

AMENDED IN SENATE AUGUST 15, 2016

AMENDED IN SENATE AUGUST 3, 2016

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AMENDED IN ASSEMBLY MAY 27, 2016

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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1997

Introduced by Assembly Member Mark Stone

February 16, 2016

An act to amend Sections 48204, 48853, 56155.5, and 79420 of the Education Code, to amend Sections 6552, 7911, 7911.1, 7912, ~~and 8712 of 8712, and 9201 of~~, and to add Section 9203.1 to, the Family Code, to amend Section 30029.7 of the Government Code, to amend Sections 1501.1, 1502, 1502.4, 1506, 1506.1, 1506.3, 1506.5, 1506.6, 1506.7, 1506.8, 1507.25, 1517, 1520.1, 1522.2, 1522.4, 1522.41, 1522.43, 1522.44, 1523.1, 1524.6, 1525.5, 1530.7, 1530.8, 1531.1, 1531.15, 1534, 1536, 1538.3, 1538.5, 1538.6, 1538.7, 1538.8, 1538.9, 1548, 1562, 1562.01, 1562.35, 1563, and 1567.4 of, and to add Sections 1517.1, 1517.2, and 1517.3 to, the Health and Safety Code, to amend Section 676.7 of the Insurance 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, 309, 319.3, 361.2, 361.3, 361.4, 361.45, 361.5, 366.26, 706.6, 727, 727.1, 727.4, 4094.2, 4096, 4096.5, ~~11253.45~~, 11400, 11402, 11460, 11461, 11461.2, 11462, 11462.01, 11462.02, 11462.04, 11462.041, 11463, 11465, 11466, 11466.2, 11466.21, 11466.22, 11466.24, 11466.25, 11466.31, 11466.32,

11468, 11469, 16000, 16501,16501.1, 16504.5, 16514, 16519.5, 16519.55, 16519.6, 18250, 18251, 18254, and 18358.30 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, to repeal Sections 11463.01 and 11463.1 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.

(1) 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 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 and counties from accepting applications to license foster family homes, and prohibiting foster family agencies from accepting applications to certify foster homes, on and after January 1, 2017. The bill would also make specified changes relating to resource families including by, among others, requiring the department to develop a basic rate that ensures that a child placed in a licensed foster family home, a certified family home, or with a resource family approved by a county or foster family agency is eligible for the same basic rate, and would revise certain aspects of the resource family approval process, including 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; authorizing counties to grant, deny, or rescind criminal

records exemptions; and making it a misdemeanor to willfully and knowingly, with the intent to deceive, make a false statement or fail to disclose a material fact in a resource family application. By imposing additional duties on counties, by creating a new 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.

(2) 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. The act also provides for the licensure of foster family agencies, which are organizations engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes and other places for placement of children for temporary or permanent care who require that level of care. A violation of the act is a crime.

This bill would instead identify “short-term residential treatment centers” as “short-term residential therapeutic programs” and would provide that they are facilities operated by a public agency or private organization and licensed by the department that provide an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term, 24-hour care and supervision to children. The bill would make various changes relating to the licensing and operation of short-term residential therapeutic programs and foster family agencies, including by, among other things, requiring the department to establish rates for short-term residential therapeutic programs and foster family agencies that include an interim rate, provisional rate, and probationary rate, and providing for the implementation of those rates; specifying 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 therapeutic program has up to 24 months from the date of licensure to obtain accreditation; and requiring a private short-term residential therapeutic program 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.

(3) 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.

(4) This bill would require the State Department of Social Services and the State Department of Health Care Services to adopt regulations to implement its provisions, and to implement certain other provisions of existing law. The bill would authorize those departments to implement the provisions of this bill by all-county letter or similar written instructions until regulations are adopted. The bill would make other changes related to foster care and the placement of foster children.

(5) This bill would incorporate additional changes to Section 48204 of the Education Code proposed by AB 2537 that would become operative if this bill and AB 2537 are both chaptered and this bill is chaptered last.

(6) 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 48204 of the Education Code, as amended
2 by Section 1.5 of Chapter 554 of the Statutes of 2015, is amended
3 to read:
4 48204. (a) Notwithstanding Section 48200, a pupil complies
5 with the residency requirements for school attendance in a school
6 district if he or she is any of the following:
7 (1) (A) A pupil placed within the boundaries of that school
8 district in a regularly established licensed children’s institution or
9 a licensed foster home as defined in Section 56155.5, or a family
10 home pursuant to a commitment or placement under Chapter 2

1 (commencing with Section 200) of Part 1 of Division 2 of the
2 Welfare and Institutions Code.

3 (B) An agency placing a pupil in a home or institution described
4 in subparagraph (A) shall provide evidence to the school that the
5 placement or commitment is pursuant to law.

6 (2) A pupil who is a foster child who remains in his or her school
7 of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

8 (3) A pupil for whom interdistrict attendance has been approved
9 pursuant to Chapter 5 (commencing with Section 46600) of Part
10 26.

11 (4) A pupil whose residence is located within the boundaries of
12 that school district and whose parent or legal guardian is relieved
13 of responsibility, control, and authority through emancipation.

14 (5) A pupil who lives in the home of a caregiving adult that is
15 located within the boundaries of that school district. Execution of
16 an affidavit under penalty of perjury pursuant to Part 1.5
17 (commencing with Section 6550) of Division 11 of the Family
18 Code by the caregiving adult is a sufficient basis for a
19 determination that the pupil lives in the home of the caregiver,
20 unless the school district determines from actual facts that the pupil
21 is not living in the home of the caregiver.

22 (6) A pupil residing in a state hospital located within the
23 boundaries of that school district.

24 (7) A pupil whose parent or legal guardian resides outside of
25 the boundaries of that school district but is employed and lives
26 with the pupil at the place of his or her employment within the
27 boundaries of the school district for a minimum of three days
28 during the school week.

29 (b) A school district may deem a pupil to have complied with
30 the residency requirements for school attendance in the school
31 district if at least one parent or the legal guardian of the pupil is
32 physically employed within the boundaries of that school district
33 for a minimum of 10 hours during the school week.

34 (1) This subdivision does not require the school district within
35 which at least one parent or the legal guardian of a pupil is
36 employed to admit the pupil to its schools. A school district shall
37 not, however, refuse to admit a pupil under this subdivision on the
38 basis, except as expressly provided in this subdivision, of race,
39 ethnicity, sex, parental income, scholastic achievement, or any
40 other arbitrary consideration.

1 (2) The school district in which the residency of either the
2 parents or the legal guardian of the pupil is established, or the
3 school district to which the pupil is to be transferred under this
4 subdivision, may prohibit the transfer of the pupil under this
5 subdivision if the governing board of the school district determines
6 that the transfer would negatively impact the court-ordered or
7 voluntary desegregation plan of the school district.

8 (3) The school district to which the pupil is to be transferred
9 under this subdivision may prohibit the transfer of the pupil if the
10 school district determines that the additional cost of educating the
11 pupil would exceed the amount of additional state aid received as
12 a result of the transfer.

13 (4) The governing board of a school district that prohibits the
14 transfer of a pupil pursuant to paragraph (1), (2), or (3) is
15 encouraged to identify, and communicate in writing to the parents
16 or the legal guardian of the pupil, the specific reasons for that
17 determination and is encouraged to ensure that the determination,
18 and the specific reasons for the determination, are accurately
19 recorded in the minutes of the board meeting in which the
20 determination was made.

21 (5) The average daily attendance for pupils admitted pursuant
22 to this subdivision is calculated pursuant to Section 46607.

23 (6) Unless approved by the sending school district, this
24 subdivision does not authorize a net transfer of pupils out of a
25 school district, calculated as the difference between the number
26 of pupils exiting the school district and the number of pupils
27 entering the school district, in a fiscal year in excess of the
28 following amounts:

29 (A) For a school district with an average daily attendance for
30 that fiscal year of less than 501, 5 percent of the average daily
31 attendance of the school district.

32 (B) For a school district with an average daily attendance for
33 that fiscal year of 501 or more, but less than 2,501, 3 percent of
34 the average daily attendance of the school district or 25 pupils,
35 whichever amount is greater.

36 (C) For a school district with an average daily attendance of
37 2,501 or more, 1 percent of the average daily attendance of the
38 school district or 75 pupils, whichever amount is greater.

39 (7) Once a pupil is deemed to have complied with the residency
40 requirements for school attendance pursuant to this subdivision

1 and is enrolled in a school in a school district the boundaries of
2 which include the location where at least one parent or the legal
3 guardian of a pupil is physically employed, the pupil does not have
4 to reapply in the next school year to attend a school within that
5 school district and the governing board of the school district shall
6 allow the pupil to attend school through grade 12 in that school
7 district if the parent or legal guardian so chooses and if at least
8 one parent or the legal guardian of the pupil continues to be
9 physically employed by an employer situated within the attendance
10 boundaries of the school district, subject to paragraphs (1) to (6),
11 inclusive.

12 (c) This section shall become inoperative on July 1, 2017, and
13 as of January 1, 2018, is repealed, unless a later enacted statute,
14 that becomes operative on or before January 1, 2018, deletes or
15 extends the dates on which it becomes inoperative and is repealed.

16 SEC. 1.5. Section 48204 of the Education Code, as amended
17 by Section 1.5 of Chapter 554 of the Statutes of 2015, is amended
18 to read:

19 48204. (a) Notwithstanding Section 48200, a pupil complies
20 with the residency requirements for school attendance in a school
21 district if he or she is any of the following:

22 (1) (A) A pupil placed within the boundaries of that school
23 district in a regularly established licensed children’s institution or
24 a licensed foster home as defined in Section 56155.5, or a family
25 home pursuant to a commitment or placement under Chapter 2
26 (commencing with Section 200) of Part 1 of Division 2 of the
27 Welfare and Institutions Code.

28 (B) An agency placing a pupil in a home or institution described
29 in subparagraph (A) shall provide evidence to the school that the
30 placement or commitment is pursuant to law.

31 (2) A pupil who is a foster child who remains in his or her school
32 of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

33 (3) A pupil for whom interdistrict attendance has been approved
34 pursuant to Chapter 5 (commencing with Section 46600) of Part
35 26.

36 (4) A pupil whose residence is located within the boundaries of
37 that school district and whose parent or legal guardian is relieved
38 of responsibility, control, and authority through emancipation.

39 (5) A pupil who lives in the home of a caregiving adult that is
40 located within the boundaries of that school district. Execution of

1 an affidavit under penalty of perjury pursuant to Part 1.5
2 (commencing with Section 6550) of Division 11 of the Family
3 Code by the caregiving adult is a sufficient basis for a
4 determination that the pupil lives in the home of the caregiver,
5 unless the school district determines from actual facts that the pupil
6 is not living in the home of the caregiver.

7 (6) A pupil residing in a state hospital located within the
8 boundaries of that school district.

9 (7) A pupil whose parent or legal guardian resides outside of
10 the boundaries of that school district but is employed and lives
11 with the pupil at the place of his or her employment within the
12 boundaries of the school district for a minimum of three days
13 during the school week.

14 (b) (1) A school district may deem a pupil to have complied
15 with the residency requirements for school attendance in the school
16 district if at least one parent or the legal guardian of the pupil is
17 physically employed within the boundaries of that school district
18 for a minimum of 10 hours during the school week.

19 (2) This subdivision does not require the school district within
20 which at least one parent or the legal guardian of a pupil is
21 employed to admit the pupil to its schools. A school district shall
22 not, however, refuse to admit a pupil under this subdivision on the
23 basis, except as expressly provided in this subdivision, of race,
24 ethnicity, sex, parental income, scholastic achievement, or any
25 other arbitrary consideration.

26 (3) The school district in which the residency of either the
27 parents or the legal guardian of the pupil is established, or the
28 school district to which the pupil is to be transferred under this
29 subdivision, may prohibit the transfer of the pupil under this
30 subdivision if the governing board of the school district determines
31 that the transfer would negatively impact the court-ordered or
32 voluntary desegregation plan of the school district.

33 (4) The school district to which the pupil is to be transferred
34 under this subdivision may prohibit the transfer of the pupil if the
35 school district determines that the additional cost of educating the
36 pupil would exceed the amount of additional state aid received as
37 a result of the transfer.

38 (5) The governing board of a school district that prohibits the
39 transfer of a pupil pursuant to paragraph (2), (3), or (4) is
40 encouraged to identify, and communicate in writing to the parents

1 or the legal guardian of the pupil, the specific reasons for that
2 determination and is encouraged to ensure that the determination,
3 and the specific reasons for the determination, are accurately
4 recorded in the minutes of the board meeting in which the
5 determination was made.

6 (6) The average daily attendance for pupils admitted pursuant
7 to this subdivision is calculated pursuant to Section 46607.

8 (7) Unless approved by the sending school district, this
9 subdivision does not authorize a net transfer of pupils out of a
10 school district, calculated as the difference between the number
11 of pupils exiting the school district and the number of pupils
12 entering the school district, in a fiscal year in excess of the
13 following amounts:

14 (A) For a school district with an average daily attendance for
15 that fiscal year of less than 501, 5 percent of the average daily
16 attendance of the school district.

17 (B) For a school district with an average daily attendance for
18 that fiscal year of 501 or more, but less than 2,501, 3 percent of
19 the average daily attendance of the school district or 25 pupils,
20 whichever amount is greater.

21 (C) For a school district with an average daily attendance of
22 2,501 or more, 1 percent of the average daily attendance of the
23 school district or 75 pupils, whichever amount is greater.

24 (8) Once a pupil is deemed to have complied with the residency
25 requirements for school attendance pursuant to this subdivision
26 and is enrolled in a school in a school district the boundaries of
27 which include the location where at least one parent or the legal
28 guardian of a pupil is physically employed, the pupil does not have
29 to reapply in the next school year to attend a school within that
30 school district and the governing board of the school district shall
31 allow the pupil to attend school through grade 12 in that school
32 district if the parent or legal guardian so chooses and if at least
33 one parent or the legal guardian of the pupil continues to be
34 physically employed by an employer situated within the attendance
35 boundaries of the school district, subject to paragraphs (2) to (7),
36 inclusive.

37 SEC. 2. Section 48204 of the Education Code, as amended by
38 Section 2.5 of Chapter 554 of the Statutes of 2015, is amended to
39 read:

1 48204. (a) Notwithstanding Section 48200, a pupil complies
2 with the residency requirements for school attendance in a school
3 district if he or she is:

4 (1) (A) A pupil placed within the boundaries of that school
5 district in a regularly established licensed children’s institution or
6 a licensed foster home as defined in Section 56155.5, or a family
7 home pursuant to a commitment or placement under Chapter 2
8 (commencing with Section 200) of Part 1 of Division 2 of the
9 Welfare and Institutions Code.

10 (B) An agency placing a pupil in the home or institution
11 described in subparagraph (A) shall provide evidence to the school
12 that the placement or commitment is pursuant to law.

13 (2) A pupil who is a foster child who remains in his or her school
14 of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

15 (3) A pupil for whom interdistrict attendance has been approved
16 pursuant to Chapter 5 (commencing with Section 46600) of Part
17 26.

18 (4) A pupil whose residence is located within the boundaries of
19 that school district and whose parent or legal guardian is relieved
20 of responsibility, control, and authority through emancipation.

21 (5) A pupil who lives in the home of a caregiving adult that is
22 located within the boundaries of that school district. Execution of
23 an affidavit under penalty of perjury pursuant to Part 1.5
24 (commencing with Section 6550) of Division 11 of the Family
25 Code by the caregiving adult is a sufficient basis for a
26 determination that the pupil lives in the home of the caregiver,
27 unless the school district determines from actual facts that the pupil
28 is not living in the home of the caregiver.

29 (6) A pupil residing in a state hospital located within the
30 boundaries of that school district.

31 (7) A pupil whose parent or legal guardian resides outside of
32 the boundaries of that school district but is employed and lives
33 with the pupil at the place of his or her employment within the
34 boundaries of the school district for a minimum of three days
35 during the school week.

36 (b) This section shall become operative on July 1, 2017.

37 SEC. 3. Section 48853 of the Education Code is amended to
38 read:

39 48853. (a) A pupil described in subdivision (a) of Section
40 48853.5 who is placed in a licensed children’s institution or foster

1 family home as defined in Section 56155.5, shall attend programs
2 operated by the local educational agency, unless one of the
3 following applies:

4 (1) The pupil is entitled to remain in his or her school of origin
5 pursuant to paragraph (1) of subdivision (e) of Section 48853.5.

6 (2) The pupil has an individualized education program requiring
7 placement in a nonpublic, nonsectarian school or agency, or in
8 another local educational agency.

9 (3) The parent or guardian, or other person holding the right to
10 make educational decisions for the pupil pursuant to Section 361
11 or 726 of the Welfare and Institutions Code or Section 56055,
12 determines that it is in the best interests of the pupil to be placed
13 in another educational program, in which case the parent or
14 guardian or other person holding the right to make educational
15 decisions for the pupil shall provide a written statement that he or
16 she has made that determination to the local educational agency.
17 This statement shall include a declaration that the parent, guardian,
18 or other person holding the right to make educational decisions
19 for the pupil is aware of all of the following:

20 (A) The pupil has a right to attend a regular public school in the
21 least restrictive environment.

22 (B) The alternate education program is a special education
23 program, if applicable.

24 (C) The decision to unilaterally remove the pupil from the
25 regular public school and to place the pupil in an alternate
26 education program may not be financed by the local educational
27 agency.

28 (D) Any attempt to seek reimbursement for the alternate
29 education program may be at the expense of the parent, guardian,
30 or other person holding the right to make educational decisions
31 for the pupil.

32 (b) For purposes of ensuring a parent, guardian, or other person
33 holding the right to make educational decisions for the pupil is
34 aware of the information described in subparagraphs (A) to (D),
35 inclusive, of paragraph (3) of subdivision (a), the local educational
36 agency may provide him or her with that information in writing.

37 (c) Before any decision is made to place a pupil in a juvenile
38 court school as defined by Section 48645.1, a community school
39 as described in Sections 1981 and 48660, or other alternative
40 educational setting, the parent or guardian, or person holding the

1 right to make educational decisions for the pupil pursuant to
2 Section 361 or 726 of the Welfare and Institutions Code or Section
3 56055, shall first consider placement in the regular public school.

4 (d) If any dispute arises as to the school placement of a pupil
5 subject to this section, the pupil has the right to remain in his or
6 her school of origin, as defined in subdivision (f) of Section
7 48853.5, pending resolution of the dispute. The dispute shall be
8 resolved in accordance with the existing dispute resolution process
9 available to any pupil served by the local educational agency.

10 (e) This section does not supersede other laws that govern pupil
11 expulsion.

12 (f) This section does not supersede any other law governing the
13 educational placement in a juvenile court school, as defined by
14 Section 48645.1, of a pupil detained in a county juvenile hall, or
15 committed to a county juvenile ranch, camp, forestry camp, or
16 regional facility.

17 (g) (1) Foster children living in emergency shelters, as
18 referenced in the federal McKinney-Vento Homeless Assistance
19 Act (42 U.S.C. Sec. 11301 et seq.), may receive educational
20 services at the emergency shelter as necessary for short periods of
21 time for either of the following reasons:

22 (A) For health and safety emergencies.

23 (B) To provide temporary, special, and supplementary services
24 to meet the child's unique needs if a decision regarding whether
25 it is in the child's best interests to attend the school of origin cannot
26 be made promptly, it is not practical to transport the child to the
27 school of origin, and the child would otherwise not receive
28 educational services.

29 (2) The educational services may be provided at the shelter
30 pending a determination by the person holding the right regarding
31 the educational placement of the child.

32 (h) All educational and school placement decisions shall be
33 made to ensure that the child is placed in the least restrictive
34 educational programs and has access to academic resources,
35 services, and extracurricular and enrichment activities that are
36 available to all pupils. In all instances, educational and school
37 placement decisions shall be based on the best interests of the
38 child.

39 (i) (1) A complaint of noncompliance with the requirements of
40 this section may be filed with the local educational agency under

1 the Uniform Complaint Procedures set forth in Chapter 5.1
2 (commencing with Section 4600) of Division 1 of Title 5 of the
3 California Code of Regulations.

4 (2) A complainant not satisfied with the decision of a local
5 educational agency may appeal the decision to the department
6 pursuant to Chapter 5.1 (commencing with Section 4600) of
7 Division 1 of Title 5 of the California Code of Regulations and
8 shall receive a written decision regarding the appeal within 60
9 days of the department's receipt of the appeal.

10 (3) If a local educational agency finds merit in a complaint, or
11 the Superintendent finds merit in an appeal, the local educational
12 agency shall provide a remedy to the affected pupil.

13 (4) Information regarding the requirements of this section shall
14 be included in the annual notification distributed to, among others,
15 pupils, parents or guardians of pupils, employees, and other
16 interested parties pursuant to Section 4622 of Title 5 of the
17 California Code of Regulations.

18 SEC. 4. Section 56155.5 of the Education Code is amended to
19 read:

20 56155.5. (a) As used in this part, "licensed children's
21 institution" means a residential facility that is licensed by the state,
22 or other public agency having delegated authority by contract with
23 the state to license, to provide nonmedical care to children,
24 including, but not limited to, individuals with exceptional needs.
25 "Licensed children's institution" includes a group home or
26 short-term residential therapeutic program, as defined in Section
27 1502 of the Health and Safety Code. As used in this article and
28 Article 3 (commencing with Section 56836.165) of Chapter 7.2,
29 a "licensed children's institution" does not include any of the
30 following:

31 (1) A juvenile court school, juvenile hall, juvenile home, day
32 center, juvenile ranch, or juvenile camp administered pursuant to
33 Article 2.5 (commencing with Section 48645) of Chapter 4 of Part
34 27.

35 (2) A county community school program provided pursuant to
36 Section 1981.

37 (3) Any special education programs provided pursuant to Section
38 56150.

39 (4) Any other public agency.

1 (b) As used in this part, “foster family home” means a family
2 residence that is licensed by the state, or other public agency having
3 delegated authority by contract with the state to license, to provide
4 24-hour nonmedical care and supervision for not more than six
5 foster children, including, but not necessarily limited to, individuals
6 with exceptional needs. “Foster family home” includes a small
7 family home as defined in paragraph (6) of subdivision (a) of
8 Section 1502 of the Health and Safety Code, a certified family
9 home of a foster family agency as defined in Section 1506 of the
10 Health and Safety Code, and a resource family as defined in Section
11 1517 of the Health and Safety Code and Section 16519.5 of the
12 Welfare and Institutions Code.

13 SEC. 5. Section 79420 of the Education Code is amended to
14 read:

15 79420. Funds appropriated to the Board of Governors of the
16 California Community Colleges for the Foster Care Education
17 Program shall be used for foster parent and relative/kinship care
18 provider education in accordance with the following provisions:

19 (a) The Chancellor of the California Community Colleges shall
20 allocate these funds exclusively for foster parent and
21 relative/kinship care provider education and training, as specified
22 by the chancellor, in consultation with an advisory committee that
23 includes foster parents, representatives of statewide foster parent
24 organizations, parent and relative/kinship care providers, county
25 child welfare services representatives, and representatives of the
26 State Department of Social Services.

27 (b) If a community college district accepts funds for this
28 program, the district shall comply with all reporting requirements,
29 guidelines, and other conditions for receipt of those funds
30 established by the chancellor.

31 (c) Each college receiving funds for this program shall have a
32 plan, developed in consultation with the county child welfare
33 agency, for foster parent and relative/kinship care provider
34 education that includes the provision of training to facilitate the
35 development of foster family homes, as defined in Section 56155.5,
36 that care for no more than six children who have special mental,
37 emotional, developmental, or physical needs.

38 (d) The State Department of Social Services shall facilitate the
39 participation of county welfare departments in the Foster Care
40 Education Program.

1 SEC. 6. Section 6552 of the Family Code is amended to read:
2 6552. The caregiver’s authorization affidavit shall be in
3 substantially the following form:

4
5 Caregiver’s Authorization Affidavit

6
7 Use of this affidavit is authorized by Part 1.5 (commencing with
8 Section 6550) of Division 11 of the California Family Code.

