certified family homes and~~  
16 ~~resource families of foster family agencies, and to preserve the~~  
17 security and confidentiality of the placements in the homes, the  
18 names, addresses, and other identifying information of facilities  
19 licensed as foster family homes and certified family homes *and*  
20 *resource families* of foster family agencies ~~providing 24-hour care~~  
21 ~~for six or fewer children~~ shall be considered personal information  
22 for purposes of the Information Practices Act of 1977 (Chapter 1  
23 (commencing with Section 1798) of Title 1.8 of Part 4 of Division  
24 3 of the Civil Code). This information shall not be disclosed by  
25 any state or local agency pursuant to the California Public Records  
26 Act (Chapter 3.5 (commencing with Section 6250) of Division 7  
27 of Title 1 of the Government Code), except as necessary for  
28 administering the licensing program, facilitating the placement of  
29 children in these facilities, and providing names and addresses,  
30 upon request, only to bona fide professional foster parent  
31 organizations and to professional organizations educating foster  
32 parents, including the Foster and Kinship Care Education Program  
33 of the California Community Colleges.

34 (c) (1) Notwithstanding subdivision (b), the department, a  
35 county, or a foster family agency may request information from,  
36 or divulge information to, the department, a county, or a foster  
37 family agency, regarding a prospective certified parent, foster  
38 parent, or relative caregiver for the purpose of, and as necessary  
39 to, conduct a reference check to determine whether it is safe and

1 appropriate to license, certify, or approve an applicant to be a  
2 certified parent, foster parent, or relative caregiver.

3 (2) *This subdivision shall apply only to applications received*  
4 *on or before December 31, 2016, in accordance with Section 1517*  
5 *or 1517.1 of this code or Section 16519.5 of the Welfare and*  
6 *Institutions Code.*

7 (d) The department may issue a citation and, after the issuance  
8 of that citation, may assess a civil penalty of fifty dollars (\$50) per  
9 day for each instance of a foster family agency's failure to provide  
10 the department with ~~the information required by subdivision (h)~~  
11 ~~of Section 88061 of Title 22 of the California Code of Regulations:~~  
12 *a log of certified and decertified homes or a log of resource*  
13 *families that were approved or had approval rescinded during the*  
14 *month by the 10th day of the following month.*

15 (e) The Legislature encourages the department, when funds are  
16 available for this purpose, to develop a database that would include  
17 all of the following information:

18 (1) Monthly reports by a foster family agency regarding ~~family~~  
19 ~~homes:~~ *certified family homes and resource families.*

20 (2) A log of ~~family homes certified and decertified,~~ *certified*  
21 *and decertified family homes, approved resource families, and*  
22 *resource families for which approval was rescinded,* provided by  
23 a foster family agency to the department.

24 (3) Notification by a foster family agency to the department  
25 informing the department of a foster family agency's determination  
26 to decertify a certified family home *or rescind the approval of a*  
27 *resource family* due to any of the following actions by the certified  
28 ~~family parent:~~ *parent or resource family:*

29 (A) Violating licensing rules and regulations.

30 (B) Aiding, abetting, or permitting the violation of licensing  
31 rules and regulations.

32 (C) Conducting oneself in a way that is inimical to the health,  
33 morals, welfare, or safety of a child placed in that certified family  
34 ~~home:~~ *home, or for a resource family, engaging in conduct that*  
35 *poses a risk or threat to the health and safety, protection, or*  
36 *well-being of a child or nonminor dependent.*

37 (D) Being convicted of a crime while a certified family ~~parent:~~  
38 *parent or resource family.*

39 (E) Knowingly allowing any child to have illegal drugs or  
40 alcohol.

1 (F) Committing an act of child abuse or neglect or an act of  
2 violence against another person.

3 (f) At least annually, the department shall post on its Internet  
4 Web site a statewide summary of the information gathered pursuant  
5 to Sections 1538.8 and 1538.9. The summary shall include only  
6 deidentified and aggregate information that does not violate the  
7 confidentiality of a child's identity and records.

8 *SEC. 20. Section 1538.8 of the Health and Safety Code is*  
9 *amended to read:*

10 1538.8. (a) (1) In order to review and evaluate the use of  
11 psychotropic medications in group ~~homes~~, *homes and short-term*  
12 *residential treatment centers*, the department shall compile, to the  
13 extent feasible and not otherwise prohibited by law and based on  
14 information received from the State Department of Health Care  
15 Services, at least annually, information concerning each group  
16 ~~home~~, *home and short-term residential treatment center*, including,  
17 but not limited to, the child welfare psychotropic medication  
18 measures developed by the department and the following  
19 Healthcare Effectiveness Data and Information Set (HEDIS)  
20 measures related to psychotropic medications:

21 (A) Follow-Up Care for Children Prescribed Attention Deficit  
22 Hyperactivity Disorder Medication (HEDIS ADD), which measures  
23 the number of children 6 to 12 years of age, inclusive, who have  
24 a visit with a provider with prescribing authority within 30 days  
25 of the new prescription.

26 (B) Use of Multiple Concurrent Antipsychotics in Children and  
27 Adolescents (HEDIS APC), which does both of the following:

28 (i) Measures the number of children receiving an antipsychotic  
29 medication for at least 60 out of 90 days and the number of children  
30 who additionally receive a second antipsychotic medication that  
31 overlaps with the first.

32 (ii) Reports a total rate and age stratifications including 6 to 11  
33 years of age, inclusive, and 12 to 17 years of age, inclusive.

34 (C) Use of First-Line Psychosocial Care for Children and  
35 Adolescents on Antipsychotics (HEDIS APP), which measures  
36 whether a child has received psychosocial services 90 days before  
37 through 30 days after receiving a new prescription for an  
38 antipsychotic medication.

39 (D) Metabolic Monitoring for Children and Adolescents on  
40 Antipsychotics (HEDIS APM), which does both of the following:

1 (i) Measures testing for glucose or HbA1c and lipid or  
2 cholesterol of a child who has received at least two different  
3 antipsychotic prescriptions on different days.

4 (ii) Reports a total rate and age stratifications including 6 to 11  
5 years of age, inclusive, and 12 to 17 years of age, inclusive.

6 (2) The department shall post the list of data to be collected  
7 pursuant to this subdivision on the department's Internet Web site.

8 (b) The data in subdivision (a) concerning psychotropic  
9 medication, mental health services, and placement shall be drawn  
10 from existing data maintained by the State Department of Health  
11 Care Services and the State Department of Social Services and  
12 shared pursuant to a data sharing agreement meeting the  
13 requirements of all applicable state and federal laws and  
14 regulations.

15 (c) This section does not apply to a runaway and homeless youth  
16 shelter, as defined in Section 1502.

17 *SEC. 21. Section 1538.9 of the Health and Safety Code is*  
18 *amended to read:*

19 1538.9. (a) (1) (A) The department shall consult with the  
20 State Department of Health Care Services and stakeholders to  
21 establish a methodology for identifying those group homes  
22 providing care under the AFDC-FC program pursuant to Sections  
23 11460 and 11462 of the Welfare and Institutions Code that have  
24 levels of psychotropic drug utilization warranting additional review.  
25 The methodology shall be adopted on or before July 1, 2016.

26 (B) Every three years after adopting the methodology developed  
27 under subparagraph (A), or earlier if needed, the department shall  
28 consult with the State Department of Health Care Services and  
29 stakeholders and revise the methodology, if necessary.

30 (2) If the department, applying the methodology described in  
31 paragraph (1), determines that a facility appears to have levels of  
32 psychotropic drug utilization warranting additional review, it shall  
33 inspect the facility at least once a year.

34 (3) The inspection of the facility shall include, but not be limited  
35 to, a review of the following:

36 (A) Plan of operation, policies, procedures, and practices.

37 (B) Child-to-staff ratios.

38 (C) Staff qualifications and training.

39 (D) Implementation of children's needs and services plan.

1 (E) Availability of psychosocial and other alternative treatments  
2 to the use of psychotropic medications.

3 (F) Other factors that the department determines contribute to  
4 levels of psychotropic drug utilization that warrant additional  
5 review.

6 (G) Confidential interviews of children residing in the facility  
7 at the time of the inspection.

8 (4) The inspection of the facility may include, but is not limited  
9 to, the following:

10 (A) Confidential interviews of children who resided in the  
11 facility within the last six months.

12 (B) Confidential discussions with physicians identified as  
13 prescribing the medications.

14 (b) Following an inspection conducted pursuant to this section,  
15 the department, as it deems appropriate, may do either or both of  
16 the following:

17 (1) Share relevant information and observations with county  
18 placing agencies, social workers, probation officers, the court,  
19 dependency counsel, or the Medical Board of California, as  
20 applicable.

21 (2) Share relevant information and observations with the facility  
22 and require the facility to submit a plan, within 30 days of receiving  
23 the information and observations from the department, to address  
24 any identified risks within the control of the facility related to  
25 psychotropic medication. The department shall approve the plan  
26 and verify implementation of the plan to determine whether those  
27 risks have been remedied.

28 (c) (1) Notwithstanding the rulemaking provisions of the  
29 Administrative Procedure Act (Chapter 3.5 (commencing with  
30 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
31 Code), until emergency regulations are filed with the Secretary of  
32 State, the department may implement this section through  
33 all-county letters or similar instructions.

34 (2) On or before January 1, 2017, the department shall adopt  
35 regulations to implement this section. The initial adoption,  
36 amendment, or repeal of a regulation authorized by this subdivision  
37 is deemed to address an emergency, for purposes of Sections  
38 11346.1 and 11349.6 of the Government Code, and the department  
39 is hereby exempted for that purpose from the requirements of  
40 subdivision (b) of Section 11346.1 of the Government Code. After

1 the initial adoption, amendment, or repeal of an emergency  
2 regulation pursuant to this section, the department may twice  
3 request approval from the Office of Administrative Law to readopt  
4 the regulation as an emergency regulation pursuant to Section  
5 11346.1 of the Government Code. The department shall adopt final  
6 regulations on or before January 1, 2018.

7 (d) Nothing in this section does any of the following:

8 (1) Replaces or alters other requirements for responding to  
9 complaints and making inspections or visits to group homes,  
10 including, but not limited to, those set forth in Sections 1534 and  
11 1538.

12 (2) Prevents or precludes the department from taking any other  
13 action permitted under any other law, including any regulation  
14 adopted pursuant to this chapter.

15 (e) *The methodology developed pursuant to this section shall*  
16 *apply to short-term residential treatment centers, as defined in*  
17 *Section 1502, in a manner determined by the department.*

18 (e)

19 (f) This section does not apply to a runaway and homeless youth  
20 shelter, as defined in Section 1502.

21 ~~SEC. 9.~~

22 *SEC. 22.* Section 1562.01 of the Health and Safety Code is  
23 amended to read:

24 1562.01. (a) The department shall license short-term residential  
25 treatment centers, as defined in paragraph (18) of subdivision (a)  
26 of Section 1502, pursuant to this chapter. A short-term residential  
27 treatment center shall comply with all requirements of this chapter  
28 that are applicable to group homes and to the requirements of this  
29 section.

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

34 (2) A short-term residential treatment center applicant shall  
35 submit documentation of accreditation or application for  
36 accreditation with its application for licensure.

37 (3) A short-term residential treatment center shall have up to  
38 24 months from the date of licensure to obtain accreditation.

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

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

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

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

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

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

19 (A) A statement of purposes and goals.

20 (B) A plan for the supervision, evaluation, and training of staff.  
21 The training plan shall be appropriate to meet the needs of staff  
22 and children.

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

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

27 (ii) Description of the core services, as set forth in paragraph  
28 (1) of subdivision (b) of Section 11462 of the Welfare and  
29 Institutions Code, to be offered to children and their families, as  
30 appropriate or necessary.

31 (iii) Procedures for the development, implementation, and  
32 periodic updating of the needs and services plan for children served  
33 by the short-term residential treatment center and procedures for  
34 collaborating with the child and family team described in paragraph  
35 (4) of subdivision (a) of Section 16501 of the Welfare and  
36 Institutions Code, that include, but are not limited to, a description  
37 of the services to be provided to meet the treatment needs of the  
38 child as assessed, pursuant to subdivision (d) or (e) of Section  
39 11462.01 of the Welfare and Institutions Code, the anticipated

1 duration of the treatment, and the timeframe and plan for  
2 transitioning the child to a less restrictive family environment.

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

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

6 (e) In addition to the rules and regulations adopted pursuant to  
7 this chapter, a county licensed to operate a short-term residential  
8 treatment center shall describe, in the plan of operation, its conflict  
9 of interest mitigation plan, as set forth in subdivision (g) of Section  
10 11462.02 of the Welfare and Institutions Code.

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

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

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

27 (A) Staff classifications.

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

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

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

37 (1) Timeframes for completion of training, including the  
38 following:

39 (A) Training that shall be completed prior to unsupervised care  
40 of children.

- 1 (B) Training to be completed within the first 180 days of  
2 employment.
- 3 (C) Training to be completed annually.
- 4 (2) Topics to be covered in the training shall include, but are  
5 not limited to, the following:
- 6 (A) Child and adolescent development, including sexual  
7 orientation, gender identity, and gender expression.
- 8 (B) The effects of trauma, including grief and loss, and child  
9 abuse and neglect on child development and behavior and methods  
10 to behaviorally support children impacted by that trauma or child  
11 abuse and neglect.
- 12 (C) The rights of a child in foster care, including the right to  
13 have fair and equal access to all available services, placement,  
14 care, treatment, and benefits, and to not be subjected to  
15 discrimination or harassment on the basis of actual or perceived  
16 race, ethnic group identification, ancestry, national origin, color,  
17 religion, sex, sexual orientation, gender identity, mental or physical  
18 disability, or HIV status.
- 19 (D) Positive discipline and the importance of self-esteem.
- 20 (E) Core practice model.
- 21 (F) An overview of the child welfare and probation systems.
- 22 (G) Reasonable and prudent parent standard.
- 23 (H) Instruction on cultural competency and sensitivity and  
24 related best practices for providing adequate care for children  
25 across diverse ethnic and racial backgrounds, as well as children  
26 identifying as lesbian, gay, bisexual, or transgender.
- 27 (I) Awareness and identification of commercial sexual  
28 exploitation and best practices for providing care and supervision  
29 to commercially sexually exploited children.
- 30 (J) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901  
31 et seq.), its historical significance, the rights of children covered  
32 by the act, and the best interests of Indian children, including the  
33 role of the caregiver in supporting culturally appropriate child  
34 centered practices that respect Native American history, culture,  
35 retention of tribal membership, and connection to the tribal  
36 community and traditions.
- 37 (K) Permanence, well-being, and educational needs of children.
- 38 (L) Basic instruction on existing laws and procedures regarding  
39 the safety of foster youth at school; and ensuring a harassment and  
40 violence free school environment pursuant to Article 3.6

1 (commencing with Section 32228) of Chapter 2 of Part 19 of  
2 Division 1 of Title 1 of the Education Code.

3 (M) Best practices for providing care and supervision to  
4 nonminor dependents.

5 (N) Health issues in foster care.

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

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

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

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

23 (k) A short-term residential treatment center shall have a  
24 qualified and certified administrator, as set forth in Section  
25 1522.41.

26 (l) The department shall have the authority to inspect a  
27 short-term residential treatment center pursuant to the system of  
28 governmental monitoring and oversight developed by the  
29 department pursuant to subdivision (c) of Section 11462 of the  
30 Welfare and Institutions Code.

31 *SEC. 23. Section 11165.7 of the Penal Code is amended to*  
32 *read:*

33 11165.7. (a) As used in this article, “mandated reporter” is  
34 defined as any of the following:

35 (1) A teacher.

36 (2) An instructional aide.

37 (3) A teacher’s aide or teacher’s assistant employed by a public  
38 or private school.

39 (4) A classified employee of a public school.

- 1 (5) An administrative officer or supervisor of child welfare and  
2 attendance, or a certificated pupil personnel employee of a public  
3 or private school.
- 4 (6) An administrator of a public or private day camp.
- 5 (7) An administrator or employee of a public or private youth  
6 center, youth recreation program, or youth organization.
- 7 (8) An administrator or employee of a public or private  
8 organization whose duties require direct contact and supervision  
9 of children.
- 10 (9) An employee of a county office of education or the State  
11 Department of Education whose duties bring the employee into  
12 contact with children on a regular basis.
- 13 (10) A licensee, an administrator, or an employee of a licensed  
14 community care or child day care facility.
- 15 (11) A Head Start program teacher.
- 16 (12) A licensing worker or licensing evaluator employed by a  
17 licensing agency, as defined in Section 11165.11.
- 18 (13) A public assistance worker.
- 19 (14) An employee of a child care institution, including, but not  
20 limited to, foster parents, group home personnel, and personnel of  
21 residential care facilities.
- 22 (15) A social worker, probation officer, or parole officer.
- 23 (16) An employee of a school district police or security  
24 department.
- 25 (17) A person who is an administrator or presenter of, or a  
26 counselor in, a child abuse prevention program in a public or  
27 private school.
- 28 (18) A district attorney investigator, inspector, or local child  
29 support agency caseworker, unless the investigator, inspector, or  
30 caseworker is working with an attorney appointed pursuant to  
31 Section 317 of the Welfare and Institutions Code to represent a  
32 minor.
- 33 (19) A peace officer, as defined in Chapter 4.5 (commencing  
34 with Section 830) of Title 3 of Part 2, who is not otherwise  
35 described in this section.
- 36 (20) A firefighter, except for volunteer firefighters.
- 37 (21) A physician and surgeon, psychiatrist, psychologist, dentist,  
38 resident, intern, podiatrist, chiropractor, licensed nurse, dental  
39 hygienist, optometrist, marriage and family therapist, clinical social  
40 worker, professional clinical counselor, or any other person who

1 is currently licensed under Division 2 (commencing with Section  
2 500) of the Business and Professions Code.

3 (22) An emergency medical technician I or II, paramedic, or  
4 other person certified pursuant to Division 2.5 (commencing with  
5 Section 1797) of the Health and Safety Code.

6 (23) A psychological assistant registered pursuant to Section  
7 2913 of the Business and Professions Code.

8 (24) A marriage and family therapist trainee, as defined in  
9 subdivision (c) of Section 4980.03 of the Business and Professions  
10 Code.

11 (25) An unlicensed marriage and family therapist intern  
12 registered under Section 4980.44 of the Business and Professions  
13 Code.

14 (26) A state or county public health employee who treats a minor  
15 for venereal disease or any other condition.

16 (27) A coroner.

17 (28) A medical examiner or other person who performs  
18 autopsies.

19 (29) A commercial film and photographic print or image  
20 processor as specified in subdivision (e) of Section 11166. As used  
21 in this article, “commercial film and photographic print or image  
22 processor” means a person who develops exposed photographic  
23 film into negatives, slides, or prints, or who makes prints from  
24 negatives or slides, or who prepares, publishes, produces, develops,  
25 duplicates, or prints any representation of information, data, or an  
26 image, including, but not limited to, any film, filmstrip, photograph,  
27 negative, slide, photocopy, videotape, video laser disc, computer  
28 hardware, computer software, computer floppy disk, data storage  
29 medium, CD-ROM, computer-generated equipment, or  
30 computer-generated image, for compensation. The term includes  
31 any employee of that person; it does not include a person who  
32 develops film or makes prints or images for a public agency.

33 (30) A child visitation monitor. As used in this article, “child  
34 visitation monitor” means a person who, for financial  
35 compensation, acts as a monitor of a visit between a child and  
36 another person when the monitoring of that visit has been ordered  
37 by a court of law.

38 (31) An animal control officer or humane society officer. For  
39 the purposes of this article, the following terms have the following  
40 meanings:

1 (A) “Animal control officer” means a person employed by a  
2 city, county, or city and county for the purpose of enforcing animal  
3 control laws or regulations.

4 (B) “Humane society officer” means a person appointed or  
5 employed by a public or private entity as a humane officer who is  
6 qualified pursuant to Section 14502 or 14503 of the Corporations  
7 Code.

8 (32) A clergy member, as specified in subdivision (d) of Section  
9 11166. As used in this article, “clergy member” means a priest,  
10 minister, rabbi, religious practitioner, or similar functionary of a  
11 church, temple, or recognized denomination or organization.

12 (33) Any custodian of records of a clergy member, as specified  
13 in this section and subdivision (d) of Section 11166.

14 (34) An employee of any police department, county sheriff’s  
15 department, county probation department, or county welfare  
16 department.

17 (35) An employee or volunteer of a Court Appointed Special  
18 Advocate program, as defined in Rule 5.655 of the California Rules  
19 of Court.

20 (36) A custodial officer, as defined in Section 831.5.

21 (37) A person providing services to a minor child under Section  
22 12300 or 12300.1 of the Welfare and Institutions Code.

23 (38) An alcohol and drug counselor. As used in this article, an  
24 “alcohol and drug counselor” is a person providing counseling,  
25 therapy, or other clinical services for a state licensed or certified  
26 drug, alcohol, or drug and alcohol treatment program. However,  
27 alcohol or drug abuse, or both alcohol and drug abuse, is not, in  
28 and of itself, a sufficient basis for reporting child abuse or neglect.

29 (39) A clinical counselor trainee, as defined in subdivision (g)  
30 of Section 4999.12 of the Business and Professions Code.

31 (40) A clinical counselor intern registered under Section 4999.42  
32 of the Business and Professions Code.

33 (41) An employee or administrator of a public or private  
34 postsecondary educational institution, whose duties bring the  
35 administrator or employee into contact with children on a regular  
36 basis, or who supervises those whose duties bring the administrator  
37 or employee into contact with children on a regular basis, as to  
38 child abuse or neglect occurring on that institution’s premises or  
39 at an official activity of, or program conducted by, the institution.  
40 Nothing in this paragraph shall be construed as altering the

1 lawyer-client privilege as set forth in Article 3 (commencing with  
2 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

3 (42) An athletic coach, athletic administrator, or athletic director  
4 employed by any public or private school that provides any  
5 combination of instruction for kindergarten, or grades 1 to 12,  
6 inclusive.

7 (43) (A) A commercial computer technician as specified in  
8 subdivision (e) of Section 11166. As used in this article,  
9 “commercial computer technician” means a person who works for  
10 a company that is in the business of repairing, installing, or  
11 otherwise servicing a computer or computer component, including,  
12 but not limited to, a computer part, device, memory storage or  
13 recording mechanism, auxiliary storage recording or memory  
14 capacity, or any other material relating to the operation and  
15 maintenance of a computer or computer network system, for a fee.  
16 An employer who provides an electronic communications service  
17 or a remote computing service to the public shall be deemed to  
18 comply with this article if that employer complies with Section  
19 2258A of Title 18 of the United States Code.

20 (B) An employer of a commercial computer technician may  
21 implement internal procedures for facilitating reporting consistent  
22 with this article. These procedures may direct employees who are  
23 mandated reporters under this paragraph to report materials  
24 described in subdivision (e) of Section 11166 to an employee who  
25 is designated by the employer to receive the reports. An employee  
26 who is designated to receive reports under this subparagraph shall  
27 be a commercial computer technician for purposes of this article.  
28 A commercial computer technician who makes a report to the  
29 designated employee pursuant to this subparagraph shall be deemed  
30 to have complied with the requirements of this article and shall be  
31 subject to the protections afforded to mandated reporters, including,  
32 but not limited to, those protections afforded by Section 11172.

33 (44) Any athletic coach, including, but not limited to, an  
34 assistant coach or a graduate assistant involved in coaching, at  
35 public or private postsecondary educational institutions.

36 (45) *An individual certified by a licensed foster family agency*  
37 *as a certified family home, as defined in Section 1506 of the Health*  
38 *and Safety Code.*

1     (46) *An individual approved as a resource family, as defined*  
2 *in Section 1517 of the Health and Safety Code and Section 16519.5*  
3 *of the Welfare and Institutions Code.*

4     (b) Except as provided in paragraph (35) of subdivision (a),  
5 volunteers of public or private organizations whose duties require  
6 direct contact with and supervision of children are not mandated  
7 reporters but are encouraged to obtain training in the identification  
8 and reporting of child abuse and neglect and are further encouraged  
9 to report known or suspected instances of child abuse or neglect  
10 to an agency specified in Section 11165.9.

11     (c) Except as provided in subdivision (d), employers are strongly  
12 encouraged to provide their employees who are mandated reporters  
13 with training in the duties imposed by this article. This training  
14 shall include training in child abuse and neglect identification and  
15 training in child abuse and neglect reporting. Whether or not  
16 employers provide their employees with training in child abuse  
17 and neglect identification and reporting, the employers shall  
18 provide their employees who are mandated reporters with the  
19 statement required pursuant to subdivision (a) of Section 11166.5.

20     (d) Pursuant to Section 44691 of the Education Code, school  
21 districts, county offices of education, state special schools and  
22 diagnostic centers operated by the State Department of Education,  
23 and charter schools shall annually train their employees and persons  
24 working on their behalf specified in subdivision (a) in the duties  
25 of mandated reporters under the child abuse reporting laws. The  
26 training shall include, but not necessarily be limited to, training in  
27 child abuse and neglect identification and child abuse and neglect  
28 reporting.

29     (e) (1) On and after January 1, 2018, pursuant to Section  
30 1596.8662 of the Health and Safety Code, a child care licensee  
31 applicant shall take training in the duties of mandated reporters  
32 under the child abuse reporting laws as a condition of licensure,  
33 and a child care administrator or an employee of a licensed child  
34 day care facility shall take training in the duties of mandated  
35 reporters during the first 90 days when he or she is employed by  
36 the facility.

37     (2) A person specified in paragraph (1) who becomes a licensee,  
38 administrator, or employee of a licensed child day care facility  
39 shall take renewal mandated reporter training every two years  
40 following the date on which he or she completed the initial

1 mandated reporter training. The training shall include, but not  
2 necessarily be limited to, training in child abuse and neglect  
3 identification and child abuse and neglect reporting.

4 (f) Unless otherwise specifically provided, the absence of  
5 training shall not excuse a mandated reporter from the duties  
6 imposed by this article.

7 (g) Public and private organizations are encouraged to provide  
8 their volunteers whose duties require direct contact with and  
9 supervision of children with training in the identification and  
10 reporting of child abuse and neglect.

11 *SEC. 24. Section 1541 of the Probate Code is amended to read:*

12 1541. In addition to the other required contents of the petition  
13 for appointment of a guardian, the petition shall include both of  
14 the following:

15 (a) A statement by the proposed guardian that, upon request by  
16 an agency referred to in Section 1543 for information relating to  
17 the investigation referred to in that section, the proposed guardian  
18 will promptly submit the information required.

19 (b) A disclosure of any petition for adoption by the proposed  
20 guardian of the minor who is the subject of the guardianship  
21 petition regardless of when or where filed.

22 (c) A statement whether or not the home of the proposed  
23 guardian is ~~licensed as a foster family home~~; *a licensed foster*  
24 *family home, a certified family home of a licensed foster family*  
25 *agency, or a resource family home approved by a county or a*  
26 *licensed foster family agency.*

27 *SEC. 25. Section 1543 of the Probate Code is amended to read:*

28 1543. (a) If the petition as filed or as amended states that an  
29 adoption petition has been filed, a report with respect to the  
30 suitability of the proposed guardian for guardianship shall be filed  
31 with the court by the agency investigating the adoption. In other  
32 cases, the local agency designated by the board of supervisors to  
33 provide public social services shall file a report with the court with  
34 respect to the proposed guardian of the same character required to  
35 be made with regard to an applicant for foster family home  
36 ~~licensure~~; *licensure, or, on and after January 1, 2020, resource*  
37 *family approval, as described in Section 16519.5 of the Welfare*  
38 *and Institutions Code.*

39 (b) The report filed with the court pursuant to this section is  
40 confidential. The report may be considered by the court and shall

1 be made available only to the persons who have been served in  
 2 the proceeding and the persons who have appeared in the  
 3 proceeding or their attorneys. The report may be received in  
 4 evidence upon stipulation of counsel for all ~~such~~ *of those* persons  
 5 who are present at the hearing or, if ~~such~~ *a* person is present at the  
 6 hearing but is not represented by counsel, upon consent of ~~such~~  
 7 *that* person.

8 *SEC. 26. Section 291 of the Welfare and Institutions Code, as*  
 9 *amended by Section 5 of Chapter 219 of the Statutes of 2015, is*  
 10 *amended to read:*

11 291. After the initial petition hearing, the clerk of the court  
 12 shall cause the notice to be served in the following manner:

13 (a) Notice of the hearing shall be given to the following persons:

- 14 (1) The mother.
- 15 (2) The father or fathers, presumed and alleged.
- 16 (3) The legal guardian or guardians.
- 17 (4) The child, if the child is 10 years of age or older.

18 (5) Any known sibling of the child who is the subject of the  
 19 hearing if that sibling either is the subject of a dependency  
 20 proceeding or has been adjudged to be a dependent child of the  
 21 juvenile court. If the sibling is 10 years of age or older, the sibling,  
 22 the sibling’s caregiver, and the sibling’s attorney. If the sibling is  
 23 under 10 years of age, the sibling’s caregiver and the sibling’s  
 24 attorney. However, notice is not required to be given to any sibling  
 25 whose matter is calendared in the same court on the same day.

26 (6) Each attorney of record unless counsel of record is present  
 27 in court when the hearing is scheduled, then no further notice need  
 28 be given.

29 (7) If there is no parent or guardian residing in California, or if  
 30 the residence is unknown, then to any adult relative residing within  
 31 the county, or, if none, the adult relative residing nearest the court.

32 (8) If the hearing is a dispositional hearing that is also serving  
 33 as a permanency hearing pursuant to subdivision (f) of Section  
 34 361.5, notice shall be given to the current caregiver for the child,  
 35 including foster parents, relative caregivers, preadoptive parents,  
 36 ~~and nonrelative extended family members.~~ *members, and resource*  
 37 *family.* Any person notified may attend all hearings and may submit  
 38 any information he or she deems relevant to the court in writing.

39 (b) No notice is required for a parent whose parental rights have  
 40 been terminated.

1 (c) Notice shall be served as follows:

2 (1) If the child is detained, the notice shall be given to the  
3 persons required to be noticed as soon as possible, and at least five  
4 days before the hearing, unless the hearing is set less than five  
5 days and then at least 24 hours prior to the hearing.

6 (2) If the child is not detained, the notice shall be given to those  
7 persons required to be noticed at least 10 days prior to the date of  
8 the hearing.

9 (d) The notice shall include all of the following:

10 (1) The name and address of the person notified.

11 (2) The nature of the hearing.

12 (3) Each section and subdivision under which the proceeding  
13 has been initiated.

14 (4) The date, time, and place of the hearing.

15 (5) The name of the child upon whose behalf the petition has  
16 been brought.

17 (6) A statement that:

18 (A) If they fail to appear, the court may proceed without them.

19 (B) The child, parent, guardian, Indian custodian, or adult  
20 relative to whom notice is required to be given pursuant to  
21 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to  
22 have an attorney present at the hearing.

23 (C) If the parent, guardian, Indian custodian, or adult relative  
24 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision  
25 (a) is indigent and cannot afford an attorney, and desires to be  
26 represented by an attorney, the parent, guardian, Indian custodian,  
27 or adult relative shall promptly notify the clerk of the juvenile  
28 court.

29 (D) If an attorney is appointed to represent the parent, guardian,  
30 Indian custodian, or adult relative, the represented person shall be  
31 liable for all or a portion of the costs to the extent of his or her  
32 ability to pay.

33 (E) The parent, guardian, Indian custodian, or adult relative may  
34 be liable for the costs of support of the child in any out-of-home  
35 placement.

36 (7) A copy of the petition.

37 (e) Service of the notice of the hearing shall be given in the  
38 following manner:

- 1 (1) If the child is detained and the persons required to be noticed  
2 are not present at the initial petition hearing, they shall be noticed  
3 by personal service or by certified mail, return receipt requested.
- 4 (2) If the child is detained and the persons required to be noticed  
5 are present at the initial petition hearing, they shall be noticed by  
6 personal service or by first-class mail.
- 7 (3) If the child is not detained, the persons required to be noticed  
8 shall be noticed by personal service or by first-class mail, unless  
9 the person to be served is known to reside outside the county, in  
10 which case service shall be by first-class mail.
- 11 (4) Except as provided in subdivisions (g), (h), and (i), notice  
12 may be served by electronic mail in lieu of notice by first-class  
13 mail if the county, or city and county, and the court choose to  
14 permit service by electronic mail and the person to be served has  
15 consented to service by electronic mail by signing Judicial Council  
16 Form EFS-005.
- 17 (f) Any of the notices required to be given under this section or  
18 Sections 290.1 and 290.2 may be waived by a party in person or  
19 through his or her attorney, or by a signed written waiver filed on  
20 or before the date scheduled for the hearing.
- 21 (g) If the court knows or has reason to know that an Indian child  
22 is involved, notice shall be given in accordance with Section 224.2.
- 23 (h) Except as provided in subdivision (i), if notice is required  
24 to be provided to a child pursuant to paragraph (4) or (5) of  
25 subdivision (a), written notice may be served on the child by  
26 electronic mail only if all of the following requirements are  
27 satisfied:
- 28 (1) The county, or city and county, and the court choose to  
29 permit service by electronic mail.
- 30 (2) The child is 16 years of age or older.
- 31 (3) The child has consented to service by electronic mail by  
32 signing Judicial Council Form EFS-005.
- 33 (4) The attorney for the child has consented to service of the  
34 minor by electronic mail by signing Judicial Council Form  
35 EFS-005.
- 36 (i) If notice is required to be provided to a child pursuant to  
37 paragraph (4) or (5) of subdivision (a), written notice may be served  
38 on the child by electronic mail as well as by regular mail if all of  
39 the following requirements are satisfied:

1 (1) The county, or city and county, and the court choose to  
2 permit service by electronic mail.

3 (2) The child is 14 or 15 years of age.

4 (3) The child has consented to service by electronic mail by  
5 signing Judicial Council Form EFS-005.

6 (4) The attorney for the child has consented to service of the  
7 minor by electronic mail by signing Judicial Council Form  
8 EFS-005.

9 (j) This section shall remain in effect only until January 1, 2019,  
10 and as of that date is repealed, unless a later enacted statute, that  
11 is enacted before January 1, 2019, deletes or extends that date.