9
10 Instructions: Completion of items 1–4 and the signing of the affidavit is
11 sufficient to authorize enrollment of a minor in school and authorize
12 school-related medical care. Completion of items 5–8 is additionally
13 required to authorize any other medical care. Print clearly.

14
15 The minor named below lives in my home and I am 18 years of age or
16 older.

17
18 1. Name of minor: _____.

19
20 2. Minor’s birth date: _____.

21
22 3. My name (adult giving authorization): _____.

23
24 4. My home address: _____
25 _____.

26
27
28 5. I am a grandparent, aunt, uncle, or other qualified relative of the
29 minor (see back of this form for a definition of “qualified relative”).

30
31 6. Check one or both (for example, if one parent was advised and the other
32 cannot be located):

33 I have advised the parent(s) or other person(s) having legal custody
34 of the minor of my intent to authorize medical care, and have received no
35 objection.

36
37 I am unable to contact the parent(s) or other person(s) having legal
38 custody of the minor at this time, to notify them of my intended
39 authorization.
40

1 7. My date of birth: _____.

2

3 8. My California driver’s license or identification card
4 number: _____.

5

6

7 Warning: Do not sign this form if any of the statements above are incorrect,
8 or you will be committing a crime punishable by a fine, imprisonment, or
9 both.

10

11

12 I declare under penalty of perjury under the laws of the State
13 of California that the foregoing is true and correct.

14

Dated: _____ Signed: _____

15

16

17 Notices:

18

19 1. This declaration does not affect the rights of the minor’s parents
20 or legal guardian regarding the care, custody, and control of the
21 minor, and does not mean that the caregiver has legal custody of
22 the minor.

23

24 2. A person who relies on this affidavit has no obligation to make
25 any further inquiry or investigation.

26

27 Additional Information:

28

29 TO CAREGIVERS:

30

31 1. “Qualified relative,” for purposes of item 5, means a spouse,
32 parent, stepparent, brother, sister, stepbrother, stepsister, half
33 brother, half sister, uncle, aunt, niece, nephew, first cousin, or any
34 person denoted by the prefix “grand” or “great,” or the spouse of
35 any of the persons specified in this definition, even after the
36 marriage has been terminated by death or dissolution.

37

38 2. The law may require you, if you are not a relative or a currently
39 licensed, certified, or approved foster parent, to obtain resource

1 family approval pursuant to Section 1517 of the Health and Safety
2 Code or Section 16519.5 of the Welfare and Institutions Code in
3 order to care for a minor. If you have any questions, please contact
4 your local department of social services.

5

6 3. If the minor stops living with you, you are required to notify
7 any school, health care provider, or health care service plan to
8 which you have given this affidavit. The affidavit is invalid after
9 the school, health care provider, or health care service plan receives
10 notice that the minor no longer lives with you.

11

12 4. If you do not have the information requested in item 8
13 (California driver's license or I.D.), provide another form of
14 identification such as your social security number or Medi-Cal
15 number.

16

17 **TO SCHOOL OFFICIALS:**

18

19 1. Section 48204 of the Education Code provides that this affidavit
20 constitutes a sufficient basis for a determination of residency of
21 the minor, without the requirement of a guardianship or other
22 custody order, unless the school district determines from actual
23 facts that the minor is not living with the caregiver.

24

25 2. The school district may require additional reasonable evidence
26 that the caregiver lives at the address provided in item 4.

27

28 **TO HEALTH CARE PROVIDERS AND HEALTH CARE**
29 **SERVICE PLANS:**

30

31 1. A person who acts in good faith reliance upon a caregiver's
32 authorization affidavit to provide medical or dental care, without
33 actual knowledge of facts contrary to those stated on the affidavit,
34 is not subject to criminal liability or to civil liability to any person,
35 and is not subject to professional disciplinary action, for that
36 reliance if the applicable portions of the form are completed.

37

38 2. This affidavit does not confer dependency for health care
39 coverage purposes.

40

SEC. 7. Section 7911 of the Family Code is amended to read:

1 7911. The Legislature finds and declares all of the following:

2 (a) The health and safety of California children placed by a
3 county social services agency or probation department out of state
4 pursuant to the provisions of the Interstate Compact on the
5 Placement of Children are a matter of statewide concern.

6 (b) The Legislature therefore affirms its intention that the State
7 Department of Social Services has full authority to require an
8 assessment and placement recommendation by a county
9 multidisciplinary team prior to placement of a child in an
10 out-of-state group home, to investigate allegations of child abuse
11 or neglect of minors so placed, and to ensure that out-of-state group
12 homes, accepting California children, meet all California group
13 home licensing standards.

14 (c) The Legislature also affirms its intention that, on and after
15 January 1, 2017, the licensing standards applicable to out-of-state
16 group homes certified by the department shall be those required
17 of short-term residential therapeutic programs operated in this
18 state.

19 (d) This section is declaratory of existing law with respect to
20 the Governor's designation of the State Department of Social
21 Services to act as the compact administrator and of that department
22 to act as the single state agency charged with supervision of public
23 social services under Section 10600 of the Welfare and Institutions
24 Code.

25 SEC. 8. Section 7911.1 of the Family Code is amended to read:

26 7911.1. (a) Notwithstanding any other law, the State
27 Department of Social Services or its designee shall investigate any
28 threat to the health and safety of children placed by a California
29 county social services agency or probation department in an
30 out-of-state group home pursuant to the provisions of the Interstate
31 Compact on the Placement of Children. This authority shall include
32 the authority to interview children or staff in private or review
33 their file at the out-of-state facility or wherever the child or files
34 may be at the time of the investigation. Notwithstanding any other
35 law, the State Department of Social Services or its designee shall
36 require certified out-of-state group homes to comply with the
37 reporting requirements applicable to group homes licensed in
38 California pursuant to Title 22 of the California Code of
39 Regulations for each child in care regardless of whether he or she
40 is a California placement, by submitting a copy of the required

1 reports to the Compact Administrator within regulatory timeframes.
2 The Compact Administrator within one business day of receiving
3 a serious events report shall verbally notify the appropriate
4 placement agencies and, within five working days of receiving a
5 written report from the out-of-state group home, forward a copy
6 of the written report to the appropriate placement agencies.

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

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

20 (2) (A) On and after January 1, 2017, the licensing standards
21 applicable to out-of-state group homes certified by the department,
22 as described in paragraph (1), shall be those required of short-term
23 residential therapeutic programs operated in this state, unless the
24 out-of-state group home is granted an extension pursuant to
25 subdivision (d) of Section 11462.04 of the Welfare and Institutions
26 Code or has otherwise been granted a waiver pursuant to this
27 subdivision.

28 (B) On and after January 1, 2017, the licensing standards
29 applicable to out-of-state group homes certified by the department,
30 as described in paragraph (1), shall include the licensing standards
31 for mental health program approval in Section 1562.01 of the
32 Health and Safety Code. These standards may be satisfied if the
33 out-of-state group home has an equivalent mental health program
34 approval in the state in which it is operating. If an out-of-state
35 group home cannot satisfy the licensing standards for an equivalent
36 mental health program approval, children shall not be placed in
37 that facility.

38 (3) In order to receive certification, the out-of-state group home
39 shall have a current license, or an equivalent approval, in good

1 standing issued by the appropriate authority or authorities of the
2 state in which it is operating.

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

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

11 (6) Certifications made pursuant to this subdivision shall be
12 reviewed annually.

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

16 (e) Any failure by an out-of-state group home to obtain or
17 maintain its certification as required by subdivision (c) shall
18 preclude the use of any public funds, whether county, state, or
19 federal, in the payment for the placement of any child in that
20 out-of-state group home, pursuant to the Interstate Compact on
21 the Placement of Children.

22 (f) (1) A multidisciplinary team shall consist of participating
23 members from county social services, county mental health, county
24 probation, county superintendents of schools, and other members
25 as determined by the county.

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

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

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

38 (h) The certification requirements of this section shall not impact
39 placements of emotionally disturbed children made pursuant to an
40 individualized education program developed pursuant to the federal

1 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
2 et seq.) if the placement is not funded with federal or state foster
3 care funds.

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

10 SEC. 9. Section 7912 of the Family Code is amended to read:

11 7912. (a) The Legislature finds and declares that the health
12 and safety of children in out-of-state group home care pursuant to
13 the Interstate Compact on the Placement of Children is a matter
14 of statewide concern. The Legislature therefore affirms its intention
15 that children placed by a county social services agency or probation
16 department in out-of-state group homes be accorded the same
17 personal rights and safeguards of a child placed in a California
18 group home. This section is in clarification of existing law.

19 (b) (1) The Compact Administrator may temporarily suspend
20 any new placements in an out-of-state group home, for a period
21 not to exceed 100 days, pending the completion of an investigation,
22 pursuant to subdivision (a) of Section 7911.1, regarding a threat
23 to the health and safety of children in care. During any suspension
24 period the department or its designee shall have staff daily onsite
25 at the out-of-state group home.

26 (2) On and after January 1, 2017, the licensing standards
27 applicable to out-of-state group homes certified by the State
28 Department of Social Services shall be those required of short-term
29 residential therapeutic programs operated in this state.

30 SEC. 10. Section 8712 of the Family Code is amended to read:

31 8712. (a) (1) The department, county adoption agency, or
32 licensed adoption agency shall require each person who files an
33 application for adoption to be fingerprinted and shall secure from
34 an appropriate law enforcement agency any criminal record of that
35 person to determine whether the person has ever been convicted
36 of a crime other than a minor traffic violation. The department,
37 county adoption agency, or licensed adoption agency may also
38 secure the person's full criminal record, if any, with the exception
39 of any convictions for which relief has been granted pursuant to
40 Section 1203.49 of the Penal Code. Any federal-level criminal

1 offender record requests to the Department of Justice shall be
2 submitted with fingerprint images and related information required
3 by the Department of Justice for the purposes of obtaining
4 information as to the existence and content of a record of an
5 out-of-state or federal conviction or arrest of a person or
6 information regarding any out-of-state or federal crimes or arrests
7 for which the Department of Justice establishes that the person is
8 free on bail, or on his or her own recognizance pending trial or
9 appeal. The Department of Justice shall forward to the Federal
10 Bureau of Investigation any requests for federal summary criminal
11 history information received pursuant to this section. The
12 Department of Justice shall review the information returned from
13 the Federal Bureau of Investigation and shall compile and
14 disseminate a response to the department, county adoption agency,
15 or licensed adoption agency.

16 (2) The department, county adoption agency, or licensed
17 adoption agency may obtain arrest or conviction records or reports
18 from any law enforcement agency as necessary to the performance
19 of its duties, as provided in this section.

20 (b) Notwithstanding subdivision (c), the criminal record, if any,
21 shall be taken into consideration when evaluating the prospective
22 adoptive parent, and an assessment of the effects of any criminal
23 history on the ability of the prospective adoptive parent to provide
24 adequate and proper care and guidance to the child shall be
25 included in the report to the court.

26 (c) (1) The department, county adoption agency, or licensed
27 adoption agency shall not give final approval for an adoptive
28 placement in any home in which the prospective adoptive parent
29 or any adult living in the prospective adoptive home has either of
30 the following:

31 (A) A felony conviction for child abuse or neglect, spousal
32 abuse, crimes against a child, including child pornography, or for
33 a crime involving violence, including rape, sexual assault, or
34 homicide, but not including other physical assault and battery. For
35 purposes of this subdivision, crimes involving violence means
36 those violent crimes contained in clause (i) of subparagraph (A),
37 and subparagraph (B), of paragraph (1) of subdivision (g) of
38 Section 1522 of the Health and Safety Code.

39 (B) A felony conviction that occurred within the last five years
40 for physical assault, battery, or a drug- or alcohol-related offense.

1 (2) This subdivision shall become operative on October 1, 2008,
2 and shall remain operative only to the extent that compliance with
3 its provisions is required by federal law as a condition of receiving
4 funding under Title IV-E of the federal Social Security Act (42
5 U.S.C. Sec. 670 et seq.).

6 (d) Any fee charged by a law enforcement agency for
7 fingerprinting or for checking or obtaining the criminal record of
8 the applicant shall be paid by the applicant. The department, county
9 adoption agency, or licensed adoption agency may defer, waive,
10 or reduce the fee when its payment would cause economic hardship
11 to prospective adoptive parents detrimental to the welfare of the
12 adopted child, when the child has been in the foster care of the
13 prospective adoptive parents for at least one year, or if necessary
14 for the placement of a special-needs child.

15 *SEC. 11. Section 9201 of the Family Code is amended to read:*

16 9201. (a) Except as otherwise permitted or required by statute,
17 neither the department nor a licensed adoption agency shall release
18 information that would identify persons who receive, or have
19 received, adoption services.

20 (b) Employees of the department and licensed adoption agencies
21 shall release to the department at Sacramento any requested
22 information, including identifying information, for the purposes
23 of recordkeeping and monitoring, evaluation, and regulation of
24 the provision of adoption services.

25 (c) Prior to the placement of a child for adoption, the department
26 or licensed adoption agency may, upon the written request of both
27 a birth and a prospective adoptive parent, arrange for contact
28 between these birth and prospective adoptive parents that may
29 include the sharing of identifying information regarding these
30 parents.

31 (d) The department and any licensed adoption agency may,
32 upon written authorization for the release of specified information
33 by the subject of that information, share information regarding a
34 prospective adoptive parent or birth parent with other social service
35 agencies, including the ~~department and department~~, other licensed
36 adoption agencies, *counties or licensed foster family agencies for*
37 *purposes of approving a resource family pursuant to subparagraph*
38 *(A) of paragraph (4) of subdivision (p) of Section 16519.5 of the*
39 *Welfare and Institutions Code*, or providers of health care as
40 defined in Section 56.05 of the Civil Code.

1 (e) Notwithstanding any other law, the department and any
2 licensed adoption agency may furnish information relating to an
3 adoption petition or to a child in the custody of the department or
4 any licensed adoption agency to the juvenile court, county welfare
5 department, public welfare agency, private welfare agency licensed
6 by the department, provider of foster care services, potential
7 adoptive parent, or provider of health care as defined in Section
8 56.05 of the Civil Code, if it is believed the child's welfare will
9 be promoted thereby.

10 (f) The department and any licensed adoption agency may make
11 adoption case records, including identifying information, available
12 for research purposes, provided that the research will not result in
13 the disclosure of the identity of the child or the parties to the
14 adoption to anyone other than the entity conducting the research.

15 *SEC. 12. Section 9203.1 is added to the Family Code, to read:*

16 *9203.1. (a) The department or a licensed adoption agency*
17 *shall, upon the request of a prospective adoptive parent, disclose*
18 *an adoption homestudy and any updates to an adoption homestudy*
19 *to a county or licensed foster family agency for the purpose of*
20 *approving the prospective adoptive parent as a resource family*
21 *pursuant to subparagraph (A) of paragraph (4) of subdivision (p)*
22 *of Section 16519.5 of the Welfare and Institutions Code.*

23 *(b) The department shall prescribe the form of the request*
24 *described in subdivision (a).*

25 *(c) The department or a licensed adoption agency shall respond*
26 *to a request made pursuant to subdivision (a) within 20 working*
27 *days of receiving it.*

28 *(d) The department or a licensed adoption agency may charge*
29 *a fee to cover the reasonable costs of processing requests made*
30 *pursuant to subdivision (a). The department or a licensed adoption*
31 *agency shall waive fees authorized by this subdivision for any*
32 *person who is receiving public assistance pursuant to Part 3*
33 *(commencing with Section 11000) of Division 9 of the Welfare and*
34 *Institutions Code.*

35 ~~SEC. 11.~~

36 *SEC. 13. Section 30029.7 of the Government Code is amended*
37 *to read:*

38 *30029.7. (a) Notwithstanding any other law and to the extent*
39 *consistent with or required by federal law or court order, a county*
40 *or counties may contract directly ~~with~~ with, or otherwise request,*

1 the State Department of Health Care Services or the State
2 Department of Social Services, as applicable, to provide or
3 administer the following programs, services, or activities:

4 (1) The Drug Medi-Cal Treatment Program pursuant to Article
5 3.2 (commencing with Section 14124.20) of Chapter 7 of Part 3
6 of Division 9 of the Welfare and Institutions Code.

7 (2) Agency adoptions pursuant to Chapter 2 (commencing with
8 Section 16100) of Part 4 of Division 9 of the Welfare and
9 Institutions Code and Chapter 2 (commencing with Section 8700)
10 of Part 2 of Division 13 of the Family Code. Notwithstanding any
11 other law, a license issued pursuant to Chapter 3 (commencing
12 with Section 1500) of Division 2 of the Health and Safety Code
13 shall not be required of a county that provides agency adoption
14 program services.

15 (3) The resource family approval program pursuant to Article
16 2 (commencing with Section 16519.5) of Chapter 5 of Part 4 of
17 Division 9 of the Welfare and Institutions Code, or any portion
18 thereof.

19 (b) Nothing in paragraph (1) or (2) of subdivision (a) shall
20 prevent a county from providing funding for any of the programs,
21 services, or activities through a contract with another county, joint
22 powers agreement, or county consortium.

23 (c) (1) Contracts awarded pursuant to paragraph (1) of
24 subdivision (a) shall be exempt from the requirements of Chapter
25 1 (commencing with Section 10100) and Chapter 2 (commencing
26 with Section 10290) of Part 2 of Division 2 of the Public Contract
27 Code. Contracts with the State Department of Health Care Services
28 shall include reimbursement to the state for the cost of providing
29 the services or activities in paragraph (1) of subdivision (a), subject
30 to the terms of the contract. Those reimbursement amounts shall
31 not exceed the funding provided to counties for specified programs.

32 (2) Contracts awarded pursuant to paragraphs (2) and (3) of
33 subdivision (a) shall be exempt from the requirements of Chapter
34 1 (commencing with Section 10100) and Chapter 2 (commencing
35 with Section 10290) of Part 2 of Division 2 of the Public Contract
36 Code. Contracts ~~with~~ *with, or other requests of,* the State
37 Department of Social Services shall include reimbursement to the
38 state for the ~~actual~~ costs of providing the services or activities in
39 paragraph (2) or (3) of subdivision ~~(a)~~, ~~subject to the terms of the~~
40 ~~contract.~~ (a).

1 ~~SEC. 12.~~

2 *SEC. 14.* Section 1501.1 of the Health and Safety Code is
3 amended to read:

4 1501.1. (a) It is the policy of the state to facilitate the proper
5 placement of every child in residential care facilities where the
6 placement is in the best interests of the child. A county may require
7 placement or licensing agencies, or both placement and licensing
8 agencies, to actively seek out-of-home care facilities capable of
9 meeting the varied needs of the child. Therefore, in placing children
10 in out-of-home care, particular attention should be given to the
11 individual child's needs, the ability of the facility to meet those
12 needs, the needs of other children in the facility, the licensing
13 requirements of the facility as determined by the licensing agency,
14 and the impact of the placement on the family reunification plan.

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

26 (c) Neither the requirement for any license nor any regulation
27 shall restrict the implementation of the provisions of this section.
28 Implementation of this section does not obviate the requirement
29 for a facility to be licensed by the department.

30 (d) Pursuant to this section, children with varying designations
31 and varying needs, including, on and after January 1, 2012,
32 nonminor dependents, as defined in subdivision (v) of Section
33 11400 of the Welfare and Institutions Code, except as provided
34 by statute, may be placed in the same licensed foster family home
35 or with a foster family agency for subsequent placement in a
36 certified family home or with a resource family. Children, including
37 nonminor dependents, with developmental disabilities, mental
38 disorders, or physical disabilities may be placed in licensed foster
39 family homes or certified family homes or with resource families,
40 provided that an appraisal of the child's or nonminor dependent's

1 needs and the ability of the receiving home to meet those needs is
2 made jointly by the placement agency and the licensee in the case
3 of licensed foster family homes or the placement agency and the
4 foster family agency in the case of certified family homes or
5 resource families, and is followed by written confirmation prior
6 to placement. The appraisal shall confirm that the placement poses
7 no threat to any child in the home.

8 (e) (1) For purposes of this chapter, the placing of children by
9 foster family agencies shall be referred to as “subsequent
10 placement” to distinguish the activity from the placing by public
11 agencies.

12 (2) For purposes of this chapter, and unless otherwise specified,
13 references to a “child” shall include a “nonminor dependent” and
14 “nonminor former dependent or ward” as those terms are defined
15 in subdivision (v) and paragraph (1) of subdivision (aa) of Section
16 11400 of the Welfare and Institutions Code.

17 ~~SEC. 13.~~

18 *SEC. 15.* Section 1502 of the Health and Safety Code is
19 amended to read:

20 1502. As used in this chapter:

21 (a) “Community care facility” means any facility, place, or
22 building that is maintained and operated to provide nonmedical
23 residential care, day treatment, adult day care, or foster family
24 agency services for children, adults, or children and adults,
25 including, but not limited to, the physically handicapped, mentally
26 impaired, incompetent persons, and abused or neglected children,
27 and includes the following:

28 (1) “Residential facility” means any family home, group care
29 facility, or similar facility determined by the department, for
30 24-hour nonmedical care of persons in need of personal services,
31 supervision, or assistance essential for sustaining the activities of
32 daily living or for the protection of the individual.

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

38 (3) “Therapeutic day services facility” means any facility that
39 provides nonmedical care, counseling, educational or vocational
40 support, or social rehabilitation services on less than a 24-hour

1 basis to persons under 18 years of age who would otherwise be
2 placed in foster care or who are returning to families from foster
3 care. Program standards for these facilities shall be developed by
4 the department, pursuant to Section 1530, in consultation with
5 therapeutic day services and foster care providers.

6 (4) “Foster family agency” means any public agency or private
7 organization, organized and operated on a nonprofit basis, engaged
8 in any of the following:

9 (A) Recruiting, certifying, approving, and training of, and
10 providing professional support to, foster parents and resource
11 families.

12 (B) Coordinating with county placing agencies to find homes
13 for foster children in need of care.

14 (C) Providing services and supports to licensed or certified
15 foster parents, county-approved resource families, and children to
16 the extent authorized by state and federal law.

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

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

35 (7) “Social rehabilitation facility” means any residential facility
36 that provides social rehabilitation services for no longer than 18
37 months in a group setting to adults recovering from mental illness
38 who temporarily need assistance, guidance, or counseling. Program
39 components shall be subject to program standards pursuant to

1 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
2 2 of Division 5 of the Welfare and Institutions Code.

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

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

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

18 (A) Assumes care, custody, and control of a child through
19 relinquishment of the child to the agency or involuntary termination
20 of parental rights to the child.

21 (B) Assesses the birth parents, prospective adoptive parents, or
22 child.

23 (C) Places children for adoption.

24 (D) Supervises adoptive placements.

25 Private full-service adoption agencies shall be organized and
26 operated on a nonprofit basis. As a condition of licensure to provide
27 intercountry adoption services, a full-service adoption agency shall
28 be accredited and in good standing according to Part 96 of Title
29 22 of the Code of Federal Regulations, or supervised by an
30 accredited primary provider, or acting as an exempted provider,
31 in compliance with Subpart F (commencing with Section 96.29)
32 of Part 96 of Title 22 of the Code of Federal Regulations.

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

36 (A) Assesses the prospective adoptive parents.

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

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

4 Private noncustodial adoption agencies shall be organized and
5 operated on a nonprofit basis. As a condition of licensure to provide
6 intercountry adoption services, a noncustodial adoption agency
7 shall be accredited and in good standing according to Part 96 of
8 Title 22 of the Code of Federal Regulations, or supervised by an
9 accredited primary provider, or acting as an exempted provider,
10 in compliance with Subpart F (commencing with Section 96.29)
11 of Part 96 of Title 22 of the Code of Federal Regulations.

12 (11) “Transitional shelter care facility” means any group care
13 facility that provides for 24-hour nonmedical care of persons in
14 need of personal services, supervision, or assistance essential for
15 sustaining the activities of daily living or for the protection of the
16 individual. Program components shall be subject to program
17 standards developed by the State Department of Social Services
18 pursuant to Section 1502.3.

19 (12) “Transitional housing placement provider” means an
20 organization licensed by the department pursuant to Section
21 1559.110 and Section 16522.1 of the Welfare and Institutions Code
22 to provide transitional housing to foster children at least 16 years
23 of age and not more than 18 years of age, and nonminor
24 dependents, as defined in subdivision (v) of Section 11400 of the
25 Welfare and Institutions Code, to promote their transition to
26 adulthood. A transitional housing placement provider shall be
27 privately operated and organized on a nonprofit basis.

28 (13) “Group home” means a residential facility that provides
29 24-hour care and supervision to children, delivered at least in part
30 by staff employed by the licensee in a structured environment. The
31 care and supervision provided by a group home shall be
32 nonmedical, except as otherwise permitted by law.

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

38 (15) “Enhanced behavioral supports home” means a facility
39 certified by the State Department of Developmental Services
40 pursuant to Article 3.6 (commencing with Section 4684.80) of

1 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
2 and licensed by the State Department of Social Services as an adult
3 residential facility or a group home that provides 24-hour
4 nonmedical care to individuals with developmental disabilities
5 who require enhanced behavioral supports, staffing, and
6 supervision in a homelike setting. An enhanced behavioral supports
7 home shall have a maximum capacity of four consumers, shall
8 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal
9 Regulations, and shall be eligible for federal Medicaid home- and
10 community-based services funding.

11 (16) “Community crisis home” means a facility certified by the
12 State Department of Developmental Services pursuant to Article
13 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
14 of the Welfare and Institutions Code, and licensed by the State
15 Department of Social Services pursuant to Article 9.7 (commencing
16 with Section 1567.80), as an adult residential facility, providing
17 24-hour nonmedical care to individuals with developmental
18 disabilities receiving regional center service, in need of crisis
19 intervention services, and who would otherwise be at risk of
20 admission to the acute crisis center at Fairview Developmental
21 Center, Sonoma Developmental Center, an acute general hospital,
22 acute psychiatric hospital, an institution for mental disease, as
23 described in Part 5 (commencing with Section 5900) of Division
24 5 of the Welfare and Institutions Code, or an out-of-state
25 placement. A community crisis home shall have a maximum
26 capacity of eight consumers, as defined in subdivision (a) of
27 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
28 42 of the Code of Federal Regulations, and shall be eligible for
29 federal Medicaid home- and community-based services funding.

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

35 (18) “Short-term residential therapeutic program” means a
36 residential facility operated by a public agency or private
37 organization and licensed by the department pursuant to Section
38 1562.01 that provides an integrated program of specialized and
39 intensive care and supervision, services and supports, treatment,
40 and short-term, 24-hour care and supervision to children. The care

1 and supervision provided by a short-term residential therapeutic
2 program shall be nonmedical, except as otherwise permitted by
3 law. Private short-term residential therapeutic programs shall be
4 organized and operated on a nonprofit basis.

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

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

8 ~~SEC. 14.~~

9 *SEC. 16.* Section 1502.4 of the Health and Safety Code, as
10 added by Section 8 of Chapter 773 of the Statutes of 2015, is
11 amended to read:

12 1502.4. (a) A licensed short-term residential therapeutic
13 program, as defined in paragraph (18) of subdivision (a) of Section
14 1502, may only accept for placement a child who does not require
15 inpatient care in a licensed health facility and who has been
16 assessed pursuant to Section 11462.01 of the Welfare and
17 Institutions Code as meeting the applicable criteria for placement
18 in a short-term residential therapeutic program.

19 (b) For the purposes of this chapter, the following definitions
20 shall apply:

21 (1) “Health facility” has the meaning set forth in Section 1250.

22 (2) “Seriously emotionally disturbed” has the same meaning as
23 that term is used in subdivision (a) of Section 5600.3 of the Welfare
24 and Institutions Code.

25 (c) The department shall not evaluate, nor have any
26 responsibility or liability with regard to the evaluation of, the
27 mental health treatment services provided pursuant to this section.

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

29 ~~SEC. 15.~~

30 *SEC. 17.* Section 1506 of the Health and Safety Code is
31 amended to read:

32 1506. (a) (1) A foster family agency may use only a certified
33 family home or a resource family that has been certified or
34 approved by that agency or, pursuant to Section 1506.5, a licensed
35 foster family home or a county-approved resource family approved
36 for this use by the county.

37 (2) Any home selected and certified or approved for the
38 reception and care of children by a foster family agency is not
39 subject to Section 1508. A certified family home or a resource

1 family of a foster family agency shall not be licensed as a
2 residential facility.

3 (3) A child with a developmental disability who is placed in a
4 certified family home or with a resource family by a foster family
5 agency that is operating under agreement with the regional center
6 responsible for that child may remain in the certified family home
7 or with the resource family after 18 years of age. The determination
8 regarding whether and how long he or she may remain as a resident
9 after 18 years of age shall be made through the agreement of all
10 parties involved, including the resident, the certified parent or
11 resource family, the foster family agency social worker, the
12 resident's regional center case manager, and the resident's parent,
13 legal guardian, or conservator, as appropriate. This determination
14 shall include a needs and service plan that contains an assessment
15 of the child's needs to ensure continued compatibility with the
16 other children in placement. The needs and service plan shall be
17 completed no more than six months prior to the child's 18th
18 birthday. The assessment shall be documented and maintained in
19 the child's file with the foster family agency.

20 (b) (1) A foster family agency shall certify to the department
21 that the certified family home has met the department's licensing
22 standards. A foster family agency may require a certified family
23 home to meet additional standards or be compatible with its
24 treatment approach.

25 (2) The foster family agency shall issue a certificate of approval
26 to the certified family home upon its determination that it has met
27 the standards established by the department and before the
28 placement of any child in the home. The certificate shall be valid
29 for a period not to exceed one year. The annual recertification shall
30 require a certified family home to complete at least eight hours of
31 structured applicable training or continuing education. At least
32 one hour of training during the first six months following initial
33 certification shall be dedicated to meeting the requirements of
34 paragraph (1) of subdivision (b) of Section 11174.1 of the Penal
35 Code.

36 (3) If the agency determines that the home no longer meets the
37 standards, it shall notify the department and the local placing
38 agency.

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

1 (c) As used in this chapter, “certified family home” means an
2 individual or family certified by a licensed foster family agency
3 and issued a certificate of approval by that agency as meeting
4 licensing standards, and used exclusively by that foster family
5 agency for placements.

6 (d) (1) A foster family agency shall not accept applications to
7 certify foster homes and shall instead approve resource families
8 pursuant to Section 1517.

9 (2) (A) A foster family agency that chooses not to approve
10 resource families shall not recruit any new applicants, but may
11 continue to coordinate with county placing agencies to find homes
12 for foster children with its existing certified family homes, as
13 authorized by the department.

14 (B) No later than July 1, 2017, a foster family agency described
15 in subparagraph (A) shall, in addition to the notification required
16 in paragraph (4) of subdivision (f) of Section 1517, notify its
17 certified family homes that, in order to care for foster children
18 after December 31, 2019, a certified family is required to submit
19 an application for resource family approval to the county in which
20 the home is located or to a foster family agency that approves
21 resource families and shall complete the approval process no later
22 than December 31, 2019.

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

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

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

34 (B) Child psychology.

35 (C) Child development.

36 (D) Counseling psychology.

37 (E) Social psychology.

38 (F) Clinical psychology.

1 (G) Educational psychology, consistent with the scope of
2 practice as described in Section 4989.14 of the Business and
3 Professions Code.

4 (H) Education, with emphasis on counseling.

5 (I) A subject area that is functionally equivalent to those listed
6 in subparagraphs (A) to (H), inclusive, as set forth by the
7 department.

8 (f) (1) In addition to the degree specifications in subdivision
9 (e), all of the following coursework and field practice or
10 experience, as defined in departmental regulations, shall be required
11 of all new hires for the position of social work personnel effective
12 January 1, 1995:

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

16 (B) At least nine semester units of coursework related to human
17 development or human behavior, or, within the first year of
18 employment, experience working with children and families as a
19 major responsibility of the position under the supervision of a
20 supervising social worker.

21 (C) At least three semester units in working with minority
22 populations or six months of experience in working with minority
23 populations or training in cultural competency and working with
24 minority populations within the first six months of employment
25 as a condition of employment.

26 (D) At least three semester units in child welfare or at least six
27 months of experience in a public or private child welfare social
28 services setting for a nonsupervisory social worker. A supervising
29 social worker shall have two years' experience in a public or private
30 child welfare social services setting.

31 (2) (A) Persons who do not meet the requirements specified in
32 subdivision (e) or this subdivision may apply for an exception as
33 provided for in subdivisions (h) and (i).

34 (B) Exceptions granted by the department prior to January 1,
35 1995, shall remain in effect.

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

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

5 (4) Coursework and field practice or experience completed to
6 fulfill the degree requirements of subdivision (e) may be used to
7 satisfy the requirements of this subdivision.

8 (g) In addition to the degree specifications in subdivision (e)
9 and the coursework and field practice or experience described in
10 subdivision (f), social work personnel shall meet core competencies
11 to participate in the assessment and evaluation of an applicant or
12 resource family, as determined by the department in written
13 directives or regulations adopted pursuant to Section 16519.5 of
14 the Welfare and Institutions Code.

15 (h) Individuals seeking an exception to the requirements of
16 subdivision (e) or (f) based on completion of equivalent education
17 and experience shall apply to the department by the process
18 established by the department.

19 (i) The department shall be required to complete the process for
20 the exception to minimum education and experience requirements
21 described in subdivisions (e) and (f) within 30 days of receiving
22 the exception application of social work personnel or supervising
23 social worker qualifications from the foster family agency.

24 (j) For purposes of this section, "social work personnel" means
25 supervising social workers as well as nonsupervisory social
26 workers.

27 ~~SEC. 16.~~

28 *SEC. 18.* Section 1506.1 of the Health and Safety Code is
29 amended to read:

30 1506.1. (a) A foster family agency shall prepare and maintain
31 a current, written plan of operation as required by the department.

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

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

38 (A) The foster family agency shall have until December 31,
39 2018, to obtain accreditation.

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

4 (C) The foster family agency shall provide documentation to
5 the department reporting its accreditation status as of January 1,
6 2018, and July 1, 2018, in a time and manner as determined by the
7 department.

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

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

12 (B) The foster family agency applicant shall submit
13 documentation of accreditation or application for accreditation
14 with its application for licensure.

15 (C) The foster family agency shall provide documentation to
16 the department reporting its accreditation status at 12 months and
17 at 18 months after the date of licensure.

18 (4) This subdivision does not preclude the department from
19 requesting additional information from the foster family agency
20 regarding its accreditation status.

21 (5) The department may revoke a foster family agency's license
22 pursuant to Article 5 (commencing with Section 1550) for failure
23 to obtain accreditation within the timeframes specified in this
24 subdivision.

25 (c) On and after January 1, 2017, a foster family agency's plan
26 of operation shall include a program statement. The program
27 statement shall contain a description of all of the following:

28 (1) The core services and supports, as set forth in paragraph (5)
29 of subdivision (b) of Section 11463 of the Welfare and Institutions
30 Code, and as prescribed by the department, to be offered to children
31 and their families, as appropriate or as necessary.

32 (2) The treatment practices that will be used in serving children
33 and families.

34 (3) The procedures for the development, implementation, and
35 periodic updating of the needs and services plan for children placed
36 with the foster family agency or served by the foster family agency,
37 consistent with the case plans as developed by the county placing
38 agency, that support the reasonable and prudent parent standard,
39 as defined in Section 362.05 of the Welfare and Institutions Code,
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.

5 (4) (A) How the foster family agency will comply with the
6 resource family approval standards and requirements, as set forth
7 in Section 1517.

8 (B) A foster family agency that chooses not to approve resource
9 families pursuant to Section 1517 shall describe in the program
10 statement the transition plan for its certified family homes to obtain
11 resource family approval prior to December 31, 2019.

12 (5) The population or populations to be served.

13 (6) The ability to support the differing needs of children and
14 their families.

15 (7) The plan for the supervision, evaluation, and training of
16 staff. The training plan shall be appropriate to meet the needs of
17 children, and it shall be consistent with the training provided to
18 resource families as set forth in Section 16519.5 of the Welfare
19 and Institutions Code.

20 (8) The ability to provide or arrange for treatment services to
21 meet the individual needs of children placed in certified family
22 homes or with resource families, as specified in Section 11402 of
23 the Welfare and Institutions Code.

24 (9) The plan for the training, supervision, and support of
25 resource families to meet the appropriate needs of children,
26 consistent with the training requirements set forth in Section
27 16519.5 of the Welfare and Institutions Code. To the extent
28 possible, the foster family agency training plan for resource
29 families shall be consistent with the training requirements set forth
30 by the county child welfare placing agency.

31 (10) The agency or agencies that the foster family agency has
32 partnered with, either formally or informally, to provide additional
33 supports and services to families and children during care and
34 postpermanency.

35 (11) The plan for participation in child and family teams and
36 supporting the participation of the agency's resource families in
37 those teams, as appropriate.

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

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

7 (e) (1) (A) (i) A foster family agency applicant shall submit
8 an application to the department that includes a letter of
9 recommendation in support of its program from a county placing
10 agency.

11 (ii) The letter of recommendation shall include a statement that
12 the county placing agency reviewed the applicant's program
13 statement.

14 (iii) If the letter of recommendation is not from the county in
15 which the facility is located, the foster family agency applicant
16 shall include with its application a statement that it provided the
17 county in which the facility is located an opportunity for that
18 county to review the program statement and notified that county
19 that the facility has received a letter of recommendation from
20 another county.

21 (B) If the application does not contain a letter of
22 recommendation as described in subparagraph (A), then the
23 department shall cease review of the application. Nothing in this
24 paragraph shall constitute a denial of the application for purposes
25 of Section 1526 or any other law.

26 (C) A new letter of recommendation is not required when a
27 foster family agency moves locations.

28 (2) A foster family agency shall submit a copy of its program
29 statement to all county placing agencies with which placements
30 are coordinated or for which services are provided, including the
31 county in which the facility is located, for optional review when
32 the foster family agency updates its program statement.

33 (f) The department shall have the authority to inspect a foster
34 family agency pursuant to the system of governmental monitoring
35 and oversight developed by the department on and after January
36 1, 2017, pursuant to subdivision (c) of Section 11463 of the
37 Welfare and Institutions Code.

38 ~~SEC. 17:~~

39 *SEC. 19.* Section 1506.3 of the Health and Safety Code is
40 amended to read:

1 1506.3. A foster family agency shall employ one full-time
2 social work supervisor for every eight social workers or fraction
3 thereof in the agency.

4 ~~SEC. 18.~~

5 *SEC. 20.* Section 1506.5 of the Health and Safety Code is
6 amended to read:

7 1506.5. (a) Foster family agencies shall not use foster family
8 homes licensed by a county or resource families approved by a
9 county without the approval of the licensing or approving county.
10 When approval is granted, a written agreement between the foster
11 family agency and the county shall specify the nature of
12 administrative control and case management responsibility and
13 the nature and number of the children to be served in the home.

14 (b) Before a foster family agency may use a licensed foster
15 family home it shall review and, with the exception of a new
16 fingerprint clearance, qualify the home in accordance with Section
17 1506.

18 (c) When approval is granted pursuant to subdivision (a), and
19 for the duration of the agreement permitting the foster family
20 agency use of the licensed foster family home or county-approved
21 resource family, no child shall be placed in that home except
22 through the foster family agency.

23 (d) Nothing in this section shall transfer or eliminate the
24 responsibility of the placing agency for the care, custody, or control
25 of the child. Nothing in this section shall relieve a foster family
26 agency of its responsibilities for or on behalf of a child placed with
27 it.

28 (e) (1) If an application to a foster family agency for a certificate
29 of approval indicates, or the department determines during the
30 application review process, that the applicant previously was issued
31 a license under this chapter or under Chapter 1 (commencing with
32 Section 1200), Chapter 2 (commencing with Section 1250), Chapter
33 3.01 (commencing with Section 1568.01), Chapter 3.2
34 (commencing with Section 1569), Chapter 3.4 (commencing with
35 Section 1596.70), Chapter 3.5 (commencing with Section 1596.90),
36 or Chapter 3.6 (commencing with Section 1597.30) and the prior
37 license was revoked within the preceding two years, the foster
38 family agency shall cease any further review of the application
39 until two years have elapsed from the date of the revocation.

1 (2) If an application to a foster family agency for a certificate
2 of approval indicates, or the department determines during the
3 application review process, that the applicant previously was issued
4 a certificate of approval by a foster family agency that was revoked
5 by the department pursuant to subdivision (b) of Section 1534
6 within the preceding two years, the foster family agency shall cease
7 any further review of the application until two years have elapsed
8 from the date of the revocation.

9 (3) If an application to a foster family agency for a certificate
10 of approval indicates, or the department determines during the
11 application review process, that the applicant was excluded from
12 a facility licensed by the department or from a certified family
13 home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897,
14 the foster family agency shall cease any further review of the
15 application unless the excluded person has been reinstated pursuant
16 to Section 11522 of the Government Code by the department.

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

20 (f) (1) If an application to a foster family agency for a certificate
21 of approval indicates, or the department determines during the
22 application review process, that the applicant had previously
23 applied for a license under any of the chapters listed in paragraph
24 (1) of subdivision (e) and the application was denied within the
25 last year, the foster family agency shall cease further review of the
26 application as follows:

27 (A) When the applicant petitioned for a hearing, the foster family
28 agency shall cease further review of the application until one year
29 has elapsed from the effective date of the decision and order of
30 the department upholding a denial.

31 (B) When the department informed the applicant of his or her
32 right to petition for a hearing and the applicant did not petition for
33 a hearing, the foster family agency shall cease further review of
34 the application until one year has elapsed from the date of the
35 notification of the denial and the right to petition for a hearing.

36 (2) The foster family agency may continue to review the
37 application if the department has determined that the reasons for
38 the denial of the application were due to circumstances and a
39 condition that either have been corrected or are no longer in
40 existence.

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

4 (g) (1) If an application to a foster family agency for a
5 certificate of approval indicates, or the department determines
6 during the application review process, that the applicant had
7 previously applied for a certificate of approval with a foster family
8 agency and the department ordered the foster family agency to
9 deny the application pursuant to subdivision (b) of Section 1534,
10 the foster family agency shall cease further review of the
11 application as follows:

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

16 (B) In cases where the department informed the applicant of his
17 or her right to petition for a hearing and the applicant did not
18 petition for a hearing, the foster family agency shall cease further
19 review of the application until one year has elapsed from the date
20 of the notification of the denial and the right to petition for a
21 hearing.

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

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

30 (h) Subdivisions (e), (f), and (g) shall apply only to certified
31 family home applications received on or before December 31,
32 2016, in accordance with Section 1517.

33 ~~SEC. 19.~~

34 *SEC. 21.* Section 1506.6 of the Health and Safety Code is
35 amended to read:

36 1506.6. (a) It is the intent of the Legislature that public and
37 private efforts to recruit foster parents not be competitive and that
38 the total number of foster parents be increased.

39 (b) A foster family agency shall not certify a family home that
40 is licensed by the department or a county. A licensed foster family

1 home shall forfeit its license, pursuant to subdivision (b) of Section
2 1524, concurrent with final certification by the foster family
3 agency. The department or a county shall not license a family home
4 that is certified by a foster family agency. A certified family home
5 shall forfeit its certificate concurrent with final licensing by the
6 department or a county.

7 (c) (1) A licensed foster family home shall forfeit its license,
8 pursuant to subdivision (b) of Section 1524, concurrent with
9 resource family approval by a foster family agency or a county.

10 (2) A certified family home shall forfeit its certificate of
11 approval concurrent with resource family approval by a foster
12 family agency, pursuant to subdivision (f) of Section 1517, or a
13 county.

14 (3) A resource family approved pursuant to Section 1517 shall
15 forfeit its approval concurrent with resource family approval by
16 another foster family agency or a county.

17 ~~SEC. 20.~~

18 *SEC. 22.* Section 1506.7 of the Health and Safety Code is
19 amended to read:

20 1506.7. (a) A foster family agency shall require the owner or
21 operator of a family home applying for certification to sign an
22 application that shall contain, but shall not be limited to, the
23 following information:

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

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

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

30 (4) Whether the applicant has been a foster home licensed by a
31 county or by the state and, if so, by which county or state, or
32 whether the applicant has been approved for relative placement
33 by a county and, if so, by which county.

34 (b) (1) The application form signed by the owner or operator
35 of the family home applying for certification shall contain notice
36 to the applicant for certification that the foster family agency is
37 required to check references of all foster family agencies that have
38 previously certified the applicant and of all state or county licensing
39 offices that have licensed the applicant as a foster parent, and that
40 the signing of the application constitutes the authorization of the

1 applicant for the foster family agency to conduct its check of
2 references.

3 (2) The application form signed by the owner or operator of the
4 family home applying for certification shall be signed with a
5 declaration by the applicant that the information submitted is true,
6 correct, and contains no material omissions of fact to the best
7 knowledge and belief of the applicant. Any person who declares
8 as true any material matter pursuant to this section that he or she
9 knows to be false is guilty of a misdemeanor. The application shall
10 include a statement that submitting false information is a violation
11 of law punishable by incarceration, a fine, or both incarceration
12 and a fine.

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

16 ~~SEC. 21.~~

17 *SEC. 23.* Section 1506.8 of the Health and Safety Code is
18 amended to read:

19 1506.8. (a) Before certifying a family home, a foster family
20 agency shall contact any foster family agencies by whom an
21 applicant has been previously certified and any state or county
22 licensing offices that have licensed the applicant as a foster parent,
23 and shall conduct a reference check as to the applicant.

24 (b) This section shall apply only to certified family home
25 applications received on or before December 31, 2016, in
26 accordance with Section 1517.

27 ~~SEC. 22.~~

28 *SEC. 24.* Section 1507.25 of the Health and Safety Code is
29 amended to read:

30 1507.25. (a) (1) Notwithstanding any other law, a person
31 described in paragraph (2), who is not a licensed health care
32 professional, but who is trained to administer injections by a
33 licensed health care professional practicing within his or her scope
34 of practice, may administer emergency medical assistance and
35 injections for severe diabetic hypoglycemia and anaphylactic shock
36 to a foster child in placement.

37 (2) The following individuals shall be authorized to administer
38 emergency medical assistance and injections in accordance with
39 this subdivision:

40 (A) A relative caregiver.

1 (B) A nonrelative extended family member.

2 (C) A foster family home parent.

3 (D) A member of a resource family, as defined in subdivision
4 (c) of Section 16519.5 of the Welfare and Institutions Code.

5 (E) A small family home parent.

6 (F) A certified parent of a foster family agency.

7 (G) A substitute caregiver of a foster family home or a certified
8 family home.

9 (H) A staff member of a small family home or a group home
10 who provides direct care and supervision to children and youth
11 residing in the small family home or group home.

12 (I) A staff member of a short-term residential therapeutic
13 program who provides direct care and supervision to children and
14 youth residing in the short-term residential therapeutic program.

15 (3) The licensed health care professional shall periodically
16 review, correct, or update training provided pursuant to this section
17 as he or she deems necessary and appropriate.

18 (b) (1) Notwithstanding any other law, a person described in
19 paragraph (2), who is not a licensed health care professional, but
20 who is trained to administer injections by a licensed health care
21 professional practicing within his or her scope of practice, may
22 administer subcutaneous injections of other medications, including
23 insulin, as prescribed by the child's physician, to a foster child in
24 placement.

25 (2) The following individuals shall be authorized to give
26 prescribed injections including insulin in accordance with this
27 subdivision:

28 (A) A relative caregiver.

29 (B) A nonrelative extended family member.

30 (C) A foster family home parent.

31 (D) A member of a resource family, as defined in subdivision
32 (c) of Section 16519.5 of the Welfare and Institutions Code.

33 (E) A small family home parent.

34 (F) A certified parent of a foster family agency.

35 (G) In the absence of a foster parent, a designated substitute
36 caregiver in a foster family home or a certified family home.