12 *SEC. 27. Section 291 of the Welfare and Institutions Code, as*  
13 *added by Section 6 of Chapter 219 of the Statutes of 2015, is*  
14 *amended to read:*

15 291. After the initial petition hearing, the clerk of the court  
16 shall cause the notice to be served in the following manner:

17 (a) Notice of the hearing shall be given to the following persons:

18 (1) The mother.

19 (2) The father or fathers, presumed and alleged.

20 (3) The legal guardian or guardians.

21 (4) The child, if the child is 10 years of age or older.

22 (5) Any known sibling of the child who is the subject of the  
23 hearing if that sibling either is the subject of a dependency  
24 proceeding or has been adjudged to be a dependent child of the  
25 juvenile court. If the sibling is 10 years of age or older, the sibling,  
26 the sibling's caregiver, and the sibling's attorney. If the sibling is  
27 under 10 years of age, the sibling's caregiver and the sibling's  
28 attorney. However, notice is not required to be given to any sibling  
29 whose matter is calendared in the same court on the same day.

30 (6) Each attorney of record unless counsel of record is present  
31 in court when the hearing is scheduled, then no further notice need  
32 be given.

33 (7) If there is no parent or guardian residing in California, or if  
34 the residence is unknown, then to any adult relative residing within  
35 the county, or, if none, the adult relative residing nearest the court.

36 (8) If the hearing is a dispositional hearing that is also serving  
37 as a permanency hearing pursuant to subdivision (f) of Section  
38 361.5, notice shall be given to the current caregiver for the child,  
39 including foster parents, relative caregivers, preadoptive parents,  
40 ~~and nonrelative extended family members.~~ *members, and resource*

- 1 *family*. Any person notified may attend all hearings and may submit  
 2 any information he or she deems relevant to the court in writing.
- 3 (b) No notice is required for a parent whose parental rights have  
 4 been terminated.
- 5 (c) Notice shall be served as follows:
- 6 (1) If the child is detained, the notice shall be given to the  
 7 persons required to be noticed as soon as possible, and at least five  
 8 days before the hearing, unless the hearing is set less than five  
 9 days and then at least 24 hours prior to the hearing.
- 10 (2) If the child is not detained, the notice shall be given to those  
 11 persons required to be noticed at least 10 days prior to the date of  
 12 the hearing.
- 13 (d) The notice shall include all of the following:
- 14 (1) The name and address of the person notified.
- 15 (2) The nature of the hearing.
- 16 (3) Each section and subdivision under which the proceeding  
 17 has been initiated.
- 18 (4) The date, time, and place of the hearing.
- 19 (5) The name of the child upon whose behalf the petition has  
 20 been brought.
- 21 (6) A statement that:
- 22 (A) If they fail to appear, the court may proceed without them.
- 23 (B) The child, parent, guardian, Indian custodian, or adult  
 24 relative to whom notice is required to be given pursuant to  
 25 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to  
 26 have an attorney present at the hearing.
- 27 (C) If the parent, guardian, Indian custodian, or adult relative  
 28 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision  
 29 (a) is indigent and cannot afford an attorney, and desires to be  
 30 represented by an attorney, the parent, guardian, Indian custodian,  
 31 or adult relative shall promptly notify the clerk of the juvenile  
 32 court.
- 33 (D) If an attorney is appointed to represent the parent, guardian,  
 34 Indian custodian, or adult relative, the represented person shall be  
 35 liable for all or a portion of the costs to the extent of his or her  
 36 ability to pay.
- 37 (E) The parent, guardian, Indian custodian, or adult relative may  
 38 be liable for the costs of support of the child in any out-of-home  
 39 placement.
- 40 (7) A copy of the petition.

1 (e) Service of the notice of the hearing shall be given in the  
2 following manner:

3 (1) If the child is detained and the persons required to be noticed  
4 are not present at the initial petition hearing, they shall be noticed  
5 by personal service or by certified mail, return receipt requested.

6 (2) If the child is detained and the persons required to be noticed  
7 are present at the initial petition hearing, they shall be noticed by  
8 personal service or by first-class mail.

9 (3) If the child is not detained, the persons required to be noticed  
10 shall be noticed by personal service or by first-class mail, unless  
11 the person to be served is known to reside outside the county, in  
12 which case service shall be by first-class mail.

13 (f) Any of the notices required to be given under this section or  
14 Sections 290.1 and 290.2 may be waived by a party in person or  
15 through his or her attorney, or by a signed written waiver filed on  
16 or before the date scheduled for the hearing.

17 (g) If the court knows or has reason to know that an Indian child  
18 is involved, notice shall be given in accordance with Section 224.2.

19 (h) This section shall become operative on January 1, 2019.

20 *SEC. 28. Section 293 of the Welfare and Institutions Code, as*  
21 *amended by Section 9 of Chapter 219 of the Statutes of 2015, is*  
22 *amended to read:*

23 293. The social worker or probation officer shall give notice  
24 of the review hearings held pursuant to Section 366.21, 366.22,  
25 or 366.25 in the following manner:

26 (a) Notice of the hearing shall be given to the following persons:

27 (1) The mother.

28 (2) The presumed father or any father receiving services.

29 (3) The legal guardian or guardians.

30 (4) The child, if the child is 10 years of age or older.

31 (5) Any known sibling of the child who is the subject of the  
32 hearing if that sibling either is the subject of a dependency  
33 proceeding or has been adjudged to be a dependent child of the  
34 juvenile court. If the sibling is 10 years of age or older, the sibling,  
35 the sibling's caregiver, and the sibling's attorney. If the sibling is  
36 under 10 years of age, the sibling's caregiver and the sibling's  
37 attorney. However, notice is not required to be given to any sibling  
38 whose matter is calendared in the same court on the same day.

39 (6) In the case of a child removed from the physical custody of  
40 his or her parent or legal guardian, the current caregiver of the

1 child, including the foster parents, relative caregivers, preadoptive  
 2 parents, nonrelative extended family members, *resource family*,  
 3 community care facility, or foster family agency having custody  
 4 of the child. In a case in which a foster family agency is notified  
 5 of the hearing pursuant to this section, and the child resides in a  
 6 foster home certified by the foster family agency, the foster family  
 7 agency shall provide timely notice of the hearing to the child’s  
 8 caregivers.

9 (7) Each attorney of record if that attorney was not present at  
 10 the time that the hearing was set by the court.

11 (b) No notice is required for a parent whose parental rights have  
 12 been terminated. On and after January 1, 2012, in the case of a  
 13 nonminor dependent, as described in subdivision (v) of Section  
 14 11400, no notice is required for a parent.

15 (c) The notice of hearing shall be served not earlier than 30  
 16 days, nor later than 15 days, before the hearing.

17 (d) The notice shall contain a statement regarding the nature of  
 18 the hearing to be held and any change in the custody or status of  
 19 the child being recommended by the supervising agency. If the  
 20 notice is to the child, parent or parents, or legal guardian or  
 21 guardians, the notice shall also advise them of the right to be  
 22 present, the right to be represented by counsel, the right to request  
 23 counsel, and the right to present evidence. The notice shall also  
 24 state that if the parent or parents or legal guardian or guardians  
 25 fail to appear, the court may proceed without them.

26 (e) Service of the notice shall be by first-class mail addressed  
 27 to the last known address of the person to be noticed or by personal  
 28 service on the person. Service of a copy of the notice shall be by  
 29 personal service or by certified mail, return receipt requested, or  
 30 any other form of notice that is equivalent to service by first-class  
 31 mail. Except as provided in subdivisions (g), (h), and (i), notice  
 32 may be served by electronic mail in lieu of notice by first-class  
 33 mail if the county, or city and county, and the court choose to  
 34 permit service by electronic mail and the person to be served has  
 35 consented to service by electronic mail by signing Judicial Council  
 36 Form EFS-005.

37 (f) Notice to the current caregiver of the child, including a foster  
 38 parent, a relative caregiver, a preadoptive parent, ~~or~~ a nonrelative  
 39 extended family member, ~~or to~~ a *resource family*, a certified foster  
 40 parent who has been approved for adoption, or the State

1 Department of Social Services when it is acting as an adoption  
2 agency or by a county adoption agency, shall indicate that the  
3 person notified may attend all hearings or may submit any  
4 information he or she deems relevant to the court in writing.

5 (g) If the social worker or probation officer knows or has reason  
6 to know that an Indian child is involved, notice shall be given in  
7 accordance with Section 224.2.

8 (h) Except as provided in subdivision (i), if notice is required  
9 to be provided to a child pursuant to paragraph (4) or (5) of  
10 subdivision (a), written notice may be served on the child by  
11 electronic mail only if all of the following requirements are  
12 satisfied:

13 (1) The county, or city and county, and the court choose to  
14 permit service by electronic mail.

15 (2) The child is 16 years of age or older.

16 (3) The child has consented to service by electronic mail by  
17 signing Judicial Council Form EFS-005.

18 (4) The attorney for the child has consented to service of the  
19 minor by electronic mail by signing Judicial Council Form  
20 EFS-005.

21 (i) If notice is required to be provided to a child pursuant to  
22 paragraph (4) or (5) of subdivision (a), written notice may be served  
23 on the child by electronic mail as well as by regular mail if all of  
24 the following requirements are satisfied:

25 (1) The county, or city and county, and the court choose to  
26 permit service by electronic mail.

27 (2) The child is 14 or 15 years of age.

28 (3) The child has consented to service by electronic mail by  
29 signing Judicial Council Form EFS-005.

30 (4) The attorney for the child has consented to service of the  
31 minor by electronic mail by signing Judicial Council Form  
32 EFS-005.

33 (j) This section shall remain in effect only until January 1, 2019,  
34 and as of that date is repealed, unless a later enacted statute, that  
35 is enacted before January 1, 2019, deletes or extends that date.

36 *SEC. 29. Section 293 of the Welfare and Institutions Code, as*  
37 *added by Section 10 of Chapter 219 of the Statutes of 2015, is*  
38 *amended to read:*

1 293. The social worker or probation officer shall give notice  
2 of the review hearings held pursuant to Section 366.21, 366.22,  
3 or 366.25 in the following manner:

4 (a) Notice of the hearing shall be given to the following persons:

5 (1) The mother.

6 (2) The presumed father or any father receiving services.

7 (3) The legal guardian or guardians.

8 (4) The child, if the child is 10 years of age or older.

9 (5) Any known sibling of the child who is the subject of the  
10 hearing if that sibling either is the subject of a dependency  
11 proceeding or has been adjudged to be a dependent child of the  
12 juvenile court. If the sibling is 10 years of age or older, the sibling,  
13 the sibling's caregiver, and the sibling's attorney. If the sibling is  
14 under 10 years of age, the sibling's caregiver and the sibling's  
15 attorney. However, notice is not required to be given to any sibling  
16 whose matter is calendared in the same court on the same day.

17 (6) In the case of a child removed from the physical custody of  
18 his or her parent or legal guardian, the current caregiver of the  
19 child, including the foster parents, relative caregivers, preadoptive  
20 parents, nonrelative extended family members, *resource family*,  
21 community care facility, or foster family agency having custody  
22 of the child. In a case in which a foster family agency is notified  
23 of the hearing pursuant to this section, and the child resides in a  
24 foster home certified by the foster family agency, the foster family  
25 agency shall provide timely notice of the hearing to the child's  
26 caregivers.

27 (7) Each attorney of record if that attorney was not present at  
28 the time that the hearing was set by the court.

29 (b) No notice is required for a parent whose parental rights have  
30 been terminated. On and after January 1, 2012, in the case of a  
31 nonminor dependent, as described in subdivision (v) of Section  
32 11400, no notice is required for a parent.

33 (c) The notice of hearing shall be served not earlier than 30  
34 days, nor later than 15 days, before the hearing.

35 (d) The notice shall contain a statement regarding the nature of  
36 the hearing to be held and any change in the custody or status of  
37 the child being recommended by the supervising agency. If the  
38 notice is to the child, parent or parents, or legal guardian or  
39 guardians, the notice shall also advise them of the right to be  
40 present, the right to be represented by counsel, the right to request

1 counsel, and the right to present evidence. The notice shall also  
2 state that if the parent or parents or legal guardian or guardians  
3 fail to appear, the court may proceed without them.

4 (e) Service of the notice shall be by first-class mail addressed  
5 to the last known address of the person to be noticed or by personal  
6 service on the person. Service of a copy of the notice shall be by  
7 personal service or by certified mail, return receipt requested, or  
8 any other form of notice that is equivalent to service by first-class  
9 mail.

10 (f) Notice to the current caregiver of the child, including a foster  
11 parent, a relative caregiver, a preadoptive parent, ~~or~~ a nonrelative  
12 extended family member, ~~or to a resource family~~, a certified foster  
13 parent who has been approved for adoption, or the State  
14 Department of Social Services when it is acting as an adoption  
15 agency or by a county adoption agency, shall indicate that the  
16 person notified may attend all hearings or may submit any  
17 information he or she deems relevant to the court in writing.

18 (g) If the social worker or probation officer knows or has reason  
19 to know that an Indian child is involved, notice shall be given in  
20 accordance with Section 224.2.

21 (h) This section shall become operative on January 1, 2019.

22 *SEC. 30. Section 294 of the Welfare and Institutions Code, as*  
23 *amended by Section 11 of Chapter 219 of the Statutes of 2015, is*  
24 *amended to read:*

25 294. The social worker or probation officer shall give notice  
26 of a selection and implementation hearing held pursuant to Section  
27 366.26 in the following manner:

28 (a) Notice of the hearing shall be given to the following persons:

29 (1) The mother.

30 (2) The fathers, presumed and alleged.

31 (3) The child, if the child is 10 years of age or older.

32 (4) Any known sibling of the child who is the subject of the  
33 hearing if that sibling either is the subject of a dependency  
34 proceeding or has been adjudged to be a dependent child of the  
35 juvenile court. If the sibling is 10 years of age or older, the sibling,  
36 the sibling's caregiver, and the sibling's attorney. If the sibling is  
37 under 10 years of age, the sibling's caregiver and the sibling's  
38 attorney. However, notice is not required to be given to any sibling  
39 whose matter is calendared in the same court on the same day.

1 (5) The grandparents of the child, if their address is known and  
2 if the parent’s whereabouts are unknown.

3 (6) All counsel of record.

4 (7) To any unknown parent by publication, if ordered by the  
5 court pursuant to paragraph (2) of subdivision (g).

6 (8) The current caregiver of the child, including foster parents,  
7 relative caregivers, preadoptive parents, ~~and~~ nonrelative extended  
8 family ~~members~~. *members, or resource family*. Any person notified  
9 may attend all hearings and may submit any information he or she  
10 deems relevant to the court in writing.

11 (b) The following persons shall not be notified of the hearing:

12 (1) A parent who has relinquished the child to the State  
13 Department of Social Services, county adoption agency, or licensed  
14 adoption agency for adoption, and the relinquishment has been  
15 accepted and filed with notice as required under Section 8700 of  
16 the Family Code.

17 (2) An alleged father who has denied paternity and has executed  
18 a waiver of the right to notice of further proceedings.

19 (3) A parent whose parental rights have been terminated.

20 (c) (1) Service of the notice shall be completed at least 45 days  
21 before the hearing date. Service is deemed complete at the time  
22 the notice is personally delivered to the person named in the notice  
23 or 10 days after the notice has been placed in the mail or sent by  
24 electronic mail, or at the expiration of the time prescribed by the  
25 order for publication.

26 (2) Service of notice in cases where publication is ordered shall  
27 be completed at least 30 days before the date of the hearing.

28 (d) Regardless of the type of notice required, or the manner in  
29 which it is served, once the court has made the initial finding that  
30 notice has properly been given to the parent, or to any person  
31 entitled to receive notice pursuant to this section, subsequent notice  
32 for any continuation of a Section 366.26 hearing may be by  
33 first-class mail to any last known address, by an order made  
34 pursuant to Section 296, except as provided in paragraphs (2) and  
35 (3) of subdivision (h) and subdivision (i), by electronic mail if the  
36 county, or city and county, and the court choose to permit service  
37 by electronic mail and the person to be served has consented to  
38 service by electronic mail by signing Judicial Council Form  
39 EFS-005, or by any other means that the court determines is  
40 reasonably calculated, under any circumstance, to provide notice

1 of the continued hearing. However, if the recommendation changes  
2 from the recommendation contained in the notice previously found  
3 to be proper, notice shall be provided to the parent, and to any  
4 person entitled to receive notice pursuant to this section, regarding  
5 that subsequent hearing.

6 (e) The notice shall contain the following information:

7 (1) The date, time, and place of the hearing.

8 (2) The right to appear.

9 (3) The parents' right to counsel.

10 (4) The nature of the proceedings.

11 (5) The recommendation of the supervising agency.

12 (6) A statement that, at the time of hearing, the court is required  
13 to select a permanent plan of adoption, legal guardianship, ~~or~~  
14 ~~long-term foster care placement with a fit and willing relative, or~~  
15 ~~another planned permanent living arrangement, as appropriate,~~  
16 for the child.

17 (f) Notice to the parents may be given in any one of the  
18 following manners:

19 (1) If the parent is present at the hearing at which the court  
20 schedules a hearing pursuant to Section 366.26, the court shall  
21 advise the parent of the date, time, and place of the proceedings,  
22 their right to counsel, the nature of the proceedings, and the  
23 requirement that at the proceedings the court shall select and  
24 implement a plan of adoption, legal guardianship, ~~or long-term~~  
25 ~~foster care placement with a fit and willing relative, or another~~  
26 ~~planned permanent living arrangement, as appropriate,~~ for the  
27 child. The court shall direct the parent to appear for the proceedings  
28 and then direct that the parent be notified thereafter by first-class  
29 mail to the parent's usual place of residence or business only. In  
30 lieu of notice by first-class mail, notice may be served by electronic  
31 mail if the county, or city and county, and the court choose to  
32 permit service by electronic mail and the person to be served has  
33 consented to service by electronic mail by signing Judicial Council  
34 Form EFS-005.

35 (2) Certified mail, return receipt requested, to the parent's last  
36 known mailing address. This notice shall be sufficient if the child  
37 welfare agency receives a return receipt signed by the parent.

38 (3) Personal service to the parent named in the notice.

39 (4) Delivery to a competent person who is at least 18 years of  
40 age at the parent's usual place of residence or business, and

1 thereafter mailed to the parent named in the notice by first-class  
2 mail at the place where the notice was delivered.

3 (5) If the residence of the parent is outside the state, service  
4 may be made as described in paragraph (1), (3), or (4) or by  
5 certified mail, return receipt requested.

6 (6) If the recommendation of the probation officer or social  
7 worker is ~~legal guardianship or long-term foster care,~~ *guardianship,*  
8 *placement with a fit and willing relative, or another planned*  
9 *permanent living arrangement, as appropriate,* or, in the case of  
10 an Indian child, tribal customary adoption, service may be made  
11 by first-class mail to the parent's usual place of residence or  
12 business. In lieu of notice by first-class mail, notice may be served  
13 by electronic mail if the county, or city and county, and the court  
14 choose to permit service by electronic mail and the person to be  
15 served has consented to service by electronic mail by signing  
16 Judicial Council Form EFS-005.

17 (7) If a parent's identity is known but his or her whereabouts  
18 are unknown and the parent cannot, with reasonable diligence, be  
19 served in any manner specified in paragraphs (1) to (6), inclusive,  
20 the petitioner shall file an affidavit with the court at least 75 days  
21 before the hearing date, stating the name of the parent and  
22 describing the efforts made to locate and serve the parent.

23 (A) If the court determines that there has been due diligence in  
24 attempting to locate and serve the parent and the probation officer  
25 or social worker recommends adoption, service shall be to that  
26 parent's attorney of record, if any, by certified mail, return receipt  
27 requested. If the parent does not have an attorney of record, the  
28 court shall order that service be made by publication of citation  
29 requiring the parent to appear at the date, time, and place stated in  
30 the citation, and that the citation be published in a newspaper  
31 designated as most likely to give notice to the parent. Publication  
32 shall be made once a week for four consecutive weeks. Whether  
33 notice is to the attorney of record or by publication, the court shall  
34 also order that notice be given to the grandparents of the child, if  
35 their identities and addresses are known, by first-class mail.

36 (B) If the court determines that there has been due diligence in  
37 attempting to locate and serve the parent and the probation officer  
38 or social worker recommends ~~legal guardianship or long-term~~  
39 ~~foster care,~~ *guardianship, placement with a fit and willing relative,*  
40 *or another planned permanent living arrangement, as appropriate,*

1 no further notice is required to the parent, but the court shall order  
2 that notice be given to the grandparents of the child, if their  
3 identities and addresses are known, by first-class mail.

4 (C) In any case where the residence of the parent becomes  
5 known, notice shall immediately be served upon the parent as  
6 provided for in either paragraph (2), (3), (4), (5), or (6).

7 (g) (1) If the identity of one or both of the parents, or alleged  
8 parents, of the child is unknown, or if the name of one or both  
9 parents is uncertain, then that fact shall be set forth in the affidavit  
10 filed with the court at least 75 days before the hearing date and  
11 the court, consistent with the provisions of Sections 7665 and 7666  
12 of the Family Code, shall issue an order dispensing with notice to  
13 a natural parent or possible natural parent under this section if,  
14 after inquiry and a determination that there has been due diligence  
15 in attempting to identify the unknown parent, the court is unable  
16 to identify the natural parent or possible natural parent and no  
17 person has appeared claiming to be the natural parent.

18 (2) After a determination that there has been due diligence in  
19 attempting to identify an unknown parent pursuant to paragraph  
20 (1) and the probation officer or social worker recommends  
21 adoption, the court shall consider whether publication notice would  
22 be likely to lead to actual notice to the unknown parent. The court  
23 may order publication notice if, on the basis of all information  
24 before the court, the court determines that notice by publication  
25 is likely to lead to actual notice to the parent. If publication notice  
26 to an unknown parent is ordered, the court shall order the published  
27 citation to be directed to either the father or mother, or both, of  
28 the child, and to all persons claiming to be the father or mother of  
29 the child, naming and otherwise describing the child. An order of  
30 publication pursuant to this paragraph shall be based on an affidavit  
31 describing efforts made to identify the unknown parent or parents.  
32 Service made by publication pursuant to this paragraph shall  
33 require the unknown parent or parents to appear at the date, time,  
34 and place stated in the citation. Publication shall be made once a  
35 week for four consecutive weeks.

36 (3) If the court determines that there has been due diligence in  
37 attempting to identify one or both of the parents, or alleged parents,  
38 of the child and the probation officer or social worker recommends  
39 ~~legal guardianship or long-term foster care~~, *guardianship,*  
40 *placement with a fit and willing relative, or another planned*

1 *permanent living arrangement, as appropriate*, no further notice  
2 to the parent shall be required.

3 (h) (1) Notice to all counsel of record shall be by first-class  
4 mail, or by electronic mail if the county, or city and county, and  
5 the court choose to permit service by electronic mail and the person  
6 to be served has consented to service by electronic mail by signing  
7 Judicial Council Form EFS-005.

8 (2) Except as provided in paragraph (3), if notice is required to  
9 be provided to a child, written notice may be served on the child  
10 by electronic mail only if all of the following requirements are  
11 satisfied:

12 (A) The county, or city and county, and the court choose to  
13 permit service by electronic mail.

14 (B) The child is 16 years of age or older.

15 (C) The child has consented to service by electronic mail by  
16 signing Judicial Council Form EFS-005.

17 (D) The attorney for the child has consented to service of the  
18 minor by electronic mail by signing Judicial Council Form  
19 EFS-005.

20 (3) If notice is required to be provided to a child, written notice  
21 may be served on the child by electronic mail as well as by regular  
22 mail if all of the following requirements are satisfied:

23 (A) The county, or city and county, and the court choose to  
24 permit service by electronic mail.

25 (B) The child is 14 or 15 years of age.

26 (C) The child has consented to service by electronic mail by  
27 signing Judicial Council Form EFS-005.

28 (D) The attorney for the child has consented to service of the  
29 minor by electronic mail by signing Judicial Council Form  
30 EFS-005.

31 (i) If the court knows or has reason to know that an Indian child  
32 is involved, notice shall be given in accordance with Section 224.2.

33 (j) Notwithstanding subdivision (a), if the attorney of record is  
34 present at the time the court schedules a hearing pursuant to Section  
35 366.26, no further notice is required, except as required by  
36 subparagraph (A) of paragraph (7) of subdivision (f).

37 (k) This section shall also apply to children adjudged wards  
38 pursuant to Section 727.31.

39 (l) The court shall state the reasons on the record explaining  
40 why good cause exists for granting any continuance of a hearing

1 held pursuant to Section 366.26 to fulfill the requirements of this  
2 section.

3 (m) Notwithstanding any choice by a county, or city and county,  
4 and the court to permit service of written notice of court  
5 proceedings by electronic mail, or consent by any person to service  
6 of written notice by electronic mail by signing Judicial Council  
7 Form EFS-005, notice of any hearing at which the county welfare  
8 department is recommending the termination of parental rights  
9 may only be served by electronic mail if supplemental and in  
10 addition to the other forms of notice provided for in this section.

11 (n) This section shall remain in effect only until January 1, 2019,  
12 and as of that date is repealed, unless a later enacted statute, that  
13 is enacted before January 1, 2019, deletes or extends that date.

14 *SEC. 31. Section 294 of the Welfare and Institutions Code, as*  
15 *added by Section 12 of Chapter 219 of the Statutes of 2015, is*  
16 *amended to read:*

17 294. The social worker or probation officer shall give notice  
18 of a selection and implementation hearing held pursuant to Section  
19 366.26 in the following manner:

20 (a) Notice of the hearing shall be given to the following persons:

21 (1) The mother.

22 (2) The fathers, presumed and alleged.

23 (3) The child, if the child is 10 years of age or older.

24 (4) Any known sibling of the child who is the subject of the  
25 hearing if that sibling either is the subject of a dependency  
26 proceeding or has been adjudged to be a dependent child of the  
27 juvenile court. If the sibling is 10 years of age or older, the sibling,  
28 the sibling's caregiver, and the sibling's attorney. If the sibling is  
29 under 10 years of age, the sibling's caregiver and the sibling's  
30 attorney. However, notice is not required to be given to any sibling  
31 whose matter is calendared in the same court on the same day.

32 (5) The grandparents of the child, if their address is known and  
33 if the parent's whereabouts are unknown.

34 (6) All counsel of record.

35 (7) To any unknown parent by publication, if ordered by the  
36 court pursuant to paragraph (2) of subdivision (g).

37 (8) The current caregiver of the child, including foster parents,  
38 relative caregivers, preadoptive parents, ~~and~~ nonrelative extended  
39 family ~~members~~. *members, or resource family.* Any person notified

1 may attend all hearings and may submit any information he or she  
 2 deems relevant to the court in writing.

3 (b) The following persons shall not be notified of the hearing:

4 (1) A parent who has relinquished the child to the State  
 5 Department of Social Services, county adoption agency, or licensed  
 6 adoption agency for adoption, and the relinquishment has been  
 7 accepted and filed with notice as required under Section 8700 of  
 8 the Family Code.

9 (2) An alleged father who has denied paternity and has executed  
 10 a waiver of the right to notice of further proceedings.

11 (3) A parent whose parental rights have been terminated.

12 (c) (1) Service of the notice shall be completed at least 45 days  
 13 before the hearing date. Service is deemed complete at the time  
 14 the notice is personally delivered to the person named in the notice  
 15 or 10 days after the notice has been placed in the mail, or at the  
 16 expiration of the time prescribed by the order for publication.

17 (2) Service of notice in cases where publication is ordered shall  
 18 be completed at least 30 days before the date of the hearing.

19 (d) Regardless of the type of notice required, or the manner in  
 20 which it is served, once the court has made the initial finding that  
 21 notice has properly been given to the parent, or to any person  
 22 entitled to receive notice pursuant to this section, subsequent notice  
 23 for any continuation of a Section 366.26 hearing may be by  
 24 first-class mail to any last known address, by an order made  
 25 pursuant to Section 296, or by any other means that the court  
 26 determines is reasonably calculated, under any circumstance, to  
 27 provide notice of the continued hearing. However, if the  
 28 recommendation changes from the recommendation contained in  
 29 the notice previously found to be proper, notice shall be provided  
 30 to the parent, and to any person entitled to receive notice pursuant  
 31 to this section, regarding that subsequent hearing.

32 (e) The notice shall contain the following information:

- 33 (1) The date, time, and place of the hearing.
- 34 (2) The right to appear.
- 35 (3) The parents' right to counsel.
- 36 (4) The nature of the proceedings.
- 37 (5) The recommendation of the supervising agency.
- 38 (6) A statement that, at the time of hearing, the court is required  
 39 to select a permanent plan of adoption, legal guardianship, ~~or~~  
 40 ~~long-term foster care~~ *placement with a fit and willing relative, or*

1 *another planned permanent living arrangement, as appropriate,*  
2 *for the child.*

3 (f) Notice to the parents may be given in any one of the  
4 following manners:

5 (1) If the parent is present at the hearing at which the court  
6 schedules a hearing pursuant to Section 366.26, the court shall  
7 advise the parent of the date, time, and place of the proceedings,  
8 their right to counsel, the nature of the proceedings, and the  
9 requirement that at the proceedings the court shall select and  
10 implement a plan of adoption, legal guardianship, ~~or long-term~~  
11 ~~foster care placement with a fit and willing relative, or another~~  
12 *planned permanent living arrangement, as appropriate,* for the  
13 child. The court shall direct the parent to appear for the proceedings  
14 and then direct that the parent be notified thereafter by first-class  
15 mail to the parent's usual place of residence or business only.

16 (2) Certified mail, return receipt requested, to the parent's last  
17 known mailing address. This notice shall be sufficient if the child  
18 welfare agency receives a return receipt signed by the parent.

19 (3) Personal service to the parent named in the notice.

20 (4) Delivery to a competent person who is at least 18 years of  
21 age at the parent's usual place of residence or business, and  
22 thereafter mailed to the parent named in the notice by first-class  
23 mail at the place where the notice was delivered.

24 (5) If the residence of the parent is outside the state, service  
25 may be made as described in paragraph (1), (3), or (4) or by  
26 certified mail, return receipt requested.

27 (6) If the recommendation of the probation officer or social  
28 worker is legal ~~guardianship or long-term foster care,~~ *guardianship,*  
29 *placement with a fit and willing relative, or another planned*  
30 *permanent living arrangement, as appropriate,* or, in the case of  
31 an Indian child, tribal customary adoption, service may be made  
32 by first-class mail to the parent's usual place of residence or  
33 business.

34 (7) If a parent's identity is known but his or her whereabouts  
35 are unknown and the parent cannot, with reasonable diligence, be  
36 served in any manner specified in paragraphs (1) to (6), inclusive,  
37 the petitioner shall file an affidavit with the court at least 75 days  
38 before the hearing date, stating the name of the parent and  
39 describing the efforts made to locate and serve the parent.

1 (A) If the court determines that there has been due diligence in  
2 attempting to locate and serve the parent and the probation officer  
3 or social worker recommends adoption, service shall be to that  
4 parent's attorney of record, if any, by certified mail, return receipt  
5 requested. If the parent does not have an attorney of record, the  
6 court shall order that service be made by publication of citation  
7 requiring the parent to appear at the date, time, and place stated in  
8 the citation, and that the citation be published in a newspaper  
9 designated as most likely to give notice to the parent. Publication  
10 shall be made once a week for four consecutive weeks. Whether  
11 notice is to the attorney of record or by publication, the court shall  
12 also order that notice be given to the grandparents of the child, if  
13 their identities and addresses are known, by first-class mail.

14 (B) If the court determines that there has been due diligence in  
15 attempting to locate and serve the parent and the probation officer  
16 or social worker recommends ~~legal guardianship or long-term~~  
17 ~~foster care, guardianship, placement with a fit and willing relative,~~  
18 ~~or another planned permanent living arrangement, as appropriate,~~  
19 no further notice is required to the parent, but the court shall order  
20 that notice be given to the grandparents of the child, if their  
21 identities and addresses are known, by first-class mail.

22 (C) In any case where the residence of the parent becomes  
23 known, notice shall immediately be served upon the parent as  
24 provided for in either paragraph (2), (3), (4), (5), or (6).

25 (g) (1) If the identity of one or both of the parents, or alleged  
26 parents, of the child is unknown, or if the name of one or both  
27 parents is uncertain, then that fact shall be set forth in the affidavit  
28 filed with the court at least 75 days before the hearing date and  
29 the court, consistent with the provisions of Sections 7665 and 7666  
30 of the Family Code, shall issue an order dispensing with notice to  
31 a natural parent or possible natural parent under this section if,  
32 after inquiry and a determination that there has been due diligence  
33 in attempting to identify the unknown parent, the court is unable  
34 to identify the natural parent or possible natural parent and no  
35 person has appeared claiming to be the natural parent.

36 (2) After a determination that there has been due diligence in  
37 attempting to identify an unknown parent pursuant to paragraph  
38 (1) and the probation officer or social worker recommends  
39 adoption, the court shall consider whether publication notice would  
40 be likely to lead to actual notice to the unknown parent. The court

1 may order publication notice if, on the basis of all information  
2 before the court, the court determines that notice by publication  
3 is likely to lead to actual notice to the parent. If publication notice  
4 to an unknown parent is ordered, the court shall order the published  
5 citation to be directed to either the father or mother, or both, of  
6 the child, and to all persons claiming to be the father or mother of  
7 the child, naming and otherwise describing the child. An order of  
8 publication pursuant to this paragraph shall be based on an affidavit  
9 describing efforts made to identify the unknown parent or parents.  
10 Service made by publication pursuant to this paragraph shall  
11 require the unknown parent or parents to appear at the date, time,  
12 and place stated in the citation. Publication shall be made once a  
13 week for four consecutive weeks.

14 (3) If the court determines that there has been due diligence in  
15 attempting to identify one or both of the parents, or alleged parents,  
16 of the child and the probation officer or social worker recommends  
17 ~~legal guardianship or long-term foster care,~~ *guardianship,*  
18 *placement with a fit and willing relative, or another planned*  
19 *permanent living arrangement, as appropriate,* no further notice  
20 to the parent shall be required.

21 (h) Notice to the child and all counsel of record shall be by  
22 first-class mail.

23 (i) If the court knows or has reason to know that an Indian child  
24 is involved, notice shall be given in accordance with Section 224.2.

25 (j) Notwithstanding subdivision (a), if the attorney of record is  
26 present at the time the court schedules a hearing pursuant to Section  
27 366.26, no further notice is required, except as required by  
28 subparagraph (A) of paragraph (7) of subdivision (f).