37 (H) A direct care staff member of a short-term residential
38 therapeutic program who provides direct care and supervision to
39 children and youth residing in the short-term residential therapeutic
40 program.

1 (3) The licensed health care professional shall periodically
2 review, correct, or update training provided pursuant to this section
3 as he or she deems necessary and appropriate.

4 (c) For purposes of this section, administration of an insulin
5 injection shall include all necessary supportive activities related
6 to the preparation and administration of the injection, including
7 glucose testing and monitoring.

8 (d) Notwithstanding Part 5.5 (commencing with Section 17700)
9 of Division 9 of, and particularly subdivision (g) of Section 17710
10 of, the Welfare and Institutions Code, a child's need to receive
11 injections pursuant to this section shall not be the sole basis for
12 determining that the child has a medical condition requiring
13 specialized in-home health care.

14 (e) This section does not supersede the requirements of Section
15 369.5 of the Welfare and Institutions Code, with respect to the
16 administration of psychotropic medication to a dependent child of
17 the court.

18 ~~SEC. 23.~~

19 *SEC. 25.* Section 1517 of the Health and Safety Code is
20 amended to read:

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

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

37 (3) For purposes of this chapter, "resource family approval"
38 means that the applicant or resource family successfully meets the
39 home environment assessment and permanency assessment
40 standards adopted pursuant to subdivision (d) of Section 16519.5

1 of the Welfare and Institutions Code. This approval is in lieu of a
2 certificate of approval issued by a licensed foster family agency
3 pursuant to subdivision (b) of Section 1506.

4 (4) Approval of a resource family does not guarantee an initial,
5 continued, or adoptive placement of a child with a resource family.
6 Approval of a resource family does not guarantee the establishment
7 of a legal guardianship of a child with a resource family. There is
8 no fundamental right to resource family approval.

9 (5) (A) Notwithstanding paragraphs (1) to (4), inclusive, a foster
10 family agency shall cease any further review of an application if
11 the applicant has had a previous application denial within the
12 preceding year by the department or county, or if the applicant has
13 had a previous rescission, revocation, or exemption denial or
14 exemption rescission by the department or county within the
15 preceding two years.

16 (B) Notwithstanding subparagraph (A), a foster family agency
17 may continue to review an application if it has determined that the
18 reasons for the previous denial, rescission, or revocation were due
19 to circumstances and conditions that either have been corrected or
20 are no longer in existence.

21 (C) If an individual was excluded from a resource family home
22 or facility licensed by the department, a foster family agency shall
23 cease review of the individual's application unless the excluded
24 individual has been reinstated pursuant to Section 11522 of the
25 Government Code and subdivision (h) of Section 1558 of this
26 code.

27 (D) The cessation of review shall not constitute a denial of the
28 application for purposes of this section, Section 16519.5 of the
29 Welfare and Institutions Code, or any other law.

30 (6) A resource family shall meet the approval standards set forth
31 in Section 16519.5 of the Welfare and Institutions Code, comply
32 with the written directives or regulations adopted pursuant to
33 Section 16519.5 of the Welfare and Institutions Code, and comply
34 with other applicable federal and state laws in order to maintain
35 approval.

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

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

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

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

9 (A) Complying with the applicable provisions of this chapter,
10 the regulations for foster family agencies, the resource family
11 approval standards and requirements set forth in Article 2
12 (commencing with Section 16519.5) of Chapter 5 of Part 4 of
13 Division 9 of the Welfare and Institutions Code, and the applicable
14 written directives or regulations adopted thereto by the department.

15 (B) Implementing the requirements for the resource family
16 approval and utilizing standardized documentation established by
17 the department.

18 (C) Ensuring staff have the education, experience, and core
19 competencies necessary to participate in the assessment and
20 evaluation of an applicant or resource family.

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

22 (i) (I) Approving or denying resource family applications,
23 including preparing a written evaluation of an applicant's capacity
24 to foster, adopt, or provide legal guardianship of a child based on
25 all of the information gathered through the resource family
26 application and assessment processes.

27 (II) Considering the applicant's preference to provide a specific
28 level of permanency, including adoption, guardianship, or, in the
29 case of a relative, placement with a fit and willing relative, shall
30 not be a basis to deny an application.

31 (ii) Rescinding approvals of resource families.

32 (E) Providing to the department a log of resource families that
33 were approved or had approval rescinded during the month by the
34 10th day of the following month.

35 (F) (i) Updating resource family approval annually and as
36 necessary to address any changes that have occurred in the resource
37 family's circumstances, including, but not limited to, moving to
38 a new home location or commencing operation of a family day
39 care home, as defined in Section 1596.78.

1 (ii) A foster family agency shall conduct an announced
2 inspection of a resource family home during the annual update,
3 and as necessary to address any changes specified in clause (i), to
4 ensure that the resource family is conforming to all applicable laws
5 and the written directives or regulations adopted pursuant to
6 Section 16519.5 of the Welfare and Institutions Code.

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

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

12 (ii) Requiring resource families to meet the approval standards
13 set forth in Section 16519.5 of the Welfare and Institutions Code
14 and to comply with the written directives or regulations adopted
15 thereto, other applicable laws, and corrective action plans as
16 necessary to correct identified deficiencies. If corrective action is
17 not completed as specified in the plan, the foster family agency or
18 the department may rescind the approval of the resource family
19 or take other administrative action in accordance with applicable
20 law or the written directives or regulations adopted pursuant to
21 Section 16519.5 of the Welfare and Institutions Code.

22 (iii) Requiring resource families to report to the foster family
23 agency any incidents as specified in the written directives or
24 regulations adopted pursuant to Section 16519.5 of the Welfare
25 and Institutions Code.

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

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

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

33 (J) (i) Ensuring applicants and resource families meet the
34 training requirements, and, if applicable, the specialized training
35 requirements set forth in Section 16519.5 of the Welfare and
36 Institutions Code.

37 (ii) Nothing in this section shall preclude a foster family agency
38 from requiring training in excess of the requirements in this section.

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

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

7 (1) Requiring foster family agencies to monitor resource
8 families, including, but not limited to, inspecting resource family
9 homes, developing and monitoring resource family corrective
10 action plans to correct identified deficiencies, and rescinding
11 resource family approval if compliance with a corrective action
12 plan is not achieved.

13 (2) Investigating all complaints against a resource family
14 approved by a foster family agency and taking any action it deems
15 necessary. This shall include investigating any incidents reported
16 about a resource family indicating that the approval standard is
17 not being maintained. Complaint investigations shall be conducted
18 in accordance with the written directives or regulations adopted
19 pursuant to Section 16519.5 of the Welfare and Institutions Code.
20 A foster family agency shall not conduct an internal investigation
21 regarding an incident report or complaint against a resource family
22 that interferes with an investigation being conducted by the
23 department.

24 (3) Rescinding approvals of a resource family approved by a
25 foster family agency.

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

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

37 (6) Providing a resource family parent, applicant, excluded
38 individual, or individual who is the subject of a criminal record
39 exemption decision with due process pursuant to Section 16519.6
40 of the Welfare and Institutions Code.

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

5 (e) Nothing in this section or in Article 2 (commencing with
6 Section 16519.5) of Chapter 5 of Part 4 of Division 9 of the
7 Welfare and Institutions Code limits the authority of the department
8 to inspect, evaluate, investigate a complaint or incident, or initiate
9 a disciplinary action against a foster family agency pursuant to
10 this chapter or to take any action it may deem necessary for the
11 health and safety of children placed with the foster family agency.

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

17 (2) Notwithstanding paragraph (3), a foster family agency shall
18 approve or deny all certified family home applications received
19 on or before December 31, 2016, in accordance with this chapter.

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

23 (4) No later than July 1, 2017, each foster family agency shall
24 provide the following information to its certified family homes:

25 (A) A detailed description of the resource family approval
26 program.

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

29 (C) Notification that a certificate of approval shall be forfeited
30 by operation of law as specified in paragraph (7).

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

33 (A) A certified family home with an approved adoptive home
34 study, completed prior to January 1, 2018, shall be deemed to be
35 an approved resource family.

36 (B) A certified family home that had a child in placement at
37 any time between January 1, 2017, and December 31, 2017,
38 inclusive, may be approved as a resource family on the date of
39 successful completion of a psychosocial assessment pursuant to

1 subparagraph (B) of paragraph (3) of subdivision (d) of Section
2 16519.5 of the Welfare and Institutions Code.

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

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

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

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

19 (C) A certificate of approval shall be forfeited by operation of
20 law upon approval as a resource family.

21 (g) A foster family agency may obtain any arrest or conviction
22 records or reports from any law enforcement agency as necessary
23 to the performance of its duties, as provided in this section.

24 ~~SEC. 24.~~

25 *SEC. 26.* Section 1517.1 is added to the Health and Safety
26 Code, to read:

27 1517.1. (a) (1) Pursuant to subdivision (a) of Section 16519.5
28 of the Welfare and Institutions Code, the State Department of
29 Social Services shall implement a unified, family friendly, and
30 child-centered resource family approval process to replace the
31 existing multiple processes for licensing foster family homes,
32 certifying foster homes by licensed foster family agencies,
33 approving relatives and nonrelative extended family members as
34 foster care providers, and approving guardians and adoptive
35 families.

36 (2) For purposes of this section, a “resource family” means an
37 individual or family that has successfully met both the home
38 environment assessment and the permanency assessment criteria,
39 as set forth in Section 16519.5 of the Welfare and Institutions
40 Code, necessary for providing care for a related or unrelated child

1 who is under the jurisdiction of the juvenile court, or otherwise in
2 the care of a county child welfare agency or probation department.

3 (b) (1) The applicable licensure and oversight processes shall
4 continue to be administered for foster family homes licensed prior
5 to January 1, 2017, or as specified in paragraph (2), until the license
6 is revoked or forfeited by operation of law pursuant to this section
7 or Section 1524 of the Health and Safety Code.

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

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

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

15 (A) A foster family home with an approved adoptive home
16 study, completed prior to January 1, 2018, shall be deemed to be
17 an approved resource family.

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

24 (5) All foster family home licenses shall be forfeited by
25 operation of law on December 31, 2019, except as provided in this
26 paragraph or Section 1524.

27 (A) All licensed foster family homes that did not have a child
28 in placement at any time between January 1, 2017, and December
29 31, 2017, inclusive, shall forfeit the license by operation of law
30 on January 1, 2018.

31 (B) For foster family home licensees who have pending resource
32 family applications on December 31, 2019, the foster family home
33 license shall be forfeited by operation of law upon approval as a
34 resource family. If approval is denied, forfeiture by operation of
35 law shall occur on the date of completion of any proceedings
36 required by law to ensure due process.

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

1 ~~SEC. 25.~~

2 *SEC. 27.* Section 1517.2 is added to the Health and Safety
3 Code, to read:

4 1517.2. (a) The application form signed by a resource family
5 applicant of a foster family agency shall be signed with a
6 declaration by the applicant that the information submitted is true,
7 correct, and contains no material omissions of fact to the best
8 knowledge and belief of the applicant. Any person who willfully
9 and knowingly, with the intent to deceive, makes a false statement
10 or fails to disclose a material fact in his or her application is guilty
11 of a misdemeanor.

12 (b) Before approving a resource family, a foster family agency
13 shall conduct a reference check of the applicant by contacting all
14 of the following:

- 15 (1) Any foster family agencies that have certified the applicant.
- 16 (2) Any state or county licensing offices that have licensed the
17 applicant as a foster family home.
- 18 (3) Any counties that have approved the applicant as a relative
19 or nonrelative extended family member.
- 20 (4) Any foster family agencies or counties that have approved
21 the applicant as a resource family.
- 22 (5) Any state licensing offices that have licensed the applicant
23 as a community care facility, child day care center, or family child
24 care home.

25 (c) The department, a county, or a foster family agency may
26 request information from, or divulge information to, the
27 department, a county, or a foster family agency regarding a
28 prospective resource family for the purpose of conducting, and as
29 necessary to conduct, a reference check to determine whether it is
30 safe and appropriate to approve an applicant to be a resource
31 family.

32 ~~SEC. 26.~~

33 *SEC. 28.* Section 1517.3 is added to the Health and Safety
34 Code, to read:

35 1517.3. (a) A person shall not incur civil liability as a result
36 of providing the department with either of the following:

- 37 (1) A foster family agency’s log of resource families that have
38 been approved or have had approval rescinded.

1 (2) Notification of a foster family agency’s determination to
2 rescind the approval of a resource family due to any of the
3 following actions by a resource family parent:

4 (A) Violation of Section 16519.5, the written directives or
5 regulations adopted pursuant to Section 16519.5, or any other
6 applicable law.

7 (B) Aiding, abetting, or permitting the violation of Section
8 16519.5, the written directives or regulations adopted pursuant to
9 Section 16519.5, or any other applicable law.

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

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

15 (E) Knowingly allowing a child to have illegal drugs, alcohol,
16 or any tobacco product, as defined in subdivision (d) of Section
17 22950.5 of the Business and Professions Code.

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

20 (b) The department, a county, or a foster family agency shall
21 not incur civil liability for providing each other with information
22 if the communication is for the purpose of aiding in the evaluation
23 of an application for approval of a resource family by a foster
24 family agency.

25 ~~SEC. 27.~~

26 *SEC. 29.* Section 1520.1 of the Health and Safety Code is
27 amended to read:

28 1520.1. In addition to Section 1520, applicants for a group
29 home or short-term residential therapeutic program license shall
30 meet the following requirements:

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

39 (2) If the department determines that the group home or
40 short-term residential therapeutic program is in substantial

1 compliance with licensing standards, notwithstanding Section
2 1525.5, the department may extend the provisional license for up
3 to an additional six months for either of the following reasons:

4 (A) The group home or short-term residential therapeutic
5 program requires additional time to be in full compliance with
6 licensing standards.

7 (B) After 12 months of operation, the group home or short-term
8 residential therapeutic program is not operating at 50 percent of
9 its licensed capacity.

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

15 (4) The department may deny a group home or short-term
16 residential therapeutic program license application at any time
17 during the term of the provisional license to protect the health and
18 safety of clients. If the department denies the application, the group
19 home or short-term residential therapeutic program shall cease
20 operation immediately. Continued operation of the facility after
21 the department denies the application or the provisional license
22 expires shall constitute unlicensed operation.

23 (5) When the department notifies a city or county planning
24 authority pursuant to subdivision (c) of Section 1520.5, the
25 department shall briefly describe the provisional licensing process
26 and the timelines provided for under that process, as well as provide
27 the name, address, and telephone number of the district office
28 licensing the facility where a complaint or comment about the
29 group home's or short-term residential therapeutic program's
30 operation may be filed.

31 (b) (1) After the production of the booklet provided for in
32 paragraph (2), every member of the group home's board of
33 directors or governing body and every member of a short-term
34 residential therapeutic program's board of directors or governing
35 body shall, prior to becoming a member of the board of directors
36 or governing body sign a statement that he or she understands his
37 or her legal duties and obligations as a member of the board of
38 directors or governing body and that the group home's or
39 short-term residential therapeutic program's operation is governed
40 by laws and regulations that are enforced by the department, as

1 set forth in the booklet. The applicant, provisional licensee, and
2 licensee shall have this statement available for inspection by the
3 department. For members of the board of directors or governing
4 body when the booklet is produced, the licensee shall obtain this
5 statement by the next scheduled meeting of the board of directors
6 or governing body. Compliance with this paragraph shall be a
7 condition of licensure.

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

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

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

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

25 (D) A general overview of the laws and regulations governing
26 the group home's or short-term residential therapeutic program's
27 operation that are enforced by the department.

28 (c) All financial records submitted by a facility to the
29 department, or that are submitted as part of an audit of the facility,
30 including, but not limited to, employee timecards and timesheets,
31 shall be signed and dated by the employee and by the group home
32 representative or short-term residential therapeutic program
33 representative who is responsible for ensuring the accuracy of the
34 information contained in the record, or when a time clock is used,
35 the payroll register shall be signed and dated, and those financial
36 records shall contain an affirmative statement that the signatories
37 understand that the information contained in the document is
38 correct to the best of their knowledge and that submission of false
39 or misleading information may be prosecuted as a crime.

1 (d) An applicant, provisional licensee, or licensee shall maintain,
2 submit, and sign financial documents to verify the legitimacy and
3 accuracy of these documents. These documents include, but are
4 not limited to, the group home or short-term residential therapeutic
5 program application, any financial documents and plans of
6 corrections submitted to the department, and timesheets.

7 (e) (1) It is the intent of the Legislature that a group home or
8 short-term residential therapeutic program have either
9 representatives on its board of directors, as listed in paragraph (2),
10 or a community advisory board, that meets at least annually.

11 (2) The representatives on the board of directors or the
12 community advisory board members should consist of at least the
13 following persons:

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

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

16 (C) Neighbors of the facility.

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

18 (E) A representative from a local law enforcement or other city
19 or county representative.

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

33 ~~SEC. 28.~~

34 *SEC. 30.* Section 1522.2 of the Health and Safety Code is
35 amended to read:

36 1522.2. If a local law enforcement agency, a probation officer,
37 or a local department or agency that provides social services
38 becomes aware that an employee of a community treatment facility,
39 a day treatment facility, a group home, a short-term residential
40 therapeutic program, or a foster family agency has been arrested

1 for child abuse, as defined in Section 11165.6 of the Penal Code,
2 after determining that the potential for abuse is present and that
3 the employee is free to return to the facility where children are
4 present, the local law enforcement agency, probation officer, or
5 local department or agency shall notify the licensee of the charge
6 of abuse.

7 ~~SEC. 29.~~

8 *SEC. 31.* Section 1522.4 of the Health and Safety Code is
9 amended to read:

10 1522.4. (a) In addition to any other requirements of this chapter
11 and except for foster family homes, small family homes, and
12 certified family homes of foster family agencies, all of the
13 following apply to any community care facility providing 24-hour
14 care for children:

15 (1) The facility shall have one or more facility managers.
16 “Facility manager,” as used in this section, means a person on the
17 premises with the authority and responsibility necessary to manage
18 and control the day-to-day operation of a community care facility
19 and supervise the clients. The facility manager, licensee, and
20 administrator, or any combination thereof, may be the same person
21 provided he or she meets all applicable requirements. If the
22 administrator is also the facility manager for the same facility, this
23 person shall be limited to the administration and management of
24 only one facility.

25 (2) The facility manager shall have at least one year of
26 experience working with the client group served, or equivalent
27 education or experience, as determined by the department.

28 (3) A facility manager shall be at the facility at all times when
29 one or more clients are present. To ensure adequate supervision
30 of clients when clients are at the facility outside of their normal
31 schedule, a current telephone number where the facility manager
32 can be reached shall be provided to the clients, licensing agency,
33 school, and any other agency or person as the department
34 determines is necessary. The facility manager shall instruct these
35 agencies and individuals to notify him or her when clients will be
36 returning to the facility outside of the normal hours.

37 (4) The Legislature intends to upgrade the quality of care in
38 licensed facilities. For the purposes of Sections 1533 and 1534,
39 the licensed facility shall be inspected and evaluated for quality
40 of care at least once each year, without advance notice and as often

1 as necessary, without advance notice, to ensure the quality of care
2 being provided.

3 Paragraphs (1), (2), and (3) shall apply only to new facilities
4 licensed for six or fewer children which apply for a license after
5 January 1, 1985, and all other new facilities licensed for seven or
6 more children which apply for a license after January 1, 1988.
7 Existing facilities licensed for seven or more children shall comply
8 by January 1, 1989.

9 (b) No employee of the state or county employed in the
10 administration of this chapter or employed in a position that is in
11 any way concerned with facilities licensed under this chapter shall
12 hold a license or have a direct or indirect financial interest in a
13 facility described in subdivision (a).

14 The department, by regulation, shall make the determination
15 pursuant to the purposes of this section and chapter, as to what
16 employment is in the administration of this chapter or in any way
17 concerned with facilities licensed under this chapter and what
18 financial interest is direct or indirect.

19 This subdivision does not prohibit the state or county from
20 securing a license for, or operating, a facility that is otherwise
21 required to be licensed under this chapter.

22 (c) (1) No group home, short-term residential therapeutic
23 program, or foster family agency licensee, or employee, member
24 of the board of directors, or officer of a group home, short-term
25 residential therapeutic program, or foster family agency licensee,
26 shall offer gifts or other remuneration of any type to any employee
27 of the State Department of Social Services or placement agency
28 that exceeds the monetary limits for gifts to employees of the State
29 of California pursuant to Title 9 (commencing with Section 81000)
30 of the Government Code and regulations adopted thereunder by
31 the Fair Political Practices Commission.

32 (2) No employee of the department or a placement agency shall
33 accept any gift or other remuneration of any type from a group
34 home, short-term residential therapeutic program, or foster family
35 agency licensee or employee, member of the board of directors,
36 or officer of a group home, short-term residential therapeutic
37 program, or foster family agency licensee that exceeds the
38 monetary limits for gifts to employees of the State of California
39 in Title 9 (commencing with Section 81000) of the Government

1 Code and regulations adopted thereunder by the Fair Political
2 Practices Commission.

3 (3) Violation of this subdivision is punishable as a misdemeanor.

4 ~~SEC. 30.~~

5 *SEC. 32.* Section 1522.41 of the Health and Safety Code is
6 amended to read:

7 1522.41. (a) (1) The department, in consultation and
8 collaboration with county placement officials, group home provider
9 organizations, the Director of Health Care Services, and the
10 Director of Developmental Services, shall develop and establish
11 an administrator certification training program to ensure that
12 administrators of group home facilities have appropriate training
13 to provide the care and services for which a license or certificate
14 is issued.

15 (2) The department shall develop and establish an administrator
16 certification training program to ensure that administrators of
17 short-term residential therapeutic program facilities have
18 appropriate training to provide the care and services for which a
19 license or certificate is issued.

20 (b) (1) In addition to any other requirements or qualifications
21 required by the department, an administrator of a group home or
22 short-term residential therapeutic program shall successfully
23 complete a specified department-approved training certification
24 program, pursuant to subdivision (c), prior to employment.

25 (2) In those cases when the individual is both the licensee and
26 the administrator of a facility, the individual shall comply with all
27 of the licensee and administrator requirements of this section.

28 (3) Failure to comply with this section shall constitute cause for
29 revocation of the license of the facility.

30 (4) The licensee shall notify the department within 10 days of
31 any change in administrators.

32 (c) (1) The administrator certification programs for group homes
33 shall require a minimum of 40 hours of classroom instruction that
34 provides training on a uniform core of knowledge in each of the
35 following areas:

36 (A) Laws, regulations, and policies and procedural standards
37 that impact the operations of the type of facility for which the
38 applicant will be an administrator.

39 (B) Business operations.

40 (C) Management and supervision of staff.

1 (D) Psychosocial and educational needs of the facility residents,
2 including, but not limited to, the information described in
3 subdivision (d) of Section 16501.4 of the Welfare and Institutions
4 Code.

5 (E) Community and support services.

6 (F) Physical needs of facility residents.

7 (G) Assistance with self-administration, storage, misuse, and
8 interaction of medication used by facility residents.

9 (H) Resident admission, retention, and assessment procedures,
10 including the right of a foster child to have fair and equal access
11 to all available services, placement, care, treatment, and benefits,
12 and to not be subjected to discrimination or harassment on the
13 basis of actual or perceived race, ethnic group identification,
14 ancestry, national origin, color, religion, sex, sexual orientation,
15 gender identity, mental or physical disability, or HIV status.

16 (I) Instruction on cultural competency and sensitivity and related
17 best practices for providing adequate care for children across
18 diverse ethnic and racial backgrounds, as well as children
19 identifying as lesbian, gay, bisexual, or transgender.

20 (J) Nonviolent emergency intervention and reporting
21 requirements.

22 (K) Basic instruction on the existing laws and procedures
23 regarding the safety of foster youth at school and the ensuring of
24 a harassment- and violence-free school environment contained in
25 Article 3.6 (commencing with Section 32228) of Chapter 2 of Part
26 19 of Division 1 of Title 1 of the Education Code.