29 (k) This section shall also apply to children adjudged wards  
30 pursuant to Section 727.31.

31 (l) The court shall state the reasons on the record explaining  
32 why good cause exists for granting any continuance of a hearing  
33 held pursuant to Section 366.26 to fulfill the requirements of this  
34 section.

35 (m) This section shall become operative on January 1, 2019.

36 *SEC. 32. Section 295 of the Welfare and Institutions Code, as*  
37 *amended by Section 13 of Chapter 219 of the Statutes of 2015, is*  
38 *amended to read:*

39 295. The social worker or probation officer shall give notice  
40 of review hearings held pursuant to Sections 366.3 and 366.31 and

1 for termination of jurisdiction hearings held pursuant to Section  
2 391 in the following manner:

3 (a) Notice of the hearing shall be given to the following persons:

4 (1) The mother.

5 (2) The presumed father.

6 (3) The legal guardian or guardians.

7 (4) The child, if the child is 10 years of age or older, or a  
8 nonminor dependent.

9 (5) Any known sibling of the child or nonminor dependent who  
10 is the subject of the hearing if that sibling either is the subject of  
11 a dependency proceeding or has been adjudged to be a dependent  
12 child of the juvenile court. If the sibling is 10 years of age or older,  
13 the sibling, the sibling's caregiver, and the sibling's attorney. If  
14 the sibling is under 10 years of age, the sibling's caregiver and the  
15 sibling's attorney. However, notice is not required to be given to  
16 any sibling whose matter is calendared in the same court on the  
17 same day.

18 (6) The current caregiver of the child, including the foster  
19 parents, relative caregivers, preadoptive parents, nonrelative  
20 extended family members, *resource family*, community care  
21 facility, or foster family agency having physical custody of the  
22 child if a child is removed from the physical custody of the parents  
23 or legal guardian. The person notified may attend all hearings and  
24 may submit any information he or she deems relevant to the court  
25 in writing.

26 (7) The current caregiver of a nonminor dependent, as described  
27 in subdivision (v) of Section 11400. The person notified may attend  
28 all hearings and may submit for filing an original and eight copies  
29 of written information he or she deems relevant to the court. The  
30 court clerk shall provide the current parties and attorneys of record  
31 with a copy of the written information immediately upon receipt  
32 and complete, file, and distribute a proof of service.

33 (8) The attorney of record if that attorney of record was not  
34 present at the time that the hearing was set by the court.

35 (9) The alleged father or fathers, but only if the recommendation  
36 is to set a new hearing pursuant to Section 366.26.

37 (b) No notice shall be required for a parent whose parental rights  
38 have been terminated or for the parent of a nonminor dependent,  
39 as described in subdivision (v) of Section 11400, unless the parent

1 is receiving court-ordered family reunification services pursuant  
2 to Section 361.6.

3 (c) The notice of the review hearing shall be served no earlier  
4 than 30 days, nor later than 15 days, before the hearing.

5 (d) The notice of the review hearing shall contain a statement  
6 regarding the nature of the hearing to be held, any recommended  
7 change in the custody or status of the child, and any  
8 recommendation that the court set a new hearing pursuant to  
9 Section 366.26 in order to select a more permanent plan.

10 (e) Service of notice shall be by first-class mail addressed to  
11 the last known address of the person to be provided notice. Except  
12 as provided in subdivisions (g), (h), and (i), notice may be served  
13 by electronic mail in lieu of notice by first-class mail if the county,  
14 or city and county, and the court choose to permit service by  
15 electronic mail and the person to be served has consented to service  
16 by electronic mail by signing Judicial Council Form EFS-005. In  
17 the case of an Indian child, notice shall be by registered mail, return  
18 receipt requested.

19 (f) If the child is ordered into a permanent plan of legal  
20 guardianship, and subsequently a petition to terminate or modify  
21 the guardianship is filed, the probation officer or social worker  
22 shall serve notice of the petition not less than 15 court days prior  
23 to the hearing on all persons listed in subdivision (a) and on the  
24 court that established legal guardianship if it is in another county.

25 (g) If the social worker or probation officer knows or has reason  
26 to know that an Indian child is involved, notice shall be given in  
27 accordance with Section 224.2.

28 (h) Except as provided in subdivision (i), if notice is required  
29 to be provided to a child pursuant to paragraph (4) or (5) of  
30 subdivision (a), written notice may be served on the child by  
31 electronic mail only if all of the following requirements are  
32 satisfied:

33 (1) The county, or city and county, and the court choose to  
34 permit service by electronic mail.

35 (2) The child is 16 years of age or older.

36 (3) The child has consented to service by electronic mail by  
37 signing Judicial Council Form EFS-005.

38 (4) The attorney for the child has consented to service of the  
39 minor by electronic mail by signing Judicial Council Form  
40 EFS-005.

1 (i) If notice is required to be provided to a child pursuant to  
2 paragraph (4) or (5) of subdivision (a), written notice may be served  
3 on the child by electronic mail as well as by regular mail if all of  
4 the following requirements are satisfied:

5 (1) The county, or city and county, and the court choose to  
6 permit service by electronic mail.

7 (2) The child is 14 or 15 years of age.

8 (3) The child has consented to service by electronic mail by  
9 signing Judicial Council Form EFS-005.

10 (4) The attorney for the child has consented to service of the  
11 minor by electronic mail by signing Judicial Council Form  
12 EFS-005.

13 (j) This section shall remain in effect only until January 1, 2019,  
14 and as of that date is repealed, unless a later enacted statute, that  
15 is enacted before January 1, 2019, deletes or extends that date.

16 *SEC. 33. Section 295 of the Welfare and Institutions Code, as*  
17 *added by Section 14 of Chapter 219 of the Statutes of 2015, is*  
18 *amended to read:*

19 295. The social worker or probation officer shall give notice  
20 of review hearings held pursuant to Sections 366.3 and 366.31 and  
21 for termination of jurisdiction hearings held pursuant to Section  
22 391 in the following manner:

23 (a) Notice of the hearing shall be given to the following persons:

24 (1) The mother.

25 (2) The presumed father.

26 (3) The legal guardian or guardians.

27 (4) The child, if the child is 10 years of age or older, or a  
28 nonminor dependent.

29 (5) Any known sibling of the child or nonminor dependent who  
30 is the subject of the hearing if that sibling either is the subject of  
31 a dependency proceeding or has been adjudged to be a dependent  
32 child of the juvenile court. If the sibling is 10 years of age or older,  
33 the sibling, the sibling's caregiver, and the sibling's attorney. If  
34 the sibling is under 10 years of age, the sibling's caregiver and the  
35 sibling's attorney. However, notice is not required to be given to  
36 any sibling whose matter is calendared in the same court on the  
37 same day.

38 (6) The current caregiver of the child, including the foster  
39 parents, relative caregivers, preadoptive parents, nonrelative  
40 extended family members, *resource family*, community care

1 facility, or foster family agency having physical custody of the  
2 child if a child is removed from the physical custody of the parents  
3 or legal guardian. The person notified may attend all hearings and  
4 may submit any information he or she deems relevant to the court  
5 in writing.

6 (7) The current caregiver of a nonminor dependent, as described  
7 in subdivision (v) of Section 11400. The person notified may attend  
8 all hearings and may submit for filing an original and eight copies  
9 of written information he or she deems relevant to the court. The  
10 court clerk shall provide the current parties and attorneys of record  
11 with a copy of the written information immediately upon receipt  
12 and complete, file, and distribute a proof of service.

13 (8) The attorney of record if that attorney of record was not  
14 present at the time that the hearing was set by the court.

15 (9) The alleged father or fathers, but only if the recommendation  
16 is to set a new hearing pursuant to Section 366.26.

17 (b) No notice shall be required for a parent whose parental rights  
18 have been terminated or for the parent of a nonminor dependent,  
19 as described in subdivision (v) of Section 11400, unless the parent  
20 is receiving court-ordered family reunification services pursuant  
21 to Section 361.6.

22 (c) The notice of the review hearing shall be served no earlier  
23 than 30 days, nor later than 15 days, before the hearing.

24 (d) The notice of the review hearing shall contain a statement  
25 regarding the nature of the hearing to be held, any recommended  
26 change in the custody or status of the child, and any  
27 recommendation that the court set a new hearing pursuant to  
28 Section 366.26 in order to select a more permanent plan.

29 (e) Service of notice shall be by first-class mail addressed to  
30 the last known address of the person to be provided notice. In the  
31 case of an Indian child, notice shall be by registered mail, return  
32 receipt requested.

33 (f) If the child is ordered into a permanent plan of legal  
34 guardianship, and subsequently a petition to terminate or modify  
35 the guardianship is filed, the probation officer or social worker  
36 shall serve notice of the petition not less than 15 court days prior  
37 to the hearing on all persons listed in subdivision (a) and on the  
38 court that established legal guardianship if it is in another county.

1 (g) If the social worker or probation officer knows or has reason  
2 to know that an Indian child is involved, notice shall be given in  
3 accordance with Section 224.2.

4 (h) This section shall become operative on January 1, 2019.

5 ~~SEC. 10.~~

6 *SEC. 34.* 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~~: *agency, with*  
5 *prior approval of the county placing agency.*

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

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

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

31 (ii) The short term, specialized, and intensive treatment period  
32 shall not exceed 120 days, unless the county has made progress  
33 toward or is actively working toward implementing the case plan  
34 that identifies the services or supports necessary to transition the  
35 child to a family setting, circumstances beyond the county's control  
36 have prevented the county from obtaining those services or  
37 supports within the timeline documented in the case plan, and the  
38 need for additional time pursuant to the case plan is documented  
39 by the caseworker and approved by a deputy director or director  
40 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 facility  
9 shall offer family reunification services that meet the needs of the  
10 individual child and his or her family, permit parents to have  
11 reasonable access to their children 24 hours a day, encourage  
12 extensive parental involvement in meeting the daily needs of their  
13 children, and employ staff trained to provide family reunification  
14 services. In addition, one of the following conditions exists:

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

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

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

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

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

39 (ii) To the extent that placements pursuant to this paragraph are  
40 extended beyond an initial six months, the requirements of this

1 subparagraph shall apply to each extension. In addition, the deputy  
2 director or director of the county child welfare department shall  
3 approve the continued placement no less frequently than every 60  
4 days.

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

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

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

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

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

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

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

26 (A) Placement with a relative.

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

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

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

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

32 (F) Social, cultural, and educational needs of the dependent  
33 child.

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

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

1 this subdivision shall not leave the United States prior to the  
2 issuance of the order described in this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 *SEC. 35. Section 361.5 of the Welfare and Institutions Code*  
38 *is amended to read:*

39 361.5. (a) Except as provided in subdivision (b), or when the  
40 parent has voluntarily relinquished the child and the relinquishment

1 has been filed with the State Department of Social Services, or  
2 upon the establishment of an order of guardianship pursuant to  
3 Section 360, or when a court adjudicates a petition under Section  
4 329 to modify the court's jurisdiction from delinquency jurisdiction  
5 to dependency jurisdiction pursuant to subparagraph (A) of  
6 paragraph (2) of subdivision (b) of Section 607.2 and the parents  
7 or guardian of the ward have had reunification services terminated  
8 under the delinquency jurisdiction, whenever a child is removed  
9 from a parent's or guardian's custody, the juvenile court shall order  
10 the social worker to provide child welfare services to the child and  
11 the child's mother and statutorily presumed father or guardians.  
12 Upon a finding and declaration of paternity by the juvenile court  
13 or proof of a prior declaration of paternity by any court of  
14 competent jurisdiction, the juvenile court may order services for  
15 the child and the biological father, if the court determines that the  
16 services will benefit the child.

17 (1) Family reunification services, when provided, shall be  
18 provided as follows:

19 (A) Except as otherwise provided in subparagraph (C), for a  
20 child who, on the date of initial removal from the physical custody  
21 of his or her parent or guardian, was three years of age or older,  
22 court-ordered services shall be provided beginning with the  
23 dispositional hearing and ending 12 months after the date the child  
24 entered foster care as provided in Section 361.49, unless the child  
25 is returned to the home of the parent or guardian.

26 (B) For a child who, on the date of initial removal from the  
27 physical custody of his or her parent or guardian, was under three  
28 years of age, court-ordered services shall be provided for a period  
29 of six months from the dispositional hearing as provided in  
30 subdivision (e) of Section 366.21, but no longer than 12 months  
31 from the date the child entered foster care as provided in Section  
32 361.49 unless the child is returned to the home of the parent or  
33 guardian.

34 (C) For the purpose of placing and maintaining a sibling group  
35 together in a permanent home should reunification efforts fail, for  
36 a child in a sibling group whose members were removed from  
37 parental custody at the same time, and in which one member of  
38 the sibling group was under three years of age on the date of initial  
39 removal from the physical custody of his or her parent or guardian,  
40 court-ordered services for some or all of the sibling group may be

1 limited as set forth in subparagraph (B). For the purposes of this  
2 paragraph, “a sibling group” shall mean two or more children who  
3 are related to each other as full or half siblings.

4 (2) Any motion to terminate court-ordered reunification services  
5 prior to the hearing set pursuant to subdivision (f) of Section 366.21  
6 for a child described by subparagraph (A) of paragraph (1), or  
7 prior to the hearing set pursuant to subdivision (e) of Section  
8 366.21 for a child described by subparagraph (B) or (C) of  
9 paragraph (1), shall be made pursuant to the requirements set forth  
10 in subdivision (c) of Section 388. A motion to terminate  
11 court-ordered reunification services shall not be required at the  
12 hearing set pursuant to subdivision (e) of Section 366.21 if the  
13 court finds by clear and convincing evidence one of the following:

14 (A) That the child was removed initially under subdivision (g)  
15 of Section 300 and the whereabouts of the parent are still unknown.

16 (B) That the parent has failed to contact and visit the child.

17 (C) That the parent has been convicted of a felony indicating  
18 parental unfitness.

19 (3) Notwithstanding subparagraphs (A), (B), and (C) of  
20 paragraph (1), court-ordered services may be extended up to a  
21 maximum time period not to exceed 18 months after the date the  
22 child was originally removed from physical custody of his or her  
23 parent or guardian if it can be shown, at the hearing held pursuant  
24 to subdivision (f) of Section 366.21, that the permanent plan for  
25 the child is that he or she will be returned and safely maintained  
26 in the home within the extended time period. The court shall extend  
27 the time period only if it finds that there is a substantial probability  
28 that the child will be returned to the physical custody of his or her  
29 parent or guardian within the extended time period or that  
30 reasonable services have not been provided to the parent or  
31 guardian. In determining whether court-ordered services may be  
32 extended, the court shall consider the special circumstances of an  
33 incarcerated or institutionalized parent or parents, parent or parents  
34 court-ordered to a residential substance abuse treatment program,  
35 or a parent who has been arrested and issued an immigration hold,  
36 detained by the United States Department of Homeland Security,  
37 or deported to his or her country of origin, including, but not  
38 limited to, barriers to the parent’s or guardian’s access to services  
39 and ability to maintain contact with his or her child. The court  
40 shall also consider, among other factors, good faith efforts that the

1 parent or guardian has made to maintain contact with the child. If  
2 the court extends the time period, the court shall specify the factual  
3 basis for its conclusion that there is a substantial probability that  
4 the child will be returned to the physical custody of his or her  
5 parent or guardian within the extended time period. The court also  
6 shall make findings pursuant to subdivision (a) of Section 366 and  
7 subdivision (e) of Section 358.1.

8 When counseling or other treatment services are ordered, the  
9 parent or guardian shall be ordered to participate in those services,  
10 unless the parent's or guardian's participation is deemed by the  
11 court to be inappropriate or potentially detrimental to the child, or  
12 unless a parent or guardian is incarcerated or detained by the United  
13 States Department of Homeland Security and the corrections  
14 facility in which he or she is incarcerated does not provide access  
15 to the treatment services ordered by the court, or has been deported  
16 to his or her country of origin and services ordered by the court  
17 are not accessible in that country. Physical custody of the child by  
18 the parents or guardians during the applicable time period under  
19 subparagraph (A), (B), or (C) of paragraph (1) shall not serve to  
20 interrupt the running of the time period. If at the end of the  
21 applicable time period, a child cannot be safely returned to the  
22 care and custody of a parent or guardian without court supervision,  
23 but the child clearly desires contact with the parent or guardian,  
24 the court shall take the child's desire into account in devising a  
25 permanency plan.

26 In cases where the child was under three years of age on the date  
27 of the initial removal from the physical custody of his or her parent  
28 or guardian or is a member of a sibling group as described in  
29 subparagraph (C) of paragraph (1), the court shall inform the parent  
30 or guardian that the failure of the parent or guardian to participate  
31 regularly in any court-ordered treatment programs or to cooperate  
32 or avail himself or herself of services provided as part of the child  
33 welfare services case plan may result in a termination of efforts  
34 to reunify the family after six months. The court shall inform the  
35 parent or guardian of the factors used in subdivision (e) of Section  
36 366.21 to determine whether to limit services to six months for  
37 some or all members of a sibling group as described in  
38 subparagraph (C) of paragraph (1).

39 (4) Notwithstanding paragraph (3), court-ordered services may  
40 be extended up to a maximum time period not to exceed 24 months

1 after the date the child was originally removed from physical  
2 custody of his or her parent or guardian if it is shown, at the hearing  
3 held pursuant to subdivision (b) of Section 366.22, that the  
4 permanent plan for the child is that he or she will be returned and  
5 safely maintained in the home within the extended time period.  
6 The court shall extend the time period only if it finds that it is in  
7 the child's best interest to have the time period extended and that  
8 there is a substantial probability that the child will be returned to  
9 the physical custody of his or her parent or guardian who is  
10 described in subdivision (b) of Section 366.22 within the extended  
11 time period, or that reasonable services have not been provided to  
12 the parent or guardian. If the court extends the time period, the  
13 court shall specify the factual basis for its conclusion that there is  
14 a substantial probability that the child will be returned to the  
15 physical custody of his or her parent or guardian within the  
16 extended time period. The court also shall make findings pursuant  
17 to subdivision (a) of Section 366 and subdivision (e) of Section  
18 358.1.

19 When counseling or other treatment services are ordered, the  
20 parent or guardian shall be ordered to participate in those services,  
21 in order for substantial probability to be found. Physical custody  
22 of the child by the parents or guardians during the applicable time  
23 period under subparagraph (A), (B), or (C) of paragraph (1) shall  
24 not serve to interrupt the running of the time period. If at the end  
25 of the applicable time period, the child cannot be safely returned  
26 to the care and custody of a parent or guardian without court  
27 supervision, but the child clearly desires contact with the parent  
28 or guardian, the court shall take the child's desire into account in  
29 devising a permanency plan.

30 Except in cases where, pursuant to subdivision (b), the court  
31 does not order reunification services, the court shall inform the  
32 parent or parents of Section 366.26 and shall specify that the  
33 parent's or parents' parental rights may be terminated.

34 (b) Reunification services need not be provided to a parent or  
35 guardian described in this subdivision when the court finds, by  
36 clear and convincing evidence, any of the following:

37 (1) That the whereabouts of the parent or guardian is unknown.  
38 A finding pursuant to this paragraph shall be supported by an  
39 affidavit or by proof that a reasonably diligent search has failed

1 to locate the parent or guardian. The posting or publication of  
2 notices is not required in that search.

3 (2) That the parent or guardian is suffering from a mental  
4 disability that is described in Chapter 2 (commencing with Section  
5 7820) of Part 4 of Division 12 of the Family Code and that renders  
6 him or her incapable of utilizing those services.

7 (3) That the child or a sibling of the child has been previously  
8 adjudicated a dependent pursuant to any subdivision of Section  
9 300 as a result of physical or sexual abuse, that following that  
10 adjudication the child had been removed from the custody of his  
11 or her parent or guardian pursuant to Section 361, that the child  
12 has been returned to the custody of the parent or guardian from  
13 whom the child had been taken originally, and that the child is  
14 being removed pursuant to Section 361, due to additional physical  
15 or sexual abuse.

16 (4) That the parent or guardian of the child has caused the death  
17 of another child through abuse or neglect.

18 (5) That the child was brought within the jurisdiction of the  
19 court under subdivision (e) of Section 300 because of the conduct  
20 of that parent or guardian.

21 (6) That the child has been adjudicated a dependent pursuant  
22 to any subdivision of Section 300 as a result of severe sexual abuse  
23 or the infliction of severe physical harm to the child, a sibling, or  
24 a half sibling by a parent or guardian, as defined in this subdivision,  
25 and the court makes a factual finding that it would not benefit the  
26 child to pursue reunification services with the offending parent or  
27 guardian.

28 A finding of severe sexual abuse, for the purposes of this  
29 subdivision, may be based on, but is not limited to, sexual  
30 intercourse, or stimulation involving genital-genital, oral-genital,  
31 anal-genital, or oral-anal contact, whether between the parent or  
32 guardian and the child or a sibling or half sibling of the child, or  
33 between the child or a sibling or half sibling of the child and  
34 another person or animal with the actual or implied consent of the  
35 parent or guardian; or the penetration or manipulation of the  
36 child's, sibling's, or half sibling's genital organs or rectum by any  
37 animate or inanimate object for the sexual gratification of the  
38 parent or guardian, or for the sexual gratification of another person  
39 with the actual or implied consent of the parent or guardian.

1 A finding of the infliction of severe physical harm, for the  
2 purposes of this subdivision, may be based on, but is not limited  
3 to, deliberate and serious injury inflicted to or on a child's body  
4 or the body of a sibling or half sibling of the child by an act or  
5 omission of the parent or guardian, or of another individual or  
6 animal with the consent of the parent or guardian; deliberate and  
7 torturous confinement of the child, sibling, or half sibling in a  
8 closed space; or any other torturous act or omission that would be  
9 reasonably understood to cause serious emotional damage.

10 (7) That the parent is not receiving reunification services for a  
11 sibling or a half sibling of the child pursuant to paragraph (3), (5),  
12 or (6).

13 (8) That the child was conceived by means of the commission  
14 of an offense listed in Section 288 or 288.5 of the Penal Code, or  
15 by an act committed outside of this state that, if committed in this  
16 state, would constitute one of those offenses. This paragraph only  
17 applies to the parent who committed the offense or act.

18 (9) That the child has been found to be a child described in  
19 subdivision (g) of Section 300; that the parent or guardian of the  
20 child willfully abandoned the child, and the court finds that the  
21 abandonment itself constituted a serious danger to the child; or  
22 that the parent or other person having custody of the child  
23 voluntarily surrendered physical custody of the child pursuant to  
24 Section 1255.7 of the Health and Safety Code. For the purposes  
25 of this paragraph, "serious danger" means that without the  
26 intervention of another person or agency, the child would have  
27 sustained severe or permanent disability, injury, illness, or death.  
28 For purposes of this paragraph, "willful abandonment" shall not  
29 be construed as actions taken in good faith by the parent without  
30 the intent of placing the child in serious danger.

31 (10) That the court ordered termination of reunification services  
32 for any siblings or half siblings of the child because the parent or  
33 guardian failed to reunify with the sibling or half sibling after the  
34 sibling or half sibling had been removed from that parent or  
35 guardian pursuant to Section 361 and that parent or guardian is  
36 the same parent or guardian described in subdivision (a) and that,  
37 according to the findings of the court, this parent or guardian has  
38 not subsequently made a reasonable effort to treat the problems  
39 that led to removal of the sibling or half sibling of that child from  
40 that parent or guardian.

1 (11) That the parental rights of a parent over any sibling or half  
 2 sibling of the child had been permanently severed, and this parent  
 3 is the same parent described in subdivision (a), and that, according  
 4 to the findings of the court, this parent has not subsequently made  
 5 a reasonable effort to treat the problems that led to removal of the  
 6 sibling or half sibling of that child from the parent.

7 (12) That the parent or guardian of the child has been convicted  
 8 of a violent felony, as defined in subdivision (c) of Section 667.5  
 9 of the Penal Code.

10 (13) That the parent or guardian of the child has a history of  
 11 extensive, abusive, and chronic use of drugs or alcohol and has  
 12 resisted prior court-ordered treatment for this problem during a  
 13 three-year period immediately prior to the filing of the petition  
 14 that brought that child to the court’s attention, or has failed or  
 15 refused to comply with a program of drug or alcohol treatment  
 16 described in the case plan required by Section 358.1 on at least  
 17 two prior occasions, even though the programs identified were  
 18 available and accessible.

19 (14) That the parent or guardian of the child has advised the  
 20 court that he or she is not interested in receiving family  
 21 maintenance or family reunification services or having the child  
 22 returned to or placed in his or her custody and does not wish to  
 23 receive family maintenance or reunification services.

24 The parent or guardian shall be represented by counsel and shall  
 25 execute a waiver of services form to be adopted by the Judicial  
 26 Council. The court shall advise the parent or guardian of any right  
 27 to services and of the possible consequences of a waiver of  
 28 services, including the termination of parental rights and placement  
 29 of the child for adoption. The court shall not accept the waiver of  
 30 services unless it states on the record its finding that the parent or  
 31 guardian has knowingly and intelligently waived the right to  
 32 services.

33 (15) That the parent or guardian has on one or more occasions  
 34 willfully abducted the child or child’s sibling or half sibling from  
 35 his or her placement and refused to disclose the child’s or child’s  
 36 sibling’s or half sibling’s whereabouts, refused to return physical  
 37 custody of the child or child’s sibling or half sibling to his or her  
 38 placement, or refused to return physical custody of the child or  
 39 child’s sibling or half sibling to the social worker.

1 (16) That the parent or guardian has been required by the court  
2 to be registered on a sex offender registry under the federal Adam  
3 Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.  
4 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the  
5 Child Abuse Prevention and Treatment Act of 2006 (42 U.S.C.  
6 Sec. 5106a(2)(B)(xvi)(VI)).

7 (c) In deciding whether to order reunification in any case in  
8 which this section applies, the court shall hold a dispositional  
9 hearing. The social worker shall prepare a report that discusses  
10 whether reunification services shall be provided. When it is alleged,  
11 pursuant to paragraph (2) of subdivision (b), that the parent is  
12 incapable of utilizing services due to mental disability, the court  
13 shall order reunification services unless competent evidence from  
14 mental health professionals establishes that, even with the provision  
15 of services, the parent is unlikely to be capable of adequately caring  
16 for the child within the time limits specified in subdivision (a).

17 The court shall not order reunification for a parent or guardian  
18 described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12),  
19 (13), (14), (15), or (16) of subdivision (b) unless the court finds,  
20 by clear and convincing evidence, that reunification is in the best  
21 interest of the child.

22 In addition, the court shall not order reunification in any situation  
23 described in paragraph (5) of subdivision (b) unless it finds that,  
24 based on competent testimony, those services are likely to prevent  
25 reabuse or continued neglect of the child or that failure to try  
26 reunification will be detrimental to the child because the child is  
27 closely and positively attached to that parent. The social worker  
28 shall investigate the circumstances leading to the removal of the  
29 child and advise the court whether there are circumstances that  
30 indicate that reunification is likely to be successful or unsuccessful  
31 and whether failure to order reunification is likely to be detrimental  
32 to the child.

33 The failure of the parent to respond to previous services, the fact  
34 that the child was abused while the parent was under the influence  
35 of drugs or alcohol, a past history of violent behavior, or testimony  
36 by a competent professional that the parent's behavior is unlikely  
37 to be changed by services are among the factors indicating that  
38 reunification services are unlikely to be successful. The fact that  
39 a parent or guardian is no longer living with an individual who  
40 severely abused the child may be considered in deciding that

1 reunification services are likely to be successful, provided that the  
2 court shall consider any pattern of behavior on the part of the parent  
3 that has exposed the child to repeated abuse.

4 (d) If reunification services are not ordered pursuant to  
5 paragraph (1) of subdivision (b) and the whereabouts of a parent  
6 become known within six months of the out-of-home placement  
7 of the child, the court shall order the social worker to provide  
8 family reunification services in accordance with this subdivision.

9 (e) (1) If the parent or guardian is incarcerated, institutionalized,  
10 or detained by the United States Department of Homeland Security,  
11 or has been deported to his or her country of origin, the court shall  
12 order reasonable services unless the court determines, by clear and  
13 convincing evidence, those services would be detrimental to the  
14 child. In determining detriment, the court shall consider the age  
15 of the child, the degree of parent-child bonding, the length of the  
16 sentence, the length and nature of the treatment, the nature of the  
17 crime or illness, the degree of detriment to the child if services are  
18 not offered and, for children 10 years of age or older, the child's  
19 attitude toward the implementation of family reunification services,  
20 the likelihood of the parent's discharge from incarceration,  
21 institutionalization, or detention within the reunification time  
22 limitations described in subdivision (a), and any other appropriate  
23 factors. In determining the content of reasonable services, the court  
24 shall consider the particular barriers to an incarcerated,  
25 institutionalized, detained, or deported parent's access to those  
26 court-mandated services and ability to maintain contact with his  
27 or her child, and shall document this information in the child's  
28 case plan. Reunification services are subject to the applicable time  
29 limitations imposed in subdivision (a). Services may include, but  
30 shall not be limited to, all of the following:

31 (A) Maintaining contact between the parent and child through  
32 collect telephone calls.

33 (B) Transportation services, where appropriate.

34 (C) Visitation services, where appropriate.

35 (D) Reasonable services to extended family members or foster  
36 parents providing care for the child if the services are not  
37 detrimental to the child.

38 An incarcerated or detained parent may be required to attend  
39 counseling, parenting classes, or vocational training programs as  
40 part of the reunification service plan if actual access to these

1 services is provided. The social worker shall document in the  
2 child's case plan the particular barriers to an incarcerated,  
3 institutionalized, or detained parent's access to those  
4 court-mandated services and ability to maintain contact with his  
5 or her child.

6 (E) Reasonable efforts to assist parents who have been deported  
7 to contact child welfare authorities in their country of origin, to  
8 identify any available services that would substantially comply  
9 with case plan requirements, to document the parents' participation  
10 in those services, and to accept reports from local child welfare  
11 authorities as to the parents' living situation, progress, and  
12 participation in services.

13 (2) The presiding judge of the juvenile court of each county  
14 may convene representatives of the county welfare department,  
15 the sheriff's department, and other appropriate entities for the  
16 purpose of developing and entering into protocols for ensuring the  
17 notification, transportation, and presence of an incarcerated or  
18 institutionalized parent at all court hearings involving proceedings  
19 affecting the child pursuant to Section 2625 of the Penal Code.  
20 The county welfare department shall utilize the prisoner locator  
21 system developed by the Department of Corrections and  
22 Rehabilitation to facilitate timely and effective notice of hearings  
23 for incarcerated parents.

24 (3) Notwithstanding any other ~~provision~~ of law, if the  
25 incarcerated parent is a woman seeking to participate in the  
26 community treatment program operated by the Department of  
27 Corrections and Rehabilitation pursuant to Chapter 4.8  
28 (commencing with Section 1174) of Title 7 of Part 2 of, Chapter  
29 4 (commencing with Section 3410) of Title 2 of Part 3 of, the Penal  
30 Code, the court shall determine whether the parent's participation  
31 in a program is in the child's best interest and whether it is suitable  
32 to meet the needs of the parent and child.

33 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),  
34 (8), (9), (10), (11), (12), (13), (14), (15), or (16) of subdivision (b)  
35 or paragraph (1) of subdivision (e), does not order reunification  
36 services, it shall, at the dispositional hearing, that shall include a  
37 permanency hearing, determine if a hearing under Section 366.26  
38 shall be set in order to determine whether adoption, guardianship,  
39 ~~or long-term foster care~~, *placement with a fit and willing relative,*  
40 *or another planned permanent living arrangement*, or in the case

1 of an Indian child, in consultation with the child’s tribe, tribal  
2 customary adoption, is the most appropriate plan for the child, and  
3 shall consider in-state and out-of-state placement options. If the  
4 court so determines, it shall conduct the hearing pursuant to Section  
5 366.26 within 120 days after the dispositional hearing. However,  
6 the court shall not schedule a hearing so long as the other parent  
7 is being provided reunification services pursuant to subdivision  
8 (a). The court may continue to permit the parent to visit the child  
9 unless it finds that visitation would be detrimental to the child.

10 (g) (1) Whenever a court orders that a hearing shall be held  
11 pursuant to Section 366.26, including, when, in consultation with  
12 the child’s tribe, tribal customary adoption is recommended, it  
13 shall direct the agency supervising the child and the county  
14 adoption agency, or the State Department of Social Services when  
15 it is acting as an adoption agency, to prepare an assessment that  
16 shall include:

17 (A) Current search efforts for an absent parent or parents and  
18 notification of a noncustodial parent in the manner provided for  
19 in Section 291.

20 (B) A review of the amount of and nature of any contact between  
21 the child and his or her parents and other members of his or her  
22 extended family since the time of placement. Although the  
23 extended family of each child shall be reviewed on a case-by-case  
24 basis, “extended family” for the purpose of this subparagraph shall  
25 include, but not be limited to, the child’s siblings, grandparents,  
26 aunts, and uncles.

27 (C) An evaluation of the child’s medical, developmental,  
28 scholastic, mental, and emotional status.

29 (D) A preliminary assessment of the eligibility and commitment  
30 of any identified prospective adoptive parent or guardian, including  
31 a prospective tribal customary adoptive parent, particularly the  
32 caretaker, to include a social history, including screening for  
33 criminal records and prior referrals for child abuse or neglect, the  
34 capability to meet the child’s needs, and the understanding of the  
35 legal and financial rights and responsibilities of adoption and  
36 guardianship. If a proposed guardian is a relative of the minor, the  
37 assessment shall also consider, but need not be limited to, all of  
38 the factors specified in subdivision (a) of Section 361.3 and in  
39 Section 361.4. As used in this subparagraph, “relative” means an  
40 adult who is related to the minor by blood, adoption, or affinity

1 within the fifth degree of kinship, including stepparents,  
2 stepsiblings, and all relatives whose status is preceded by the words  
3 “great,” “great-great,” or “grand,” or the spouse of any of those  
4 persons even if the marriage was terminated by death or  
5 dissolution. If the proposed permanent plan is guardianship with  
6 an approved relative caregiver for a minor eligible for aid under  
7 the Kin-GAP Program, as provided for in Article 4.7 (commencing  
8 with Section 11385) of Chapter 2 of Part 3 of Division 9, “relative”  
9 as used in this section has the same meaning as “relative” as  
10 defined in subdivision (c) of Section 11391.

11 (E) The relationship of the child to any identified prospective  
12 adoptive parent or guardian, including a prospective tribal  
13 customary parent, the duration and character of the relationship,  
14 the degree of attachment of the child to the prospective relative  
15 guardian or adoptive parent, the relative’s or adoptive parent’s  
16 strong commitment to caring permanently for the child, the  
17 motivation for seeking adoption or guardianship, a statement from  
18 the child concerning placement and the adoption or guardianship,  
19 and whether the child over 12 years of age has been consulted  
20 about the proposed relative guardianship arrangements, unless the  
21 child’s age or physical, emotional, or other condition precludes  
22 his or her meaningful response, and if so, a description of the  
23 condition.

24 (F) An analysis of the likelihood that the child will be adopted  
25 if parental rights are terminated.

26 (G) In the case of an Indian child, in addition to subparagraphs  
27 (A) to (F), inclusive, an assessment of the likelihood that the child  
28 will be adopted, when, in consultation with the child’s tribe, a  
29 customary adoption, as defined in Section 366.24, is recommended.  
30 If tribal customary adoption is recommended, the assessment shall  
31 include an analysis of both of the following:

32 (i) Whether tribal customary adoption would or would not be  
33 detrimental to the Indian child and the reasons for reaching that  
34 conclusion.

35 (ii) Whether the Indian child cannot or should not be returned  
36 to the home of the Indian parent or Indian custodian and the reasons  
37 for reaching that conclusion.

38 (2) (A) A relative caregiver’s preference for legal guardianship  
39 over adoption, if it is due to circumstances that do not include an  
40 unwillingness to accept legal or financial responsibility for the

1 child, shall not constitute the sole basis for recommending removal  
2 of the child from the relative caregiver for purposes of adoptive  
3 placement.

4 (B) Regardless of his or her immigration status, a relative  
5 caregiver shall be given information regarding the permanency  
6 options of guardianship and adoption, including the long-term  
7 benefits and consequences of each option, prior to establishing  
8 legal guardianship or pursuing adoption. If the proposed permanent  
9 plan is guardianship with an approved relative caregiver for a  
10 minor eligible for aid under the Kin-GAP Program, as provided  
11 for in Article 4.7 (commencing with Section 11385) of Chapter 2  
12 of Part 3 of Division 9, the relative caregiver shall be informed  
13 about the terms and conditions of the negotiated agreement  
14 pursuant to Section 11387 and shall agree to its execution prior to  
15 the hearing held pursuant to Section 366.26. A copy of the executed  
16 negotiated agreement shall be attached to the assessment.

17 (h) If, at any hearing held pursuant to Section 366.26, a  
18 guardianship is established for the minor with an approved relative  
19 caregiver and juvenile court dependency is subsequently dismissed,  
20 the minor shall be eligible for aid under the Kin-GAP Program as  
21 provided for in Article 4.5 (commencing with Section 11360) or  
22 Article 4.7 (commencing with Section 11385) of Chapter 2 of Part  
23 3 of Division 9, as applicable.

24 (i) In determining whether reunification services will benefit  
25 the child pursuant to paragraph (6) or (7) of subdivision (b), the  
26 court shall consider any information it deems relevant, including  
27 the following factors:

28 (1) The specific act or omission comprising the severe sexual  
29 abuse or the severe physical harm inflicted on the child or the  
30 child's sibling or half sibling.

31 (2) The circumstances under which the abuse or harm was  
32 inflicted on the child or the child's sibling or half sibling.

33 (3) The severity of the emotional trauma suffered by the child  
34 or the child's sibling or half sibling.

35 (4) Any history of abuse of other children by the offending  
36 parent or guardian.

37 (5) The likelihood that the child may be safely returned to the  
38 care of the offending parent or guardian within 12 months with no  
39 continuing supervision.

1 (6) Whether or not the child desires to be reunified with the  
2 offending parent or guardian.

3 (j) When the court determines that reunification services will  
4 not be ordered, it shall order that the child's caregiver receive the  
5 child's birth certificate in accordance with Sections 16010.4 and  
6 16010.5. Additionally, when the court determines that reunification  
7 services will not be ordered, it shall order, when appropriate, that  
8 a child who is 16 years of age or older receive his or her birth  
9 certificate.

10 (k) The court shall read into the record the basis for a finding  
11 of severe sexual abuse or the infliction of severe physical harm  
12 under paragraph (6) of subdivision (b), and shall also specify the  
13 factual findings used to determine that the provision of  
14 reunification services to the offending parent or guardian would  
15 not benefit the child.

16 ~~SEC. 11.~~

17 *SEC. 36.* Section 366.26 of the Welfare and Institutions Code  
18 is amended to read:

19 366.26. (a) This section applies to children who are adjudged  
20 dependent children of the juvenile court pursuant to subdivision  
21 (d) of Section 360. The procedures specified herein are the  
22 exclusive procedures for conducting these hearings; Part 2  
23 (commencing with Section 3020) of Division 8 of the Family Code  
24 is not applicable to these proceedings. Section 8616.5 of the Family  
25 Code is applicable and available to all dependent children meeting  
26 the requirements of that section, if the postadoption contact  
27 agreement has been entered into voluntarily. For children who are  
28 adjudged dependent children of the juvenile court pursuant to  
29 subdivision (d) of Section 360, this section and Sections 8604,  
30 8605, 8606, and 8700 of the Family Code and Chapter 5  
31 (commencing with Section 7660) of Part 3 of Division 12 of the  
32 Family Code specify the exclusive procedures for permanently  
33 terminating parental rights with regard to, or establishing legal  
34 guardianship of, the child while the child is a dependent child of  
35 the juvenile court.

36 (b) At the hearing, which shall be held in juvenile court for all  
37 children who are dependents of the juvenile court, the court, in  
38 order to provide stable, permanent homes for these children, shall  
39 review the report as specified in Section 361.5, 366.21, 366.22, or  
40 366.25, shall indicate that the court has read and considered it,

1 shall receive other evidence that the parties may present, and then  
2 shall make findings and orders in the following order of preference:

3 (1) Terminate the rights of the parent or parents and order that  
4 the child be placed for adoption and, upon the filing of a petition  
5 for adoption in the juvenile court, order that a hearing be set. The  
6 court shall proceed with the adoption after the appellate rights of  
7 the natural parents have been exhausted.

8 (2) Order, without termination of parental rights, the plan of  
9 tribal customary adoption, as described in Section 366.24, through  
10 tribal custom, traditions, or law of the Indian child's tribe, and  
11 upon the court affording the tribal customary adoption order full  
12 faith and credit at the continued selection and implementation  
13 hearing, order that a hearing be set pursuant to paragraph (2) of  
14 subdivision (e).

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

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

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

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

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

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

33 (c) (1) If the court determines, based on the assessment provided  
34 as ordered under subdivision (i) of Section 366.21, subdivision (b)  
35 of Section 366.22, or subdivision (b) of Section 366.25, and any  
36 other relevant evidence, by a clear and convincing standard, that  
37 it is likely the child will be adopted, the court shall terminate  
38 parental rights and order the child placed for adoption. The fact  
39 that the child is not yet placed in a preadoptive home nor with a  
40 relative or foster family who is prepared to adopt the child, shall

1 not constitute a basis for the court to conclude that it is not likely  
2 the child will be adopted. A finding under subdivision (b) or  
3 paragraph (1) of subdivision (e) of Section 361.5 that reunification  
4 services shall not be offered, under subdivision (e) of Section  
5 366.21 that the whereabouts of a parent have been unknown for  
6 six months or that the parent has failed to visit or contact the child  
7 for six months, or that the parent has been convicted of a felony  
8 indicating parental unfitness, or, under Section 366.21 or 366.22,  
9 that the court has continued to remove the child from the custody  
10 of the parent or guardian and has terminated reunification services,  
11 shall constitute a sufficient basis for termination of parental rights.  
12 Under these circumstances, the court shall terminate parental rights  
13 unless either of the following applies:

14 (A) The child is living with a relative who is unable or unwilling  
15 to adopt the child because of circumstances that do not include an  
16 unwillingness to accept legal or financial responsibility for the  
17 child, but who is willing and capable of providing the child with  
18 a stable and permanent environment through legal guardianship,  
19 and the removal of the child from the custody of his or her relative  
20 would be detrimental to the emotional well-being of the child. For  
21 purposes of an Indian child, “relative” shall include an “extended  
22 family member,” as defined in the federal Indian Child Welfare  
23 Act of 1978 (25 U.S.C. Sec. 1903(2)).

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

27 (i) The parents have maintained regular visitation and contact  
28 with the child and the child would benefit from continuing the  
29 relationship.

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

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

37 (iv) The child is living with a foster parent or Indian custodian  
38 who is unable or unwilling to adopt the child because of  
39 exceptional circumstances, that do not include an unwillingness  
40 to accept legal or financial responsibility for the child, but who is

1 willing and capable of providing the child with a stable and  
2 permanent environment and the removal of the child from the  
3 physical custody of his or her foster parent or Indian custodian  
4 would be detrimental to the emotional well-being of the child. This  
5 clause does not apply to any child who is either (I) under six years  
6 of age or (II) a member of a sibling group where at least one child  
7 is under six years of age and the siblings are, or should be,  
8 permanently placed together.

9 (v) There would be substantial interference with a child’s sibling  
10 relationship, taking into consideration the nature and extent of the  
11 relationship, including, but not limited to, whether the child was  
12 raised with a sibling in the same home, whether the child shared  
13 significant common experiences or has existing close and strong  
14 bonds with a sibling, and whether ongoing contact is in the child’s  
15 best interest, including the child’s long-term emotional interest,  
16 as compared to the benefit of legal permanence through adoption.

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

20 (I) Termination of parental rights would substantially interfere  
21 with the child’s connection to his or her tribal community or the  
22 child’s tribal membership rights.

23 (II) The child’s tribe has identified guardianship, foster care  
24 with a fit and willing relative, tribal customary adoption, or another  
25 planned permanent living arrangement for the child.

26 (III) The child is a nonminor dependent, and the nonminor and  
27 the nonminor’s tribe have identified tribal customary adoption for  
28 the nonminor.

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

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

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

35 (A) At each hearing at which the court was required to consider  
36 reasonable efforts or services, the court has found that reasonable  
37 efforts were not made or that reasonable services were not offered  
38 or provided.

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

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

3 (ii) The court does not make a determination at the hearing  
4 terminating parental rights, supported by evidence beyond a  
5 reasonable doubt, including testimony of one or more “qualified  
6 expert witnesses” as defined in Section 224.6, that the continued  
7 custody of the child by the parent is likely to result in serious  
8 emotional or physical damage to the child.

9 (iii) The court has ordered tribal customary adoption pursuant  
10 to Section 366.24.

11 (3) If the court finds that termination of parental rights would  
12 not be detrimental to the child pursuant to paragraph (1) and that  
13 the child has a probability for adoption but is difficult to place for  
14 adoption and there is no identified or available prospective adoptive  
15 parent, the court may identify adoption as the permanent placement  
16 goal ~~and~~ *and*, without terminating parental rights, order that efforts  
17 be made to locate an appropriate adoptive family for the child,  
18 within the state or out of the state, within a period not to exceed  
19 180 days. During this 180-day period, the public agency  
20 responsible for seeking adoptive parents for each child shall, to  
21 the extent possible, ask each child who is 10 years of age or ~~older~~,  
22 *older* to identify any individuals, other than the child’s siblings,  
23 who are important to the child, in order to identify potential  
24 adoptive parents. The public agency may ask any other child to  
25 provide that information, as appropriate. During the 180-day  
26 period, the public agency shall, to the extent possible, contact other  
27 private and public adoption agencies regarding the availability of  
28 the child for adoption. During the 180-day period, the public  
29 agency shall conduct the search for adoptive parents in the same  
30 manner as prescribed for children in Sections 8708 and 8709 of  
31 the Family Code. At the expiration of this period, another hearing  
32 shall be held and the court shall proceed pursuant to paragraph  
33 (1), (2), (3), (5), or (6) of subdivision (b). For purposes of this  
34 section, a child may only be found to be difficult to place for  
35 adoption if there is no identified or available prospective adoptive  
36 parent for the child because of the child’s membership in a sibling  
37 group, or the presence of a diagnosed medical, physical, or mental  
38 handicap, or the child is seven years of age or ~~more~~ *older*.

39 (4) (A) If the court finds that adoption of the child or  
40 termination of parental rights is not in the best interest of the child,

1 because one of the conditions in clause (i), (ii), (iii), (iv), (v), or  
2 (vi) of subparagraph (B) of paragraph (1) or in paragraph (2)  
3 applies, the court shall order that the present caretakers or other  
4 appropriate persons shall become legal guardians of the child, or,  
5 in the case of an Indian child, consider a tribal customary adoption  
6 pursuant to Section 366.24. Legal guardianship shall be considered  
7 before continuing the child in foster care under any other permanent  
8 plan, if it is in the best interests of the child and if a suitable  
9 guardian can be found. If the child continues in foster care, the  
10 court shall make factual findings identifying any barriers to  
11 achieving adoption, tribal customary adoption in the case of an  
12 Indian child, legal guardianship, or placement with a fit and willing  
13 relative as of the date of the hearing. A child who is 10 years of  
14 age or older, shall be asked to identify any individuals, other than  
15 the child's siblings, who are important to the child, in order to  
16 identify potential guardians or, in the case of an Indian child,  
17 prospective tribal customary adoptive parents. The agency may  
18 ask any other child to provide that information, as appropriate.

19 (B) (i) If the child is living with an approved relative who is  
20 willing and capable of providing a stable and permanent  
21 environment, but not willing to become a legal guardian as of the  
22 hearing date, the court shall order a permanent plan of placement  
23 with a fit and willing relative, and the child shall not be removed  
24 from the home if the court finds the removal would be seriously  
25 detrimental to the emotional well-being of the child because the  
26 child has substantial psychological ties to the relative caretaker.

27 (ii) If the child is living with a nonrelative caregiver who is  
28 willing and capable of providing a stable and permanent  
29 environment, but not willing to become a legal guardian as of the  
30 hearing date, the court shall order that the child remain in foster  
31 care with a permanent plan of return home, adoption, legal  
32 guardianship, or placement with a fit and willing relative, as  
33 appropriate. If the child is 16 years of age or older, or a nonminor  
34 dependent, and no other permanent plan is appropriate at the time  
35 of the hearing, the court may order another planned permanent  
36 living arrangement, as described in paragraph (2) of subdivision  
37 (i) of Section 16501. Regardless of the age of the child, the child  
38 shall not be removed from the home if the court finds the removal  
39 would be seriously detrimental to the emotional well-being of the

1 child because the child has substantial psychological ties to the  
2 caregiver.

3 (iii) If the child is living in a group home or, on or after January  
4 1, 2017, a short-term residential treatment center, the court shall  
5 order that the child remain in foster care with a permanent plan of  
6 return home, adoption, tribal customary adoption in the case of an  
7 Indian child, legal guardianship, or placement with a fit and willing  
8 relative, as appropriate. If the child is 16 years of age or older, or  
9 a nonminor dependent, and no other permanent plan is appropriate  
10 at the time of the hearing, the court may order another planned  
11 permanent living arrangement, as described in paragraph (2) of  
12 subdivision (i) of Section 16501.

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

17 (5) If the court finds that the child should not be placed for  
18 adoption, that legal guardianship shall not be established, that  
19 placement with a fit and willing relative is not appropriate as of  
20 the hearing date, and that there are no suitable foster parents except  
21 ~~exclusive-use homes~~ *certified family homes or resource families*  
22 *of a foster family agency* available to provide the child with a stable  
23 and permanent environment, the court may order the care, custody,  
24 and control of the child transferred from the county welfare  
25 department to a licensed foster family agency. The court shall  
26 consider the written recommendation of the county welfare director  
27 regarding the suitability of the transfer. The transfer shall be subject  
28 to further court orders.

29 The licensed foster family agency shall place the child in a  
30 suitable licensed or ~~exclusive-use~~ *certified family* home that has  
31 been certified by the agency as meeting licensing ~~standards.~~  
32 *standards or with a resource family approved by the agency.* The  
33 licensed foster family agency shall be responsible for supporting  
34 the child and providing appropriate services to the child, including  
35 those services ordered by the court. Responsibility for the support  
36 of the child shall not, in and of itself, create liability on the part of  
37 the foster family agency to third persons injured by the child. Those  
38 children whose care, custody, and control are transferred to a foster  
39 family agency shall not be eligible for foster care maintenance

1 payments or child welfare services, except for emergency response  
2 services pursuant to Section 16504.

3 (d) The proceeding for the appointment of a guardian for a child  
4 who is a dependent of the juvenile court shall be in the juvenile  
5 court. If the court finds pursuant to this section that legal  
6 guardianship is the appropriate permanent plan, it shall appoint  
7 the legal guardian and issue letters of guardianship. The assessment  
8 prepared pursuant to subdivision (g) of Section 361.5, subdivision  
9 (i) of Section 366.21, subdivision (b) of Section 366.22, and  
10 subdivision (b) of Section 366.25 shall be read and considered by  
11 the court prior to the appointment, and this shall be reflected in  
12 the minutes of the court. The person preparing the assessment may  
13 be called and examined by any party to the proceeding.

14 (e) (1) The proceeding for the adoption of a child who is a  
15 dependent of the juvenile court shall be in the juvenile court if the  
16 court finds pursuant to this section that adoption is the appropriate  
17 permanent plan and the petition for adoption is filed in the juvenile  
18 court. Upon the filing of a petition for adoption, the juvenile court  
19 shall order that an adoption hearing be set. The court shall proceed  
20 with the adoption after the appellate rights of the natural parents  
21 have been exhausted. The full report required by Section 8715 of  
22 the Family Code shall be read and considered by the court prior  
23 to the adoption and this shall be reflected in the minutes of the  
24 court. The person preparing the report may be called and examined  
25 by any party to the proceeding. It is the intent of the Legislature,  
26 pursuant to this subdivision, to give potential adoptive parents the  
27 option of filing in the juvenile court the petition for the adoption  
28 of a child who is a dependent of the juvenile court. Nothing in this  
29 section is intended to prevent the filing of a petition for adoption  
30 in any other court as permitted by law, instead of in the juvenile  
31 court.

32 (2) In the case of an Indian child, if the Indian child's tribe has  
33 elected a permanent plan of tribal customary adoption, the court,  
34 upon receiving the tribal customary adoption order will afford the  
35 tribal customary adoption order full faith and credit to the same  
36 extent that the court would afford full faith and credit to the public  
37 acts, records, judicial proceedings, and judgments of any other  
38 entity. Upon a determination that the tribal customary adoption  
39 order may be afforded full faith and credit, consistent with Section  
40 224.5, the court shall thereafter order a hearing to finalize the

1 adoption be set upon the filing of the adoption petition. The  
2 prospective tribal customary adoptive parents and the child who  
3 is the subject of the tribal customary adoption petition shall appear  
4 before the court for the finalization hearing. The court shall  
5 thereafter issue an order of adoption pursuant to Section 366.24.

6 (3) If a child who is the subject of a finalized tribal customary  
7 adoption shows evidence of a developmental disability or mental  
8 illness as a result of conditions existing before the tribal customary  
9 adoption to the extent that the child cannot be relinquished to a  
10 licensed adoption agency on the grounds that the child is considered  
11 unadoptable, and of which condition the tribal customary adoptive  
12 parent or parents had no knowledge or notice before the entry of  
13 the tribal customary adoption order, a petition setting forth those  
14 facts may be filed by the tribal customary adoptive parent or  
15 parents with the juvenile court that granted the tribal customary  
16 adoption petition. If these facts are proved to the satisfaction of  
17 the juvenile court, it may make an order setting aside the tribal  
18 customary adoption order. The set-aside petition shall be filed  
19 within five years of the issuance of the tribal customary adoption  
20 order. The court clerk shall immediately notify the child's tribe  
21 and the department in Sacramento of the petition within 60 days  
22 after the notice of filing of the petition. The department shall file  
23 a full report with the court and shall appear before the court for  
24 the purpose of representing the child. Whenever a final decree of  
25 tribal customary adoption has been vacated or set aside, the child  
26 shall be returned to the custody of the county in which the  
27 proceeding for tribal customary adoption was finalized. The  
28 biological parent or parents of the child may petition for return of  
29 custody. The disposition of the child after the court has entered an  
30 order to set aside a tribal customary adoption shall include  
31 consultation with the child's tribe.

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

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

1 (2) If a parent appears without counsel and is unable to afford  
2 counsel, the court shall appoint counsel for the parent, unless this  
3 representation is knowingly and intelligently waived. The same  
4 counsel shall not be appointed to represent both the child and his  
5 or her parent. The public defender or private counsel may be  
6 appointed as counsel for the parent.

7 (3) Private counsel appointed under this section shall receive a  
8 reasonable sum for compensation and expenses, the amount of  
9 which shall be determined by the court. The amount shall be paid  
10 by the real parties in interest, other than the child, in any  
11 proportions the court deems just. However, if the court finds that  
12 any of the real parties in interest are unable to afford counsel, the  
13 amount shall be paid out of the general fund of the county.

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

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

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

26 (3) (A) The testimony of the child may be taken in chambers  
27 and outside the presence of the child's parent or parents, if the  
28 child's parent or parents are represented by counsel, the counsel  
29 is present, and any of the following circumstances ~~exists~~: *exist*:

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

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

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

36 (B) After testimony in chambers, the parent or parents of the  
37 child may elect to have the court reporter read back the testimony  
38 or have the testimony summarized by counsel for the parent or  
39 parents.

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

4 (i) (1) Any order of the court permanently terminating parental  
5 rights under this section shall be conclusive and binding upon the  
6 child, upon the parent or parents ~~and~~ and, upon all other persons  
7 who have been served with citation by publication or otherwise  
8 as provided in this chapter. After making the order, the juvenile  
9 court shall have no power to set aside, change, or modify it, except  
10 as provided in paragraph (2), but nothing in this section shall be  
11 construed to limit the right to appeal the order.

12 (2) A tribal customary adoption order evidencing that the Indian  
13 child has been the subject of a tribal customary adoption shall be  
14 afforded full faith and credit and shall have the same force and  
15 effect as an order of adoption authorized by this section. The rights  
16 and obligations of the parties as to the matters determined by the  
17 Indian child's tribe shall be binding on all parties. A court shall  
18 not order compliance with the order absent a finding that the party  
19 seeking the enforcement participated, or attempted to participate,  
20 in good faith, in family mediation services of the court or dispute  
21 resolution through the tribe regarding the conflict, prior to the  
22 filing of the enforcement action.

23 (3) A child who has not been adopted after the passage of at  
24 least three years from the date the court terminated parental rights  
25 and for whom the court has determined that adoption is no longer  
26 the permanent plan may petition the juvenile court to reinstate  
27 parental rights pursuant to the procedure prescribed by Section  
28 388. The child may file the petition prior to the expiration of this  
29 three-year period if the State Department of Social Services, county  
30 adoption agency, or licensed adoption agency that is responsible  
31 for custody and supervision of the child as described in subdivision  
32 (j) and the child stipulate that the child is no longer likely to be  
33 adopted. A child over 12 years of age shall sign the petition in the  
34 absence of a showing of good cause as to why the child could not  
35 do so. If it appears that the best interests of the child may be  
36 promoted by reinstatement of parental rights, the court shall order  
37 that a hearing be held and shall give prior notice, or cause prior  
38 notice to be given, to the social worker or probation officer and to  
39 the child's attorney of record, or, if there is no attorney of record  
40 for the child, to the child, and the child's tribe, if applicable, by

1 means prescribed by subdivision (c) of Section 297. The court  
2 shall order the child or the social worker or probation officer to  
3 give prior notice of the hearing to the child's former parent or  
4 parents whose parental rights were terminated in the manner  
5 prescribed by subdivision (f) of Section 294 where the  
6 recommendation is adoption. The juvenile court shall grant the  
7 petition if it finds by clear and convincing evidence that the child  
8 is no longer likely to be adopted and that reinstatement of parental  
9 rights is in the child's best interest. If the court reinstates parental  
10 rights over a child who is under 12 years of age and for whom the  
11 new permanent plan will not be reunification with a parent or legal  
12 guardian, the court shall specify the factual basis for its findings  
13 that it is in the best interest of the child to reinstate parental rights.  
14 This subdivision is intended to be retroactive and applies to any  
15 child who is under the jurisdiction of the juvenile court at the time  
16 of the hearing regardless of the date parental rights were terminated.

17 (j) If the court, by order or judgment, declares the child free  
18 from the custody and control of both parents, or one parent if the  
19 other does not have custody and control, or declares the child  
20 eligible for tribal customary adoption, the court shall at the same  
21 time order the child referred to the State Department of Social  
22 Services, county adoption agency, or licensed adoption agency for  
23 adoptive placement by the agency. However, except in the case  
24 of a tribal customary adoption where there is no termination of  
25 parental rights, a petition for adoption may not be granted until  
26 the appellate rights of the natural parents have been exhausted.  
27 The State Department of Social Services, county adoption agency,  
28 or licensed adoption agency shall be responsible for the custody  
29 and supervision of the child and shall be entitled to the exclusive  
30 care and control of the child at all times until a petition for adoption  
31 or tribal customary adoption is granted, except as specified in  
32 subdivision (n). With the consent of the agency, the court may  
33 appoint a guardian of the child, who shall serve until the child is  
34 adopted.

35 (k) Notwithstanding any other law, the application of any person  
36 who, as a relative caretaker or foster parent, has cared for a  
37 dependent child for whom the court has approved a permanent  
38 plan for adoption, or who has been freed for adoption, shall be  
39 given preference with respect to that child over all other  
40 applications for adoptive placement if the agency making the

1 placement determines that the child has substantial emotional ties  
2 to the relative caretaker or foster parent and removal from the  
3 relative caretaker or foster parent would be seriously detrimental  
4 to the child's emotional well-being.

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

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

12 (A) A petition for extraordinary writ review was filed in a timely  
13 manner.

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

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

18 (2) Failure to file a petition for extraordinary writ review within  
19 the period specified by rule, to substantively address the specific  
20 issues challenged, or to support that challenge by an adequate  
21 record shall preclude subsequent review by appeal of the findings  
22 and orders made pursuant to this section.

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

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

33 (B) The prompt transmittal of the records from the trial court  
34 to the appellate court.

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

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

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

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

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

7 (5) This subdivision shall only apply to cases in which an order  
8 to set a hearing pursuant to this section is issued on or after January  
9 1, 1995.

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

12 (n) (1) Notwithstanding Section 8704 of the Family Code or  
13 any other law, the court, at a hearing held pursuant to this section  
14 or anytime thereafter, may designate a current caretaker as a  
15 prospective adoptive parent if the child has lived with the caretaker  
16 for at least six months, the caretaker currently expresses a  
17 commitment to adopt the child, and the caretaker has taken at least  
18 one step to facilitate the adoption process. In determining whether  
19 to make that designation, the court may take into consideration  
20 whether the caretaker is listed in the preliminary assessment  
21 prepared by the county department in accordance with subdivision  
22 (i) of Section 366.21 as an appropriate person to be considered as  
23 an adoptive parent for the child and the recommendation of the  
24 State Department of Social Services, county adoption agency, or  
25 licensed adoption agency.

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

- 28 (A) *Applying for an adoption homestudy.*
- 29 (B) *Cooperating with an adoption homestudy.*
- 30 ~~(A)~~
- 31 (C) Being designated by the court or the adoption agency as the  
32 adoptive family.
- 33 ~~(B)~~
- 34 (D) Requesting de facto parent status.
- 35 ~~(C)~~
- 36 (E) Signing an adoptive placement agreement.
- 37 ~~(D)~~
- 38 (F) Engaging in discussions regarding a postadoption contact  
39 agreement.
- 40 ~~(E)~~

1 (G) Working to overcome any impediments that have been  
2 identified by the State Department of Social Services, county  
3 adoption agency, or licensed adoption agency.

4 ~~(F)~~

5 (H) Attending classes required of prospective adoptive parents.

6 (3) Prior to a change in placement and as soon as possible after  
7 a decision is made to remove a child from the home of a designated  
8 prospective adoptive parent, the agency shall notify the court, the  
9 designated prospective adoptive parent or the current caretaker, if  
10 that caretaker would have met the threshold criteria to be  
11 designated as a prospective adoptive parent pursuant to paragraph  
12 (1) on the date of service of this notice, the child's attorney, and  
13 the child, if the child is 10 years of age or older, of the proposal  
14 in the manner described in Section 16010.6.

15 (A) Within five court days or seven calendar days, whichever  
16 is longer, of the date of notification, the child, the child's attorney,  
17 or the designated prospective adoptive parent may file a petition  
18 with the court objecting to the proposal to remove the child, or the  
19 court, upon its own motion, may set a hearing regarding the  
20 proposal. The court may, for good cause, extend the filing period.  
21 A caretaker who would have met the threshold criteria to be  
22 designated as a prospective adoptive parent pursuant to paragraph  
23 (1) on the date of service of the notice of proposed removal of the  
24 child may file, together with the petition under this subparagraph,  
25 a petition for an order designating the caretaker as a prospective  
26 adoptive parent for purposes of this subdivision.

27 (B) A hearing ordered pursuant to this paragraph shall be held  
28 as soon as possible and not later than five court days after the  
29 petition is filed with the court or the court sets a hearing upon its  
30 own motion, unless the court for good cause is unable to set the  
31 matter for hearing five court days after the petition is filed, in  
32 which case the court shall set the matter for hearing as soon as  
33 possible. At the hearing, the court shall determine whether the  
34 caretaker has met the threshold criteria to be designated as a  
35 prospective adoptive parent pursuant to paragraph (1), and whether  
36 the proposed removal of the child from the home of the designated  
37 prospective adoptive parent is in the child's best interest, and the  
38 child may not be removed from the home of the designated  
39 prospective adoptive parent unless the court finds that removal is  
40 in the child's best interest. If the court determines that the caretaker

1 did not meet the threshold criteria to be designated as a prospective  
2 adoptive parent on the date of service of the notice of proposed  
3 removal of the child, the petition objecting to the proposed removal  
4 filed by the caretaker shall be dismissed. If the caretaker was  
5 designated as a prospective adoptive parent prior to this hearing,  
6 the court shall inquire into any progress made by the caretaker  
7 towards the adoption of the child since the caretaker was designated  
8 as a prospective adoptive parent.

9 (C) A determination by the court that the caretaker is a  
10 designated prospective adoptive parent pursuant to paragraph (1)  
11 or subparagraph (B) does not make the caretaker a party to the  
12 dependency proceeding nor does it confer on the caretaker any  
13 standing to object to any other action of the department, county  
14 adoption agency, or licensed adoption agency, unless the caretaker  
15 has been declared a de facto parent by the court prior to the notice  
16 of removal served pursuant to paragraph (3).

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

21 (4) Notwithstanding paragraph (3), if the State Department of  
22 Social Services, county adoption agency, or licensed adoption  
23 agency determines that the child must be removed from the home  
24 of the caretaker who is or may be a designated prospective adoptive  
25 parent immediately, due to a risk of physical or emotional harm,  
26 the agency may remove the child from that home and is not  
27 required to provide notice prior to the removal. However, as soon  
28 as possible and not longer than two court days after the removal,  
29 the agency shall notify the court, the caretaker who is or may be  
30 a designated prospective adoptive parent, the child's attorney, and  
31 the child, if the child is 10 years of age or older, of the removal.  
32 Within five court days or seven calendar days, whichever is longer,  
33 of the date of notification of the removal, the child, the child's  
34 attorney, or the caretaker who is or may be a designated prospective  
35 adoptive parent may petition for, or the court on its own motion  
36 may set, a noticed hearing pursuant to paragraph (3). The court  
37 may, for good cause, extend the filing period.

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

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

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

8 ~~SEC. 12.~~

9 *SEC. 37.* Section 727 of the Welfare and Institutions Code is  
10 amended to read:

11 727. (a) (1) If a minor or nonminor is adjudged a ward of the  
12 court on the ground that he or she is a person described by Section  
13 601 or 602, the court may make any reasonable orders for the care,  
14 supervision, custody, conduct, maintenance, and support of the  
15 minor or nonminor, including medical treatment, subject to further  
16 order of the court.

17 (2) In the discretion of the court, a ward may be ordered to be  
18 on probation without supervision of the probation officer. The  
19 court, in so ordering, may impose on the ward any and all  
20 reasonable conditions of behavior as may be appropriate under  
21 this disposition. A minor or nonminor who has been adjudged a  
22 ward of the court on the basis of the commission of any of the  
23 offenses described in subdivision (b) or paragraph (2) of  
24 subdivision (d) of Section 707, Section 459 of the Penal Code, or  
25 subdivision (a) of Section 11350 of the Health and Safety Code,  
26 shall not be eligible for probation without supervision of the  
27 probation officer. A minor or nonminor who has been adjudged a  
28 ward of the court on the basis of the commission of any offense  
29 involving the sale or possession for sale of a controlled substance,  
30 except misdemeanor offenses involving marijuana, as specified in  
31 Chapter 2 (commencing with Section 11053) of Division 10 of the  
32 Health and Safety Code, or of an offense in violation of Section  
33 32625 of the Penal Code, shall be eligible for probation without  
34 supervision of the probation officer only when the court determines  
35 that the interests of justice would best be served and states reasons  
36 on the record for that determination.

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

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

8 (A) The approved home of a relative or the approved home of  
 9 a nonrelative, extended family member, as defined in Section  
 10 362.7. If a decision has been made to place the minor in the home  
 11 of a relative, the court may authorize the relative to give legal  
 12 consent for the minor’s medical, surgical, and dental care and  
 13 education as if the relative caregiver were the custodial parent of  
 14 the minor.