27 (2) The administrator certification programs for short-term
28 residential therapeutic programs shall require a minimum of 40
29 hours of classroom instruction that provides training on a uniform
30 core of knowledge in each of the following areas:

31 (A) Laws, regulations, and policies and procedural standards
32 that impact the operations of the type of facility for which the
33 applicant will be an administrator.

34 (B) Business operations and management and supervision of
35 staff, including staff training.

36 (C) Physical and psychosocial needs of the children, including
37 behavior management, de-escalation techniques, and trauma
38 informed crisis management planning.

39 (D) Permanence, well-being, and educational needs of the
40 children.

1 (E) Community and support services, including accessing local
2 behavioral and mental health supports and interventions, substance
3 use disorder treatments, and culturally relevant services, as
4 appropriate.

5 (F) Understanding the requirements and best practices regarding
6 psychotropic medications, including, but not limited to, court
7 authorization, uses, benefits, side effects, interactions, assistance
8 with self-administration, misuse, documentation, storage, and
9 metabolic monitoring of children prescribed psychotropic
10 medications.

11 (G) Admission, retention, and assessment procedures, including
12 the right of a foster child to have fair and equal access to all
13 available services, placement, care, treatment, and benefits, and
14 to not be subjected to discrimination or harassment on the basis
15 of actual or perceived race, ethnic group identification, ancestry,
16 national origin, color, religion, sex, sexual orientation, gender
17 identity, mental or physical disability, or HIV status.

18 (H) The federal Indian Child Welfare Act (~~25-U.S.C.~~ *U.S.C.*
19 *Sec. 1901 et seq.*), its historical significance, the rights of children
20 covered by the act, and the best interests of Indian children as
21 including culturally appropriate, child-centered practices that
22 respect Native American history, culture, retention of tribal
23 membership, and connection to the tribal community and traditions.

24 (I) Instruction on cultural competency and sensitivity and related
25 best practices for providing adequate care for children across
26 diverse ethnic and racial backgrounds, as well as children
27 identifying as lesbian, gay, bisexual, or transgender.

28 (J) Nonviolent emergency intervention and reporting
29 requirements.

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

35 (d) Administrators who possess a valid group home license,
36 issued by the department, are exempt from completing an approved
37 initial certification training program and taking a written test,
38 provided the individual completes 12 hours of classroom instruction
39 in the following uniform core of knowledge areas:

1 (1) Laws, regulations, and policies and procedural standards
2 that impact the operations of a short-term residential therapeutic
3 program.

4 (2) (A) Authorization, uses, benefits, side effects, interactions,
5 assistance with self-administration, misuse, documentation, and
6 storage of medications.

7 (B) Metabolic monitoring of children prescribed psychotropic
8 medications.

9 (3) Admission, retention, and assessment procedures, including
10 the right of a foster child to have fair and equal access to all
11 available services, placement, care, treatment, and benefits, and
12 to not be subjected to discrimination or harassment on the basis
13 of actual or perceived race, ethnic group identification, ancestry,
14 national origin, color, religion, sex, sexual orientation, gender
15 identity, mental or physical disability, or HIV status.

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

22 (5) Instruction on cultural competency and sensitivity and related
23 best practices for providing adequate care for children across
24 diverse ethnic and racial backgrounds, as well as children
25 identifying as lesbian, gay, bisexual, or transgender.

26 (6) Physical and psychosocial needs of children, including
27 behavior management, deescalation techniques, and trauma
28 informed crisis management planning.

29 (e) Individuals applying for administrator certification under
30 this section shall successfully complete an approved administrator
31 certification training program, pass a written test administered by
32 the department within 60 days of completing the program, and
33 submit to the department the documentation required by
34 subdivision (f) within 30 days after being notified of having passed
35 the test. The department may extend these time deadlines for good
36 cause. The department shall notify the applicant of his or her test
37 results within 30 days of administering the test.

38 (f) The department shall not begin the process of issuing a
39 certificate until receipt of all of the following:

1 (1) A certificate of completion of the administrator training
2 required pursuant to this chapter.

3 (2) The fee required for issuance of the certificate. A fee of one
4 hundred dollars (\$100) shall be charged by the department to cover
5 the costs of processing the application for certification.

6 (3) Documentation from the applicant that he or she has passed
7 the written test.

8 (4) Submission of fingerprints pursuant to Section 1522. The
9 department may waive the submission for those persons who have
10 a current clearance on file.

11 (5) That person is at least 21 years of age.

12 (g) It shall be unlawful for any person not certified under this
13 section to hold himself or herself out as a certified administrator
14 of a group home or short-term residential therapeutic program.
15 Any person willfully making any false representation as being a
16 certified administrator or facility manager is guilty of a
17 misdemeanor.

18 (h) (1) Certificates issued under this section shall be renewed
19 every two years and renewal shall be conditional upon the
20 certificate holder submitting documentation of completion of 40
21 hours of continuing education related to the core of knowledge
22 specified in subdivision (c). No more than one-half of the required
23 40 hours of continuing education necessary to renew the certificate
24 may be satisfied through online courses. All other continuing
25 education hours shall be completed in a classroom setting. For
26 purposes of this section, an individual who is a group home or
27 short-term residential therapeutic program administrator and who
28 is required to complete the continuing education hours required
29 by the regulations of the State Department of Developmental
30 Services, and approved by the regional center, may have up to 24
31 of the required continuing education course hours credited toward
32 the 40-hour continuing education requirement of this section. The
33 department shall accept for certification, community college course
34 hours approved by the regional centers.

35 (2) Every administrator of a group home or short-term residential
36 therapeutic program shall complete the continuing education
37 requirements of this subdivision.

38 (3) Certificates issued under this section shall expire every two
39 years on the anniversary date of the initial issuance of the
40 certificate, except that any administrator receiving his or her initial

1 certification on or after July 1, 1999, shall make an irrevocable
2 election to have his or her recertification date for any subsequent
3 recertification either on the date two years from the date of issuance
4 of the certificate or on the individual's birthday during the second
5 calendar year following certification. The department shall send
6 a renewal notice to the certificate holder 90 days prior to the
7 expiration date of the certificate. If the certificate is not renewed
8 prior to its expiration date, reinstatement shall only be permitted
9 after the certificate holder has paid a delinquency fee equal to three
10 times the renewal fee and has provided evidence of completion of
11 the continuing education required.

12 (4) To renew a certificate, the certificate holder shall, on or
13 before the certificate expiration date, request renewal by submitting
14 to the department documentation of completion of the required
15 continuing education courses and pay the renewal fee of one
16 hundred dollars (\$100), irrespective of receipt of the department's
17 notification of the renewal. A renewal request postmarked on or
18 before the expiration of the certificate shall be proof of compliance
19 with this paragraph.

20 (5) A suspended or revoked certificate shall be subject to
21 expiration as provided for in this section. If reinstatement of the
22 certificate is approved by the department, the certificate holder,
23 as a condition precedent to reinstatement, shall submit proof of
24 compliance with paragraphs (1) and (2) of this subdivision, and
25 shall pay a fee in an amount equal to the renewal fee, plus the
26 delinquency fee, if any, accrued at the time of its revocation or
27 suspension. Delinquency fees, if any, accrued subsequent to the
28 time of its revocation or suspension and prior to an order for
29 reinstatement, shall be waived for a period of 12 months to allow
30 the individual sufficient time to complete the required continuing
31 education units and to submit the required documentation.
32 Individuals whose certificates will expire within 90 days after the
33 order for reinstatement may be granted a three-month extension
34 to renew their certificates during which time the delinquency fees
35 shall not accrue.

36 (6) A certificate that is not renewed within four years after its
37 expiration shall not be renewed, restored, reissued, or reinstated
38 except upon completion of a certification training program, passing
39 any test that may be required of an applicant for a new certificate

1 at that time, and paying the appropriate fees provided for in this
2 section.

3 (7) A fee of twenty-five dollars (\$25) shall be charged for the
4 reissuance of a lost certificate.

5 (8) A certificate holder shall inform the department of his or
6 her employment status and change of mailing address within 30
7 days of any change.

8 (i) Unless otherwise ordered by the department, the certificate
9 shall be considered forfeited under either of the following
10 conditions:

11 (1) The department has revoked any license held by the
12 administrator after the department issued the certificate.

13 (2) The department has issued an exclusion order against the
14 administrator pursuant to Section 1558, 1568.092, 1569.58, or
15 1596.8897, after the department issued the certificate, and the
16 administrator did not appeal the exclusion order or, after the appeal,
17 the department issued a decision and order that upheld the
18 exclusion order.

19 (j) (1) The department, in consultation and collaboration with
20 county placement officials, provider organizations, the State
21 Department of Health Care Services, and the State Department of
22 Developmental Services, shall establish, by regulation, the program
23 content, the testing instrument, the process for approving
24 administrator certification training programs, and criteria to be
25 used in authorizing individuals, organizations, or educational
26 institutions to conduct certification training programs and
27 continuing education courses. The department may also grant
28 continuing education hours for continuing courses offered by
29 accredited educational institutions that are consistent with the
30 requirements in this section. The department may deny vendor
31 approval to any agency or person in any of the following
32 circumstances:

33 (A) The applicant has not provided the department with evidence
34 satisfactory to the department of the ability of the applicant to
35 satisfy the requirements of vendorization set out in the regulations
36 adopted by the department.

37 (B) The applicant person or agency has a conflict of interest in
38 that the person or agency places its clients in group homes or
39 short-term residential therapeutic programs.

1 (C) The applicant public or private agency has a conflict of
2 interest in that the agency is mandated to place clients in group
3 homes or short-term residential therapeutic programs and to pay
4 directly for the services. The department may deny vendorization
5 to this type of agency only as long as there are other vendor
6 programs available to conduct the certification training programs
7 and conduct education courses.

8 (2) The department may authorize vendors to conduct the
9 administrator's certification training program pursuant to this
10 section. The department shall conduct the written test pursuant to
11 regulations adopted by the department.

12 (3) The department shall prepare and maintain an updated list
13 of approved training vendors.

14 (4) The department may inspect administrator certification
15 training programs and continuing education courses, including
16 online courses, at no charge to the department, to determine if
17 content and teaching methods comply with regulations. If the
18 department determines that any vendor is not complying with the
19 requirements of this section, the department shall take appropriate
20 action to bring the program into compliance, which may include
21 removing the vendor from the approved list.

22 (5) The department shall establish reasonable procedures and
23 timeframes not to exceed 30 days for the approval of vendor
24 training programs.

25 (6) The department may charge a reasonable fee, not to exceed
26 one hundred fifty dollars (\$150) every two years, to certification
27 program vendors for review and approval of the initial 40-hour
28 training program pursuant to subdivision (c). The department may
29 also charge the vendor a fee, not to exceed one hundred dollars
30 (\$100) every two years, for the review and approval of the
31 continuing education courses needed for recertification pursuant
32 to this subdivision.

33 (7) (A) A vendor of online programs for continuing education
34 shall ensure that each online course contains all of the following:

35 (i) An interactive portion in which the participant receives
36 feedback, through online communication, based on input from the
37 participant.

38 (ii) Required use of a personal identification number or personal
39 identification information to confirm the identity of the participant.

1 (iii) A final screen displaying a printable statement, to be signed
2 by the participant, certifying that the identified participant
3 completed the course. The vendor shall obtain a copy of the final
4 screen statement with the original signature of the participant prior
5 to the issuance of a certificate of completion. The signed statement
6 of completion shall be maintained by the vendor for a period of
7 three years and be available to the department upon demand. Any
8 person who certifies as true any material matter pursuant to this
9 clause that he or she knows to be false is guilty of a misdemeanor.

10 (B) Nothing in this subdivision shall prohibit the department
11 from approving online programs for continuing education that do
12 not meet the requirements of subparagraph (A) if the vendor
13 demonstrates to the department's satisfaction that, through
14 advanced technology, the course and the course delivery meet the
15 requirements of this section.

16 (k) The department shall establish a registry for holders of
17 certificates that shall include, at a minimum, information on
18 employment status and criminal record clearance.

19 (l) Notwithstanding any law to the contrary, vendors approved
20 by the department who exclusively provide either initial or
21 continuing education courses for certification of administrators of
22 a group home or short-term residential therapeutic program as
23 defined by regulations of the department, an adult residential
24 facility as defined by regulations of the department, or a residential
25 care facility for the elderly as defined in subdivision (k) of Section
26 1569.2, shall be regulated solely by the department pursuant to
27 this chapter. No other state or local governmental entity shall be
28 responsible for regulating the activity of those vendors.

29 ~~SEC. 31.~~

30 *SEC. 33.* Section 1522.43 of the Health and Safety Code is
31 amended to read:

32 1522.43. (a) (1) For the duties the department imposes on a
33 group home administrator or short-term residential therapeutic
34 program administrator in this chapter and in regulations adopted
35 by the department, every group home and short-term residential
36 therapeutic program shall state in its plan of operation, the number
37 of hours per week that the administrator shall spend completing
38 those duties and how the group home administrator or short-term
39 residential therapeutic program administrator shall accomplish
40 those duties, including use of support personnel.

1 (2) For initial applicants, the information in paragraph (1) shall
2 be contained in the plan of operation submitted to the department
3 in the application.

4 (3) For current licensees, the licensee shall submit an amended
5 plan of operation that contains the information required by
6 paragraph (1) within six months of the effective date of this section.
7 For changes in the group home administrator duties imposed by
8 the department in this chapter or in regulations, a current licensee
9 shall have six months after the effective date of those duties to
10 submit an amended plan of operation to reflect the new
11 administrator duties.

12 (b) (1) The department may review a group home's or
13 short-term residential therapeutic program's plan of operation to
14 determine if the plan of operation is sufficient to ensure that the
15 facility will operate in compliance with applicable licensing laws
16 and regulations. As part of the review, the department may request
17 that a peer review panel review the plan of operation for a group
18 home as prescribed in paragraph (2), or for a short-term residential
19 therapeutic program as prescribed in paragraph (3).

20 (2) The peer review panel shall consist of two representatives
21 from the department, including one from the unit that governs
22 programs and one from the unit that governs licensing, a qualified
23 group home administrator, an experienced group home provider
24 in good standing, and a member or members from the placement
25 agency or agencies that place children in group homes, and may
26 also include the local county behavioral health department, as
27 appropriate.

28 (3) The peer review panel shall consist of two representatives
29 from the department, including one from the unit that governs
30 programs and one from the unit that governs licensing, a qualified
31 short-term residential therapeutic program administrator, a
32 short-term residential therapeutic program provider in good
33 standing, and a member or members from the placement agency
34 or agencies that place children in short-term residential therapeutic
35 programs, and may also include the local county behavioral health
36 department, as appropriate.

37 (c) A group home or short-term residential therapeutic program
38 shall develop a daily schedule of activities for the children at the
39 facility. The facility shall have this schedule available for
40 inspection by the department. The activities in which the children

1 are scheduled to participate shall be designed to meet the needs of
2 the individual child, and shall be based on that child's needs and
3 services plan.

4 (d) The department shall establish a process, no later than
5 January 1, 2017, for convening the peer review panel as set forth
6 in subdivision (b) for review of the plans of operation for
7 short-term residential therapeutic programs, and shall develop this
8 process in consultation with the County Welfare Directors
9 Association of California, Chief Probation Officers of California,
10 County Behavioral Health Directors Association of California,
11 and stakeholders.

12 ~~SEC. 32.~~

13 *SEC. 34.* Section 1522.44 of the Health and Safety Code is
14 amended to read:

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

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

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

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

6 (d) This section does not apply to runaway and homeless youth
 7 shelters as defined in paragraph (14) of subdivision (a) of Section
 8 1502.

9 ~~SEC. 33.~~

10 *SEC. 35.* Section 1523.1 of the Health and Safety Code is
 11 amended to read:

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

19 Fee Schedule				
21 Facility Type	22 Capacity	23 Initial	24 Application	25 Annual
26 Foster Family and			\$3,025	\$1,513
27 Adoption Agencies				
28 Adult Day Programs	29 1-15		\$182	\$91
	30 16-30		\$303	\$152
	31 31-60		\$605	\$303
	32 61-75		\$758	\$378
	33 76-90		\$908	\$454
	34 91-120		\$1,210	\$605
35	36 121+		\$1,513	\$757
37 Other Community	38 1-3		\$454	\$454
	39 Care Facilities	40 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	

1	151–200	\$4,237	\$2,119
2	201–250	\$4,840	\$2,420
3	251–300	\$5,445	\$2,723
4	301–350	\$6,050	\$3,025
5	351–400	\$6,655	\$3,328
6	401–500	\$7,865	\$3,933
7	501–600	\$9,075	\$4,538
8	601–700	\$10,285	\$5,143
9	701+	\$12,100	\$6,050

10

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

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

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

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

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

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

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

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

1 (commencing with Section 11500) of Part 1 of Division 3 of Title
2 2 of the Government Code).

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

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

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

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

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

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

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

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

1 appropriations for each fiscal year. The department shall submit
2 a budget change proposal to justify any positions or any other
3 related support costs on an ongoing basis.

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

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

9 ~~SEC. 34.~~

10 *SEC. 36.* Section 1524.6 of the Health and Safety Code is
11 amended to read:

12 1524.6. (a) In addition to any other requirement of this chapter,
13 any group home or short-term residential therapeutic program, as
14 defined by regulations of the department, providing care for any
15 number of persons, that is not already subject to the requirements
16 of Section 1524.5, shall provide a procedure approved by the
17 licensing agency for immediate response to incidents and
18 complaints, as defined by regulations of the department. This
19 procedure shall include a method of ensuring that the owner,
20 licensee, or person designated by the owner or licensee is notified
21 of the incident or complaint, that the owner, licensee, or person
22 designated by the owner or licensee has personally investigated
23 the matter, and that the person making the complaint or reporting
24 the incident has received a written response, within 30 days of
25 receiving the complaint, of action taken, or a reason why no action
26 needs to be taken.

27 (b) In order to ensure the opportunity for complaints to be made
28 directly to the owner, licensee, or person designated by the owner
29 or licensee, and to provide the opportunity for the owner, licensee,
30 or person designated by the owner or licensee to meet
31 neighborhood residents and learn of problems in the neighborhood,
32 any group home or short-term residential therapeutic program shall
33 establish a fixed time on a periodic basis when the owner, licensee,
34 or person designated by the owner or licensee will be present. At
35 this fixed time, information shall be provided to neighborhood
36 residents of the complaint procedure pursuant to Section 1538.

37 (c) Facilities shall establish procedures to comply with the
38 requirements of this section on or before July 1, 2005.

39 (d) This section shall not apply to family homes certified by
40 foster family agencies, foster family homes, and small family

1 homes. It is not the intent of the Legislature that this section be
2 applied in a way that is contrary to the child's best interests.

3 ~~SEC. 35.~~

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

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

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

24 ~~SEC. 36.~~

25 *SEC. 38.* Section 1530.7 of the Health and Safety Code is
26 amended to read:

27 1530.7. (a) Group homes, short-term residential therapeutic
28 programs, foster family agencies, small family homes, transitional
29 housing placement providers, and crisis nurseries licensed pursuant
30 to this chapter shall maintain a smoke-free environment in the
31 facility.

32 (b) A person who is licensed or certified pursuant to this chapter
33 to provide residential care in a foster family home or certified
34 family home shall not smoke a tobacco product or permit any other
35 person to smoke a tobacco product inside the facility, and, when
36 the child is present, on the outdoor grounds of the facility.

37 (c) A person who is licensed or certified pursuant to this chapter
38 to provide residential foster care shall not smoke a tobacco product
39 in any motor vehicle that is regularly used to transport the child.

1 (d) For purposes of this section, “smoke” has the same meaning
2 as in subdivision (c) of Section 22950.5 of the Business and
3 Professions Code.

4 (e) For purposes of this section, “tobacco product” means a
5 product or device as defined in subdivision (d) of Section 22950.5
6 of the Business and Professions Code.

7 ~~SEC. 37.~~

8 *SEC. 39.* Section 1530.8 of the Health and Safety Code is
9 amended to read:

10 1530.8. (a) (1) The department shall adopt regulations for
11 community care facilities licensed as group homes, and for
12 temporary shelter care facilities as defined in subdivision (c), that
13 care for dependent children, children placed by a regional center,
14 or voluntary placements, who are younger than six years of age.
15 The department shall adopt regulations that apply to short-term
16 residential therapeutic programs that care for children younger
17 than six years of age. The regulations shall include the standards
18 set forth in subdivision (c) of Section 11467.1 of the Welfare and
19 Institutions Code.

20 (2) The department shall adopt regulations under this section
21 that apply to minor parent programs serving children younger than
22 six years of age who reside in a group home with a minor parent
23 who is the primary caregiver of the child. The department shall
24 adopt regulations under this section that apply to short-term
25 residential therapeutic programs that provide minor parent
26 programs serving children younger than six years of age.

27 (3) To the extent that the department determines they are
28 necessary, the department shall adopt regulations under this section
29 that apply to group homes or short-term residential therapeutic
30 programs that care for dependent children who are 6 to 12 years
31 of age, inclusive. In order to determine whether such regulations
32 are necessary, and what any resulting standards should include,
33 the department shall consult with interested parties that include,
34 but are not limited to, representatives of current and former foster
35 youth, advocates for children in foster care, county welfare and
36 mental health directors, chief probation officers, representatives
37 of care providers, experts in child development, and representatives
38 of the Legislature. The standards may provide normative guidelines
39 differentiated by the needs specific to children in varying age
40 ranges that fall between 6 and 12 years of age, inclusive. Prior to

1 adopting regulations, the department shall submit for public
2 comment, by July 1, 2017, any proposed regulations.

3 (b) The regulations shall include physical environment standards,
4 including staffing and health and safety requirements, that meet
5 or exceed state child care standards under Title 5 and Title 22 of
6 the California Code of Regulations.

7 (c) For purposes of this section, a “temporary shelter care
8 facility” means any residential facility that meets all of the
9 following requirements:

10 (1) It is owned and operated by the county or on behalf of a
11 county by a private, nonprofit agency.

12 (2) It is a 24-hour facility that provides no more than 10 calendar
13 days of residential care and supervision for children under 18 years
14 of age who have been removed from their homes as a result of
15 abuse or neglect, as defined in Section 300 of the Welfare and
16 Institutions Code, or both.

17 (d) (1) The department may license a temporary shelter care
18 facility pursuant to this chapter on or after January 1, 2016. A
19 temporary shelter care license may be issued only to a county
20 operating a licensed group home, or to an agency on behalf of a
21 county, as of January 1, 2016.

22 (2) The department shall consult with counties that operate these
23 shelters as licensed group homes to develop a transition plan for
24 the development of temporary shelter care facilities to address the
25 unique circumstances and needs of the populations they serve,
26 while remaining consistent with the principles of the act that added
27 this subdivision.

28 (3) These transition plans shall describe circumstances under
29 which children will be admitted for a period in excess of 24 hours
30 and reflect necessary staffing levels or staffing transitions.

31 (e) (1) A group home license issued to a county will be forfeited
32 by operation of law upon receipt of a license to operate a temporary
33 shelter care facility as described in Section 11462.022 of the
34 Welfare and Institutions Code.

35 (2) Nothing in this subdivision shall preclude a county from
36 applying for and being licensed as a short-term residential
37 therapeutic program pursuant to Section 1562.01 or a runaway and
38 homeless youth shelter pursuant to Section 1502.35, or a foster
39 family agency as authorized by subdivision (b) of Section 11462.02
40 of the Welfare and Institutions Code.

1 ~~SEC. 38.~~

2 *SEC. 40.* Section 1531.1 of the Health and Safety Code is
3 amended to read:

4 1531.1. (a) A residential facility licensed as an adult residential
5 facility, group home, short-term residential therapeutic program,
6 small family home, foster family home, or a family home certified
7 by a foster family agency may install and utilize delayed egress
8 devices of the time delay type.

9 (b) As used in this section, “delayed egress device” means a
10 device that precludes the use of exits for a predetermined period
11 of time. These devices shall not delay any resident’s departure
12 from the facility for longer than 30 seconds.