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

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

23 (D) A foster family agency, as defined in subdivision (g) of  
 24 Section 11400 and paragraph (4) of subdivision (a) of Section 1502  
 25 of the Health and Safety Code, in a suitable ~~program in a family~~  
 26 ~~home, which has been certified by the agency as meeting licensing~~  
 27 ~~standards. Commencing January 1, 2017, the requirements of~~  
 28 ~~Section 11462.01 shall be met. *certified family home or with a*~~  
 29 ~~*resource family.*~~

30 (E) Commencing January 1, 2017, a minor or nonminor  
 31 dependent may be placed in a short-term residential treatment  
 32 center as defined in subdivision (ad) of Section 11400 and  
 33 paragraph (18) of subdivision (a) of Section 1502 of the Health  
 34 and Safety Code, ~~or a foster family agency, as defined in paragraph~~  
 35 ~~(4) of subdivision (a) of Section 1502 of the Health and Safety~~  
 36 Code. The placing agency shall also comply with requirements set  
 37 forth in paragraph (9) of subdivision (e) of Section 361.2, which  
 38 includes, but is not limited to, authorization, limitation on length  
 39 of stay, extensions, and additional requirements related to minors.  
 40 For youth 13 years of age and older, the placement shall be

1 approved by the chief probation officer of the county probation  
2 department, or his or her designee, only if the placement is longer  
3 than 12 months.

4 (F) (i) Every minor adjudged a ward of the juvenile court shall  
5 be entitled to participate in age-appropriate extracurricular,  
6 enrichment, and social activities. A state or local regulation or  
7 policy shall not prevent, or create barriers to, participation in those  
8 activities. Each state and local entity shall ensure that private  
9 agencies that provide foster care services to wards have policies  
10 consistent with this section and that those agencies promote and  
11 protect the ability of wards to participate in age-appropriate  
12 extracurricular, enrichment, and social activities. A group home  
13 administrator, a facility manager, or his or her responsible designee,  
14 and a caregiver, as defined in paragraph (1) of subdivision (a) of  
15 Section 362.04, shall use a reasonable and prudent parent standard,  
16 as defined in paragraph (2) of subdivision (a) of Section 362.04,  
17 in determining whether to give permission for a minor residing in  
18 foster care to participate in extracurricular, enrichment, and social  
19 activities. A group home administrator, a facility manager, or his  
20 or her responsible designee, and a caregiver shall take reasonable  
21 steps to determine the appropriateness of the activity taking into  
22 consideration the minor's age, maturity, and developmental level.

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

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

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

35 (b) (1) To facilitate coordination and cooperation among  
36 agencies, the court may, at any time after a petition has been filed,  
37 after giving notice and an opportunity to be heard, join in the  
38 juvenile court proceedings any agency that the court determines  
39 has failed to meet a legal obligation to provide services to a minor,  
40 for whom a petition has been filed under Section 601 or 602, to a

1 nonminor, as described in Section 303, or to a nonminor dependent,  
2 as defined in subdivision (v) of Section 11400. In any proceeding  
3 in which an agency is joined, the court shall not impose duties  
4 upon the agency beyond those mandated by law. The purpose of  
5 joinder under this section is to ensure the delivery and coordination  
6 of legally mandated services to the minor. The joinder shall not  
7 be maintained for any other purpose. Nothing in this section shall  
8 prohibit agencies that have received notice of the hearing on joinder  
9 from meeting prior to the hearing to coordinate services.

10 (2) The court has no authority to order services unless it has  
11 been determined through the administrative process of an agency  
12 that has been joined as a party, that the minor, nonminor, or  
13 nonminor dependent is eligible for those services. With respect to  
14 mental health assessment, treatment, and case management services  
15 pursuant to an individualized education program developed  
16 pursuant to Article 2 (commencing with Section 56320) of Chapter  
17 4 of Part 30 of Division 4 of Title 2 of the Education Code, the  
18 court's determination shall be limited to whether the agency has  
19 complied with that chapter.

20 (3) For the purposes of this subdivision, "agency" means any  
21 governmental agency or any private service provider or individual  
22 that receives federal, state, or local governmental funding or  
23 reimbursement for providing services directly to a child, nonminor,  
24 or nonminor dependent.

25 (c) If a minor has been adjudged a ward of the court on the  
26 ground that he or she is a person described in Section 601 or 602,  
27 and the court finds that notice has been given in accordance with  
28 Section 661, and if the court orders that a parent or guardian shall  
29 retain custody of that minor either subject to or without the  
30 supervision of the probation officer, the parent or guardian may  
31 be required to participate with that minor in a counseling or  
32 education program, including, but not limited to, parent education  
33 and parenting programs operated by community colleges, school  
34 districts, or other appropriate agencies designated by the court.

35 (d) The juvenile court may direct any reasonable orders to the  
36 parents and guardians of the minor who is the subject of any  
37 proceedings under this chapter as the court deems necessary and  
38 proper to carry out subdivisions (a), (b), and (c), including orders  
39 to appear before a county financial evaluation officer, to ensure  
40 the minor's regular school attendance, and to make reasonable

1 efforts to obtain appropriate educational services necessary to meet  
2 the needs of the minor.

3 If counseling or other treatment services are ordered for the  
4 minor, the parent, guardian, or foster parent shall be ordered to  
5 participate in those services, unless participation by the parent,  
6 guardian, or foster parent is deemed by the court to be inappropriate  
7 or potentially detrimental to the minor.

8 *SEC. 38. Section 727.4 of the Welfare and Institutions Code*  
9 *is amended to read:*

10 727.4. (a) (1) Notice of any hearing pursuant to Section 727,  
11 727.2, or 727.3 shall be mailed by the probation officer to the  
12 minor, the minor's parent or guardian, any adult provider of care  
13 to the minor including, but not limited to, foster parents, relative  
14 caregivers, preadoptive parents, *resource family*, community care  
15 facility, or foster family agency, and to the counsel of record if the  
16 counsel of record was not present at the time that the hearing was  
17 set by the court, by first-class mail addressed to the last known  
18 address of the person to be notified, or shall be personally served  
19 on those persons, not earlier than 30 days nor later than 15 days  
20 preceding the date of the hearing. The notice shall contain a  
21 statement regarding the nature of the status review or permanency  
22 planning hearing and any change in the custody or status of the  
23 minor being recommended by the probation department. The notice  
24 shall also include a statement informing the foster parents, relative  
25 caregivers, or preadoptive parents that he or she may attend all  
26 hearings or may submit any information he or she deems relevant  
27 to the court in writing. The foster parents, relative caregiver, and  
28 preadoptive parents are entitled to notice and opportunity to be  
29 heard but need not be made parties to the proceedings. Proof of  
30 notice shall be filed with the court.

31 (2) If the court or probation officer knows or has reason to know  
32 that the minor is or may be an Indian child, any notice sent under  
33 this section shall comply with the requirements of Section 224.2.

34 (b) At least 10 calendar days prior to each status review and  
35 permanency planning hearing, after the hearing during which the  
36 court orders that the care, custody and control of the minor to be  
37 under the supervision of the probation officer for placement  
38 pursuant to subdivision (a) of Section 727, the probation officer  
39 shall file a social study report with the court, pursuant to the  
40 requirements listed in Section 706.5.

1 (c) The probation department shall inform the minor, the minor’s  
2 parent or guardian, and all counsel of record that a copy of the  
3 social study prepared for the hearing will be available 10 days  
4 prior to the hearing and may be obtained from the probation officer.

5 (d) As used in Article 15 (commencing with Section 625) to  
6 Article 18 (commencing with Section 725), inclusive:

7 (1) “Foster care” means residential care provided in any of the  
8 settings described in Section 11402.

9 (2) “At risk of entering foster care” means that conditions within  
10 a minor’s family may necessitate his or her entry into foster care  
11 unless those conditions are resolved.

12 (3) “Preadoptive parent” means a licensed foster parent who  
13 has been approved for adoption by the State Department of Social  
14 Services when it is acting as an adoption agency or by a licensed  
15 adoption agency.

16 (4) “Date of entry into foster care” means the date that is 60  
17 days after the date on which the minor was removed from his or  
18 her home, unless one of the exceptions below applies:

19 (A) If the minor is detained pending foster care placement, and  
20 remains detained for more than 60 days, then the date of entry into  
21 foster care means the date the court adjudges the minor a ward and  
22 orders the minor placed in foster care under the supervision of the  
23 probation officer.

24 (B) If, before the minor is placed in foster care, the minor is  
25 committed to a ranch, camp, school, or other institution pending  
26 placement, and remains in that facility for more than 60 days, then  
27 the “date of entry into foster care” is the date the minor is  
28 physically placed in foster care.

29 (C) If at the time the wardship petition was filed, the minor was  
30 a dependent of the juvenile court and in out-of-home placement,  
31 then the “date of entry into foster care” is the earlier of the date  
32 the juvenile court made a finding of abuse or neglect, or 60 days  
33 after the date on which the child was removed from his or her  
34 home.

35 (5) “Reasonable efforts” means:

36 (A) Efforts made to prevent or eliminate the need for removing  
37 the minor from the minor’s home.

38 (B) Efforts to make it possible for the minor to return home,  
39 including, but not limited to, case management, counseling,  
40 parenting training, mentoring programs, vocational training,

1 educational services, substance abuse treatment, transportation,  
2 and therapeutic day services.

3 (C) Efforts to complete whatever steps are necessary to finalize  
4 a permanent plan for the minor.

5 (D) In child custody proceedings involving an Indian child,  
6 “reasonable efforts” shall also include “active efforts” as defined  
7 in Section 361.7.

8 (6) “Relative” means an adult who is related to the minor by  
9 blood, adoption, or affinity within the fifth degree of kinship  
10 including stepparents, stepsiblings, and all relatives whose status  
11 is preceded by the words “great,” “great-great,” “grand,” or the  
12 spouse of any of these persons even if the marriage was terminated  
13 by death or dissolution. “Relative” shall also include an “extended  
14 family member” as defined in the Indian Child Welfare Act (25  
15 U.S.C. Sec. 1903(2)).

16 (7) “Hearing” means a noticed proceeding with findings and  
17 orders that are made on a case-by-case basis, heard by either of  
18 the following:

19 (A) A judicial officer, in a courtroom, recorded by a court  
20 reporter.

21 (B) An administrative panel, provided that the hearing is a status  
22 review hearing and that the administrative panel meets the  
23 following conditions:

24 (i) The administrative review shall be open to participation by  
25 the minor and parents or legal guardians and all those persons  
26 entitled to notice under subdivision (a).

27 (ii) The minor and his or her parents or legal guardians receive  
28 proper notice as required in subdivision (a).

29 (iii) The administrative review panel is composed of persons  
30 appointed by the presiding judge of the juvenile court, the  
31 membership of which shall include at least one person who is not  
32 responsible for the case management of, or delivery of services  
33 to, the minor or the parents who are the subjects of the review.

34 (iv) The findings of the administrative review panel shall be  
35 submitted to the juvenile court for the court’s approval and shall  
36 become part of the official court record.

37 ~~SEC. 13.~~

38 *SEC. 39.* Section 4094.2 of the Welfare and Institutions Code  
39 is amended to read:

1 4094.2. (a) For the purpose of establishing payment rates for  
2 community treatment facility programs, the private nonprofit  
3 agencies selected to operate these programs shall prepare a budget  
4 that covers the total costs of providing residential care and  
5 supervision and mental health services for their proposed programs.  
6 These costs shall include categories that are allowable under  
7 California's Foster Care program and existing programs for mental  
8 health services. They shall not include educational, nonmental  
9 health medical, and dental costs.

10 (b) Each agency operating a community treatment facility  
11 program shall negotiate a final budget with the local mental health  
12 department in the county in which its facility is located (the host  
13 county) and other local agencies, as appropriate. This budget  
14 agreement shall specify the types and level of care and services to  
15 be provided by the community treatment facility program and a  
16 payment rate that fully covers the costs included in the negotiated  
17 budget. All counties that place children in a community treatment  
18 facility program shall make payments using the budget agreement  
19 negotiated by the community treatment facility provider and the  
20 host county.

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

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

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

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

1 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the  
2 2003–04 fiscal year, and the 2004–05 fiscal year, community  
3 treatment facility programs shall also be paid a community  
4 treatment facility supplemental rate of up to two thousand five  
5 hundred dollars (\$2,500) per child per month on behalf of children  
6 eligible under the foster care program and children placed out of  
7 home pursuant to an individualized education program developed  
8 under Section 7572.5 of the Government Code. Subject to the  
9 availability of funds, the supplemental rate shall be shared by the  
10 state and the counties. Counties shall be responsible for paying a  
11 county share of cost equal to 60 percent of the community  
12 treatment rate for children placed by counties in community  
13 treatment facilities and the state shall be responsible for 40 percent  
14 of the community treatment facility supplemental rate. The  
15 community treatment facility supplemental rate is intended to  
16 supplement, and not to supplant, the payments for which children  
17 placed in community treatment facilities are eligible to receive  
18 under the foster care program and the existing programs for mental  
19 health services.

20 (e) For initial ratesetting purposes for community treatment  
21 facility funding, the cost of mental health services shall be  
22 determined by deducting the foster care rate and the community  
23 treatment facility supplemental rate from the total allowable cost  
24 of the community treatment facility program. Payments to certified  
25 providers for mental health services shall be based on eligible  
26 services provided to children who are Medi-Cal beneficiaries, up  
27 to the approved federal rate for these services.

28 (f) The State Department of Health Care Services shall provide  
29 the community treatment facility supplemental rates to the counties  
30 for advanced payment to the community treatment facility  
31 providers in the same manner as the regular foster care payment  
32 and within the same required payment time limits.

33 (g) In order to facilitate the study of the costs of community  
34 treatment facilities, licensed community treatment facilities shall  
35 provide all documents regarding facility operations, treatment, and  
36 placements requested by the department.

37 (h) It is the intent of the Legislature that the State Department  
38 of Health Care Services and the State Department of Social  
39 Services work to maximize federal financial participation in  
40 funding for children placed in community treatment facilities

1 through funds available pursuant to Titles IV-E and XIX of the  
2 federal Social Security Act (Title 42 U.S.C. Sec. 670 et seq. and  
3 Sec. 1396 et seq.) and other appropriate federal programs.

4 (i) The State Department of Health Care Services and the State  
5 Department of Social Services may adopt emergency regulations  
6 necessary to implement joint protocols for the oversight of  
7 community treatment facilities, to modify existing licensing  
8 regulations governing reporting requirements and other procedural  
9 and administrative mandates to take into account the seriousness  
10 and frequency of behaviors that are likely to be exhibited by  
11 seriously emotionally disturbed children placed in community  
12 treatment facility programs, to modify the existing foster care  
13 ratesetting regulations, and to pay the community treatment facility  
14 supplemental rate. The adoption of these regulations shall be  
15 deemed to be an emergency and necessary for the immediate  
16 preservation of the public peace, health and safety, and general  
17 welfare. The regulations shall become effective immediately upon  
18 filing with the Secretary of State. The regulations shall not remain  
19 in effect more than 180 days unless the adopting agency complies  
20 with all the provisions of Chapter 3.5 (commencing with Section  
21 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
22 as required by subdivision (e) of Section 11346.1 of the  
23 Government Code.

24 *SEC. 40. Section 11400 of the Welfare and Institutions Code*  
25 *is amended to read:*

26 11400. For purposes of this article, the following definitions  
27 shall apply:

28 (a) "Aid to Families with Dependent Children-Foster Care  
29 (AFDC-FC)" means the aid provided on behalf of needy children  
30 in foster care under the terms of this division.

31 (b) "Case plan" means a written document that, at a minimum,  
32 specifies the type of home in which the child shall be placed, the  
33 safety of that home, and the appropriateness of that home to meet  
34 the child's needs. It shall also include the agency's plan for  
35 ensuring that the child receive proper care and protection in a safe  
36 environment, and shall set forth the appropriate services to be  
37 provided to the child, the child's family, and the foster parents, in  
38 order to meet the child's needs while in foster care, and to reunify  
39 the child with the child's family. In addition, the plan shall specify

1 the services that will be provided or steps that will be taken to  
2 facilitate an alternate permanent plan if reunification is not possible.

3 (c) “Certified family home” means ~~a family residence~~ *an*  
4 *individual or family* certified by a licensed foster family agency  
5 and issued a certificate of approval by that agency as meeting  
6 licensing standards, and used ~~only~~ *exclusively* by that foster family  
7 agency for placements.

8 (d) “Family home” means the family residence of a licensee in  
9 which 24-hour care and supervision are provided for children.

10 (e) “Small family home” means any residential facility, in the  
11 licensee’s family residence, which provides 24-hour care for six  
12 or fewer foster children who have mental disorders or  
13 developmental or physical disabilities and who require special care  
14 and supervision as a result of their disabilities.

15 (f) “Foster care” means the 24-hour out-of-home care provided  
16 to children whose own families are unable or unwilling to care for  
17 them, and who are in need of temporary or long-term substitute  
18 parenting.

19 (g) “Foster family agency” means a licensed community care  
20 facility, as defined in paragraph (4) of subdivision (a) of Section  
21 1502 of the Health and Safety Code. Private foster family agencies  
22 shall be organized and operated on a nonprofit basis.

23 (h) “Group home” means a nondetention privately operated  
24 residential home, organized and operated on a nonprofit basis only,  
25 of any capacity, or a nondetention licensed residential care home  
26 operated by the County of San Mateo with a capacity of up to 25  
27 beds, that accepts children in need of care and supervision in a  
28 group home, as defined by paragraph (13) of subdivision (a) of  
29 Section 1502 of the Health and Safety Code.

30 (i) “Periodic review” means review of a child’s status by the  
31 juvenile court or by an administrative review panel, that shall  
32 include a consideration of the safety of the child, a determination  
33 of the continuing need for placement in foster care, evaluation of  
34 the goals for the placement and the progress toward meeting these  
35 goals, and development of a target date for the child’s return home  
36 or establishment of alternative permanent placement.

37 (j) “Permanency planning hearing” means a hearing conducted  
38 by the juvenile court in which the child’s future status, including  
39 whether the child shall be returned home or another permanent  
40 plan shall be developed, is determined.

1 (k) “Placement and care” refers to the responsibility for the  
2 welfare of a child vested in an agency or organization by virtue of  
3 the agency or organization having (1) been delegated care, custody,  
4 and control of a child by the juvenile court, (2) taken responsibility,  
5 pursuant to a relinquishment or termination of parental rights on  
6 a child, (3) taken the responsibility of supervising a child detained  
7 by the juvenile court pursuant to Section 319 or 636, or (4) signed  
8 a voluntary placement agreement for the child’s placement; or to  
9 the responsibility designated to an individual by virtue of his or  
10 her being appointed the child’s legal guardian.

11 (l) “Preplacement preventive services” means services that are  
12 designed to help children remain with their families by preventing  
13 or eliminating the need for removal.

14 (m) “Relative” means an adult who is related to the child by  
15 blood, adoption, or affinity within the fifth degree of kinship,  
16 including stepparents, stepsiblings, and all relatives whose status  
17 is preceded by the words “great,” “great-great,” or “grand” or the  
18 spouse of any of these persons even if the marriage was terminated  
19 by death or dissolution.

20 (n) “Nonrelative extended family member” means an adult  
21 caregiver who has an established familial or mentoring relationship  
22 with the child, as described in Section 362.7.

23 (o) “Voluntary placement” means an out-of-home placement  
24 of a child by (1) the county welfare department, probation  
25 department, or Indian tribe that has entered into an agreement  
26 pursuant to Section 10553.1, after the parents or guardians have  
27 requested the assistance of the county welfare department and have  
28 signed a voluntary placement agreement; or (2) the county welfare  
29 department licensed public or private adoption agency, or the  
30 department acting as an adoption agency, after the parents have  
31 requested the assistance of either the county welfare department,  
32 the licensed public or private adoption agency, or the department  
33 acting as an adoption agency for the purpose of adoption planning,  
34 and have signed a voluntary placement agreement.

35 (p) “Voluntary placement agreement” means a written agreement  
36 between either the county welfare department, probation  
37 department, or Indian tribe that has entered into an agreement  
38 pursuant to Section 10553.1, licensed public or private adoption  
39 agency, or the department acting as an adoption agency, and the

1 parents or guardians of a child that specifies, at a minimum, the  
2 following:

3 (1) The legal status of the child.

4 (2) The rights and obligations of the parents or guardians, the  
5 child, and the agency in which the child is placed.

6 (q) “Original placement date” means the most recent date on  
7 which the court detained a child and ordered an agency to be  
8 responsible for supervising the child or the date on which an agency  
9 assumed responsibility for a child due to termination of parental  
10 rights, relinquishment, or voluntary placement.

11 (r) (1) “Transitional housing placement provider” means an  
12 organization licensed by the State Department of Social Services  
13 pursuant to Section 1559.110 of the Health and Safety Code, to  
14 provide transitional housing to foster children at least 16 years of  
15 age and not more than 18 years of age, and nonminor dependents,  
16 as defined in subdivision (v). A transitional housing placement  
17 provider shall be privately operated and organized on a nonprofit  
18 basis.

19 (2) Prior to licensure, a provider shall obtain certification from  
20 the applicable county, in accordance with Section 16522.1.

21 (s) “Transitional Housing Program-Plus” means a provider  
22 certified by the applicable county, in accordance with subdivision  
23 (c) of Section 16522, to provide transitional housing services to  
24 former foster youth who have exited the foster care system on or  
25 after their 18th birthday.

26 (t) “Whole family foster home” means a new or existing family  
27 home, approved relative caregiver or nonrelative extended family  
28 member’s home, the home of a nonrelated legal guardian whose  
29 guardianship was established pursuant to Section 360 or 366.26,  
30 certified family home, or a host family home placement of a  
31 transitional housing placement provider, that provides foster care  
32 for a minor or nonminor dependent parent and his or her child,  
33 and is specifically recruited and trained to assist the minor or  
34 nonminor dependent parent in developing the skills necessary to  
35 provide a safe, stable, and permanent home for his or her child.  
36 The child of the minor or nonminor dependent parent need not be  
37 the subject of a petition filed pursuant to Section 300 to qualify  
38 for placement in a whole family foster home.

39 (u) “Mutual agreement” means any of the following:

1 (1) A written voluntary agreement of consent for continued  
2 placement and care in a supervised setting between a minor or, on  
3 and after January 1, 2012, a nonminor dependent, and the county  
4 welfare services or probation department or tribal agency  
5 responsible for the foster care placement, that documents the  
6 nonminor's continued willingness to remain in supervised  
7 out-of-home placement under the placement and care of the  
8 responsible county, tribe, consortium of tribes, or tribal  
9 organization that has entered into an agreement with the state  
10 pursuant to Section 10553.1, remain under the jurisdiction of the  
11 juvenile court as a nonminor dependent, and report any change of  
12 circumstances relevant to continued eligibility for foster care  
13 payments, and that documents the nonminor's and social worker's  
14 or probation officer's agreement to work together to facilitate  
15 implementation of the mutually developed supervised placement  
16 agreement and transitional independent living case plan.

17 (2) An agreement, as described in paragraph (1), between a  
18 nonminor former dependent or ward in receipt of Kin-GAP  
19 payments under Article 4.5 (commencing with Section 11360) or  
20 Article 4.7 (commencing with Section 11385), and the agency  
21 responsible for the Kin-GAP benefits, provided that the nonminor  
22 former dependent or ward satisfies the conditions described in  
23 Section 11403.01, or one or more of the conditions described in  
24 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
25 11403. For purposes of this paragraph and paragraph (3),  
26 "nonminor former dependent or ward" has the same meaning as  
27 described in subdivision (aa).

28 (3) An agreement, as described in paragraph (1), between a  
29 nonminor former dependent or ward in receipt of AFDC-FC  
30 payments under subdivision (e) or (f) of Section 11405 and the  
31 agency responsible for the AFDC-FC benefits, provided that the  
32 nonminor former dependent or ward described in subdivision (e)  
33 of Section 11405 satisfies one or more of the conditions described  
34 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
35 11403, and the nonminor described in subdivision (f) of Section  
36 11405 satisfies the secondary school or equivalent training or  
37 certificate program conditions described in that subdivision.

38 (v) "Nonminor dependent" means, on and after January 1, 2012,  
39 a foster child, as described in Section 675(8)(B) of Title 42 of the  
40 United States Code under the federal Social Security Act who is

1 a current dependent child or ward of the juvenile court, or who is  
2 a nonminor under the transition jurisdiction of the juvenile court,  
3 as described in Section 450, and who satisfies all of the following  
4 criteria:

5 (1) He or she has attained 18 years of age while under an order  
6 of foster care placement by the juvenile court, and is not more than  
7 19 years of age on or after January 1, 2012, not more than 20 years  
8 of age on or after January 1, 2013, or not more than 21 years of  
9 age on or after January 1, 2014, and as described in Section  
10 10103.5.

11 (2) He or she is in foster care under the placement and care  
12 responsibility of the county welfare department, county probation  
13 department, Indian tribe, consortium of tribes, or tribal organization  
14 that entered into an agreement pursuant to Section 10553.1.

15 (3) He or she has a transitional independent living case plan  
16 pursuant to Section 475(8) of the federal Social Security Act (42  
17 U.S.C. Sec. 675(8)), as contained in the federal Fostering  
18 Connections to Success and Increasing Adoptions Act of 2008  
19 (Public Law 110-351), as described in Section 11403.

20 (w) “Supervised independent living placement” means, on and  
21 after January 1, 2012, an independent supervised setting, as  
22 specified in a nonminor dependent’s transitional independent living  
23 case plan, in which the youth is living independently, pursuant to  
24 Section 472(c)(2) of the federal Social Security Act (42 U.S.C.  
25 Sec. 672(c)(2)).

26 (x) “Supervised independent living setting,” pursuant to Section  
27 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.  
28 672(c)(2)), includes both a supervised independent living  
29 placement, as defined in subdivision (w), and a residential housing  
30 unit certified by the transitional housing placement provider  
31 operating a Transitional Housing Placement-Plus Foster Care  
32 program, as described in paragraph (2) of subdivision (a) of Section  
33 16522.1.

34 (y) “Transitional independent living case plan” means, on or  
35 after January 1, 2012, a child’s case plan submitted for the last  
36 review hearing held before he or she reaches 18 years of age or  
37 the nonminor dependent’s case plan, updated every six months,  
38 that describes the goals and objectives of how the nonminor will  
39 make progress in the transition to living independently and assume  
40 incremental responsibility for adult decisionmaking, the

1 collaborative efforts between the nonminor and the social worker,  
2 probation officer, or Indian tribal placing entity and the supportive  
3 services as described in the transitional independent living plan  
4 (TILP) to ensure active and meaningful participation in one or  
5 more of the eligibility criteria described in paragraphs (1) to (5),  
6 inclusive, of subdivision (b) of Section 11403, the nonminor's  
7 appropriate supervised placement setting, and the nonminor's  
8 permanent plan for transition to living independently, which  
9 includes maintaining or obtaining permanent connections to caring  
10 and committed adults, as set forth in paragraph (16) of subdivision  
11 (f) of Section 16501.1.

12 (z) "Voluntary reentry agreement" means a written voluntary  
13 agreement between a former dependent child or ward or a former  
14 nonminor dependent, who has had juvenile court jurisdiction  
15 terminated pursuant to Section 391, 452, or 607.2, and the county  
16 welfare or probation department or tribal placing entity that  
17 documents the nonminor's desire and willingness to reenter foster  
18 care, to be placed in a supervised setting under the placement and  
19 care responsibility of the placing agency, the nonminor's desire,  
20 willingness, and ability to immediately participate in one or more  
21 of the conditions of paragraphs (1) to (5), inclusive, of subdivision  
22 (b) of Section 11403, the nonminor's agreement to work  
23 collaboratively with the placing agency to develop his or her  
24 transitional independent living case plan within 60 days of reentry,  
25 the nonminor's agreement to report any changes of circumstances  
26 relevant to continued eligibility for foster care payments, and (1)  
27 the nonminor's agreement to participate in the filing of a petition  
28 for juvenile court jurisdiction as a nonminor dependent pursuant  
29 to subdivision (e) of Section 388 within 15 judicial days of the  
30 signing of the agreement and the placing agency's efforts and  
31 supportive services to assist the nonminor in the reentry process,  
32 or (2) if the nonminor meets the definition of a nonminor former  
33 dependent or ward, as described in subdivision (aa), the nonminor's  
34 agreement to return to the care and support of his or her former  
35 juvenile court-appointed guardian and meet the eligibility criteria  
36 for AFDC-FC pursuant to subdivision (e) of Section 11405.

37 (aa) "Nonminor former dependent or ward" means, on and after  
38 January 1, 2012, either of the following:

39 (1) A nonminor who reached 18 years of age while subject to  
40 an order for foster care placement, and for whom dependency,

1 delinquency, or transition jurisdiction has been terminated, and  
2 who is still under the general jurisdiction of the court.

3 (2) A nonminor who is over 18 years of age and, while a minor,  
4 was a dependent child or ward of the juvenile court when the  
5 guardianship was established pursuant to Section 360 or 366.26,  
6 or subdivision (d), of Section 728 and the juvenile court  
7 dependency or wardship was dismissed following the establishment  
8 of the guardianship.

9 (ab) “Runaway and homeless youth shelter” means a type of  
10 group home, as defined in paragraph (14) of subdivision (a) of  
11 Section 1502 of the Health and Safety Code, that is not an eligible  
12 placement option under Sections 319, 361.2, 450, and 727, and  
13 that is not eligible for AFDC-FC funding pursuant to subdivision  
14 (c) of Section 11402 or Section 11462.

15 (ac) “Transition dependent” is a minor between 17 years and  
16 five months and 18 years of age who is subject to the court’s  
17 transition jurisdiction under Section 450.

18 (ad) “Short-term residential treatment center” means a  
19 nondetention, licensed community care facility, as defined in  
20 paragraph (18) of subdivision (a) of Section 1502 of the Health  
21 and Safety Code, that provides short-term, specialized, and  
22 intensive treatment for the child or youth, when the child’s or  
23 youth’s case plan specifies the need for, nature of, and anticipated  
24 duration of this specialized treatment. *Short-term residential*  
25 *treatment centers shall be organized and operated on a nonprofit*  
26 *basis.*

27 (ae) “Resource family” means an approved caregiver, as defined  
28 in subdivision (c) of Section 16519.5.

29 (af) “Core Services” mean services, made available to children,  
30 youth, and nonminor dependents either directly or secured through  
31 formal agreement with other agencies, which are trauma informed  
32 and culturally relevant as specified in Sections 11462 and 11463.

33 *SEC. 41. Section 11402 of the Welfare and Institutions Code,*  
34 *as added by Section 66 of Chapter 773 of the Statutes of 2015, is*  
35 *amended to read:*

36 11402. In order to be eligible for AFDC-FC, a child or  
37 nonminor dependent shall be placed in one of the following:

38 (a) Prior to January 1, ~~2019~~, the 2020:

- 1 (1) *The* approved home of a relative, provided the child or youth  
2 is otherwise eligible for federal financial participation in the  
3 AFDC-FC payment.
- 4 ~~(b) (1) Prior to January 1, 2019, the~~  
5 (2) *The* home of a nonrelated legal guardian or the home of a  
6 former nonrelated legal guardian when the guardianship of a child  
7 or youth who is otherwise eligible for AFDC-FC has been  
8 dismissed due to the child or youth attaining 18 years of age.
- 9 ~~(2) Prior to January 1, 2019, the~~  
10 (3) *The* approved home of a nonrelative extended family  
11 member, as described in Section 362.7.
- 12 ~~(e) (1) Prior to January 1, 2019, the~~  
13 (4) *The* licensed family home of a nonrelative.
- 14 ~~(2)~~  
15 (b) *The* approved home of a resource family, as defined in  
16 Section 16519.5.
- 17 (c) *A small family home, as defined in paragraph (6) of*  
18 *subdivision (a) of Section 1502 of the Health and Safety Code.*
- 19 (d) A ~~(1)~~-housing model certified by a licensed transitional  
20 housing placement provider, as described in Section 1559.110 of  
21 the Health and Safety Code, and as defined in subdivision (r) of  
22 Section 11400.
- 23 ~~(2)~~  
24 (e) An approved supervised independent living setting for  
25 nonminor dependents, as defined in subdivision (w) of Section  
26 11400.
- 27 ~~(e)~~  
28 (f) A licensed foster family agency, as defined in subdivision  
29 (g) of Section 11400 and paragraph (4) of subdivision (a) of Section  
30 1502 of the Health and Safety Code, for placement into a certified  
31 or approved ~~home~~. *home used exclusively by the foster family*  
32 *agency.*
- 33 ~~(f)~~  
34 (g) A short-term residential treatment center licensed as a  
35 community care facility, as defined in subdivision (ad) of Section  
36 11400 and paragraph (18) of subdivision (a) of Section 1502 of  
37 the Health and Safety Code.
- 38 ~~(g)~~  
39 (h) An out-of-state group home that meets the requirements of  
40 paragraph (2) of subdivision (c) of Section 11460, provided that

1 the placement worker, in addition to complying with all other  
2 statutory requirements for placing a child or youth in an out-of-state  
3 group home, documents that the requirements of Section 7911.1  
4 of the Family Code have been met.

5 (h)

6 (i) A community treatment facility set forth in Article 5  
7 (commencing with Section 4094) of Chapter 3 of Part 1 of Division  
8 4.

9 (j) *This section shall apply to a group home that has been*  
10 *granted an extension pursuant to the exception process described*  
11 *in subdivision (d) of Section 11462.04 or Section 11462.041.*

12 (i)

13 (k) This section shall become operative on January 1, 2017.

14 *SEC. 42. Section 11402.01 of the Welfare and Institutions Code*  
15 *is repealed.*

16 ~~11402.01. In order to be eligible for AFDC-FC, a child or~~  
17 ~~nonminor dependent shall be placed in one of the following:~~

18 ~~(a) Prior to January 1, 2019, the approved home of a relative,~~  
19 ~~provided the child or youth is otherwise eligible for federal~~  
20 ~~financial participation, as defined in Section 11402.1, in the~~  
21 ~~AFDC-FC payment.~~

22 ~~(b) (1) Prior to January 1, 2019, the licensed family home of a~~  
23 ~~nonrelative.~~

24 ~~(2) Prior to January 1, 2019, the approved home of a nonrelative~~  
25 ~~extended family member as described in Section 362.7.~~

26 ~~(c) The approved home of a resource family as defined in~~  
27 ~~Section 16519.5.~~

28 ~~(d) A licensed group home, as defined in subdivision (h) of~~  
29 ~~Section 11400, excluding a runaway and homeless youth shelter~~  
30 ~~as defined in subdivision (ab) of Section 11400, provided that the~~  
31 ~~placement worker has documented that the placement is necessary~~  
32 ~~to meet the treatment needs of the child or youth and that the~~  
33 ~~facility offers those treatment services.~~

34 ~~(e) The home of a nonrelated legal guardian or the home of a~~  
35 ~~former nonrelated legal guardian when the guardianship of a child~~  
36 ~~or youth who is otherwise eligible for AFDC-FC has been~~  
37 ~~dismissed due to the child or youth attaining 18 years of age.~~

38 ~~(f) A licensed foster family agency, as defined in subdivision~~  
39 ~~(g) of Section 11400 and paragraph (4) of subdivision (a) of Section~~

1 1502 of the Health and Safety Code for placement into a home  
2 certified by the agency as meeting licensing standards.