13 (c) Within the 30 seconds of delay, facility staff may attempt
14 to redirect a resident who attempts to leave the facility.

15 (d) Any person accepted by a residential facility or family home
16 certified by a foster family agency utilizing delayed egress devices
17 shall meet all of the following conditions:

18 (1) The person shall have a developmental disability as defined
19 in Section 4512 of the Welfare and Institutions Code.

20 (2) The person shall be receiving services and case management
21 from a regional center under the Lanterman Developmental
22 Disabilities Services Act (Division 4.5 (commencing with Section
23 4500) of the Welfare and Institutions Code).

24 (3) An interdisciplinary team, through the Individual Program
25 Plan (IPP) process pursuant to Section 4646.5 of the Welfare and
26 Institutions Code, shall have determined that the person lacks
27 hazard awareness or impulse control and requires the level of
28 supervision afforded by a facility equipped with delayed egress
29 devices, and that but for this placement, the person would be at
30 risk of admission to, or would have no option but to remain in, a
31 more restrictive state hospital or state developmental center
32 placement.

33 (e) The facility shall be subject to all fire and building codes,
34 regulations, and standards applicable to residential care facilities
35 for the elderly utilizing delayed egress devices, and shall receive
36 approval by the county or city fire department, the local fire
37 prevention district, or the State Fire Marshal for the installed
38 delayed egress devices.

39 (f) The facility shall provide staff training regarding the use and
40 operation of the egress control devices utilized by the facility,

1 protection of residents’ personal rights, lack of hazard awareness
2 and impulse control behavior, and emergency evacuation
3 procedures.

4 (g) The facility shall develop a plan of operation approved by
5 the State Department of Social Services that includes a description
6 of how the facility is to be equipped with egress control devices
7 that are consistent with regulations adopted by the State Fire
8 Marshal pursuant to Section 13143.

9 (h) The plan shall include, but shall not be limited to, all of the
10 following:

11 (1) A description of how the facility will provide training for
12 staff regarding the use and operation of the egress control devices
13 utilized by the facility.

14 (2) A description of how the facility will ensure the protection
15 of the residents’ personal rights consistent with Sections 4502,
16 4503, and 4504 of the Welfare and Institutions Code.

17 (3) A description of how the facility will manage the person’s
18 lack of hazard awareness and impulse control behavior.

19 (4) A description of the facility’s emergency evacuation
20 procedures.

21 (i) Delayed egress devices shall not substitute for adequate staff.
22 Except for facilities operating in accordance with Section 1531.15,
23 the capacity of the facility shall not exceed six residents.

24 (j) Emergency fire and earthquake drills shall be conducted at
25 least once every three months on each shift, and shall include all
26 facility staff providing resident care and supervision on each shift.

27 ~~SEC. 39.~~

28 *SEC. 41.* Section 1531.15 of the Health and Safety Code is
29 amended to read:

30 1531.15. (a) A licensee of an adult residential facility,
31 short-term residential therapeutic program, or group home for no
32 more than six residents, except for the larger facilities provided
33 for in paragraph (1) of subdivision (k), that is utilizing delayed
34 egress devices pursuant to Section 1531.1, may install and utilize
35 secured perimeters in accordance with the provisions of this
36 section.

37 (b) As used in this section, “secured perimeters” means fences
38 that meet the requirements prescribed by this section.

- 1 (c) Only individuals meeting all of the following conditions
2 may be admitted to or reside in a facility described in subdivision
3 (a) utilizing secured perimeters:
- 4 (1) The person shall have a developmental disability as defined
5 in Section 4512 of the Welfare and Institutions Code.
- 6 (2) The person shall be receiving services and case management
7 from a regional center under the Lanterman Developmental
8 Disabilities Services Act (Division 4.5 (commencing with Section
9 4500) of the Welfare and Institutions Code).
- 10 (3) (A) The person shall be 14 years of age or older, except as
11 specified in subparagraph (B).
- 12 (B) Notwithstanding subparagraph (A), a child who is at least
13 10 years of age and less than 14 years of age may be placed in a
14 licensed group home described in subdivision (a) using secured
15 perimeters only if both of the following occur:
- 16 (i) A comprehensive assessment is conducted and an individual
17 program plan meeting is convened to determine the services and
18 supports needed for the child to receive services in a less restrictive,
19 unlocked residential setting in California, and the regional center
20 requests assistance from the State Department of Developmental
21 Services' statewide specialized resource service to identify options
22 to serve the child in a less restrictive, unlocked residential setting
23 in California.
- 24 (ii) The regional center requests placement of the child in a
25 licensed group home described in subdivision (a) using secured
26 perimeters on the basis that the placement is necessary to prevent
27 out-of-state placement or placement in a more restrictive, locked
28 residential setting such as a developmental center, institution for
29 mental disease or psychiatric facility, and the State Department of
30 Developmental Services approves the request.
- 31 (4) The person is not a foster child under the jurisdiction of the
32 juvenile court pursuant to Section 300, 450, 601, or 602 of the
33 Welfare and Institutions Code.
- 34 (5) (A) An interdisciplinary team, through the individual
35 program plan (IPP) process pursuant to Section 4646.5 of the
36 Welfare and Institutions Code, shall have determined the person
37 lacks hazard awareness or impulse control and, for his or her safety
38 and security, requires the level of supervision afforded by a facility
39 equipped with secured perimeters, and, but for this placement, the
40 person would be at risk of admission to, or would have no option

1 but to remain in, a more restrictive placement. The individual
2 program planning team shall convene every 90 days after admission
3 to determine and document the continued appropriateness of the
4 current placement and progress in implementing the transition
5 plan.

6 (B) The clients' rights advocate for the regional center shall be
7 notified of the proposed admission and the individual program
8 plan meeting and may participate in the individual program plan
9 meeting unless the consumer objects on his or her own behalf.

10 (d) The licensee shall be subject to all applicable fire and
11 building codes, regulations, and standards, and shall receive
12 approval by the county or city fire department, the local fire
13 prevention district, or the State Fire Marshal for the installed
14 secured perimeters.

15 (e) The licensee shall provide staff training regarding the use
16 and operation of the secured perimeters, protection of residents'
17 personal rights, lack of hazard awareness and impulse control
18 behavior, and emergency evacuation procedures.

19 (f) The licensee shall revise its facility plan of operation. These
20 revisions shall first be approved by the State Department of
21 Developmental Services. The plan of operation shall not be
22 approved by the State Department of Social Services unless the
23 licensee provides certification that the plan was approved by the
24 State Department of Developmental Services. The plan shall
25 include, but not be limited to, all of the following:

26 (1) A description of how the facility is to be equipped with
27 secured perimeters that are consistent with regulations adopted by
28 the State Fire Marshal pursuant to Section 13143.6.

29 (2) A description of how the facility will provide training for
30 staff.

31 (3) A description of how the facility will ensure the protection
32 of the residents' personal rights consistent with Sections 4502,
33 4503, and 4504 of the Welfare and Institutions Code, and any
34 applicable personal rights provided in Title 22 of the California
35 Code of Regulations.

36 (4) A description of how the facility will manage residents' lack
37 of hazard awareness and impulse control behavior, which shall
38 emphasize positive behavioral supports and techniques that are
39 alternatives to physical, chemical, or mechanical restraints, or
40 seclusion.

1 (5) A description of the facility’s emergency evacuation
2 procedures.

3 (6) A description of how the facility will comply with applicable
4 health and safety standards.

5 (g) Secured perimeters shall not substitute for adequate staff.

6 (h) Emergency fire and earthquake drills shall be conducted on
7 each shift in accordance with existing licensing requirements, and
8 shall include all facility staff providing resident care and
9 supervision on each shift.

10 (i) Interior and exterior space shall be available on the facility
11 premises to permit clients to move freely and safely.

12 (j) For the purpose of using secured perimeters, the licensee
13 shall not be required to obtain a waiver or exception to a regulation
14 that would otherwise prohibit the locking of a perimeter fence or
15 gate.

16 (k) Except as provided in subdivision (k) of Section 4684.81 of
17 the Welfare and Institutions Code, the state shall not authorize or
18 fund more than a combined total of 150 beds statewide in facilities
19 with secured perimeters under this section and under Section
20 1267.75. The department shall notify the appropriate fiscal and
21 policy committees of the Legislature through the January and May
22 budget estimates prior to authorizing an increase above a combined
23 total of 100 beds statewide in facilities with secured perimeters
24 under this section and under Section 1267.75.

25 (1) A minimum of 50 beds shall be available within programs
26 designed for individuals who are designated incompetent to stand
27 trial pursuant to Section 1370.1 of the Penal Code. These beds
28 shall be within facilities that are exclusively used to provide care
29 for individuals who are placed and participating in forensic
30 competency training pursuant to Section 1370.1 of the Penal Code,
31 except as provided in paragraph (2). No more than half of these
32 facilities may have more than six beds and no facility may have
33 more than 15 beds.

34 (2) When, in the joint determination of the regional center and
35 the facility administrator, an individual would be most
36 appropriately served in a specific program, regardless of whether
37 the facility meets the criteria established in paragraph (1),
38 individuals who are not similarly designated may be placed in the
39 same facility. That placement may occur only when the individual’s
40 planning team determines that the placement and the facility plan

1 of operation meet the individual's needs and that placement is not
2 incompatible with the needs and safety of other facility residents.

3 (l) This section shall become operative only upon the publication
4 in Title 17 of the California Code of Regulations of emergency
5 regulations filed by the State Department of Developmental
6 Services. These regulations shall be developed with stakeholders,
7 including the State Department of Social Services, consumer
8 advocates, and regional centers. The regulations shall establish
9 program standards for homes that include secured perimeters,
10 including requirements and timelines for the completion and
11 updating of a comprehensive assessment of each consumer's needs,
12 including the identification through the individual program plan
13 process of the services and supports needed to transition the
14 consumer to a less restrictive living arrangement, and a timeline
15 for identifying or developing those services and supports. The
16 regulations shall establish a statewide limit on the total number of
17 beds in homes with secured perimeters. The adoption of these
18 regulations shall be deemed to be an emergency and necessary for
19 the immediate preservation of the public peace, health and safety,
20 or general welfare.

21 ~~SEC. 40.~~

22 *SEC. 42.* Section 1534 of the Health and Safety Code, as
23 amended by Section 30 of Chapter 773 of the Statutes of 2015, is
24 amended to read:

25 1534. (a) (1) (A) Except for foster family homes, every
26 licensed community care facility shall be subject to unannounced
27 inspections by the department.

28 (B) Foster family homes shall be subject to announced
29 inspections by the department, except that a foster family home
30 shall be subject to unannounced inspections in response to a
31 complaint, a plan of correction, or under any of the circumstances
32 set forth in subparagraph (B) of paragraph (2).

33 (2) (A) The department may inspect these facilities as often as
34 necessary to ensure the quality of care provided.

35 (B) The department shall conduct an annual unannounced
36 inspection of a facility under any of the following circumstances:

37 (i) When a license is on probation.

38 (ii) When the terms of agreement in a facility compliance plan
39 require an annual inspection.

40 (iii) When an accusation against a licensee is pending.

1 (iv) When a facility requires an annual inspection as a condition
2 of receiving federal financial participation.

3 (v) In order to verify that a person who has been ordered out of
4 a facility by the department is no longer at the facility.

5 (C) On and after January 1, 2017, and until January 1, 2018,
6 the following shall apply:

7 (i) Except for foster family homes, the department shall conduct
8 annual unannounced inspections of no less than 30 percent of every
9 licensed community care facility not subject to an inspection under
10 subparagraph (B).

11 (ii) The department shall conduct annual announced inspections
12 of no less than 30 percent of foster family homes not subject to an
13 inspection under subparagraph (B).

14 (iii) These inspections shall be conducted based on a random
15 sampling methodology developed by the department.

16 (iv) The department shall inspect a licensed community care
17 facility at least once every three years.

18 (D) On and after January 1, 2018, and until January 1, 2019,
19 the following shall apply:

20 (i) The department shall conduct annual unannounced
21 inspections of no less than 20 percent of adult residential facilities,
22 adult day programs, social rehabilitation facilities, enhanced
23 behavioral support homes for adults, and community crisis homes,
24 as defined in Section 1502, which are not subject to an inspection
25 under subparagraph (B).

26 (ii) These inspections shall be conducted based on a random
27 sampling methodology developed by the department.

28 (iii) The department shall inspect an adult residential facility,
29 adult day program, social rehabilitation facility, enhanced
30 behavioral support home for adults, and community crisis home,
31 as defined in Section 1502, at least once every two years.

32 (E) On and after January 1, 2019, the department shall conduct
33 annual unannounced inspections of all adult residential facilities,
34 adult day programs, social rehabilitation facilities, enhanced
35 behavioral support homes for adults, and community crisis homes,
36 as defined in Section 1502, and adult residential facilities for
37 persons with special health care needs, as defined in Section
38 4684.50 of the Welfare and Institutions Code.

39 (F) On and after January 1, 2018, the following shall apply:

1 (i) Except for foster family homes, the department shall conduct
2 annual unannounced inspections of no less than 20 percent of
3 residential care facilities for children, as defined in Section 1502,
4 including enhanced behavioral support homes for children,
5 transitional housing placement providers, and foster family
6 agencies not subject to an inspection under subparagraph (B).

7 (ii) The department shall conduct annual announced inspections
8 of no less than 20 percent of foster family homes, as defined in
9 Section 1502, not subject to an inspection under subparagraph (B).

10 (iii) The inspections in clauses (i) and (ii) shall be conducted
11 based on a random sampling methodology developed by the
12 department.

13 (iv) The department shall conduct unannounced inspections of
14 residential care facilities for children, as defined in Section 1502,
15 including enhanced behavioral support homes for children,
16 transitional housing placement providers, and foster family
17 agencies, and announced inspections of foster family homes, at
18 least once every two years.

19 (3) In order to facilitate direct contact with group home or
20 short-term residential therapeutic program clients, the department
21 may interview children who are clients of group homes or
22 short-term residential therapeutic programs at any public agency
23 or private agency at which the client may be found, including, but
24 not limited to, a juvenile hall, recreation or vocational program,
25 or a public or nonpublic school. The department shall respect the
26 rights of the child while conducting the interview, including
27 informing the child that he or she has the right not to be interviewed
28 and the right to have another adult present during the interview.

29 (4) The department shall notify the community care facility in
30 writing of all deficiencies in its compliance with the provisions of
31 this chapter and the rules and regulations adopted pursuant to this
32 chapter, and shall set a reasonable length of time for compliance
33 by the facility.

34 (5) Reports on the results of each inspection, evaluation, or
35 consultation shall be kept on file in the department, and all
36 inspection reports, consultation reports, lists of deficiencies, and
37 plans of correction shall be open to public inspection.

38 (b) (1) This section does not limit the authority of the
39 department to inspect or evaluate a licensed foster family agency,
40 a certified family home, or any aspect of a program in which a

1 licensed community care facility is certifying compliance with
2 licensing requirements.

3 (2) (A) A foster family agency shall conduct an announced
4 inspection of a certified family home during the annual
5 recertification described in Section 1506 in order to ensure that
6 the certified family home meets all applicable licensing standards.
7 A foster family agency may inspect a certified family home as
8 often as necessary to ensure the quality of care provided.

9 (B) In addition to the inspections required pursuant to
10 subparagraph (A), a foster family agency shall conduct an
11 unannounced inspection of a certified family home under any of
12 the following circumstances:

13 (i) When a certified family home is on probation.

14 (ii) When the terms of the agreement in a facility compliance
15 plan require an annual inspection.

16 (iii) When an accusation against a certified family home is
17 pending.

18 (iv) When a certified family home requires an annual inspection
19 as a condition of receiving federal financial participation.

20 (v) In order to verify that a person who has been ordered out of
21 a certified family home by the department is no longer at the home.

22 (3) Upon a finding of noncompliance by the department, the
23 department may require a foster family agency to deny or revoke
24 the certificate of approval of a certified family home, or take other
25 action the department may deem necessary for the protection of a
26 child placed with the certified family home. The certified parent
27 or prospective foster parent shall be afforded the due process
28 provided pursuant to this chapter.

29 (4) If the department requires a foster family agency to deny or
30 revoke the certificate of approval, the department shall serve an
31 order of denial or revocation upon the certified or prospective
32 foster parent and foster family agency that shall notify the certified
33 or prospective foster parent of the basis of the department's action
34 and of the certified or prospective foster parent's right to a hearing.

35 (5) Within 15 days after the department serves an order of denial
36 or revocation, the certified or prospective foster parent may file a
37 written appeal of the department's decision with the department.
38 The department's action shall be final if the certified or prospective
39 foster parent does not file a written appeal within 15 days after the
40 department serves the denial or revocation order.

1 (6) The department’s order of the denial or revocation of the
2 certificate of approval shall remain in effect until the hearing is
3 completed and the director has made a final determination on the
4 merits.

5 (7) A certified or prospective foster parent who files a written
6 appeal of the department’s order with the department pursuant to
7 this section shall, as part of the written request, provide his or her
8 current mailing address. The certified or prospective foster parent
9 shall subsequently notify the department in writing of any change
10 in mailing address, until the hearing process has been completed
11 or terminated.

12 (8) Hearings held pursuant to this section shall be conducted in
13 accordance with Chapter 5 (commencing with Section 11500) of
14 Part 1 of Division 3 of Title 2 of the Government Code. In all
15 proceedings conducted in accordance with this section the standard
16 of proof shall be by a preponderance of the evidence.

17 (9) The department may institute or continue a disciplinary
18 proceeding against a certified or prospective foster parent upon
19 any ground provided by this section or Section 1550, enter an order
20 denying or revoking the certificate of approval, or otherwise take
21 disciplinary action against the certified or prospective foster parent,
22 notwithstanding any resignation, withdrawal of application,
23 surrender of the certificate of approval, or denial or revocation of
24 the certificate of approval by the foster family agency.

25 (10) A foster family agency’s failure to comply with the
26 department’s order to deny or revoke the certificate of approval
27 by placing or retaining children in care shall be grounds for
28 disciplining the licensee pursuant to Section 1550.

29 (c) This section shall become operative on January 1, 2017.

30 ~~SEC. 41.~~

31 *SEC. 43.* Section 1536 of the Health and Safety Code is
32 amended to read:

33 1536. (a) (1) At least annually, the department shall publish
34 and make available to interested persons a list or lists covering all
35 licensed community care facilities and the services for which each
36 facility has been licensed or issued a special permit.

37 (2) For a group home, transitional housing placement provider,
38 community treatment facility, runaway and homeless youth shelter,
39 or short-term residential therapeutic program, the list shall include
40 both of the following:

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

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

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

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

29 (c) (1) Notwithstanding subdivision (b), the department, a
30 county, or a foster family agency may request information from,
31 or divulge information to, the department, a county, or a foster
32 family agency, regarding a prospective certified parent, foster
33 parent, or relative caregiver for the purpose of, and as necessary
34 to, conduct a reference check to determine whether it is safe and
35 appropriate to license, certify, or approve an applicant to be a
36 certified parent, foster parent, or relative caregiver.

37 (2) This subdivision shall apply only to applications received
38 on or before December 31, 2016, in accordance with Section 1517
39 or 1517.1 of this code or Section 16519.5 of the Welfare and
40 Institutions Code.

1 (d) The department may issue a citation and, after the issuance
2 of that citation, may assess a civil penalty of fifty dollars (\$50) per
3 day for each instance of a foster family agency's failure to provide
4 the department with a log of certified and decertified homes or a
5 log of resource families that were approved or had approval
6 rescinded during the month by the 10th day of the following month.

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

10 (1) Monthly reports by a foster family agency regarding certified
11 family homes and resource families.

12 (2) A log of certified and decertified family homes, approved
13 resource families, and resource families for which approval was
14 rescinded, provided by a foster family agency to the department.

15 (3) Notification by a foster family agency to the department
16 informing the department of a foster family agency's determination
17 to decertify a certified family home or rescind the approval of a
18 resource family due to any of the following actions by the certified
19 family parent or resource family:

20 (A) Violating licensing rules and regulations.

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

23 (C) Conducting oneself in a way that is inimical to the health,
24 morals, welfare, or safety of a child placed in that certified family
25 home, or for a resource family, engaging in conduct that poses a
26 risk or threat to the health and safety, protection, or well-being of
27 a child or nonminor dependent.

28 (D) Being convicted of a crime while a certified family parent
29 or resource family.

30 (E) Knowingly allowing any child to have illegal drugs or
31 alcohol.

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

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

1 ~~SEC. 42.~~

2 *SEC. 44.* Section 1538.3 of the Health and Safety Code is
3 amended to read:

4 1538.3. A county may develop a cooperative agreement with
5 the department to access disclosable, public record information
6 from an automated system, other than the system described in
7 Section 1538.2, concerning substantiated complaints for all group
8 home or short-term residential therapeutic programs, as defined
9 by regulations of the department, located within that county. Access
10 to the database may be accomplished through a secure online
11 transaction protocol.

12 ~~SEC. 43.~~

13 *SEC. 45.* Section 1538.5 of the Health and Safety Code is
14 amended to read:

15 1538.5. (a) (1) Not less than 30 days prior to the anniversary
16 of the effective date of a residential community care facility license,
17 except licensed foster family homes, the department may transmit
18 a copy to the board members of the licensed facility, parents, legal
19 guardians, conservators, clients' rights advocates, or placement
20 agencies, as designated in each resident's placement agreement,
21 of all inspection reports given to the facility by the department
22 during the past year as a result of a substantiated complaint
23 regarding a violation of this chapter relating to resident abuse and
24 neglect, food, sanitation, incidental medical care, and residential
25 supervision. During that one-year period the copy of the notices
26 transmitted and the proof of the transmittal shall be open for public
27 inspection.

28 (2) The department may transmit copies of the inspection reports
29 referred to in paragraph (1) concerning a group home or short-term
30 residential therapeutic program, as defined by regulations of the
31 department, to the county in which the group home or short-term
32 residential therapeutic program is located, if requested by that
33 county.

34 (3) A group home or short-term residential therapeutic program
35 shall maintain, at the facility, a copy of all licensing reports for
36 the past three years that would be accessible to the public through
37 the department, for inspection by placement officials, current and
38 prospective facility clients, and these clients' family members who
39 visit the facility.

1 (b) The facility operator, at the expense of the facility, shall
2 transmit a copy of all substantiated complaints, by certified mail,
3 to those persons described pursuant to paragraph (1) of subdivision
4 (a) in the following cases:

5 (1) In the case of a substantiated complaint relating to resident
6 physical or sexual abuse, the facility shall have three days from
7 the date the facility receives the licensing report from the
8 department to comply.

9 (2) In the case in which a facility has received three or more
10 substantiated complaints relating to the same violation during the
11 past 12 months, the facility shall have five days from the date the
12 facility receives the licensing report to comply.

13 (c) A residential facility shall retain a copy of the notices
14 transmitted pursuant to subdivision (b) and proof of their
15 transmittal by certified mail for a period of one year after their
16 transmittal.

17 (d) If a residential facility to which this section applies fails to
18 comply with this section, as determined by the department, the
19 department shall initiate civil penalty action against the facility in
20 accordance with this article and the related rules and regulations.

21 (e) Not less than 30 days prior to the anniversary of the effective
22 date of the license of any group home or short-term residential
23 therapeutic program, as defined by regulations of the department,
24 at the request of the county in which the group home or short-term
25 residential therapeutic program is located, a group home or
26 short-term residential therapeutic program shall transmit to the
27 county a copy of all incident reports prepared by the group home
28 or short-term residential therapeutic program and transmitted to a
29 placement agency, as described in subdivision (f) of Section
30 1536.1, in a county other than the county in which the group home
31 or short-term residential therapeutic program is located that
32 involved a response by local law enforcement or emergency
33 services personnel, including runaway incidents. The county shall
34 designate an official for the receipt of the incident reports and shall
35 notify the group home or short-term residential therapeutic program
36 of the designation. Prior to transmitting copies of incident reports
37 to the county, the group home or short-term residential therapeutic
38 program shall redact the name of any child referenced in the
39 incident reports, and other identifying information regarding any
40 child referenced in the reports. The county may review the incident

1 reports to ensure that the group home or short-term residential
2 therapeutic program has taken appropriate action to ensure the
3 health and safety of the residents of the facility.

4 (f) The department shall notify the residential community care
5 facility of its obligation when it is required to comply with this
6 section.

7 ~~SEC. 44.~~

8 *SEC. 46.* Section 1538.6 of the Health and Safety Code is
9 amended to read:

10 1538.6. (a) When the department periodically reviews the
11 record of substantiated complaints against each group home or
12 short-term residential therapeutic program, pursuant to its oversight
13 role as prescribed by Section 1534, to determine whether the nature,
14 number, and severity of incidents upon which complaints were
15 based constitute a basis for concern as to whether the provider is
16 capable of effectively and efficiently operating the program, and
17 if the department determines that there is cause for concern, it may
18 contact the county in which a group home or short-term residential
19 therapeutic program is located and placement agencies in other
20 counties using the group home or short-term residential therapeutic
21 program, and request their recommendations as to what action, if
22 any, the department should take with regard to the provider's status
23 as a licensed group home or short-term residential therapeutic
24 program provider.

25 (b) It is the intent of the Legislature that the department make
26 every effort to communicate with the county in which a group
27 home or short-term residential therapeutic program is located when
28 the department has concerns about group homes or short-term
29 residential therapeutic programs within that county.

30 ~~SEC. 45.~~

31 *SEC. 47.* Section 1538.7 of the Health and Safety Code is
32 amended to read:

33 1538.7. (a) A group home, transitional housing placement
34 provider, community treatment facility, runaway and homeless
35 youth shelter, or short-term residential therapeutic program shall
36 report to the department's Community Care Licensing Division
37 upon the occurrence of any incident concerning a child in the
38 facility involving contact with law enforcement. At least every six
39 months, the facility shall provide a followup report for each
40 incident, including the type of incident, whether the incident

1 involved an alleged violation of any crime described in Section
2 602 of the Welfare and Institutions Code by a child residing in the
3 facility; whether staff, children, or both were involved; the gender,
4 race, ethnicity, and age of children involved; and the outcomes,
5 including arrests, removals of children from placement, or
6 termination or suspension of staff.

7 (b) (1) If the department determines that, based on the licensed
8 capacity, a facility has reported, pursuant to subdivision (a), a
9 greater than average number of law enforcement contacts involving
10 an alleged violation of any crime described in Section 602 of the
11 Welfare and Institutions Code by a child residing in the facility,
12 the department shall inspect the facility at least once a year.

13 (2) An inspection conducted pursuant to paragraph (1) does not
14 constitute an unannounced inspection required pursuant to Section
15 1534.

16 (c) If an inspection is required pursuant to subdivision (b), the
17 Community Care Licensing Division shall provide the report to
18 the department’s Children and Family Services Division and to
19 any other public agency that has certified the facility’s program
20 or any component of the facility’s program including, but not
21 limited to, the State Department of Health Care Services, which
22 certifies group homes or approves short-term residential therapeutic
23 programs pursuant to Section 4096.5 of the Welfare and Institutions
24 Code.

25 ~~SEC. 46.~~

26 *SEC. 48.* Section 1538.8 of the Health and Safety Code is
27 amended to read:

28 1538.8. (a) (1) In order to review and evaluate the use of
29 psychotropic medications in group homes and short-term residential
30 therapeutic programs, the department shall compile, to the extent
31 feasible and not otherwise prohibited by law and based on
32 information received from the State Department of Health Care
33 Services, at least annually, information concerning each group
34 home and short-term residential therapeutic program, including,
35 but not limited to, the child welfare psychotropic medication
36 measures developed by the department and the following
37 Healthcare Effectiveness Data and Information Set (HEDIS)
38 measures related to psychotropic medications:

39 (A) Follow-Up Care for Children Prescribed Attention Deficit
40 Hyperactivity Disorder Medication (HEDIS ADD), which measures

1 the number of children 6 to 12 years of age, inclusive, who have
2 a visit with a provider with prescribing authority within 30 days
3 of the new prescription.

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

6 (i) Measures the number of children receiving an antipsychotic
7 medication for at least 60 out of 90 days and the number of children
8 who additionally receive a second antipsychotic medication that
9 overlaps with the first.

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

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

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

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

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

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

26 (b) The data in subdivision (a) concerning psychotropic
27 medication, mental health services, and placement shall be drawn
28 from existing data maintained by the State Department of Health
29 Care Services and the State Department of Social Services and
30 shared pursuant to a data sharing agreement meeting the
31 requirements of all applicable state and federal laws and
32 regulations.

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

35 ~~SEC. 47.~~

36 *SEC. 49.* Section 1538.9 of the Health and Safety Code is
37 amended to read:

38 1538.9. (a) (1) (A) The department shall consult with the
39 State Department of Health Care Services and stakeholders to
40 establish a methodology for identifying those group homes

1 providing care under the AFDC-FC program pursuant to Sections
2 11460 and 11462 of the Welfare and Institutions Code that have
3 levels of psychotropic drug utilization warranting additional review.
4 The methodology shall be adopted on or before July 1, 2016.

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

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

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

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

16 (B) Child-to-staff ratios.

17 (C) Staff qualifications and training.

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

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

21 (F) Other factors that the department determines contribute to
22 levels of psychotropic drug utilization that warrant additional
23 review.

24 (G) Confidential interviews of children residing in the facility
25 at the time of the inspection.

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

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

30 (B) Confidential discussions with physicians identified as
31 prescribing the medications.

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

35 (1) Share relevant information and observations with county
36 placing agencies, social workers, probation officers, the court,
37 dependency counsel, or the Medical Board of California, as
38 applicable.

39 (2) Share relevant information and observations with the facility
40 and require the facility to submit a plan, within 30 days of receiving

1 the information and observations from the department, to address
2 any identified risks within the control of the facility related to
3 psychotropic medication. The department shall approve the plan
4 and verify implementation of the plan to determine whether those
5 risks have been remedied.

6 (c) (1) Notwithstanding the rulemaking provisions of the
7 Administrative Procedure Act (Chapter 3.5 (commencing with
8 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
9 Code), until emergency regulations are filed with the Secretary of
10 State, the department may implement this section through
11 all-county letters or similar instructions.

12 (2) On or before January 1, 2017, the department shall adopt
13 regulations to implement this section. The initial adoption,
14 amendment, or repeal of a regulation authorized by this subdivision
15 is deemed to address an emergency, for purposes of Sections
16 11346.1 and 11349.6 of the Government Code, and the department
17 is hereby exempted for that purpose from the requirements of
18 subdivision (b) of Section 11346.1 of the Government Code. After
19 the initial adoption, amendment, or repeal of an emergency
20 regulation pursuant to this section, the department may twice
21 request approval from the Office of Administrative Law to readopt
22 the regulation as an emergency regulation pursuant to Section
23 11346.1 of the Government Code. The department shall adopt final
24 regulations on or before January 1, 2018.

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

26 (1) Replaces or alters other requirements for responding to
27 complaints and making inspections or visits to group homes,
28 including, but not limited to, those set forth in Sections 1534 and
29 1538.

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

33 (e) The methodology developed pursuant to this section shall
34 apply to short-term residential therapeutic programs, as defined
35 in Section 1502, in a manner determined by the department.

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

38 ~~SEC. 48.~~

39 *SEC. 50.* Section 1548 of the Health and Safety Code is
40 amended to read:

1 1548. (a) In addition to the suspension, temporary suspension,
2 or revocation of a license issued under this chapter, the department
3 may levy a civil penalty.

4 (b) The amount of the civil penalty shall not be less than
5 twenty-five dollars (\$25) or more than fifty dollars (\$50) per day
6 for each violation of this chapter except when the nature or
7 seriousness of the violation or the frequency of the violation
8 warrants a higher penalty or an immediate civil penalty assessment,
9 or both, as determined by the department. Except as otherwise
10 provided in this chapter, a civil penalty assessment shall not exceed
11 one hundred fifty dollars (\$150) per day per violation.

12 (c) Notwithstanding Section 1534, the department shall assess
13 an immediate civil penalty of one hundred fifty dollars (\$150) per
14 day per violation for any of the following serious violations:

15 (1) (A) Fire clearance violations, including, but not limited to,
16 overcapacity, ambulatory status, inoperable smoke alarms, and
17 inoperable fire alarm systems. The civil penalty shall not be
18 assessed if the licensee has done either of the following:

19 (i) Requested the appropriate fire clearance based on ambulatory,
20 nonambulatory, or bedridden status, and the decision is pending.

21 (ii) Initiated eviction proceedings.

22 (B) A licensee denied a clearance for bedridden residents may
23 appeal to the fire authority, and, if that appeal is denied, may
24 subsequently appeal to the Office of the State Fire Marshal, and
25 shall not be assessed an immediate civil penalty until the final
26 appeal is decided, or after 60 days has passed from the date of the
27 citation, whichever is earlier.

28 (2) Absence of supervision, as required by statute or regulation.

29 (3) Accessible bodies of water when prohibited in this chapter
30 or regulations adopted pursuant to this chapter.

31 (4) Accessible firearms, ammunition, or both.

32 (5) Refused entry to a facility or any part of a facility in violation
33 of Section 1533, 1534, or 1538.

34 (6) The presence of an excluded person on the premises.

35 (d) (1) For a violation that the department determines resulted
36 in the death of a resident at an adult residential facility, social
37 rehabilitation facility, enhanced behavioral supports home, or
38 community crisis home, the civil penalty shall be fifteen thousand
39 dollars (\$15,000).

1 (2) For a violation that the department determines resulted in
2 the death of a person receiving care at an adult day program, the
3 civil penalty shall be assessed as follows:

4 (A) Seven thousand five hundred dollars (\$7,500) for a licensee
5 licensed, among all of the licensee’s facilities, to care for 50 or
6 less persons.

7 (B) Ten thousand dollars (\$10,000) for a licensee licensed,
8 among all of the licensee’s facilities, to care for more than 50
9 persons.

10 (3) For a violation that the department determines resulted in
11 the death of a person receiving care at a therapeutic day services
12 facility, foster family agency, community treatment facility,
13 full-service adoption agency, noncustodial adoption agency,
14 transitional shelter care facility, transitional housing placement
15 provider, group home, or short-term residential therapeutic
16 program, the civil penalty shall be assessed as follows:

17 (A) Seven thousand five hundred dollars (\$7,500) for a licensee
18 licensed, among all of the licensee’s facilities, to care for 40 or
19 less children.

20 (B) Ten thousand dollars (\$10,000) for a licensee licensed,
21 among all of the licensee’s facilities, to care for 41 to 100,
22 inclusive, children.

23 (C) Fifteen thousand dollars (\$15,000) for a licensee licensed,
24 among all of the licensee’s facilities, to care for more than 100
25 children.

26 (4) For a violation that the department determines resulted in
27 the death of a resident at a runaway and homeless youth shelter,
28 the civil penalty shall be five thousand dollars (\$5,000).

29 (e) (1) (A) For a violation that the department determines
30 constitutes physical abuse, as defined in Section 15610.63 of the
31 Welfare and Institutions Code, or resulted in serious bodily injury,
32 as defined in Section 243 of the Penal Code, to a resident at an
33 adult residential facility, social rehabilitation facility, enhanced
34 behavioral supports home, or community crisis home, the civil
35 penalty shall be ten thousand dollars (\$10,000).

36 (B) For a violation that the department determines constitutes
37 physical abuse, as defined in Section 15610.63 of the Welfare and
38 Institutions Code, or resulted in serious bodily injury, as defined
39 in Section 243 of the Penal Code, to a person receiving care at an
40 adult day program, the civil penalty shall be assessed as follows:

1 (i) Two thousand five hundred dollars (\$2,500) for a licensee
2 licensed, among all of the licensee's facilities, to care for 50 or
3 less persons.

4 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among
5 all of the licensee's facilities, to care for more than 50 persons.

6 (C) For a violation that the department determines constitutes
7 physical abuse, as defined in paragraph (2), or resulted in serious
8 bodily injury, as defined in Section 243 of the Penal Code, to a
9 person receiving care at a therapeutic day services facility, foster
10 family agency, community treatment facility, full-service adoption
11 agency, noncustodial adoption agency, transitional shelter care
12 facility, transitional housing placement provider, group home, or
13 short-term residential therapeutic program, the civil penalty shall
14 be assessed as follows:

15 (i) Two thousand five hundred dollars (\$2,500) for a licensee
16 licensed, among all of the licensee's facilities, to care for 40 or
17 less children.

18 (ii) Five thousand dollars (\$5,000) for a licensee licensed, among
19 all of the licensee's facilities, to care for 41 to 100, inclusive,
20 children.

21 (iii) Ten thousand dollars (\$10,000) for a licensee licensed,
22 among all of the licensee's facilities, to care for more than 100
23 children.

24 (D) For a violation that the department determines constitutes
25 physical abuse, as defined in paragraph (2), or resulted in serious
26 bodily injury, as defined in Section 243 of the Penal Code, to a
27 resident at a runaway and homeless youth shelter, the civil penalty
28 shall be one thousand dollars (\$1,000).

29 (2) For purposes of subparagraphs (C) and (D), "physical abuse"
30 includes physical injury inflicted upon a child by another person
31 by other than accidental means, sexual abuse as defined in Section
32 11165.1 of the Penal Code, neglect as defined in Section 11165.2
33 of the Penal Code, or unlawful corporal punishment or injury as
34 defined in Section 11165.4 of the Penal Code when the person
35 responsible for the child's welfare is a licensee, administrator, or
36 employee of any facility licensed to care for children.

37 (f) Prior to the issuance of a citation imposing a civil penalty
38 pursuant to subdivision (d) or (e), the decision shall be approved
39 by the program administrator of the Community Care Licensing
40 Division.

1 (g) Notwithstanding Section 1534, any facility that is cited for
2 repeating the same violation of this chapter within 12 months of
3 the first violation is subject to an immediate civil penalty of one
4 hundred fifty dollars (\$150) and fifty dollars (\$50) for each day
5 the violation continues until the deficiency is corrected.

6 (h) Any facility that is assessed a civil penalty pursuant to
7 subdivision (g) that repeats the same violation of this chapter within
8 12 months of the violation subject to subdivision (g) is subject to
9 an immediate civil penalty of one hundred fifty dollars (\$150) for
10 each day the violation continues until the deficiency is corrected.

11 (i) (1) The department shall adopt regulations setting forth the
12 appeal procedures for deficiencies.

13 (2) A notification of a deficiency written by a representative of
14 the department shall include a factual description of the nature of
15 the deficiency fully stating the manner in which the licensee failed
16 to comply with the specified statute or regulation, and, if
17 applicable, the particular place or area of the facility in which the
18 deficiency occurred.

19 (j) (1) A licensee shall have the right to submit to the
20 department a written request for a formal review of a civil penalty
21 assessed pursuant to subdivisions (d) and (e) within 15 business
22 days of receipt of the notice of a civil penalty assessment and shall
23 provide all available supporting documentation at that time. The
24 review shall be conducted by the deputy director of the Community
25 Care Licensing Division. The licensee may submit additional
26 supporting documentation that was unavailable at the time of
27 submitting the request for review within the first 30 business days
28 after submitting the request for review. If the department requires
29 additional information from the licensee, that information shall be
30 requested within the first 30 business days after receiving the
31 request for review. The licensee shall provide this additional
32 information within 30 business days of receiving the request from
33 the department. If the deputy director determines that the civil
34 penalty was not assessed, or the finding of deficiency was not
35 made, in accordance with applicable statutes or regulations of the
36 department, he or she may amend or dismiss the civil penalty or
37 finding of deficiency. The licensee shall be notified in writing of
38 the deputy director's decision within 60 business days of the date
39 when all necessary information has been provided to the
40 department by the licensee.

1 (2) Upon exhausting the review described in paragraph (1), a
2 licensee may further appeal that decision to an administrative law
3 judge. Proceedings shall be conducted in accordance with Chapter
4 5 (commencing with Section 11500) of Part 1 of Division 3 of
5 Title 2 of the Government Code, and the department shall have all
6 the powers granted by those provisions. In all proceedings
7 conducted in accordance with this section, the standard of proof
8 shall be by a preponderance of the evidence.

9 (3) If, in addition to an assessment of civil penalties, the
10 department elects to file an administrative action to suspend or
11 revoke the facility license that includes violations relating to the
12 assessment of the civil penalties, the department review of the
13 pending appeal shall cease and the assessment of the civil penalties
14 shall be heard as part of the administrative action process.

15 (k) (1) A licensee shall have the right to submit to the
16 department a written request for a formal review of any other civil
17 penalty or deficiency not described in subdivision (j) within 15
18 business days of receipt of the notice of a civil penalty assessment
19 or a finding of a deficiency, and shall provide all available
20 supporting documentation at that time. The review shall be
21 conducted by a regional manager of the Community Care Licensing
22 Division. The licensee may submit additional supporting
23 documentation that was unavailable at the time of submitting the
24 request for review within the first 30 business days after submitting
25 the request for review. If the department requires additional
26 information from the licensee, that information shall be requested
27 within the first 30 business days after receiving the request for
28 review. The licensee shall provide this additional information
29 within 30 business days of receiving the request from the
30 department. If the regional manager determines that the civil
31 penalty was not assessed, or the finding of the deficiency was not
32 made, in accordance with applicable statutes or regulations of the
33 department, he or she may amend or dismiss the civil penalty or
34 finding of deficiency. The licensee shall be notified in writing of
35 the regional manager's decision within 60 business days of the
36 date when all necessary information has been provided to the
37 department by the licensee.

38 (2) Upon exhausting the review described in paragraph (1), the
39 licensee may further appeal that decision to the program
40 administrator of the Community Care Licensing Division within

1 15 business days of receipt of notice of the regional manager's
2 decision. The licensee may submit additional supporting
3 documentation that was unavailable at the time of appeal to the
4 program administrator within the first 30 business days after
5 requesting that appeal. If the department requires additional
6 information from the licensee, that information shall be requested
7 within the first 30 business days after receiving the request for the
8 appeal. The licensee shall provide this additional information
9 within 30 business days of receiving the request from the
10 department. If the program administrator determines that the civil
11 penalty was not assessed, or the finding of the deficiency was not
12 made, in accordance with applicable statutes or regulations of the
13 department, he or she may amend or dismiss the civil penalty or
14 finding of deficiency. The licensee shall be notified in writing of
15 the program administrator's decision within 60 business days of
16 the date when all necessary information has been provided to the
17 department by the licensee. The program administrator's decision
18 is considered final and concludes the licensee's administrative
19 appeal rights regarding the appeal conducted pursuant to this
20 paragraph.

21 (l) The department shall adopt regulations implementing this
22 section.

23 (m) The department shall, by January 1, 2016, amend its
24 regulations to reflect the changes to this section made by Section
25 2 of Chapter 813 of the Statutes of 2014.

26 (n) As provided in Section 11466.31 of the Welfare and
27 Institutions Code, the department may offset civil penalties owed
28 by a group home or short-term residential therapeutic program
29 against moneys to be paid by a county for the care of minors after
30 the group home or short-term residential therapeutic program has
31 exhausted its appeal of the civil penalty assessment. The
32 department shall provide the group home or short-term residential
33 therapeutic program a reasonable opportunity to pay the civil
34 penalty before instituting the offset provision.

35 (o) Notwithstanding the Administrative Procedure Act (Chapter
36 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
37 Title 2 of the Government Code), the department may implement
38 and administer the changes made by the act that added this
39 subdivision through all-county letters or similar written instructions

1 until regulations are adopted pursuant to the Administrative
2 Procedure Act.

3 ~~SEC. 49.~~

4 *SEC. 51.* Section 1562 of the Health and Safety Code is
5 amended to read:

6 1562. (a) The department shall ensure that operators and staffs
7 of community care facilities have appropriate training to provide
8 the care and services for which a license or certificate is issued.
9 The section shall not apply to a facility licensed as an Adult
10 Residential Facility for Persons with Special Health Care Needs
11 pursuant to Article 9 (commencing with Section 1567.50).

12 (b) It is the intent of the Legislature that children in foster care
13 reside in the least restrictive, family-based settings that can meet
14 their needs, and that group homes and short-term residential
15 therapeutic programs will be used only for short-term, specialized,
16 and intensive treatment purposes that are consistent with a case
17 plan that is determined by a child's best interests. Accordingly,
18 the Legislature encourages the department to adopt policies,
19 practices, and guidance that ensure that the education, qualification,
20 and training requirements for child care staff in group homes and
21 short-term residential therapeutic programs are consistent with the
22 intended role of group homes and short-term residential therapeutic
23 programs to provide short-term, specialized, and intensive
24 treatment, with a particular focus on crisis intervention, behavioral
25 stabilization, and other treatment-related goals, as well as the
26 connections between those efforts and work toward permanency
27 for children.

28 (c) (1) Each person employed as a facility manager or staff
29 member of a group home or short-term residential therapeutic
30 program, as defined in paragraphs (13) and (18) of subdivision (a)
31 of Section 1502, who provides direct care and supervision to
32 children and youth residing in the group home or short-term
33 residential therapeutic program shall be at least 21 years of age.

34 (2) Paragraph (1) shall not apply to a facility manager or staff
35 member employed at the group home before October 1, 2014.

36 (3) For purposes of this subdivision, "group home" does not
37 include a runaway and homeless youth shelter.

38 ~~SEC. 50.~~

39 *SEC. 52.* Section 1562.01 of the Health and Safety Code is
40 amended to read:

1 1562.01. (a) The department shall license short-term residential
2 therapeutic programs, as defined in paragraph (18) of subdivision
3 (a) of Section 1502, pursuant to this chapter. A short-term
4 residential therapeutic program shall comply with all requirements
5 of this chapter that are applicable to group homes and to the
6 requirements of this section.

7 (b) (1) A short-term residential therapeutic program shall have
8 national accreditation from an entity identified by the department
9 pursuant to the process described in paragraph (6) of subdivision
10 (b) of Section 11462 of the Welfare and Institutions Code.

11 (2) A short-term residential therapeutic program applicant shall
12 submit documentation of accreditation or application for
13 accreditation with its application for licensure.

14 (3) A short-term residential therapeutic program shall have up
15 to 24 months from the date of licensure to obtain accreditation.

16 (4) A short-term residential therapeutic program shall provide
17 documentation to the department reporting its accreditation status
18 at 12 months and at 18 months after the date of licensure.

19 (5) This subdivision does not preclude the department from
20 requesting additional information from the short-term residential
21 therapeutic program regarding its accreditation status.

22 (6) The department may revoke a short-term residential
23 therapeutic program's license pursuant to Article 5 (commencing
24 with Section 1550) for failure to obtain accreditation within the
25 timeframes specified in this subdivision.

26 (c) (1) A short-term residential therapeutic program shall have
27 up to 12 months from the date of licensure to obtain in good
28 standing a mental health program approval that includes a Medi-Cal
29 mental health certification, as set forth in Sections 4096.5 and
30 11462.01 of the Welfare and Institutions Code.

31 (2) A short-term residential therapeutic program shall maintain
32 the program approval described in paragraph (1) in good standing
33 during its licensure.

34 (3) The department shall track the number of licensed short-term
35 residential therapeutic programs that were unable to obtain a mental
36 health program approval and provide that information to the
37 Legislature annually as part of the State Budget process.

38 (d) (1) A short-term residential therapeutic program shall
39 prepare and maintain a current, written plan of operation as required
40 by the department.