3 ~~(g) A housing model certified by a licensed transitional housing  
4 placement provider as described in Section 1559.110 of the Health  
5 and Safety Code and as defined in subdivision (r) of Section 11400.~~

6 ~~(h) An out-of-state group home, provided that the placement  
7 worker, in addition to complying with all other statutory  
8 requirements for placing a minor in an out-of-state group home,  
9 documents that the requirements of Section 7911.1 of the Family  
10 Code have been met.~~

11 ~~(i) An approved supervised independent living setting for  
12 nonminor dependents, as defined in subdivision (w) of Section  
13 11400.~~

14 ~~(j) This section shall only apply to a group home that has been  
15 granted an extension pursuant to the exception process described  
16 in subdivision (d) of Section 11462.04 or to a foster family agency  
17 that has been granted an extension pursuant to the exception  
18 process described in subdivision (d) of Section 11463.1.~~

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

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

23 *SEC. 43. Section 11402.01 is added to the Welfare and  
24 Institutions Code, to read:*

25 *11402.01. (a) In addition to the placements in Section 11402,  
26 in order to be eligible for AFDC-FC, a child or nonminor  
27 dependent may be placed in a group home with an extension  
28 pursuant to the exception process described in subdivision (d) of  
29 Section 11462.04 or a foster family agency that has been granted  
30 an extension pursuant to the exception process described in  
31 subdivision (d) of Section 11463.1.*

32 *(b) This section shall remain in effect only until January 1, 2019,  
33 and as of that date is repealed, unless a later enacted statute, that  
34 is enacted before January 1, 2019, deletes or extends that date.*

35 ~~SEC. 44.~~

36 *SEC. 44. Section 11460 of the Welfare and Institutions Code  
37 is amended to read:*

38 *11460. (a) Foster care providers shall be paid a per child per  
39 month rate in return for the care and supervision of the AFDC-FC  
40 child placed with them. The department is designated the single*

1 organizational unit whose duty it shall be to administer a state  
2 system for establishing rates in the AFDC-FC program. State  
3 functions shall be performed by the department or by delegation  
4 of the department to county welfare departments or Indian tribes,  
5 consortia of tribes, or tribal organizations that have entered into  
6 an agreement pursuant to Section 10553.1.

7 (b) “Care and supervision” includes food, clothing, shelter, daily  
8 supervision, school supplies, a child’s personal incidentals, liability  
9 insurance with respect to a child, reasonable travel to the child’s  
10 home for visitation, and reasonable travel for the child to remain  
11 in the school in which he or she is enrolled at the time of  
12 placement. Reimbursement for the costs of educational travel, as  
13 provided for in this subdivision, shall be made pursuant to  
14 procedures determined by the department, in consultation with  
15 representatives of county welfare and probation directors, and  
16 additional stakeholders, as appropriate.

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

21 (2) For a child or youth placed in a short-term residential  
22 treatment center or a group home, care and supervision may also  
23 include reasonable activities performed by social workers employed  
24 by the program provider that are not otherwise considered daily  
25 supervision or administration activities, but are eligible for federal  
26 financial participation under Title IV-E of the federal Social  
27 Security Act.

28 (3) The department, in consultation with the California State  
29 Foster Parent Association, and other interested stakeholders, shall  
30 provide information to the Legislature, no later than January 1,  
31 2017, regarding the availability and cost for liability and property  
32 insurance covering acts committed by children in care, and shall  
33 make recommendations for any needed program development in  
34 this area.

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

39 (1) The department shall develop regulations that establish the  
40 method for determining the level of financial participation in the

1 rate paid for out-of-state placements in facilities described in  
2 subdivision (g) of Section 11402. The department shall consider  
3 all of the following methods:

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

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

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

10 (D) A system that considers the rate established by the host  
11 state.

12 (E) Any other appropriate methods as determined by the  
13 department.

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

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

20 (i) Commencing January 1, 2017, unless granted an extension  
21 from the department pursuant to subdivision (d) of Section  
22 11462.04, the equivalent of the mental health certification required  
23 in Section 4096.5.

24 (ii) Commencing January 1, 2017, unless granted an extension  
25 from the department pursuant to subdivision (d) of Section  
26 11462.04, the national accreditation required in paragraph (5) of  
27 subdivision (b) of Section 11462.

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

30 (i) The current fiscal year's standard rate for rate classification  
31 level 14 for a group home.

32 (ii) Commencing January 1, 2017, the current fiscal year's rate  
33 for a short-term residential treatment center.

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

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

38 (3) Except as specifically provided for in statute, reimbursement  
39 for an AFDC-FC rate shall only be paid to a group home or

1 short-term residential treatment center organized and operated on  
2 a nonprofit basis.

3 (d) A foster care provider that accepts payments, following the  
4 effective date of this section, based on a rate established under this  
5 section, shall not receive rate increases or retroactive payments as  
6 the result of litigation challenging rates established prior to the  
7 effective date of this section. This shall apply regardless of whether  
8 a provider is a party to the litigation or a member of a class covered  
9 by the litigation.

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

16 (f) Nothing shall preclude a county from providing a  
17 supplemental rate to serve commercially sexually exploited foster  
18 children to provide for the additional care and supervision needs  
19 of these children. To the extent that federal financial participation  
20 is available, it is the intent of the Legislature that the federal  
21 funding shall be utilized.

22 *SEC. 45. Section 11461 of the Welfare and Institutions Code*  
23 *is amended to read:*

24 11461. (a) For children or, on and after January 1, 2012,  
25 nonminor dependents placed in a licensed or approved family  
26 home with a capacity of six or less, or in an approved home of a  
27 relative or nonrelated legal guardian, or the approved home of a  
28 nonrelative extended family member as described in Section 362.7,  
29 or, on and after January 1, 2012, a supervised independent living  
30 placement, as defined in subdivision (w) of Section 11400, the per  
31 child per month basic rates in the following schedule shall be in  
32 effect for the period July 1, 1989, through December 31, 1989:

Age	Basic rate
0-4.....	\$ 294
5-8.....	319
9-11.....	340
12-14.....	378
15-20.....	412

40

1 (b) (1) Any county that, as of October 1, 1989, has in effect a  
2 basic rate that is at the levels set forth in the schedule in subdivision  
3 (a), shall continue to receive state participation, as specified in  
4 subdivision (c) of Section 15200, at these levels.  
5 (2) Any county that, as of October 1, 1989, has in effect a basic  
6 rate that exceeds a level set forth in the schedule in subdivision  
7 (a), shall continue to receive the same level of state participation  
8 as it received on October 1, 1989.  
9 (c) The amounts in the schedule of basic rates in subdivision  
10 (a) shall be adjusted as follows:  
11 (1) Effective January 1, 1990, the amounts in the schedule of  
12 basic rates in subdivision (a) shall be increased by 12 percent.  
13 (2) Effective May 1, 1990, any county that did not increase the  
14 basic rate by 12 percent on January 1, 1990, shall do both of the  
15 following:  
16 (A) Increase the basic rate in effect December 31, 1989, for  
17 which state participation is received by 12 percent.  
18 (B) Increase the basic rate, as adjusted pursuant to subparagraph  
19 (A), by an additional 5 percent.  
20 (3) (A) Except as provided in subparagraph (B), effective July  
21 1, 1990, for the 1990–91 fiscal year, the amounts in the schedule  
22 of basic rates in subdivision (a) shall be increased by an additional  
23 5 percent.  
24 (B) The rate increase required by subparagraph (A) shall not be  
25 applied to rates increased May 1, 1990, pursuant to paragraph (2).  
26 (4) Effective July 1, 1998, the amounts in the schedule of basic  
27 rates in subdivision (a) shall be increased by 6 percent.  
28 Notwithstanding any other provision of law, the 6-percent increase  
29 provided for in this paragraph shall, retroactive to July 1, 1998,  
30 apply to every county, including any county to which paragraph  
31 (2) of subdivision (b) applies, and shall apply to foster care for  
32 every age group.  
33 (5) Notwithstanding any other provision of law, any increase  
34 that takes effect after July 1, 1998, shall apply to every county,  
35 including any county to which paragraph (2) of subdivision (b)  
36 applies, and shall apply to foster care for every age group.  
37 (6) The increase in the basic foster family home rate shall apply  
38 only to children placed in a licensed foster family home receiving  
39 the basic rate or in an approved home of a relative or nonrelative  
40 extended family member, as described in Section 362.7, a

1 supervised independent living placement, as defined in subdivision  
2 (w) of Section 11400, or a nonrelated legal guardian receiving the  
3 basic rate. The increased rate shall not be used to compute the  
4 monthly amount that may be paid to licensed foster family agencies  
5 for the placement of children in certified foster homes.

6 (d) (1) (A) Beginning with the 1991–92 fiscal year, the  
7 schedule of basic rates in subdivision (a) shall be adjusted by the  
8 percentage changes in the California Necessities Index, computed  
9 pursuant to the methodology described in Section 11453, subject  
10 to the availability of funds.

11 (B) In addition to the adjustment in subparagraph (A) effective  
12 January 1, 2000, the schedule of basic rates in subdivision (a) shall  
13 be increased by 2.36 percent rounded to the nearest dollar.

14 (C) Effective January 1, 2008, the schedule of basic rates in  
15 subdivision (a), as adjusted pursuant to subparagraph (B), shall be  
16 increased by 5 percent, rounded to the nearest dollar. The increased  
17 rate shall not be used to compute the monthly amount that may be  
18 paid to licensed foster family agencies for the placement of children  
19 in certified foster family homes, and shall not be used to recompute  
20 the foster care maintenance payment that would have been paid  
21 based on the age-related, state-approved foster family home care  
22 rate and any applicable specialized care increment, for any adoption  
23 assistance agreement entered into prior to October 1, 1992, or in  
24 any subsequent reassessment for adoption assistance agreements  
25 executed before January 1, 2008.

26 (2) (A) Any county that, as of the 1991–92 fiscal year, receives  
27 state participation for a basic rate that exceeds the amount set forth  
28 in the schedule of basic rates in subdivision (a) shall receive an  
29 increase each year in state participation for that basic rate of  
30 one-half of the percentage adjustments specified in paragraph (1)  
31 until the difference between the county’s adjusted state  
32 participation level for its basic rate and the adjusted schedule of  
33 basic rates is eliminated.

34 (B) Notwithstanding subparagraph (A), all counties for the  
35 1999–2000 fiscal year and the 2007–08 fiscal year shall receive  
36 an increase in state participation for the basic rate of the entire  
37 percentage adjustment described in paragraph (1).

38 (3) If a county has, after receiving the adjustments specified in  
39 paragraph (2), a state participation level for a basic rate that is  
40 below the amount set forth in the adjusted schedule of basic rates

1 for that fiscal year, the state participation level for that rate shall  
2 be further increased to the amount specified in the adjusted  
3 schedule of basic rates.

4 (e) (1) As used in this section, “specialized care increment”  
5 means an approved AFDC-FC amount paid on behalf of an  
6 AFDC-FC child requiring specialized care to a home listed in  
7 subdivision ~~(a)~~ (g) in addition to the basic rate. Notwithstanding  
8 subdivision ~~(a)~~ (g), the specialized care increment shall not be  
9 paid to a nonminor dependent placed in a supervised independent  
10 living setting as defined in subdivision (w) of Section 11403. A  
11 county may have a ratesetting system for specialized care to pay  
12 for the additional care and supervision needed to address the  
13 behavioral, emotional, and physical requirements of foster children.  
14 A county may modify its specialized care rate system as needed,  
15 to accommodate changing specialized placement needs of children.

16 (2) (A) The department shall have the authority to review the  
17 county’s specialized care information, including the criteria and  
18 methodology used for compliance with state and federal law, and  
19 to require counties to make changes if necessary to conform to  
20 state and federal law.

21 (B) The department shall make available to the public each  
22 county’s specialized care information, including the criteria and  
23 methodology used to determine the specialized care increments.

24 (3) Upon a request by a county for technical assistance,  
25 specialized care information shall be provided by the department  
26 within 90 days of the request to the department.

27 (4) (A) Except for subparagraph (B), beginning January 1,  
28 1990, specialized care increments shall be adjusted in accordance  
29 with the methodology for the schedule of basic rates described in  
30 subdivisions (c) and (d).

31 (B) Notwithstanding subdivision (e) of Section 11460, for the  
32 1993–94 fiscal year, an amount equal to 5 percent of the State  
33 Treasury appropriation for family homes shall be added to the total  
34 augmentation for the AFDC-FC program in order to provide  
35 incentives and assistance to counties in the area of specialized  
36 care. This appropriation shall be used, but not limited to,  
37 encouraging counties to implement or expand specialized care  
38 payment systems, to recruit and train foster parents for the  
39 placement of children with specialized care needs, and to develop  
40 county systems to encourage the placement of children in family

1 homes. It is the intent of the Legislature that in the use of these  
2 funds, federal financial participation shall be claimed whenever  
3 possible.

4 (C) (i) Notwithstanding subparagraph (A), the specialized care  
5 increment shall not receive a cost-of-living adjustment in the  
6 2011–12 or 2012–13 fiscal years.

7 (ii) Notwithstanding clause (i), a county may choose to apply  
8 a cost-of-living adjustment to its specialized care increment during  
9 the 2011–12 or 2012–13 fiscal years. To the extent that a county  
10 chooses to apply a cost-of-living adjustment during that time, the  
11 state shall not participate in the costs of that adjustment.

12 (iii) To the extent that federal financial participation is available  
13 for a cost-of-living adjustment made by a county pursuant to clause  
14 (ii), it is the intent of the Legislature that the federal funding shall  
15 be utilized.

16 (5) Beginning in the 2011–12 fiscal year, and for each fiscal  
17 year thereafter, funding and expenditures for programs and  
18 activities under this subdivision shall be in accordance with the  
19 requirements provided in Sections 30025 and 30026.5 of the  
20 Government Code.

21 (f) (1) As used in this section, “clothing allowance” means the  
22 amount paid by a county, at the county’s option, in addition to the  
23 basic rate for the provision of additional clothing for an AFDC-FC  
24 child, including, but not limited to, an initial supply of clothing  
25 and school or other uniforms. The frequency and level of funding  
26 shall be based on the needs of the child, as determined by the  
27 county.

28 (2) The state shall no longer participate in any clothing  
29 allowance in addition to the basic rate, commencing with the  
30 2011–12 fiscal year.

31 (g) (1) Notwithstanding subdivisions (a) to (d), inclusive, for  
32 a child, or on and after January 1, 2012, a nonminor dependent,  
33 placed in a licensed ~~or approved family home with a capacity of~~  
34 ~~six or less, foster family home or with a resource family~~, or placed  
35 in an approved home of a relative or the approved home of a  
36 nonrelative extended family member as described in Section 362.7,  
37 or placed on and after January 1, 2012, in a supervised independent  
38 living placement, as defined in subdivision (w) of Section 11400,  
39 the per child per month basic rate in the following schedule shall  
40 be in effect for the period commencing July 1, 2011, or the date

1 specified in the final order, for which the time to appeal has passed,  
2 issued by a court of competent jurisdiction in California State  
3 Foster Parent Association v. William Lightbourne, et al. (U.S.  
4 Dist. Ct. C 07-08056 WHA), whichever is earlier, through June  
5 30, 2012:

7 Age	Basic rate
8 0–4.....	\$ 609
9 5–8.....	\$ 660
10 9–11.....	\$ 695
11 12–14.....	\$ 727
12 15–20.....	\$ 761

13  
14 (2) Commencing July 1, 2011, the basic rate set forth in this  
15 subdivision shall be annually adjusted on July 1 by the annual  
16 percentage change in the California Necessities Index applicable  
17 to the calendar year within which each July 1 occurs.

18 (3) Subdivisions (e) and (f) shall apply to payments made  
19 pursuant to this subdivision.

20 (4) (A) *Commencing January 1, 2017, the basic rate for all*  
21 *resource families shall be the same as the basic rate established*  
22 *pursuant to Section 11463.*

23 (B) *The basic rate shall be annually adjusted on July 1 by the*  
24 *annual percentage change in the California Necessities Index*  
25 *applicable to the calendar year within which each July 1 occurs.*

26 (4)

27 (h) Beginning in the 2011–12 fiscal year, and each fiscal year  
28 thereafter, funding and expenditures for programs and activities  
29 under this ~~subdivision~~ *section* shall be in accordance with the  
30 requirements provided in Sections 30025 and 30026.5 of the  
31 Government Code.

32 ~~SEC. 15.~~

33 *SEC. 46.* Section 11462 of the Welfare and Institutions Code,  
34 as added by Section 72 of Chapter 773 of the Statutes of 2015, is  
35 amended to read:

36 11462. (a) The department shall commence development of  
37 a new payment structure for short-term residential treatment center  
38 program placements claiming Title IV-E funding, in consultation  
39 with county placing agencies and providers.

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

3 (1) Core services, made available to children and nonminor  
4 dependents either directly or secured through formal agreements  
5 with other agencies, which are trauma informed and culturally  
6 relevant and include:

7 (A) Specialty mental health services for children who meet  
8 medical necessity criteria for specialty mental health services under  
9 the Medi-Cal Early and Periodic Screening, Diagnosis, and  
10 Treatment program.

11 (B) Transition support services for children, youth, and families  
12 upon initial entry and placement changes and for families who  
13 assume permanency through reunification, adoption, or  
14 guardianship.

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

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

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

24 (F) When serving Indian children, as defined in subdivisions  
25 (a) and (b) of Section 224.1, the core services described in  
26 subparagraphs (A) to (E), inclusive, which shall be provided to  
27 eligible children consistent with active efforts pursuant to Section  
28 361.7.

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

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

38 (iii) For short-term residential treatment centers that elect to  
39 approve and monitor resource families directly, the department  
40 shall have all the same duties and responsibilities as those centers

1 have for licensed foster family agencies, as set forth in applicable  
2 law, including, but not limited to, those set forth in the Community  
3 Care Facilities Act (Chapter 3 (commencing with Section 1500)  
4 of Division 2 of the Health and Safety Code).

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

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

17 (4) Staff training.

18 (5) Health and Safety Code requirements.

19 (6) Accreditation that includes:

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

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

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

29 (7) Mental health certification, including a requirement to timely  
30 report to the department any change in mental health certificate  
31 status.

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

34 (c) *The department shall establish rates pursuant to subdivisions*  
35 *(a) and (b) commencing January 1, 2017. The rate structure shall*  
36 *include an interim rate, a provisional rate for new short-term*  
37 *residential treatment centers, and a probationary rate. The*  
38 *department may supplement the rate with a one-time*  
39 *reimbursement for the cost of accreditation in an amount and*  
40 *manner determined by the department in written directives.*

1 (1) *Interim rates developed pursuant to this section shall be*  
2 *effective January 1, 2017. The interim rates shall be evaluated*  
3 *and an ongoing payment structure shall be set no later than*  
4 *January 1, 2020.*

5 (2) *Consistent with Section 11466.01, for provisional and*  
6 *probationary rates, the following shall be established:*

7 (A) *Terms and conditions, including the duration of the rate.*

8 (B) *An administrative review process for rate determinations,*  
9 *including denials, reductions, and terminations.*

10 (C) *An administrative review process that includes a*  
11 *departmental review, corrective action, and an appeal with the*  
12 *department. Notwithstanding the rulemaking provisions of the*  
13 *Administrative Procedure Act (Chapter 3.5 (commencing with*  
14 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*  
15 *Code), this process shall be disseminated by written directive*  
16 *pending the promulgation of regulations.*

17 (~~e~~)

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

26 (~~d~~)

27 (e) *This section shall become operative on January 1, 2017.*

28 *SEC. 47. Section 11462.04 of the Welfare and Institutions*  
29 *Code, as added by Section 82 of Chapter 773 of the Statutes of*  
30 *2015, is amended to read:*

31 11462.04. (a) *Notwithstanding any other law, commencing*  
32 *January 1, 2017, no new group home rate or change to an existing*  
33 *rate shall be established pursuant to the Rate Classification Level*  
34 *(RCL) system.*

35 (b) *Notwithstanding subdivision (a), the department may grant*  
36 *an exception as appropriate, on a case-by-case basis, when a written*  
37 *request and supporting documentation are provided by a county*  
38 *placing agency, including a county welfare or probation director,*  
39 *that absent the granting of that exception, there is a material risk*  
40 *to the welfare of children due to an inadequate supply of*

1 appropriate alternative placement options to meet the needs of  
2 children.

3 (c) For group homes being paid under the RCL system, and  
4 those granted an exception pursuant to paragraph (b), group home  
5 rates shall terminate on December 31, 2016, unless granted an  
6 extension under the exception process in subdivision (d).

7 (d) A group home may request an exception to extend its rate  
8 as follows:

9 (1) The department may grant an extension for up to two years,  
10 through December 31, 2018, except as provided in paragraph (2),  
11 on a case-by-case basis, when a written request and supporting  
12 documentation are provided by a county placing agency, including  
13 a county welfare or probation director, that absent the granting of  
14 that exception, there is a material risk to the welfare of children  
15 due to an inadequate supply of appropriate alternative placement  
16 options to meet the needs of children. The exception may include  
17 time to meet the program accreditation requirement or the mental  
18 health certification requirement.

19 (2) Pursuant to Section 11462.041, the department may grant  
20 an extension to a group home beyond December 31, 2018, upon  
21 a provider submitting a written request and the county probation  
22 department providing documentation stating that absent the grant  
23 of that extension, there is a significant risk to the safety of the  
24 youth or the public, due to an inadequate supply of short-term  
25 residential treatment centers or resource families necessary to meet  
26 the needs of probation youth. The extension granted to any provider  
27 through this section may be reviewed annually by the department  
28 if concerns arise regarding that provider's facility. Pursuant to  
29 subdivision (e) of Section 11462.041, the final report submitted  
30 to the Legislature shall address whether or not the extensions are  
31 still necessary.

32 (3) The exception shall allow the provider to continue to receive  
33 the rate under the prior ratesetting system.

34 (4) A provider granted an extension pursuant to this section  
35 shall continue to operate and be governed by the applicable laws  
36 and regulations that were operative on December 31, 2018.

37 (5) *If the exception request granted pursuant to this subdivision*  
38 *is not made by the host county, the placing county shall notify and*  
39 *provide a copy to the host county.*

1 (e) (1) *The extended rate granted pursuant to either paragraph*  
2 *(1) or (2) of subdivision (d) shall be provisional and subject to*  
3 *terms and conditions set by the department during the provisional*  
4 *period.*

5 (2) *Consistent with Section 11466.01, for provisional rates, the*  
6 *following shall be established:*

7 (A) *Terms and conditions, including the duration of the*  
8 *provisional rate.*

9 (B) *An administrative review process for provisional rate*  
10 *determinations, including denials, reductions, and terminations.*

11 (C) *An administrative review process that includes a*  
12 *departmental review, corrective action, and an appeal with the*  
13 *department. Notwithstanding the rulemaking provisions of the*  
14 *Administrative Procedure Act (Chapter 3.5 (commencing with*  
15 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*  
16 *Code), this process shall be disseminated by written directive*  
17 *pending the promulgation of regulations.*

18 ~~(e)~~

19 (f) *Upon termination of an existing group home rate under the*  
20 *RCL system, a new rate shall not be paid until an application is*  
21 *approved and a rate is granted by the department pursuant to*  
22 *Section 11462 as a short-term residential treatment center ~~or~~ or,*  
23 *effective January 1, 2017, the rate set pursuant to Section 11463*  
24 *as a foster family agency.*

25 ~~(f)~~

26 (g) *The department shall, in the development of the new rate*  
27 *structures, consider and provide for placement of all children who*  
28 *are displaced as a result of reclassification of treatment facilities.*

29 ~~(g)~~

30 (h) *This section shall become operative on January 1, 2017.*

31 *SEC. 48. Section 11462.06 of the Welfare and Institutions Code*  
32 *is amended to read:*

33 11462.06. (a) *For purposes of the administration of this article,*  
34 *including the setting of group home rates, the department shall*  
35 *deem the reasonable costs of leases for shelter care for foster*  
36 *children to be allowable costs. Reimbursement of shelter costs*  
37 *shall not exceed 12 percent of the fair market value of owned,*  
38 *leased, or rented buildings, including any structures, improvements,*  
39 *edifices, land, grounds, and other similar property that is owned,*  
40 *leased, or rented by the group home and that is used for group*

1 home programs and activities, exclusive of idle capacity and  
2 capacity used for nongroup home programs and activities. Shelter  
3 costs shall be considered reasonable in relation to the fair market  
4 value limit as described in subdivision (b).

5 (b) For purposes of this section, fair market value of leased  
6 property shall be determined by either of the following methods,  
7 as chosen by the provider:

8 (1) The market value shown on the last tax bill for the cost  
9 reporting period.

10 (2) The market value determined by an independent appraisal.  
11 The appraisal shall be performed by a qualified, professional  
12 appraiser who, at a minimum, meets standards for appraisers as  
13 specified in Chapter 6.5 (commencing with Section 3500) of Title  
14 10 of the California Code of Regulations. The appraisal shall not  
15 be deemed independent if performed under a less-than-arms-length  
16 agreement, or if performed by a person or persons employed by,  
17 or under contract with, the group home for purposes other than  
18 performing appraisals, or by a person having a material interest in  
19 any group home which receives foster care payments. If the  
20 department believes an appraisal does not meet these standards,  
21 the department shall give its reasons in writing to the provider and  
22 provide an opportunity for appeal.

23 (c) (1) The department may adopt emergency regulations in  
24 order to implement this section, in accordance with Chapter 3.5  
25 (commencing with Section 11340) of Part 1 of Division 3 of Title  
26 2 of the Government Code.

27 (2) The adoption of emergency regulations pursuant to this  
28 section shall be deemed to be an emergency and considered by the  
29 Office of Administrative Law as necessary for the immediate  
30 preservation of the public peace, health and safety, or general  
31 welfare.

32 (3) Emergency regulations adopted pursuant to this section shall  
33 be exempt from the review and approval of the Office of  
34 Administrative Law.

35 (4) The emergency regulations authorized by this section shall  
36 be submitted to the Office of Administrative Law for filing with  
37 the Secretary of State and publication in the California Code of  
38 Regulations.

39 (d) (1) Commencing July 1, 2003, any group home provider  
40 with a self-dealing lease transaction for shelter costs, as defined

1 in Section 5233 of the Corporations Code, shall not be eligible for  
2 an AFDC-FC rate.

3 (2) Notwithstanding paragraph (1), providers that received an  
4 approval letter for a self-dealing lease transaction for shelter costs  
5 during the 2002–03 fiscal year from the Charitable Trust Section  
6 of the Department of Justice shall be eligible to continue to receive  
7 an AFDC-FC rate until the date that the lease expires, or is  
8 modified, extended, or terminated, whichever occurs first. These  
9 providers shall be ineligible to receive an AFDC-FC rate after that  
10 date if they have entered into any self-dealing lease transactions  
11 for group home shelter costs.

12 *(e) This section shall remain in effect only until January 1, 2019,*  
13 *and as of that date is repealed, unless a later enacted statute, that*  
14 *is enacted before January 1, 2019, deletes or extends that date.*

15 *SEC. 49. Section 11462.06 is added to the Welfare and*  
16 *Institutions Code, to read:*

17 *11462.06. (a) For purposes of the administration of this article,*  
18 *including setting AFDC-FC provider rates, the department shall*  
19 *deem the reasonable costs of leases for shelter care for foster*  
20 *children to be allowable costs.*

21 *(b) Rental costs of real property, allowable as either shelter*  
22 *care or as necessary administration of the foster care maintenance*  
23 *payment, are allowable to the extent that the rates are reasonable*  
24 *in light of such factors as rental costs of comparable property, if*  
25 *any; market conditions in the area; alternatives available; and*  
26 *the type, life expectancy, condition, and value of the leased*  
27 *property, including any structures, improvements, edifices, land,*  
28 *grounds, and other similar property that is used for the facility's*  
29 *residential foster care programs and activities, exclusive of idle*  
30 *capacity and capacity used for nonresidential foster care programs*  
31 *and activities.*

32 *(1) Rental costs shall be considered reasonable in relation to*  
33 *the fair market rental value limit, as described in Section 200.465*  
34 *of Title 2 of the Code of Federal Regulations.*

35 *(2) Rental arrangements should be reviewed periodically to*  
36 *determine if circumstances have changed and other options are*  
37 *available.*

38 *(c) The appraisal shall be performed by an independent,*  
39 *qualified, professional appraiser who, at a minimum, meets*  
40 *standards for appraisers as specified in Chapter 6.5 (commencing*

1 with Section 3500) of Title 10 of the California Code of  
 2 Regulations. The appraisal shall not be deemed independent if  
 3 performed under a less-than-arms-length agreement, if performed  
 4 by a person or persons employed by, or under contract with, the  
 5 program subject to the appraisal for purposes other than  
 6 performing appraisals, or if performed by a person having a  
 7 material interest in any program that receives foster care payments.  
 8 If the department believes an appraisal does not meet these  
 9 standards, the department shall give its reasons in writing to the  
 10 program and provide an opportunity for appeal.

11 (d) (1) Any provider with a self-dealing transaction, as defined  
 12 in Section 5233 of the Corporations Code, for a lease for shelter  
 13 costs shall be ineligible for an AFDC-FC rate.

14 (2) Lease transactions are subject to restrictions set forth in  
 15 Section 200.465(c) of Title 2 of the Code of Federal Regulations.

16 (e) This section shall become operative on January 1, 2019.

17 SEC. 50. Section 11463 of the Welfare and Institutions Code,  
 18 as added by Section 85 of Chapter 773 of the Statutes of 2015, is  
 19 amended to read:

20 11463. (a) The department shall commence development of  
 21 a new payment structure for the Title IV-E funded foster family  
 22 agency placement option that maximizes federal funding, in  
 23 consultation with county placing agencies.

24 (b) The department shall develop a payment system for foster  
 25 family agencies that provide treatment, intensive treatment, and  
 26 therapeutic foster care programs, and shall consider all of the  
 27 following factors:

28 (1) Administrative activities that are eligible for federal financial  
 29 participation provided, at county request, for and to county-licensed  
 30 or approved family homes and resource families, intensive case  
 31 management and supervision, and services to achieve legal  
 32 permanency or successful transition to adulthood.

33 (2) Social work activities that are eligible for federal financial  
 34 participation under Title IV-E of the Social Security Act.

35 (3) Social work and mental health services eligible for federal  
 36 financial participation under Title XIX of the Social Security Act.

37 (4) Intensive treatment or therapeutic services in the foster  
 38 family agency.

39 (5) Core services, made available to children and nonminor  
 40 dependents either directly or secured through formal agreements

1 with other agencies, which are trauma informed and culturally  
2 relevant and include:

3 (A) Specialty mental health services for children who meet  
4 medical necessity criteria for specialty mental health services under  
5 the Medi-Cal Early and Periodic Screening, Diagnosis, and  
6 Treatment program, as the criteria are described in Section  
7 1830.210 of Title 9, of the California Code of Regulations.

8 (B) Transition support services for children, youth, and families  
9 upon initial entry and placement changes and for families who  
10 assume permanency through reunification, adoption, or  
11 guardianship.

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

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

16 (E) Services to achieve permanency, including supporting efforts  
17 to reunify or achieve adoption or guardianship and efforts to  
18 maintain or establish relationships with parents, siblings, extended  
19 family members, tribes, or others important to the child or youth,  
20 as appropriate.

21 (F) When serving Indian children, as defined in subdivisions  
22 (a) and (b) of Section 224.1, the core services specified in  
23 subparagraphs (A) to (E), inclusive, shall be provided to eligible  
24 children consistent with active efforts pursuant to Section 361.7.

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

32 (6) Staff training.

33 (7) Health and Safety Code requirements.

34 (8) A process for accreditation that includes all of the following:

35 (A) Provision for all licensed foster family agencies to maintain  
36 in good standing accreditation from a nationally recognized  
37 accreditation agency with expertise in programs for youth group  
38 care facilities, as determined by the department.

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

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

3 (9) Mental health certification, including a requirement to timely  
4 report to the department any change in mental health certificate  
5 status.

6 (10) Populations served, including, but not limited to, any of  
7 the following:

8 (A) (i) Children and youth assessed as seriously emotionally  
9 disturbed, as described in subdivision (a) of Section 5600.3,  
10 including those placed out-of-home pursuant to an individualized  
11 education program developed under Article 2 (commencing with  
12 Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of  
13 the Education Code.

14 (ii) Children assessed as meeting the medical necessity criteria  
15 for specialty mental health services under the Medi-Cal Early and  
16 Periodic Screening, Diagnosis, and Treatment program, as the  
17 criteria are described in Section 1830.210 of Title 9 of the  
18 California Code of Regulations.

19 (B) AFDC-FC children and youth receiving intensive and  
20 therapeutic treatment services in a foster family agency.

21 (C) AFDC-FC children and youth receiving mental health  
22 treatment services from a foster family agency.

23 (11) Maximization of federal financial participation for Title  
24 IV-E and Title XIX of the Social Security Act.

25 (c) *The department shall establish rates pursuant to subdivisions*  
26 *(a) and (b) commencing January 1, 2017. The rate structure shall*  
27 *include an interim rate, a provisional rate for new foster family*  
28 *agency programs, and a probationary rate. The department may*  
29 *supplement the rate with a one-time reimbursement for the cost of*  
30 *accreditation in an amount and manner determined by the*  
31 *department in written directives.*

32 (1) *Interim rates developed pursuant to this section shall be*  
33 *effective January 1, 2017. The interim rates shall be evaluated*  
34 *and an ongoing payment structure shall be set no later than*  
35 *January 1, 2020.*

36 (2) *Consistent with Section 11466.01, for provisional and*  
37 *probationary rates, the following shall be established:*

38 (A) *Terms and conditions, including the duration of the rate.*

39 (B) *An administrative review process for the rate determinations,*  
40 *including denials, reductions, and terminations.*

1 (C) An administrative review process that includes a  
2 departmental review, corrective action, and an appeal with the  
3 department. Notwithstanding the rulemaking provisions of the  
4 Administrative Procedure Act (Chapter 3.5 (commencing with  
5 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
6 Code), this process shall be disseminated by written directive  
7 pending the promulgation of regulations.

8 (3) When establishing the foster family agency rate pursuant to  
9 this section, the department shall make the basic rate paid to  
10 resource families approved by a foster family agency the same as  
11 the basic rate established pursuant to subdivision (g) of Section  
12 11461.

13 (e)

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

22 (d)

23 (e) The department shall consider the impact on children and  
24 youth being transitioned to alternate programs as a result of the  
25 new ratesetting system.

26 (e)

27 (f) This section shall become operative on January 1, 2017.

28 ~~SEC. 16.~~

29 *SEC. 51.* Section 11463.01 of the Welfare and Institutions  
30 Code is amended to read:

31 11463.01. (a) (1) The department, with the advice, assistance,  
32 and cooperation of the counties and foster care providers, shall  
33 develop, implement, and maintain a ratesetting system for foster  
34 family agencies.

35 (2) No county shall be reimbursed for any percentage increases  
36 in payments, made on behalf of AFDC-FC funded children who  
37 are placed with foster family agencies, that exceed the percentage  
38 cost-of-living increase provided in any fiscal year, as specified in  
39 subdivision-(e) (g) of Section 11461.

1 (b) The department shall develop regulations specifying the  
2 purposes, types, and services of foster family agencies, including  
3 the use of those agencies for the provision of emergency shelter  
4 care.

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

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

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

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

20 (2) The department shall adopt regulations to implement this  
21 subdivision. The adoption, amendment, repeal, or readoption of a  
22 regulation authorized by this subdivision is deemed to be necessary  
23 for the immediate preservation of the public peace, health and  
24 safety, or general welfare, for purposes of Sections 11346.1 and  
25 11349.6 of the Government Code, and the department is hereby  
26 exempted from the requirement to describe specific facts showing  
27 the need for immediate action.

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

34 (2) The basic rate payment to the certified parent made pursuant  
35 to paragraph (1) shall be adjusted annually on July 1, by the annual  
36 percentage change in the California Necessities Index, in  
37 accordance with paragraph (2) of subdivision (g) of Section 11461.  
38 The adjustment in this paragraph shall be in lieu of any adjustment  
39 pursuant to subdivision (e) of Section 11463, as that section read  
40 on January 1, 2015.

1 (h) Notwithstanding any other law, the changes to the basic rate  
2 payment specified in subdivision (g) shall not change the remaining  
3 components of the foster family agency rate. The new foster family  
4 agency rate shall be increased only by the amounts specified  
5 pursuant to subdivision (g). The resulting amounts shall constitute  
6 the new schedule of rates for foster family agencies, which shall  
7 be issued by all-county letters or similar instructions from the  
8 department.

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

13 (j) (1) Notwithstanding the rulemaking provisions of the  
14 Administrative Procedure Act (Chapter 3.5 (commencing with  
15 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
16 Code), the department may implement, interpret, or make specific  
17 the changes to this section made by the act that added this section,  
18 and amend and repeal regulations and orders subject to this section  
19 and adopted by the department by means of all-county letters or  
20 similar instructions from the department until regulations are  
21 adopted. The department shall adopt emergency regulations no  
22 later than July 1, 2016. The department may readopt any emergency  
23 regulation authorized by this section that is the same as, or  
24 substantially equivalent to, an emergency regulation previously  
25 adopted under this section.

26 (2) The initial adoption of emergency regulations pursuant to  
27 this section and one readoption of emergency regulations shall be  
28 deemed an emergency and necessary for the immediate  
29 preservation of the public peace, health, safety, or general welfare.  
30 Initial emergency regulations and the one readoption of emergency  
31 regulations authorized by this section shall be exempt from review  
32 by the Office of Administrative Law. The initial emergency  
33 regulations and the one readoption of emergency regulations  
34 authorized by this section shall be submitted to the Office of  
35 Administrative Law for filing with the Secretary of State and each  
36 shall remain in effect for no more than 180 days, by which time  
37 final regulations may be adopted.

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

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

2 (m) This section shall remain in effect only until January 1,  
3 2019, and as of that date is repealed, unless a later enacted statute,  
4 that is enacted before January 1, 2019, deletes or extends that date.

5 *SEC. 52. Section 11463.1 of the Welfare and Institutions Code*  
6 *is amended to read:*

7 11463.1. (a) Notwithstanding any other law, commencing  
8 January 1, 2017, no new foster family agency shall be established  
9 pursuant to the rate in effect through December 31, 2016.

10 (b) Notwithstanding subdivision (a), the department may grant  
11 an exception as appropriate, on a case-by-case basis, when a written  
12 request and supporting documentation are provided by a county  
13 placing agency, including a county welfare or probation director,  
14 that absent the granting of that exception, there is a material risk  
15 to the welfare of children due to an inadequate supply of  
16 appropriate alternative placement options to meet the needs of  
17 children or youth.

18 (c) Rates for foster family agencies paid under the prior rate  
19 system, and those granted an exception pursuant to subdivision  
20 (b), shall terminate on December 31, 2016, unless granted an  
21 extension under the exception process in subdivision (d).

22 (d) A foster family agency *that is otherwise licensed to operate*  
23 *as a foster family agency* may request an exception to extend its  
24 rate as follows:

25 (1) The department may grant an extension for up to two years,  
26 through December 31, 2018, on a case-by-case basis, when a  
27 written request and supporting documentation are provided by a  
28 county placing agency, including a county welfare or probation  
29 director, that absent the granting of that exception, there is a  
30 material risk to the welfare of children or youth due to an  
31 inadequate supply of appropriate alternative placement options to  
32 meet the needs of children. The exception may include time to  
33 meet the accreditation requirement or the mental health certification  
34 requirement.

35 (2) The exception shall allow the provider to continue to receive  
36 the rate under the prior ratesetting system.

37 (e) Upon termination of an existing foster family agency rate  
38 under the prior rate system, a new rate shall not be paid until an  
39 application is approved and a rate is granted by the department

1 pursuant to Section 11463 as a foster family agency or Section  
2 11462 as a short-term residential treatment center.

3 (f) The department shall, in the development of the new rate  
4 structures, consider and provide for placement of all children who  
5 are displaced as a result of reclassification of treatment facilities.

6 (g) This section shall remain in effect only until January 1, 2019,  
7 and as of that date is repealed, unless a later enacted statute, that  
8 is enacted before January 1, 2019, deletes or extends that date.

9 ~~SEC. 17.~~

10 *SEC. 53.* Section 11466 of the Welfare and Institutions Code  
11 is amended to read:

12 11466. For the purposes of this section to Section 11469.1,  
13 inclusive, “provider” shall mean a group home, short-term  
14 residential treatment center, a foster family agency, and similar  
15 foster care business entities.

16 *SEC. 54. Section 11466.01 is added to the Welfare and*  
17 *Institutions Code, to read:*

18 *11466.01. (a) Commencing January 1, 2017, a provisional*  
19 *rate shall be set for all of the following:*

20 *(1) A provider that is granted an extension pursuant to*  
21 *paragraph (1) of subdivision (d) of Section 11462.04.*

22 *(2) A provider that is granted an extension pursuant to*  
23 *paragraph (2) of subdivision (d) of Section 11462.04.*

24 *(3) A provider that is granted an extension pursuant to Section*  
25 *11463.1.*

26 *(4) A new short-term residential treatment center provider.*

27 *(5) A new foster family agency provider.*

28 *(b) The provisional rate shall be subject to terms and conditions,*  
29 *including the duration of the provisional period, set by the*  
30 *department.*

31 *(1) For a provider described in paragraph (1) or (3) of*  
32 *subdivision (a), a provisional rate may be granted for a period*  
33 *that is not extended beyond December 31, 2018.*

34 *(2) For a provider described in paragraph (2) of subdivision*  
35 *(a), a provisional rate may be granted and may be reviewed on*  
36 *an annual basis, pursuant to paragraph (2) of subdivision (d) of*  
37 *Section 11462.04.*

38 *(3) For a provider described in paragraph (4) or (5) of*  
39 *subdivision (a), a provisional rate may be granted for a period of*  
40 *up to 24 months from the date the provider’s license was issued.*

1 (c) In determining whether to grant, and upon what conditions  
2 to grant, a provisional rate, the department shall consider factors  
3 including the following:

4 (1) Any prior extension granted pursuant to Section 11462.04  
5 or 11463.1.

6 (2) Any licensing history for any license with which the program,  
7 or its directors or officers, have been associated.

8 (3) Any financial, fiscal, or compliance audit history with which  
9 the program, or its directors or officers, have been associated.

10 (4) Outstanding civil penalties or overpayments with which the  
11 program, or its directors or officers, have been associated.

12 (d) In determining whether to continue, and upon what  
13 conditions to continue, a provisional rate, the department shall  
14 consider those factors specified in subdivision (c), as well as  
15 compliance with the terms, conditions, and requirements during  
16 the provisional period.

17 (e) In determining whether, at the end of the provisional rate  
18 period or thereafter, to grant a standard rate and whether to  
19 impose or continue, and upon what conditions to impose or  
20 continue, a probationary rate the department shall consider the  
21 factors specified in subdivision (c).

22 (f) The department shall establish an administrative review  
23 process for determinations, including denial, reduction, probation,  
24 and termination of the provisional and probationary rates. This  
25 process shall include a departmental review, corrective action,  
26 and an appeal with the department. Notwithstanding the  
27 rulemaking provisions of the Administrative Procedure Act  
28 (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
29 Division 3 of Title 2 of the Government Code), this process shall  
30 be disseminated by written directive pending the promulgation of  
31 regulations.

32 (g) (1) (A) For the purposes of this section, a “provisional  
33 rate” is a prospective rate given to a provider described in  
34 subdivision (a) based on an assurance to perform in accordance  
35 with terms and conditions attached to the granting of the  
36 provisional rate.

37 (B) For the purposes of this section, a “standard rate” is the  
38 rate granted at the conclusion of a provisional rate period upon  
39 meeting the terms and conditions.

1 (C) For the purposes of this section, a “probationary rate” is  
2 the imposition of limitations and conditions on a standard rate.

3 (2) (A) At the conclusion of a provisional rate, a probationary  
4 rate may be imposed, at the discretion of the department, if  
5 additional oversight is deemed necessary based on the provider’s  
6 performance during the provisional rate period.

7 (B) At any time, a standard rate may become a probationary  
8 rate if additional oversight is deemed necessary based on the  
9 provider’s performance in accordance with terms and condition  
10 attached to the granting or maintenance of its rate.

11 SEC. 55. Section 11466.2 of the Welfare and Institutions Code,  
12 as added by Section 91 of Chapter 773 of the Statutes of 2015, is  
13 amended to read:

14 11466.2. (a) (1) The department shall perform or have  
15 performed provider program and fiscal audits as needed. Provider  
16 programs shall maintain all child-specific, programmatic,  
17 personnel, fiscal, and other information affecting ratesetting and  
18 AFDC-FC payments for a period of not less than five years.

19 (2) Provider fiscal audits shall be conducted pursuant to Part  
20 200 (commencing with Section 200.0) of Chapter II of Subtitle A  
21 of Title 2 of the Code of Federal Regulations, including uniform  
22 administrative requirements, cost principles, and audit  
23 requirements, as authorized in Section 75.106 of Title 45 of the  
24 Code of Federal Regulations.

25 ~~(2)~~

26 (3) A provider may request a hearing of the department’s audit  
27 determination under this section no later than 30 days after the  
28 date the department issues its audit determination. The  
29 department’s audit determination shall be final if the provider does  
30 not request a hearing within the prescribed time. Within 60 days  
31 of receipt of the request for hearing, the department shall conduct  
32 a hearing on the audit determination. The standard of proof shall  
33 be the preponderance of the evidence and the burden of proof shall  
34 be on the department. The hearing officer shall issue the proposed  
35 decision within 45 days of the close of the evidentiary record. The  
36 director shall adopt, reject, or modify the proposed decision, or  
37 refer the matter back to the hearing officer for additional evidence  
38 or findings within 100 days of issuance of the proposed decision.  
39 If the director takes no action on the proposed decision within the

1 prescribed time, the proposed decision shall take effect by operation  
2 of law.

3 (b) The department shall develop regulations to correct a  
4 program's audit findings, adjust the rate, and recover any  
5 overpayments resulting from an overstatement of the projected  
6 level of care and services and other audit findings.

7 (c) (1) In any audit conducted by the department, the  
8 department, or other public or private audit agency with which the  
9 department contracts, shall coordinate with the department's  
10 licensing and ratesetting entities so that a consistent set of  
11 standards, rules, and auditing protocols are maintained. The  
12 department, or other public or private audit agency with which the  
13 department contracts, shall make available to all providers, in  
14 writing, any standards, rules, and auditing protocols to be used in  
15 those audits.

16 (2) The department shall provide exit interviews with providers,  
17 whenever deficiencies are found, in which those deficiencies may  
18 be explained and permit providers an opportunity to respond. The  
19 department shall adopt regulations specifying the procedure for  
20 the appeal of audit findings.

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

22 ~~SEC. 18.~~

23 *SEC. 56.* Section 11466.21 of the Welfare and Institutions  
24 Code is amended to read:

25 11466.21. (a) In accordance with subdivision (b), as a  
26 condition to receive an AFDC-FC rate for a program including,  
27 but not limited to, a group home, a foster family agency, a  
28 short-term residential treatment center, and other similar business  
29 entities providing foster care, the following shall apply:

30 (1) Any provider who expends in combined federal funds an  
31 amount at or above the federal funding threshold in accordance  
32 with the federal Single Audit Act, as amended, and Section 200.501  
33 of Title 2 of the Code of Federal Regulations shall arrange to have  
34 a financial audit conducted on an annual basis, and shall submit  
35 the financial audit to the department in accordance with regulations  
36 adopted by the department, all-county letter, or similar written  
37 instructions.

38 (2) Any provider who expends in combined federal funds an  
39 amount below the federal funding threshold shall annually submit  
40 a financial audit to the department pursuant to Generally Accepted

1 Government Auditing Standards (GAGAS), and shall submit the  
2 financial audit to the department in accordance with regulations  
3 adopted by the department, all-county letter, or similar written  
4 instructions.

5 (3) The scope of the financial audit shall include all of the  
6 programs and activities operated by the provider and shall not be  
7 limited to those funded in whole or in part by the AFDC-FC  
8 program. The financial audits shall include, but not be limited to,  
9 an evaluation of the expenditures and accounting and control  
10 systems of the provider.

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

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

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

23 (B) A provider may change the definition of its fiscal year.  
24 However, the financial audit conducted following the change shall  
25 cover all of the months since the last audit, even though this may  
26 cover a period that exceeds 12 months.

27 (b) (1) In accordance with subdivision (a), as a condition to  
28 receive an AFDC-FC rate, a provider shall submit a copy of its  
29 most recent financial audit report, except as provided in paragraph  
30 (3).

31 (2) The department shall terminate the rate of a provider who  
32 fails to submit a copy of its most recent financial audit pursuant  
33 to subdivision (a). A terminated rate shall only be reinstated upon  
34 the provider's submission to the department of an acceptable  
35 financial audit.

36 (3) A new provider that has been incorporated for fewer than  
37 12 calendar months shall not be required to submit a copy of a  
38 financial audit to receive an AFDC-FC rate for a new program.  
39 The financial audit shall be conducted on the provider's next full

1 fiscal year of operation. The provider shall submit the financial  
2 audit to the department in accordance with subdivision (a).

3 (c) The department shall issue a management decision letter on  
4 audit findings, made by the independent auditor or as a result of  
5 department review, within six months of receipt of the financial  
6 audit report. The management decision letter shall clearly state  
7 whether or not the audit finding is sustained, the reasons for the  
8 decision, and the action or actions expected of the nonprofit  
9 organization provider to repay disallowed costs, make financial  
10 adjustments, or take other action.

11 (d) Repeated late submission of financial audits, repeat findings  
12 in financial audits, or failure to comply with corrective action in  
13 a management decision letter may result in monetary penalties or  
14 a reduction, suspension, or termination of the provider’s rate in  
15 accordance with regulations adopted by the department, all-county  
16 letter, or similar written instructions. This subdivision shall not be  
17 construed to affect the department’s authority under other  
18 provisions of law, including, but not limited to, Part 200 of Title  
19 2 of the Code of Federal Regulations.

20 ~~SEC. 19:~~

21 *SEC. 57.* Section 11466.22 of the Welfare and Institutions  
22 Code is amended to read:

23 11466.22. (a) It is the intent of the Legislature to ensure overall  
24 program integrity in the AFDC-FC program through the  
25 establishment of an effective and efficient process for the collection  
26 of provider sustained overpayments. Furthermore, the intent of the  
27 Legislature is to ensure that children placed in AFDC-FC programs,  
28 including, but not limited to, group homes, short-term residential  
29 treatment centers, and foster family agencies, receive the level of  
30 care and supervision commensurate with the program’s paid rate.

31 (b) For the purposes of this section, a provider is a licensee of  
32 an AFDC-FC program listed in Section 11402, including, but not  
33 limited to, a group home, short-term residential treatment center,  
34 foster family agency that provides treatment services, or a similar  
35 business entity, receiving foster care maintenance payments under  
36 the AFDC-FC program. The department may collect a sustained  
37 overpayment from the party responsible for the sustained  
38 overpayment, regardless of whether the party remains in the  
39 business of providing any AFDC-FC programs, and regardless of  
40 whether the provider remains licensed by the department.

1 (c) For the purposes of this section, a provider overpayment is  
2 an overpayment that results in an audit period when a provider  
3 receives a rate reimbursement to which it is not entitled. If a  
4 provider receives a rate reimbursement to which it is not entitled,  
5 including, but not limited to, the provider failing to maintain a  
6 license, or failing to maintain its status as a nonprofit organization,  
7 or due to an overpayment determined as described in paragraph  
8 (1) of subdivision (d), it shall be liable to repay the overpayment.

9 (d) (1) Overpayments shall be determined by either a provider  
10 audit pursuant to Section 11466.21, a department audit conducted  
11 pursuant to Section 11466.2, a management decision letter, or a  
12 provider self-reporting an overpayment. A self-reported  
13 overpayment may include a finding in the financial audit report  
14 submitted by the provider whether that finding is formally made  
15 in the financial audit report or discovered through department  
16 review of the report or other provider submission.

17 (2) If a hearing is not requested, or on the 60th day after an  
18 informal decision if a provider or the department does not file a  
19 notice of intent to file a formal appeal, or on the 30th day following  
20 a formal appeal hearing decision, whichever is latest, a provider  
21 overpayment shall be sustained for collection purposes and the  
22 department shall issue a demand letter for repayment of the  
23 sustained overpayment.

24 (3) The department shall establish a voluntary repayment  
25 agreement procedure with a maximum repayment period of nine  
26 years. The procedure shall take into account the amount of the  
27 overpayment, projected annual income of the program that caused  
28 the overpayment, a minimum repayment amount, including  
29 principal and interest, of 3 percent of annual income prorated on  
30 a monthly basis, simple interest for the first seven years of the  
31 voluntary repayment agreement on the overpayment amount based  
32 on the Surplus Money Investment Fund, and simple interest for  
33 the eighth and ninth years of the voluntary repayment agreement  
34 based on the prime rate at that time plus 3 percent. The department  
35 may consider renegotiation of a voluntary repayment agreement  
36 if the department determines that the agreement would cause severe  
37 harm to children in placement.

38 (4) The department shall establish an involuntary overpayment  
39 collection procedure, that shall take into account the amount of  
40 the overpayment, projected annual income, a minimum required

1 repayment amount, including principal and interest, of 5 percent  
2 of the annual income prorated on a monthly basis, simple interest  
3 on the overpayment amount based on the Surplus Money  
4 Investment Fund, and a maximum repayment period of seven  
5 years. The department may consider renegotiation of an involuntary  
6 payment agreement if the department determines that the agreement  
7 would cause severe harm to children in placement.

8 (e) The department shall maintain, by ~~regulation~~, *regulation*,  
9 all-county letter, or similar written directive, a procedure for  
10 recovery of any provider sustained overpayments. The department  
11 shall prioritize collection methods, which shall include voluntary  
12 repayment agreement procedures, involuntary overpayment  
13 collection procedures, including the use of a statutory lien, rate  
14 request denials, rate decreases, and rate terminations. The  
15 department may also deny rate requests, including requests for  
16 rate increases, or program changes or expansions, while an  
17 overpayment is due.

18 (f) Whenever the department determines that a provider  
19 sustained overpayment has occurred, the department shall recover  
20 from the provider the full amount of the sustained overpayment,  
21 and simple interest on the sustained overpayment amount, pursuant  
22 to methods described in subdivision (e), against the provider's  
23 income or assets.

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

27 *SEC. 58. Section 11466.24 of the Welfare and Institutions Code*  
28 *is amended to read:*

29 11466.24. (a) In accordance with this section, a county shall  
30 collect an overpayment, discovered on or after January 1, 1999,  
31 made to a foster family home, an approved home of a relative,  
32 including, on and after the date that the director executes a  
33 declaration pursuant to Section 11217, the home of a Kin-GAP  
34 guardian, an approved home of a nonrelative extended family  
35 member, ~~or an approved home of a nonrelative legal guardian, or,~~  
36 ~~on and after January 1, 2012, a resource family, as defined in~~  
37 *subdivision (c) of Section 16519.5, or the supervised independent*  
38 *living setting where a nonminor dependent resides, for any period*  
39 *of time in which the foster child was not cared for in that home,*

1 unless any of the following conditions exist, in which case a county  
2 shall not collect the overpayment:

3 (1) The cost of the collection exceeds that amount of the  
4 overpayment that is likely to be recovered by the county. The cost  
5 of collecting the overpayment and the likelihood of collection shall  
6 be documented by the county. Costs that the county shall consider  
7 when determining the cost-effectiveness to collect are total  
8 administrative, personnel, legal filing fee, and investigative costs,  
9 and any other applicable costs.

10 (2) The child was temporarily removed from the home and  
11 payment was owed to the provider to maintain the child's  
12 placement, or the child was temporarily absent from the provider's  
13 home, or on runaway status and subsequently returned, and  
14 payment was made to the provider to meet the child's needs.

15 (3) The overpayment was exclusively the result of a county  
16 administrative error or both the county welfare department and  
17 the provider or nonminor dependent were unaware of the  
18 information that would establish that the foster child or nonminor  
19 dependent was not eligible for foster care benefits.

20 (4) The provider or nonminor dependent did not have knowledge  
21 of, and did not contribute to, the cause of the overpayment.

22 (b) (1) After notification by a county of an overpayment to a  
23 foster family home, an approved home of a relative, including the  
24 home of a Kin-GAP guardian, or a nonrelative extended family  
25 member, approved home of a nonrelative legal guardian, *a resource*  
26 *family*, or the supervised independent living setting where the  
27 nonminor dependent resides, and a demand letter for repayment,  
28 the foster parent, approved relative, approved nonrelative legal  
29 guardian, *resource family*, or nonminor dependent may request  
30 the county welfare department to review the overpayment  
31 determination in an informal hearing, or may file with the  
32 department a request for a hearing to appeal the overpayment  
33 determination. Requesting an informal hearing shall not preclude  
34 a payee from seeking a formal hearing at a later date. The county  
35 welfare department shall dismiss the overpayment repayment  
36 request if it determines the action to be incorrect through an initial  
37 review prior to a state hearing, or through a review in an informal  
38 hearing held at the request of the foster parent, relative, nonrelative  
39 legal guardian, or nonminor dependent.

1 (2) If an informal hearing does not result in the dismissal of the  
2 overpayment, or a formal appeal hearing is not requested, or on  
3 the 30th day following a formal appeal hearing decision, whichever  
4 is later, the foster family provider overpayment shall be sustained  
5 for collection purposes.

6 (3) The department shall adopt regulations that ensure that the  
7 best interests of the child or nonminor dependent shall be the  
8 primary concern of the county welfare director in any repayment  
9 agreement.

10 (c) (1) The department shall develop regulations for recovery  
11 of overpayments made to any foster family home, approved home  
12 of a relative, including the home of a Kin-GAP guardian, approved  
13 home of a nonrelative legal guardian, *resource family*, or  
14 supervised independent living setting where a nonminor dependent  
15 resides. The regulations shall prioritize collection methods, that  
16 shall include voluntary repayment agreement procedures and  
17 involuntary overpayment collection procedures. These procedures  
18 shall take into account the amount of the overpayment and a  
19 minimum required payment amount.

20 (2) A county shall not collect an overpayment through the use  
21 of an involuntary payment agreement unless a foster family home,  
22 an approved home of a relative, including the home of a Kin-GAP  
23 guardian, approved home of a nonrelative legal guardian, *resource*  
24 *family*, or supervised independent living setting where a nonminor  
25 dependent resides has rejected the offer of a voluntary overpayment  
26 agreement, or has failed to comply with the terms of the voluntary  
27 overpayment agreement.

28 (3) A county shall not be permitted to collect an overpayment  
29 through the offset of payments due to a foster family home, an  
30 approved home of a relative, including the home of a Kin-GAP  
31 guardian, approved home of a nonrelative legal guardian ~~guardian~~,  
32 *resource family*, or supervised independent living setting where a  
33 nonminor dependent resides, unless this method of repayment is  
34 requested by the provider or nonminor dependent in a voluntary  
35 repayment agreement, or other circumstances defined by the  
36 department by regulation.

37 (d) If a provider or nonminor dependent is successful in its  
38 appeal of a collected overpayment, it shall be repaid the collected  
39 overpayment plus simple interest based on the Surplus Money  
40 Investment Fund.

1 (e) A county may not collect interest on the repayment of an  
2 overpayment.

3 (f) There shall be a one-year statute of limitations from the date  
4 upon which the county determined that there was an overpayment.

5 *SEC. 59. Section 11466.25 of the Welfare and Institutions Code*  
6 *is amended to read:*

7 11466.25. Interest begins to accrue on a provider overpayment  
8 or penalty on the date of the issuance of the ~~penalty or penalty, the~~  
9 ~~date of issuance of the final audit report, or the date the final audit~~  
10 ~~report is sustained~~; the date of the issuance of a management  
11 decision letter in accordance with Section 11466.21, or the date  
12 that a provider self-reports an overpayment.

13 *SEC. 60. Section 11466.31 of the Welfare and Institutions Code*  
14 *is amended to read:*

15 11466.31. (a) When it has been determined that a provider  
16 participating in the AFDC-FC program owes an overpayment that  
17 is due and payable, the department may implement involuntary  
18 offset collection procedures to collect sustained overpayments  
19 from a provider if the provider does not enter into a voluntary  
20 repayment agreement with the department or the provider has three  
21 outstanding payments on a voluntary repayment agreement before  
22 the overpayment is repaid.

23 (b) The minimum monthly overpayment offset amount from  
24 monthly rate reimbursements shall be determined using the  
25 involuntary collection procedures developed pursuant to paragraph  
26 (4) of subdivision (d) of Section ~~11466.2~~ 11466.22. Overpayments  
27 shall be offset against current monthly rate reimbursement  
28 payments due and payable to a provider under this chapter.

29 (c) Failure to repay an overpayment shall be grounds for  
30 termination of the provider's rate and shall result in a referral to  
31 the department's Community Care Licensing Division for license  
32 revocation.

33 *SEC. 61. Section 11466.32 of the Welfare and Institutions Code*  
34 *is amended to read:*

35 11466.32. (a) If a provider that owes a sustained overpayment  
36 pursuant to paragraph (2) of subdivision (d) of Section ~~11466.2~~  
37 11466.22 does not enter into a voluntary repayment agreement  
38 with the department, or the provider has three outstanding payments  
39 on a voluntary repayment agreement before the overpayment is  
40 repaid, in addition to the monthly overpayment offset amount, 50

1 percent of any increases resulting from California Necessities  
2 Index (CNI) adjustments and provider's rate adjustments to the  
3 standard rate that are due to a provider shall be withheld until the  
4 sustained overpayment amount is collected. Once the overpayment  
5 amount is collected, the provider shall begin to prospectively  
6 receive the full amount of any California Necessities Index and  
7 rate adjustment to which it is entitled.

8 (b) Any provider subject to involuntary repayment of a sustained  
9 overpayment pursuant to Section 11466.31 shall be ineligible to  
10 receive any rate increase or program change or expansion, until  
11 the repayment is completed or until the host county or the primary  
12 placement county provide the department with a request for waiver  
13 of this paragraph.

14 ~~SEC. 20.~~

15 *SEC. 62.* Section 11469 of the Welfare and Institutions Code  
16 is amended to read:

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

29 (1) The performance standards and outcome measures shall be  
30 designed to measure the performance of group home programs in  
31 areas over which the programs have some degree of influence, and  
32 in other areas of measurable program performance that the  
33 department can demonstrate are areas over which group home  
34 programs have meaningful managerial or administrative influence.

35 (2) These standards and outcome measures shall include, but  
36 are not limited to, the effectiveness of services provided by each  
37 group home program, and the extent to which the services provided  
38 by the group home assist in obtaining the child welfare case plan  
39 objectives for the child.

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

8 (b) Regulations regarding the implementation of the group home  
9 performance standards system required by this section shall be  
10 adopted no later than one year prior to implementation. The  
11 regulations shall specify both the performance standards system  
12 and the manner by which the AFDC-FC rate of a group home  
13 program shall be adjusted if performance standards are not met.

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

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

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

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

28 (3) The program meets the performance standards designed  
29 pursuant to this section.

30 (e) Notwithstanding subdivision (c), the group home program  
31 performance standards system shall not be implemented prior to  
32 the implementation of the AFDC-FC performance standards  
33 system.

34 (f) On or before January 1, 2016, the department shall develop,  
35 following consultation with the County Welfare Directors  
36 Association of California, the Chief Probation Officers of  
37 California, the County Behavioral Health Directors Association  
38 of California, research entities, foster children, advocates for foster  
39 children, foster care provider business entities organized and  
40 operated on a nonprofit basis, Indian tribes, and other stakeholders,

1 additional performance standards and outcome measures that  
2 require group homes to implement programs and services to  
3 minimize law enforcement contacts and delinquency petition filings  
4 arising from incidents of allegedly unlawful behavior by minors  
5 occurring in group homes or under the supervision of group home  
6 staff, including individualized behavior management programs,  
7 emergency intervention plans, and conflict resolution processes.

8 (g) On or before January 1, 2017, the department shall develop,  
9 following consultation with the County Welfare Directors  
10 Association of California, the Chief Probation Officers of  
11 California, the County Behavioral Health Directors Association  
12 of California, the Medical Board of California, research entities,  
13 foster children advocates for foster children, foster care provider  
14 business entities organized and operated on a nonprofit basis,  
15 Indian tribes, and other stakeholders, additional performance  
16 standards and outcome measures that require group homes and  
17 short-term residential treatment centers to implement alternative  
18 programs and services, including individualized behavior  
19 management programs, emergency intervention plans, and conflict  
20 resolution processes.

21 (h) Performance standards and outcome measures developed  
22 pursuant to this section shall apply to short-term residential  
23 treatment centers.

24 *SEC. 63. Section 16504.5 of the Welfare and Institutions Code*  
25 *is amended to read:*

26 16504.5. (a) (1) Notwithstanding any other ~~provision of~~ law,  
27 pursuant to subdivision (b) of Section 11105 of the Penal Code, a  
28 child welfare agency may secure from an appropriate governmental  
29 criminal justice agency the state summary criminal history  
30 information, as defined in subdivision (a) of Section 11105 of the  
31 Penal Code, through the California Law Enforcement  
32 Telecommunications System pursuant to subdivision (d) of Section  
33 309, and subdivision (a) of Section 1522 of the Health and Safety  
34 Code for the following purposes:

35 (A) To conduct an investigation pursuant to Section 11166.3 of  
36 the Penal Code or an investigation involving a child in which the  
37 child is alleged to come within the jurisdiction of the juvenile court  
38 under Section 300.

39 (B) (i) To assess the appropriateness and safety of placing a  
40 child who has been detained or is a dependent of the court, in the

1 home of a relative assessed pursuant to Section ~~309 or 361.4~~, 309,  
2 361.4, or 16519.5, or in the home of a nonrelative extended family  
3 member assessed as described in Section 362.7 or 16519.5 during  
4 an emergency situation.

5 (ii) When a relative or nonrelative family member who has been  
6 assessed pursuant to clause (i) and approved as a caregiver moves  
7 to a different county and continued placement of the child with  
8 that person is intended, the move shall be considered an emergency  
9 situation for purposes of this subparagraph.

10 (C) To attempt to locate a parent or guardian pursuant to Section  
11 311 of a child who is the subject of dependency court proceedings.

12 (D) To obtain information about the background of a nonminor  
13 who has petitioned to reenter foster care under subdivision (e) of  
14 Section 388, in order to assess the appropriateness and safety of  
15 placing the nonminor in a foster care or other placement setting  
16 with minor dependent children.

17 (2) Any time that a child welfare agency initiates a criminal  
18 background check through the California Law Enforcement  
19 Telecommunications System for the purpose described in  
20 subparagraph (B) of paragraph (1), the agency shall ensure that a  
21 state-level fingerprint check is initiated within 10 calendar days  
22 of the check, unless the whereabouts of the subject of the check  
23 are unknown or the subject of the check refuses to submit to the  
24 fingerprint check. The Department of Justice shall provide the  
25 requesting agency a copy of all criminal history information  
26 regarding an individual that it maintains pursuant to subdivision  
27 (b) of Section 11105 of the Penal Code.

28 (b) Criminal justice personnel shall cooperate with requests for  
29 criminal history information authorized pursuant to this section  
30 and shall provide the information to the requesting entity in a  
31 timely manner.

32 (c) Any law enforcement officer or person authorized by this  
33 section to receive the information who obtains the information in  
34 the record and knowingly provides the information to a person not  
35 authorized by law to receive the information is guilty of a  
36 misdemeanor as specified in Section 11142 of the Penal Code.

37 (d) Information obtained pursuant to this section shall not be  
38 used for any purposes other than those described in subdivision  
39 (a).

1 (e) Nothing in this section shall preclude a nonminor petitioning  
2 to reenter foster care or a relative or other person living in a  
3 relative's home from refuting any of the information obtained by  
4 law enforcement if the individual believes the state- or federal-level  
5 criminal records check revealed erroneous information.

6 (f) (1) A state or county welfare agency may submit to the  
7 Department of Justice fingerprint images and related information  
8 required by the Department of Justice of parents or legal guardians  
9 when determining their suitability for reunification with a  
10 dependent child subject to the jurisdiction of the juvenile court,  
11 for the purposes of obtaining information as to the existence and  
12 content of a record of state or federal convictions and state or  
13 federal arrests, as well as information as to the existence and  
14 content of a record of state or federal arrests for which the  
15 Department of Justice establishes that the person is free on bail or  
16 on his or her own recognizance pending trial or appeal. Of the  
17 information received by the Department of Justice pursuant to this  
18 subdivision, only the parent's or legal guardian's criminal history  
19 for the time period following the removal of the child from the  
20 parent or legal guardian shall be considered.

21 (2) A county welfare agency or county probation office may  
22 submit to the Department of Justice fingerprint images and related  
23 information required by the Department of Justice of nonminors  
24 petitioning to reenter foster care under Section 388, in order to  
25 assess the appropriateness and safety of placing the nonminor in  
26 a foster care or other placement setting with minor dependent  
27 children.

28 (3) When received, the Department of Justice shall forward to  
29 the Federal Bureau of Investigation requests for federal summary  
30 criminal history information received pursuant to this subdivision.  
31 The Department of Justice shall review the information returned  
32 from the Federal Bureau of Investigation and respond to the state  
33 or county welfare agency.

34 (4) The Department of Justice shall provide a response to the  
35 state or county welfare agency pursuant to subdivision (p) of  
36 Section 11105 of the Penal Code.

37 (5) The state or county welfare agency shall not request from  
38 the Department of Justice subsequent arrest notification service,  
39 as provided pursuant to Section 11105.2 of the Penal Code, for  
40 individuals described in this subdivision.

1 (6) The Department of Justice shall charge a fee sufficient to  
2 cover the costs of processing the request described in this  
3 subdivision.

4 (7) This subdivision shall become operative on July 1, 2007.

5 (g) A fee, determined by the Federal Bureau of Investigation  
6 and collected by the Department of Justice, shall be charged for  
7 each federal-level criminal offender record information request  
8 submitted pursuant to this section and Section 361.4.

9 ~~SEC. 21.~~

10 ~~SEC. 64.~~ Section 16514 of the Welfare and Institutions Code  
11 is amended to read:

12 16514. (a) A minor or nonminor who has been voluntarily  
13 placed, adjudged a dependent child of the juvenile court pursuant  
14 to Section 300, or as to whom a petition has been filed under  
15 Section 325, may be housed in an emergency shelter or, pursuant  
16 to the procedures for placement set forth in this code, placed in a  
17 foster family home, a resource family home, or with a foster family  
18 agency for subsequent placement in a ~~suitable licensed foster~~  
19 ~~family home or certified family home, home or with a resource~~  
20 ~~family, with minors adjudged wards of the juvenile court pursuant~~  
21 ~~to Section 601.~~

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

27 (c) A minor or nonminor who has been voluntarily placed,  
28 adjudged a dependent child of the juvenile court pursuant to Section  
29 300, or as to whom a petition has been filed under Section 325, or  
30 a nonminor dependent, as described in subdivision (v) of Section  
31 11400, shall not be placed or detained in a short-term residential  
32 treatment center, ~~group home or home, licensed foster family home,~~  
33 ~~a resource family home, a or certified family home, or an approved~~  
34 ~~resource family or foster family agency, home or approved~~  
35 ~~resource family home of a foster family agency, with any minor~~  
36 ~~adjudged a ward of the juvenile court pursuant to Section 601 or~~  
37 ~~602, unless the social worker or probation officer with placement~~  
38 ~~authority has determined that the placement setting has a program~~  
39 ~~that meets the specific needs of the minor or nonminor dependent~~

1 being placed or detained, and there is a commonality of needs with  
2 the other minors and nonminor dependents in the placement setting.

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

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

12 *SEC. 65. The heading of Article 2 (commencing with Section*  
13 *16519.5) is added to Chapter 5 of Part 4 of Division 9 of the*  
14 *Welfare and Institutions Code, to read:*

15  
16 *Article 2. Resource Family Approval Program*

17  
18 ~~SEC. 22.~~

19 *SEC. 66.* Section 16519.5 of the Welfare and Institutions Code  
20 is amended to read:

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

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

1 (2) Additional counties may participate in the early  
2 implementation of the program upon authorization by the  
3 department.

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

6 (A) Selecting early implementation counties, based on criteria  
7 established by the department in consultation with the County  
8 Welfare Directors Association.

9 (B) Establishing timeframes for participating counties to submit  
10 an implementation plan, enter into terms and conditions for early  
11 implementation participation in the program, train appropriate  
12 staff, and accept applications from resource families.

13 (C) Entering into terms and conditions for early implementation  
14 participation in the program by counties.

15 (4) Counties participating in the early implementation of the  
16 program shall be responsible for all of the following:

17 (A) Submitting an implementation plan.

18 (B) Entering into terms and conditions for early implementation  
19 participation in the program.

20 (C) Consulting with the county probation department in the  
21 development of the implementation plan.

22 (D) Training appropriate staff.

23 (E) Accepting applications from resource families within the  
24 timeframes established by the department.

25 (5) (A) Approved relatives and nonrelative extended family  
26 members, licensed foster family homes, or approved adoptive  
27 homes that have completed the license or approval process prior  
28 to statewide implementation of the program shall not be considered  
29 part of the program. The otherwise applicable assessment and  
30 oversight processes shall continue to be administered for families  
31 and facilities not included in the program.

32 (B) Upon implementation of the program in a county, that  
33 county shall not accept new applications for the licensure of foster  
34 family homes, the approval of relative and nonrelative extended  
35 family members, or the approval of prospective guardians and  
36 adoptive homes.

37 (6) The department may waive regulations that pose a barrier  
38 to the early implementation and operation of this program. The  
39 waiver of any regulations by the department pursuant to this section  
40 shall apply to only those counties or foster family agencies

1 participating in the early implementation of the program and only  
2 for the duration of the program.

3 (c) (1) For the purposes of this ~~chapter~~, *article*, “resource  
4 family” means an individual or family that has successfully met  
5 both the home environment assessment standards and the  
6 permanency assessment criteria adopted pursuant to subdivision  
7 (d) necessary for providing care for a related or unrelated child  
8 who is under the jurisdiction of the juvenile court, or otherwise in  
9 the care of a county child welfare agency or probation department.  
10 A resource family shall demonstrate all of the following:

11 (A) An understanding of the safety, permanence, and well-being  
12 needs of children who have been victims of child abuse and neglect,  
13 and the capacity and willingness to meet those needs, including  
14 the need for protection, and the willingness to make use of support  
15 resources offered by the agency, or a support structure in place,  
16 or both.

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

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

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

26 (E) An ability and willingness to provide a family setting that  
27 promotes normal childhood experiences that serves the needs of  
28 the child.

29 (2) For purposes of this ~~chapter~~, *article*, and unless otherwise  
30 specified, references to a “child” shall include a “nonminor  
31 dependent” and “nonminor former dependent or ward” as defined  
32 in subdivision (v) and paragraph (1) of subdivision (aa) of Section  
33 11400.

34 (3) There is no fundamental right to approval as a resource  
35 family.

36 (4) Subsequent to meeting the criteria set forth in this  
37 subdivision and designation as a resource family, a resource family  
38 shall be considered eligible to provide foster care for related and  
39 unrelated children in out-of-home placement, shall be considered  
40 approved for adoption or guardianship, and shall not have to

1 undergo any additional approval or licensure as long as the family  
2 lives in a county participating in the program.

3 (5) ~~Resource family approval~~ *For purposes of this article,*  
4 *“resource family approval” means that the applicant or resource*  
5 *family successfully meets the home environment assessment and*  
6 *permanency assessment standards. This approval is in lieu of the*  
7 *existing foster care license, a foster family home license issued*  
8 *pursuant to Chapter 3 (commencing with Section 1500) of Division*  
9 *2 of the Health and Safety Code, a certificate of approval issued*  
10 *by a licensed foster family agency, as described in subdivision (c)*  
11 *of Section 1506 of the Health and Safety Code, relative or*  
12 *nonrelative extended family member approval, guardianship*  
13 *approval pursuant to Section 360, 366.26, or 728, and the adoption*  
14 *home study approval.*

15 (6) Approval of a resource family does not guarantee an initial,  
16 continued, or adoptive placement of a child with a resource family.  
17 *family or with a relative or nonrelative extended family member*  
18 *pursuant to subdivision (e). Approval of a resource family does*  
19 *not guarantee the establishment of a legal guardianship of a child*  
20 *with a resource family.*

21 (7) (A) Notwithstanding paragraphs (1) to (6), inclusive, the  
22 department or county ~~may~~ *shall* cease any further review of an  
23 application if the applicant has had a previous application denial  
24 within the preceding year, or if the applicant has had a previous  
25 rescission, revocation, or exemption denial or exemption rescission  
26 by the department or county within the preceding two years.  
27 ~~However,~~

28 (B) *Notwithstanding subparagraph (A), the department or county*  
29 *may continue to review an application if it has determined that the*  
30 *reasons for the previous denial, rescission, or revocation were due*  
31 *to circumstances and conditions that either have been corrected or*  
32 *are no longer in existence. If an individual was excluded from a*  
33 *resource family home or facility licensed by the department, the*  
34 *department or county shall cease review of the individual’s*  
35 *application unless the excluded individual has been reinstated*  
36 *pursuant to Section 11522 of the Government Code. The cessation*  
37 *of review shall not constitute a denial of the application for*  
38 *purposes of this section or any other law.*

39 (8) *A resource family shall meet the approval standards set*  
40 *forth in this section, comply with the written directives or*

1 *regulations adopted pursuant to this section, and comply with*  
2 *other applicable laws in order to maintain approval.*

3 (9) *A resource family may be approved by the department or a*  
4 *county pursuant to this section or by a foster family agency*  
5 *pursuant to Section 1517 of the Health and Safety Code.*

6 (10) *A resource family shall not be licensed as a residential*  
7 *facility, as defined in paragraph (1) of subdivision (a) of Section*  
8 *1502 of the Health and Safety Code.*

9 (d) (1) The department shall adopt standards pertaining to the  
10 home environment and permanency assessments of a resource  
11 family.

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

14 (A) (i) Criminal records clearance of *each applicant and* all  
15 adults residing in, or regularly present in, the home, and not  
16 exempted from fingerprinting, as set forth in subdivision (b) of  
17 Section 1522 of the Health and Safety Code, pursuant to Section  
18 8712 of the Family Code, utilizing a check of the Child Abuse  
19 Central Index (CACI), and receipt of a fingerprint-based state and  
20 federal criminal offender record information search response. The  
21 criminal history information shall include subsequent notifications  
22 pursuant to Section 11105.2 of the Penal Code.

23 (ii) Consideration of any substantiated allegations of child abuse  
24 or neglect against ~~either the applicant or~~ *and any other adult*  
25 ~~residing in~~ *in, or regularly present in,* the home. An approval may  
26 not be granted to applicants whose criminal record indicates a  
27 conviction for any of the offenses specified in subdivision (g) of  
28 Section 1522 of the Health and Safety Code.

29 (iii) If the resource family parent, applicant, or any other person  
30 specified in subdivision (b) of Section 1522 of the Health and  
31 Safety Code has been convicted of a crime other than a minor  
32 traffic violation or arrested for a serious offense specified in  
33 subdivision (e) of Section 1522 of the Health and Safety Code,  
34 except for the civil penalty language, the criminal background  
35 check provisions specified in subdivisions (d) through (f) of Section  
36 1522 of the Health and Safety Code shall apply. Exemptions from  
37 the criminal records clearance requirements set forth in this section  
38 may be granted by the department or the county, if that county ~~has~~  
39 *had* been granted permission by the department to issue criminal  
40 records exemptions pursuant to Section ~~361.4, 361.4 on or before~~

1 *January 1, 2017*, using the exemption criteria specified in  
2 subdivision (g) of Section 1522 of the Health and Safety Code and  
3 the written directives or regulations adopted pursuant to this  
4 section. A county may obtain arrest and conviction records or  
5 reports from any court or law enforcement agency as necessary to  
6 the performance of its duties, as provided in subdivision (e) of  
7 Section 1522 of the Health and Safety Code.

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

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

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

18 (C) In addition to the foregoing requirements, the resource  
19 family home environment assessment standards shall also require  
20 the following:

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

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

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

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

37 ~~(A) The applicant shall complete caregiver training.~~

38 (A) *Caregiver training, as described in subdivisions (g) and*  
39 *(h).*

1 (B) ~~(i) The applicant shall complete a psychosocial assessment,~~  
2 *A psychosocial assessment of an applicant, which shall include*  
3 *the results of a risk assessment.*

4 *(i) When the applicant is a relative or nonrelative extended*  
5 *family member to an identified child, the psychosocial assessment*  
6 *shall consider the nature of the relationship between the relative*  
7 *or nonrelative extended family member and the child. The relative*  
8 *or nonrelative extended family member’s expressed desire to only*  
9 *care for a specific child or children shall not be a reason to deny*  
10 *the approval.*

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

15 (C) ~~The applicant shall complete~~ *Completion of any other*  
16 *activities that relate to a resource family’s ability the ability of an*  
17 *applicant or a resource family to achieve permanency with the a*  
18 *child.*

19 (e) (1) A county may place a child with a resource family  
20 applicant ~~that~~ *who* has successfully completed the home  
21 environment assessment prior to completion of a permanency  
22 assessment only if a compelling reason for the placement exists  
23 based on the needs of the child.

24 (A) The permanency assessment shall be completed within 90  
25 days of the child’s placement in the home, unless good cause exists  
26 based upon the needs of the child.

27 (B) If additional time is needed to complete the permanency  
28 assessment, the county shall document the extenuating  
29 circumstances for the delay and generate a timeframe for the  
30 completion of the permanency assessment.

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

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

39 (A) Consideration of the results of a criminal records check  
40 conducted pursuant to Section 16504.5 of the relative or nonrelative

1 extended family member and of every other adult *residing in or*  
2 *regularly present* in the home.

3 (B) Consideration of the results of the Child Abuse Central  
4 Index (CACI) consistent with Section 1522.1 of the Health and  
5 Safety Code of the relative or nonrelative extended family member,  
6 and of every other adult *residing in or regularly present* in the  
7 home.

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

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

14 (3) For any placement made pursuant to this subdivision,  
15 AFDC-FC funding shall not be available until approval of the  
16 resource family has been completed.

17 (4) Any child placed under this section shall be afforded all the  
18 rights set forth in ~~Section 16001.9~~ *16001.9 and in the written*  
19 *directions or regulations adopted pursuant to this section.*

20 (5) Nothing in this section shall limit the county's authority to  
21 inspect the home of a resource family applicant or a relative or  
22 nonrelative extended family member as often as necessary to ensure  
23 the quality of care provided.

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

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

35 (B) Adopting, amending, or repealing, in accordance with  
36 Chapter 4.5 (commencing with Section 11371) of Part 1 of Division  
37 3 of Title 2 of the Government Code, any reasonable rules,  
38 regulations, and standards that may be necessary or proper to carry  
39 out the purposes and intent of this chapter and to enable the

1 department to exercise the powers and perform the duties conferred  
2 upon it by this section, consistent with the laws of this state.

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

5 (3) Adopting and requiring the use of standardized  
6 documentation for the home environment and permanency  
7 assessments of resource families.

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

10 (A) Investigating complaints of resource families.

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

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

17 (A) Reviewing the county's implementation plan and  
18 implementation of the program.

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

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

32 (D) Investigating unresolved complaints against counties.

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

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

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

1 (A) Providing a statewide fair hearing process for *application*  
2 ~~denials, rescissions, or exclusion actions~~; *rescissions of approval,*  
3 *exclusion actions, or criminal record exemption denials or*  
4 *rescissions, by a county or the department.*

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

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

10 (1) Submitting an implementation plan and consulting with the  
11 county probation department in the development of the  
12 implementation plan.

13 (2) Complying with the written directives or regulations adopted  
14 pursuant to this section.

15 (3) Implementing the requirements for resource family approval  
16 and utilizing standardized documentation established by the  
17 department.

18 (4) Training appropriate staff, including ensuring staff have the  
19 education and experience necessary to complete the home  
20 environment and psychosocial assessments competently.

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

22 (i) Approving or denying resource family applications.

23 (ii) Rescinding approvals of resource families.

24 (iii) ~~Excluding—~~*When applicable, referring a case to the*  
25 *department for an action to exclude* a resource family parent or  
26 other individual from presence in any resource family home,  
27 consistent with the established standard.

28 (iv) Issuing a temporary suspension order that suspends the  
29 resource family approval prior to a hearing when urgent action is  
30 needed to protect a child from physical or mental abuse,  
31 abandonment, or any other substantial threat to health or safety,  
32 consistent with the established standard.

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

34 (B) Providing a resource family parent, applicant, ~~excluded~~  
35 ~~individual~~, or individual who is the subject of a criminal record  
36 exemption decision, ~~requesting review of that decision~~, *decision*  
37 with due process pursuant to the department's statutes, regulations,  
38 ~~and written directives~~; *Section 16519.6.*

39 (C) Notifying the department of any decisions denying an  
40 application for resource family approval ~~or approval~~, rescinding

1 the approval of a resource family, ~~excluding an individual~~, or  
2 denying or rescinding a criminal record exemption, and, if  
3 applicable, notifying the department of the results of an  
4 administrative action.

5 (6) (A) Updating resource family approval ~~annually~~: *annually*  
6 *and as necessary to address any changes that have occurred in*  
7 *the resource family’s circumstances, including, but not limited to,*  
8 *moving to a new home location or commencing operation of a*  
9 *family day care home, as defined in Section 1596.78 of the Health*  
10 *and Safety Code.*

11 (B) A county shall conduct an announced inspection of a  
12 resource family home during the annual ~~update~~ *update, and as*  
13 *necessary to address any changes specified in subparagraph (A),*  
14 in order to ensure that the resource family is conforming to all  
15 applicable laws and the written directives or regulations adopted  
16 pursuant to this section.

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

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

22 (B) Requiring resource families to ~~comply with~~ *meet the*  
23 *approval standards set forth in this section, and to comply with*  
24 *the written directives or regulations adopted pursuant to this*  
25 *section, other applicable laws, and corrective action plans as*  
26 necessary to correct identified deficiencies. If corrective action is  
27 not completed as specified in the plan, the county may rescind the  
28 resource family approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (D) Health issues in foster care.

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

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

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

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

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

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

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

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

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

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

38 (14) Ensuring approved resource families complete a minimum  
39 of eight ~~training~~ hours of *caregiver training* annually, a portion of

1 which shall be from *subparagraph (M) of paragraph (13) and*  
2 *from one or more of the other topics listed in paragraph (13).*

3 (h) In addition to any training required by this section, a county  
4 may require a resource family *or applicant* to receive relevant  
5 specialized training for the purpose of preparing the resource family  
6 to meet the needs of a particular child in care. This training may  
7 include, but is not limited to, the following:

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

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

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

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

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

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

29 (7) Understanding the different permanency options and the  
30 services and benefits associated with the options.

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

34 (j) (1) Resource families who move home locations shall retain  
35 their resource family status pending the outcome of the update  
36 conducted pursuant to paragraph (6) of subdivision (g).

37 (2) ~~The State Department of Social Services or a county may~~  
38 ~~allow a program-affiliated individual to transfer his or her~~  
39 ~~subsequent arrest notification if the individual (A) If a resource~~  
40 ~~family moves from one county to another county, the department,~~

1 or the county to which a resource family has moved, shall submit  
2 a written request to the Department of Justice to transfer the  
3 individual's subsequent arrest notification, as specified in  
4 subdivision ~~(g)~~ (h) of Section 1522 of the Health and Safety Code.

5 (B) A request to transfer subsequent arrest notification shall  
6 contain all prescribed data elements and format protocols pursuant  
7 to a written agreement between the department and the Department  
8 of Justice.

9 (3) Subject to the requirements in paragraph (1), the resource  
10 family shall continue to be approved for guardianship and adoption.  
11 Nothing in this subdivision shall limit a county, foster family  
12 agency, or adoption agency from determining that the family is  
13 not approved for guardianship or adoption based on changes in  
14 the family's circumstances or psychosocial assessment.

15 (k) Implementation of the program shall be contingent upon the  
16 continued availability of federal Social Security Act Title IV-E  
17 (42 U.S.C. Sec. 670) funds for costs associated with placement of  
18 children with resource families assessed and approved under the  
19 program.

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

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

31 (n) Except as provided, approved resource families shall be  
32 exempt from both of the following:

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

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

1 (o) (1) Early implementation counties shall be authorized to  
2 continue through December 31, 2016. The program shall be  
3 implemented by each county on or before January 1, 2017. ~~On~~

4 (2) (A) (i) *On and after January 1, 2017, a county to which the*  
5 *department has delegated its licensing authority pursuant to*  
6 *Section 1511 of the Health and Safety Code shall approve resource*  
7 *families in lieu of licensing foster family homes and approving*  
8 *relative or nonrelative extended family members. Notwithstanding*  
9 *this provision, family homes.*

10 (ii) *Notwithstanding clause (i), the existing licensure or approval*  
11 *and oversight processes shall continue to be administered for foster*  
12 *family homes and relatives or nonrelative extended family members*  
13 *licensed or approved prior to January 1, 2017, or as specified in*  
14 *subparagraph (C), until the license or approval is revoked or*  
15 *forfeited by operation of law pursuant to this section or Section*  
16 ~~1524~~ *Section 1517.1 of the Health and Safety Code.*

17 (B) (i) *On and after January 1, 2017, a county shall approve*  
18 *resource families in lieu of approving relative and nonrelative*  
19 *extended family members.*

20 (ii) *Notwithstanding clause (i), the existing approval and*  
21 *oversight processes shall continue to be administered for relatives*  
22 *and nonrelative extended family members approved prior to*  
23 *January 1, 2017, or as specified in subparagraph (C), until the*  
24 *approval is revoked or forfeited by operation of law pursuant to*  
25 *this section.*

26 (C) *Notwithstanding subparagraph (D), a county shall approve*  
27 *or deny all applications for foster family home licenses and*  
28 *requests for relative or nonrelative extended family member*  
29 *approvals received on or before December 31, 2016, in accordance*  
30 *with Chapter 3 (commencing with Section 1500) of Division 2 of*  
31 *the Health and Safety Code or provisions providing for the*  
32 *approval of relatives or nonrelative extended family members, as*  
33 *applicable.*

34 (D) *On and after January 1, 2017, a county shall not accept*  
35 *applications for foster family home licenses or requests to approve*  
36 *relatives or nonrelative extended family members.*

37 ~~(2)~~

38 (3) No later than July 1, 2017, each county shall provide the  
39 following information to all licensed foster family homes and all

1 approved relatives and nonrelative extended family ~~members:~~  
2 *members licensed or approved by the county:*

3 (A) A detailed description of the resource family approval  
4 program.

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

7 (C) Notification that a foster family home license and an  
8 approval of a relative or nonrelative extended family member shall  
9 be forfeited by operation of law as ~~provided for~~ *specified* in  
10 paragraph ~~(4)~~: (5).

11 ~~(3)~~

12 (4) By no later than January 1, 2018, the following shall apply  
13 to all licensed foster family homes and approved relative and  
14 nonrelative extended family members:

15 (A) A licensed foster family ~~home, and home~~ or an approved  
16 relative or nonrelative extended family member with an approved  
17 adoptive home study completed prior to January 1, 2018, shall be  
18 deemed to be an approved resource family.

19 (B) A licensed foster family ~~home, and home~~ or an approved  
20 relative or nonrelative extended family member who had a child  
21 in placement at any time between January 1, 2017, and December  
22 31, 2017, inclusive, may be approved as a resource family on the  
23 date of successful completion of a psychosocial assessment  
24 pursuant to subparagraph (B) of paragraph (3) of subdivision (d).

25 (C) A county may provide supportive services to all licensed  
26 foster family ~~home providers, homes,~~ relatives, and nonrelative  
27 extended family members with a child in placement to assist with  
28 the resource family transition and to minimize placement  
29 disruptions.

30 ~~(4)~~

31 (5) All foster family licenses and approvals of ~~a relative or~~  
32 *relatives and* nonrelative extended family ~~member~~ *members* shall  
33 be forfeited by operation of law on December 31, 2019, except as  
34 provided in this ~~paragraph:~~ *paragraph or Section 1524 of the*  
35 *Health and Safety Code:*

36 (A) All licensed foster family homes that did not have a child  
37 in placement at any time between January 1, 2017, and December  
38 31, 2017, inclusive, shall forfeit the license by operation of law  
39 on January 1, 2018.

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

9 (C) *A foster family home license or approval as a relative or*  
10 *nonrelative extended family member shall be forfeited by operation*  
11 *of law upon approval as a resource family.*

12 (p) On and after January 1, 2017, all licensed foster family  
13 agencies shall approve resource families in lieu of certifying foster  
14 homes, as set forth in Section 1517 of the Health and Safety Code.

15 (q) Commencing January 1, 2016, the department may establish  
16 participation conditions, and select and authorize foster family  
17 agencies that voluntarily submit implementation plans and revised  
18 plans of operation in accordance with requirements established by  
19 the department, to approve resource families in lieu of certifying  
20 foster homes.

21 (1) Notwithstanding any other law, a participating foster family  
22 agency shall require resource families to meet and maintain the  
23 resource family approval standards and requirements set forth in  
24 this chapter and in the written directives adopted hereto prior to  
25 approval and in order to maintain approval.

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

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

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

39 (5) This subdivision shall become inoperative on January 1,  
40 2017.

1     ~~SEC. 23. Section 16519.51 of the Welfare and Institutions~~  
2     ~~Code is amended to read:~~

3     ~~16519.51. Notwithstanding any other law, preapproval training~~  
4     ~~for a resource family applicant and annual training for an approved~~  
5     ~~resource family shall include training on knowledge and skills~~  
6     ~~related to the application of the reasonable and prudent parent~~  
7     ~~standard for the participation of the child in age or developmentally~~  
8     ~~appropriate activities, as set forth in Section 1522.44 of the Health~~  
9     ~~and Safety Code.~~

10    ~~SEC. 67. Section 16519.51 of the Welfare and Institutions Code~~  
11    ~~is repealed.~~

12    ~~16519.51. Notwithstanding any other law, preapproval training~~  
13    ~~for a resource family applicant and annual training for an approved~~  
14    ~~resource family shall include training on knowledge and skills~~  
15    ~~related to the application of the reasonable and prudent parent~~  
16    ~~standard for the participation of the child in age or developmentally~~  
17    ~~appropriate activities, as set forth in Section 1522.4 of the Health~~  
18    ~~and Safety Code.~~

19    ~~SEC. 68. Section 16519.51 is added to the Welfare and~~  
20    ~~Institutions Code, to read:~~

21    ~~16519.51. (a) A person shall not incur civil liability as a result~~  
22    ~~of a county notifying the department of its determination to rescind~~  
23    ~~the approval of a resource family due to any of the following~~  
24    ~~actions by a resource family parent:~~

25    ~~(1) Violation of Section 16519.5, the written directives or~~  
26    ~~regulations adopted pursuant to Section 16519.5, or any applicable~~  
27    ~~law.~~

28    ~~(2) Aiding, abetting, or permitting the violation of Section~~  
29    ~~16519.5, the written directives or regulations adopted pursuant~~  
30    ~~to Section 16519.5, or any applicable law.~~

31    ~~(3) Conduct that poses a risk or threat to the health and safety,~~  
32    ~~protection, or well-being of a child, or the people of the state of~~  
33    ~~California.~~

34    ~~(4) The conviction of the applicant or resource family parent~~  
35    ~~at any time before or during his or her approval of a crime~~  
36    ~~described in Section 1522.~~

37    ~~(5) Knowingly allowing any child to have illegal drugs, alcohol,~~  
38    ~~or any tobacco product as defined in subdivision (d) of Section~~  
39    ~~22950.5 of the Business and Professions Code.~~

1     (6) *Committing an act of child abuse or neglect or an act of*  
2 *violence against another person.*

3     (b) *The department or a county shall not incur civil liability for*  
4 *providing each other with information if the communication is for*  
5 *the purpose of aiding in the evaluation of an application for*  
6 *approval of a resource family.*

7     SEC. 69. *Section 16519.55 of the Welfare and Institutions Code*  
8 *is amended to read:*

9     16519.55. (a) Subject to subdivision ~~(b)~~, (d), to encourage the  
10 recruitment of resource families, to protect their personal privacy,  
11 and to preserve the security of confidentiality of the placements  
12 with resource families, the names, addresses, and other identifying  
13 information of resource families shall be considered personal  
14 information for purposes of the Information Practices Act of 1977  
15 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part  
16 4 of Division 3 of the Civil Code). This information shall not be  
17 disclosed by any state or local agency pursuant to the California  
18 Public Records Act (Chapter 3.5 (commencing with Section 6250)  
19 of Division 7 of Title 1 of the Government Code), except as  
20 necessary for administering the resource family approval program,  
21 facilitating the placement of children with resource families, and  
22 providing names and addresses, upon request, only to bona fide  
23 professional foster parent organizations and to professional  
24 organizations educating foster parents, including the Foster and  
25 Kinship Care Education Program of the California Community  
26 Colleges.

27     (b) *The application form signed by a resource family applicant*  
28 *shall be signed with a declaration by the applicant that the*  
29 *information submitted is true, correct, and contains no material*  
30 *omissions of fact to the best knowledge and belief of the applicant.*  
31 *Any person who declares as true any material matter pursuant to*  
32 *this section that he or she knows to be false is guilty of a*  
33 *misdemeanor. The application shall include a statement that*  
34 *submitting false information is a violation of law punishable by*  
35 *incarceration, a fine, or both incarceration and a fine.*

36     (c) *Before approving a resource family, a county may conduct*  
37 *a reference check of the applicant by contacting the following:*

38     (1) *Any foster family agencies that have certified the applicant.*

39     (2) *Any state or county licensing offices that have licensed the*  
40 *applicant as a foster family home.*

1 (3) Any counties that have approved the applicant as a relative  
2 or nonrelative extended family member.

3 (4) Any foster family agencies or counties that have approved  
4 the applicant as a resource family.

5 (5) Any state licensing offices that have licensed the applicant  
6 as a community care facility, child day care center, or family child  
7 care home.

8 ~~(b)~~

9 (d) The department, a county, ~~or a foster family agency~~ agency,  
10 or a tribe may request information from, or divulge information  
11 to, the department, a county, ~~or a foster family agency~~, or a tribe  
12 regarding a prospective resource family for the purpose of and as  
13 necessary to conduct a reference check to determine whether it is  
14 safe and appropriate to approve an applicant to be a resource  
15 family.

16 SEC. 70. Section 16519.61 is added to the Welfare and  
17 Institutions Code, to read:

18 16519.61. A county or the department may deny a resource  
19 family application or rescind the approval of a resource family,  
20 and the department may exclude an individual from a resource  
21 family home, for any of the following reasons:

22 (a) Violation of Section 16519.5, the written directives or  
23 regulations adopted pursuant to Section 16519.5, or any applicable  
24 law.

25 (b) Aiding, abetting, or permitting the violation of Section  
26 16519.5, the written directives or regulations adopted pursuant  
27 to Section 16519.5, or any applicable law.

28 (c) Conduct that poses a risk or threat to the health and safety,  
29 protection, or well-being of a child or the people of the State of  
30 California.

31 (d) The conviction of the resource family applicant, parent, or  
32 associated individual at any time before or during his or her  
33 approval of a crime described in Section 1522 of the Health and  
34 Safety Code.

35 (e) Engaging in acts of financial malfeasance, including, but  
36 not limited to, improper use or embezzlement of the money or  
37 property of a child, fraudulent appropriation for personal gain of  
38 money or property, or willful or negligent failure to provide  
39 services.

1     *SEC. 71. Section 16519.62 is added to the Welfare and*  
2 *Institutions Code, to read:*

3     16519.62. (a) *The out-of-court statements of a child under 12*  
4 *years of age who is the subject or victim of an allegation at issue*  
5 *constitutes admissible evidence at an administrative hearing*  
6 *conducted pursuant to this article. The out-of-court statement may*  
7 *provide the sole basis for a finding of fact if the proponent of the*  
8 *statement provided the statement to all parties prior to the hearing*  
9 *and the adjudicator finds that the time, content, and circumstances*  
10 *of the statement provide sufficient indicia of reliability. However,*  
11 *the out-of-court statement shall not be admissible if an objecting*  
12 *party establishes that the statement is unreliable because it was*  
13 *the product of fraud, deceit, or undue influence.*

14     (b) *This section shall not be construed to limit the right of any*  
15 *party to the administrative hearing to subpoena a witness whose*  
16 *statement is admitted as evidence or to introduce admissible*  
17 *evidence relevant to the weight of the hearsay evidence or the*  
18 *credibility of the hearsay declarant.*

19     *SEC. 72. The heading of Article 3 (commencing with Section*  
20 *16520) is added to Chapter 5 of Part 4 of Division 9 of the Welfare*  
21 *and Institutions Code, to read:*

22

23                     *Article 3. Miscellaneous Provisions*

24

25     ~~SEC. 24.~~

26     *SEC. 73. To the extent that this act has an overall effect of*  
27 *increasing certain costs already borne by a local agency for*  
28 *programs or levels of service mandated by the 2011 Realignment*  
29 *Legislation within the meaning of Section 36 of Article XIII of*  
30 *the California Constitution, it shall apply to local agencies only to*  
31 *the extent that the state provides annual funding for those cost*  
32 *increases. Any new program or higher level of service provided*  
33 *by a local agency pursuant to this act above the level for which*  
34 *funding has been provided shall not require a subvention of funds*  
35 *by the state nor otherwise be subject to Section 6 of Article XIII*  
36 *B of the California Constitution.*

37     With regard to certain other costs that may be incurred by a local  
38 agency or school district, no reimbursement is required by this act  
39 pursuant to Section 6 of Article XIII B of the California  
40 Constitution because, in that regard, this act creates a new crime

1 or infraction, eliminates a crime or infraction, or changes the  
2 penalty for a crime or infraction within the meaning of Section  
3 17556 of the Government Code, or changes the definition of a  
4 crime within the meaning of Section 6 of Article XIII B of the  
5 California Constitution.

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