- 1 (2) The plan of operation shall include, but not be limited to,
- 2 all of the following:
 - 3 (A) A statement of purposes and goals.
 - 4 (B) A plan for the supervision, evaluation, and training of staff.
 - 5 The training plan shall be appropriate to meet the needs of staff
 - 6 and children.
 - 7 (C) A program statement that includes all of the following:
 - 8 (i) Description of the short-term residential therapeutic
 - 9 program's ability to support the differing needs of children and
 - 10 their families with short-term, specialized, and intensive treatment.
 - 11 (ii) Description of the core services, as set forth in paragraph
 - 12 (1) of subdivision (b) of Section 11462 of the Welfare and
 - 13 Institutions Code, to be offered to children and their families, as
 - 14 appropriate or necessary.
 - 15 (iii) Procedures for the development, implementation, and
 - 16 periodic updating of the needs and services plan for children served
 - 17 by the short-term residential therapeutic program and procedures
 - 18 for collaborating with the child and family team described in
 - 19 paragraph (4) of subdivision (a) of Section 16501 of the Welfare
 - 20 and Institutions Code, that include, but are not limited to, a
 - 21 description of the services to be provided to meet the treatment
 - 22 needs of the child as assessed, pursuant to subdivision (d) or (e)
 - 23 of Section 11462.01 of the Welfare and Institutions Code, the
 - 24 anticipated duration of the treatment, and the timeframe and plan
 - 25 for transitioning the child to a less restrictive family environment.
 - 26 (iv) A description of the population or populations to be served.
 - 27 (v) A description of compliance with the mental health program
 - 28 approval requirement in subdivision (c). A short-term residential
 - 29 therapeutic program that has not satisfied the requirement in
 - 30 subdivision (c) shall demonstrate the ability to meet the mental
 - 31 health service needs of children.
 - 32 (vi) (I) A description of how the short-term residential
 - 33 therapeutic program, in accordance with the child's case plan and
 - 34 the child and family team recommendations, will provide for,
 - 35 arrange for the provision of, or assist in, both of the following:
 - 36 (ia) Identification of home-based family settings for a child who
 - 37 no longer needs the level of care and supervision provided by a
 - 38 short-term residential therapeutic program.
 - 39 (ib) Continuity of care, services, and treatment as a child moves
 - 40 from his or her short-term residential therapeutic program

1 placement to home-based family care or to a permanent living
2 situation through reunification, adoption, or guardianship.

3 (II) This clause shall not be interpreted to supersede the
4 placement and care responsibility vested in the county child welfare
5 agency or probation department.

6 (vii) Any other information that may be prescribed by the
7 department for the proper administration of this section.

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

13 (f) (1) (A) (i) A short-term residential therapeutic program
14 applicant shall submit an application to the department that includes
15 a letter of recommendation in support of its program from a county
16 placing agency.

17 (ii) The letter of recommendation shall include a statement that
18 the county placing agency reviewed a copy of the applicant's
19 program statement.

20 (iii) If the letter of recommendation is not from the county in
21 which the facility is located, the short-term residential therapeutic
22 program applicant shall include, with its application, a statement
23 that it provided the county in which the facility is located an
24 opportunity for that county to review the program statement and
25 notified that county that the facility has received a letter of
26 recommendation from another county.

27 (B) If the application does not contain a letter of
28 recommendation as described in subparagraph (A), then the
29 department shall cease review of the application. Nothing in this
30 paragraph shall constitute a denial of the application for purposes
31 of Section 1526 or any other law.

32 (C) A new letter of recommendation is not required when a
33 short-term residential therapeutic program moves locations.

34 (2) A short-term residential therapeutic program shall submit a
35 copy of its program statement to all county placing agencies from
36 which the short-term residential therapeutic program accepts
37 placements, including the county in which the facility is located,
38 for optional review when the short-term residential therapeutic
39 program updates its program statement.

1 (g) (1) The department shall adopt regulations to establish
2 requirements for the education, qualification, and training of facility
3 managers and staff who provide care and supervision to children
4 or who have regular, direct contact with children in the course of
5 their responsibilities in short-term residential therapeutic programs
6 consistent with the intended role of these facilities to provide
7 short-term, specialized, and intensive treatment.

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

10 (A) Staff classifications.

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

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

15 (h) The department shall adopt regulations to specify training
16 requirements for staff who provide care and supervision to children
17 or who have regular, direct contact with children in the course of
18 their responsibilities. These requirements shall include the
19 following:

20 (1) Timeframes for completion of training, including the
21 following:

22 (A) Training that shall be completed prior to unsupervised care
23 of children.

24 (B) Training to be completed within the first 180 days of
25 employment.

26 (C) Training to be completed annually.

27 (2) Topics to be covered in the training shall include, but are
28 not limited to, the following:

29 (A) Child and adolescent development, including sexual
30 orientation, gender identity, and gender expression.

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

35 (C) The rights of a child in foster care, including the right to
36 have fair and equal access to all available services, placement,
37 care, treatment, and benefits, and to not be subjected to
38 discrimination or harassment on the basis of actual or perceived
39 race, ethnic group identification, ancestry, national origin, color,

- 1 religion, sex, sexual orientation, gender identity, mental or physical
2 disability, or HIV status.
- 3 (D) Positive discipline and the importance of self-esteem.
- 4 (E) Core practice model.
- 5 (F) An overview of the child welfare and probation systems.
- 6 (G) Reasonable and prudent parent standard.
- 7 (H) Instruction on cultural competency and sensitivity and
8 related best practices for providing adequate care for children
9 across diverse ethnic and racial backgrounds, as well as children
10 identifying as lesbian, gay, bisexual, or transgender.
- 11 (I) Awareness and identification of commercial sexual
12 exploitation and best practices for providing care and supervision
13 to commercially sexually exploited children.
- 14 (J) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
15 et seq.), its historical significance, the rights of children covered
16 by the act, and the best interests of Indian children, including the
17 role of the caregiver in supporting culturally appropriate child
18 centered practices that respect Native American history, culture,
19 retention of tribal membership, and connection to the tribal
20 community and traditions.
- 21 (K) Permanence, well-being, and educational needs of children.
- 22 (L) Basic instruction on existing laws and procedures regarding
23 the safety of foster youth at school; and ensuring a harassment and
24 violence free school environment pursuant to Article 3.6
25 (commencing with Section 32228) of Chapter 2 of Part 19 of
26 Division 1 of Title 1 of the Education Code.
- 27 (M) Best practices for providing care and supervision to
28 nonminor dependents.
- 29 (N) Health issues in foster care.
- 30 (O) Physical and psychosocial needs of children, including
31 behavior management, deescalation techniques, and
32 trauma-informed crisis management planning.
- 33 (i) (1) Each person employed as a facility manager or staff
34 member of a short-term residential therapeutic program, who
35 provides direct care and supervision to children and youth residing
36 in the short-term residential therapeutic program shall be at least
37 21 years of age.
- 38 (2) This subdivision shall not apply to a facility manager or staff
39 member employed, before October 1, 2014, at a short-term

1 residential therapeutic program that was operating under a group
2 home license prior to January 1, 2016.

3 (j) Notwithstanding any other section of this chapter, the
4 department may establish requirements for licensed group homes
5 that are transitioning to short-term residential therapeutic programs,
6 which may include, but not be limited to, requirements related to
7 application and plan of operation.

8 (k) A short-term residential therapeutic program shall have a
9 qualified and certified administrator, as set forth in Section
10 1522.41.

11 (l) The department shall have the authority to inspect a
12 short-term residential therapeutic program pursuant to the system
13 of governmental monitoring and oversight developed by the
14 department pursuant to subdivision (c) of Section 11462 of the
15 Welfare and Institutions Code.

16 ~~SEC. 51.~~

17 *SEC. 53.* Section 1562.35 of the Health and Safety Code is
18 amended to read:

19 1562.35. Notwithstanding any law to the contrary, including,
20 but not limited to Section 1562.3, vendors approved by the
21 department who exclusively provide either initial or continuing
22 education courses for certification of administrators of an adult
23 residential facility as defined by the department, a group home
24 facility as defined by the department, a short-term residential
25 therapeutic program as defined by the department, or a residential
26 care facility for the elderly as defined in subdivision (k) of Section
27 1569.2, shall be regulated solely by the department pursuant to
28 this chapter. No other state or local governmental entity shall be
29 responsible for regulating the activity of those vendors.

30 ~~SEC. 52.~~

31 *SEC. 54.* Section 1563 of the Health and Safety Code is
32 amended to read:

33 1563. (a) The department shall ensure that licensing personnel
34 at the department have appropriate training to properly carry out
35 this chapter.

36 (b) The department shall institute a staff development and
37 training program to develop among departmental staff the
38 knowledge and understanding necessary to successfully carry out
39 this chapter. Specifically, the program shall do all of the following:

1 (1) Provide staff with 36 hours of training per year that reflects
2 the needs of persons served by community care facilities. This
3 training shall, where appropriate, include specialized instruction
4 in the needs of foster children, persons with mental disorders, or
5 developmental or physical disabilities, or other groups served by
6 specialized community care facilities.

7 (2) Give priority to applications for employment from persons
8 with experience as care providers to persons served by community
9 care facilities.

10 (3) Provide new staff with comprehensive training within the
11 first six months of employment. This comprehensive training shall,
12 at a minimum, include the following core areas: administrative
13 action process, client populations, conducting facility visits, cultural
14 awareness, documentation skills, facility operations, human relation
15 skills, interviewing techniques, investigation processes, and
16 regulation administration.

17 (c) In addition to the requirements in subdivision (b), group
18 home, short-term residential therapeutic program, and foster family
19 agency licensing personnel shall receive a minimum of 24 hours
20 of training per year to increase their understanding of children in
21 group homes, short-term residential therapeutic programs, certified
22 homes, and foster family homes. The training shall cover, but not
23 be limited to, all of the following topics:

24 (1) The types and characteristics of emotionally troubled
25 children.

26 (2) The high-risk behaviors they exhibit.

27 (3) The biological, psychological, interpersonal, and social
28 contributors to these behaviors.

29 (4) The range of management and treatment interventions
30 utilized for these children, including, but not limited to, nonviolent,
31 emergency intervention techniques.

32 (5) The right of a foster child to have fair and equal access to
33 all available services, placement, care, treatment, and benefits, and
34 to not be subjected to discrimination or harassment on the basis
35 of actual or perceived race, ethnic group identification, ancestry,
36 national origin, color, religion, sex, sexual orientation, gender
37 identity, mental or physical disability, or HIV status.

38 (d) The training described in subdivisions (b) and (c) may
39 include the following topics:

40 (1) An overview of the child protective and probation systems.

- 1 (2) The effects of trauma, including grief and loss, and child
2 abuse or neglect on child development and behavior, and methods
3 to behaviorally support children impacted by that trauma or child
4 abuse and neglect.
- 5 (3) Positive discipline and the importance of self-esteem.
- 6 (4) Health issues in foster care, including, but not limited to,
7 the authorization, uses, risks, benefits, assistance with
8 self-administration, oversight, and monitoring of psychotropic
9 medications, and trauma, mental health, and substance use disorder
10 treatments for children in foster care under the jurisdiction of the
11 juvenile court, including how to access those treatments.
- 12 (5) Accessing the services and supports available to foster
13 children to address educational needs, physical, mental, and
14 behavioral health, substance use disorders, and culturally relevant
15 services.
- 16 (6) Instruction on cultural competency and sensitivity and related
17 best practices for, providing adequate care for children across
18 diverse ethnic and racial backgrounds, as well as for children
19 identifying as lesbian, gay, bisexual, and transgender.
- 20 (7) Understanding how to use best practices for providing care
21 and supervision to commercially sexually exploited children.
- 22 (8) Understanding the federal Indian Child Welfare Act (25
23 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of
24 children covered by the act, and the best interests of Indian
25 children, including the role of the caregiver in supporting culturally
26 appropriate, child-centered practices that respect Native American
27 history, culture, retention of tribal membership, and connection to
28 the tribal community and traditions.
- 29 (9) Understanding how to use best practices for providing care
30 and supervision to nonminor dependents.
- 31 (10) Understanding how to use best practices for providing care
32 and supervision to children with special health care needs.
- 33 (11) Basic instruction on existing laws and procedures regarding
34 the safety of foster youth at school; and ensuring a harassment and
35 violence free school environment pursuant to Article 3.6
36 (commencing with Section 32228) of Chapter 2 of Part 19 of
37 Division 1 of Title 1 of the Education Code.
- 38 (12) Permanence, well-being, and educational needs of children.
- 39 (13) Child and adolescent development, including sexual
40 orientation, gender identity, and gender expression.

1 (14) The role of foster parents, including working cooperatively
2 with the child welfare or probation agency, the child's family, and
3 other service providers implementing the case plan.

4 (15) A foster parent's responsibility to act as a reasonable and
5 prudent parent, and to provide a family setting that promotes
6 normal childhood experiences that serve the needs of the child.

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

10 ~~SEC. 53.~~

11 *SEC. 55.* Section 1567.4 of the Health and Safety Code is
12 amended to read:

13 1567.4. The State Department of Social Services shall provide,
14 at cost, quarterly to each county and to each city, upon the request
15 of the county or city, and to the chief probation officer of each
16 county and city and county, a roster of all community care facilities
17 licensed as small family homes, short-term residential therapeutic
18 programs, or group homes located in the county, which provide
19 services to wards of the juvenile court, including information as
20 to whether each facility is licensed by the state or the county, the
21 type of facility, and the licensed bed capacity of each such facility.
22 Information concerning the facility shall be limited to that available
23 through the computer system of the State Department of Social
24 Services.

25 ~~SEC. 54.~~

26 *SEC. 56.* Section 676.7 of the Insurance Code is amended to
27 read:

28 676.7. (a) No admitted insurer, licensed to issue and issuing
29 homeowner's or tenant's policies, as described in Section 122,
30 shall (1) fail or refuse to accept an application for that insurance
31 or to issue that insurance to an applicant or (2) cancel that
32 insurance, solely on the basis that the applicant or policyholder is
33 engaged in foster home activities in a licensed foster family home
34 or licensed small family home, as defined in Section 1502 of the
35 Health and Safety Code, or an approved resource family, as defined
36 in Section 16519.5 of the Welfare and Institutions Code.

37 (b) Coverage under policies described in subdivision (a) with
38 respect to a foster child shall be the same as that provided for a
39 natural child. However, unless specifically provided in the policy,
40 there shall be no coverage expressly provided in the policy for any

1 bodily injury arising out of the operation or use of any motor
2 vehicle, aircraft, or watercraft owned or operated by, or rented or
3 loaned to, any foster parent.

4 (c) It is against public policy for a policy of homeowner’s or
5 tenant’s insurance subject to this section to provide liability
6 coverage for any of the following losses:

7 (1) Claims of a foster child, or a parent, guardian, or guardian
8 ad litem thereof, of a type payable by the Foster Family Home and
9 Small Family Home Insurance Fund established by Section 1527.1
10 of the Health and Safety Code, regardless of whether the claim is
11 within the limits of coverage specified in Section 1527.4 of the
12 Health and Safety Code.

13 (2) An insurer shall not be liable, under a policy of insurance
14 subject to this section, to any governmental agency for damage
15 arising from occurrences peculiar to the foster-care relationship
16 and the provision of foster-care services.

17 (3) Alienation of affection of a foster child.

18 (4) Any loss arising out of licentious, immoral, or sexual
19 behavior on the part of a foster parent intended to lead to, or
20 culminating in, any sexual act.

21 (5) Any loss arising out of a dishonest, fraudulent, criminal, or
22 intentional act.

23 (d) There shall be no penalty for violations of this section prior
24 to January 1, 1987.

25 (e) Insurers may provide a special endorsement to a
26 homeowners’ or tenants’ policy covering claims related to foster
27 care that are not excluded by subdivision (c).

28 (f) Insurers may provide by a separate policy for some or all of
29 the claims related to foster care that are excluded by subdivision
30 (c).

31 ~~SEC. 55.~~

32 *SEC. 57.* Section 11165.7 of the Penal Code is amended to
33 read:

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

36 (1) A teacher.

37 (2) An instructional aide.

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

40 (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 in
2 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. 56.~~

12 *SEC. 58.* Section 1541 of the Probate Code is amended to read:

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

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

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

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

27 ~~SEC. 57.~~

28 *SEC. 59.* Section 1543 of the Probate Code is amended to read:

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

1 (b) The report filed with the court pursuant to this section is
2 confidential. The report may be considered by the court and shall
3 be made available only to the persons who have been served in
4 the proceeding and the persons who have appeared in the
5 proceeding or their attorneys. The report may be received in
6 evidence upon stipulation of counsel for all of those persons who
7 are present at the hearing or, if a person is present at the hearing
8 but is not represented by counsel, upon consent of that person.

9 ~~SEC. 58.~~

10 *SEC. 60.* Section 291 of the Welfare and Institutions Code, as
11 amended by Section 5 of Chapter 219 of the Statutes of 2015, is
12 amended to read:

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

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

16 (1) The mother.

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

18 (3) The legal guardian or guardians.

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

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

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

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

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

- 1 (b) No notice is required for a parent whose parental rights have
- 2 been terminated.
- 3 (c) Notice shall be served as follows:
- 4 (1) If the child is detained, the notice shall be given to the
- 5 persons required to be noticed as soon as possible, and at least five
- 6 days before the hearing, unless the hearing is set less than five
- 7 days and then at least 24 hours prior to the hearing.
- 8 (2) If the child is not detained, the notice shall be given to those
- 9 persons required to be noticed at least 10 days prior to the date of
- 10 the hearing.
- 11 (d) The notice shall include all of the following:
- 12 (1) The name and address of the person notified.
- 13 (2) The nature of the hearing.
- 14 (3) Each section and subdivision under which the proceeding
- 15 has been initiated.
- 16 (4) The date, time, and place of the hearing.
- 17 (5) The name of the child upon whose behalf the petition has
- 18 been brought.
- 19 (6) A statement that:
- 20 (A) If they fail to appear, the court may proceed without them.
- 21 (B) The child, parent, guardian, Indian custodian, or adult
- 22 relative to whom notice is required to be given pursuant to
- 23 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to
- 24 have an attorney present at the hearing.
- 25 (C) If the parent, guardian, Indian custodian, or adult relative
- 26 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision
- 27 (a) is indigent and cannot afford an attorney, and desires to be
- 28 represented by an attorney, the parent, guardian, Indian custodian,
- 29 or adult relative shall promptly notify the clerk of the juvenile
- 30 court.
- 31 (D) If an attorney is appointed to represent the parent, guardian,
- 32 Indian custodian, or adult relative, the represented person shall be
- 33 liable for all or a portion of the costs to the extent of his or her
- 34 ability to pay.
- 35 (E) The parent, guardian, Indian custodian, or adult relative may
- 36 be liable for the costs of support of the child in any out-of-home
- 37 placement.
- 38 (7) A copy of the petition.
- 39 (e) Service of the notice of the hearing shall be given in the
- 40 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. 59.~~

13 *SEC. 61.* Section 291 of the Welfare and Institutions Code, as
14 added by Section 6 of Chapter 219 of the Statutes of 2015, is
15 amended to read:

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

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

19 (1) The mother.

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

21 (3) The legal guardian or guardians.

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

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

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

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

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

1 nonrelative extended family members, and resource family. Any
2 person notified may attend all hearings and may submit any
3 information he or she deems relevant to the court in writing.

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

6 (c) Notice shall be served as follows:

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

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

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

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

16 (2) The nature of the hearing.

17 (3) Each section and subdivision under which the proceeding
18 has been initiated.

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

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

22 (6) A statement that:

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

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

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

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

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

1 (7) A copy of the petition.

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

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

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

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

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

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

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

21 ~~SEC. 60.~~

22 *SEC. 62.* Section 293 of the Welfare and Institutions Code, as
23 amended by Section 9 of Chapter 219 of the Statutes of 2015, is
24 amended to read:

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

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

29 (1) The mother.

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

31 (3) The legal guardian or guardians.

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

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

1 (6) In the case of a child removed from the physical custody of
2 his or her parent or legal guardian, the current caregiver of the
3 child, including the foster parents, relative caregivers, preadoptive
4 parents, nonrelative extended family members, resource family,
5 community care facility, or foster family agency having custody
6 of the child. In a case in which a foster family agency is notified
7 of the hearing pursuant to this section, and the child resides in a
8 foster home certified by the foster family agency, the foster family
9 agency shall provide timely notice of the hearing to the child's
10 caregivers.

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

13 (b) No notice is required for a parent whose parental rights have
14 been terminated. On and after January 1, 2012, in the case of a
15 nonminor dependent, as described in subdivision (v) of Section
16 11400, no notice is required for a parent.

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

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

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

39 (f) Notice to the current caregiver of the child, including a foster
40 parent, a relative caregiver, a preadoptive parent, a nonrelative

1 extended family member, a resource family, a certified foster parent
 2 who has been approved for adoption, or the State Department of
 3 Social Services when it is acting as an adoption agency or by a
 4 county adoption agency, shall indicate that the person notified may
 5 attend all hearings or may submit any information he or she deems
 6 relevant to the court in writing.

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~SEC. 61.~~

2 *SEC. 63.* Section 293 of the Welfare and Institutions Code, as
3 added by Section 10 of Chapter 219 of the Statutes of 2015, is
4 amended to read:

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

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

9 (1) The mother.

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

11 (3) The legal guardian or guardians.

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

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

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

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

33 (b) No notice is required for a parent whose parental rights have
34 been terminated. On and after January 1, 2012, in the case of a
35 nonminor dependent, as described in subdivision (v) of Section
36 11400, no notice is required for a parent.

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

39 (d) The notice shall contain a statement regarding the nature of
40 the hearing to be held and any change in the custody or status of

1 the child being recommended by the supervising agency. If the
 2 notice is to the child, parent or parents, or legal guardian or
 3 guardians, the notice shall also advise them of the right to be
 4 present, the right to be represented by counsel, the right to request
 5 counsel, and the right to present evidence. The notice shall also
 6 state that if the parent or parents or legal guardian or guardians
 7 fail to appear, the court may proceed without them.

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

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

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

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

26 ~~SEC. 62.~~

27 *SEC. 64.* Section 294 of the Welfare and Institutions Code, as
 28 amended by Section 11 of Chapter 219 of the Statutes of 2015, is
 29 amended to read:

30 294. The social worker or probation officer shall give notice
 31 of a selection and implementation hearing held pursuant to Section
 32 366.26 in the following manner:

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

- 34 (1) The mother.
- 35 (2) The fathers, presumed and alleged.
- 36 (3) The child, if the child is 10 years of age or older.
- 37 (4) Any known sibling of the child who is the subject of the
 38 hearing if that sibling either is the subject of a dependency
 39 proceeding or has been adjudged to be a dependent child of the
 40 juvenile court. If the sibling is 10 years of age or older, the sibling,

1 the sibling’s caregiver, and the sibling’s attorney. If the sibling is
2 under 10 years of age, the sibling’s caregiver and the sibling’s
3 attorney. However, notice is not required to be given to any sibling
4 whose matter is calendared in the same court on the same day.

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

7 (6) All counsel of record.

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

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

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

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

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

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

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

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

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

1 by electronic mail and the person to be served has consented to
 2 service by electronic mail by signing Judicial Council Form
 3 EFS-005, or by any other means that the court determines is
 4 reasonably calculated, under any circumstance, to provide notice
 5 of the continued hearing. However, if the recommendation changes
 6 from the recommendation contained in the notice previously found
 7 to be proper, notice shall be provided to the parent, and to any
 8 person entitled to receive notice pursuant to this section, regarding
 9 that subsequent hearing.

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

- 11 (1) The date, time, and place of the hearing.
- 12 (2) The right to appear.
- 13 (3) The parents' right to counsel.
- 14 (4) The nature of the proceedings.
- 15 (5) The recommendation of the supervising agency.
- 16 (6) A statement that, at the time of hearing, the court is required
 17 to select a permanent plan of adoption, legal guardianship,
 18 placement with a fit and willing relative, or another planned
 19 permanent living arrangement, as appropriate, for the child.

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

- 22 (1) If the parent is present at the hearing at which the court
 23 schedules a hearing pursuant to Section 366.26, the court shall
 24 advise the parent of the date, time, and place of the proceedings,
 25 their right to counsel, the nature of the proceedings, and the
 26 requirement that at the proceedings the court shall select and
 27 implement a plan of adoption, legal guardianship, placement with
 28 a fit and willing relative, or another planned permanent living
 29 arrangement, as appropriate, for the child. The court shall direct
 30 the parent to appear for the proceedings and then direct that the
 31 parent be notified thereafter by first-class mail to the parent's usual
 32 place of residence or business only. In lieu of notice by first-class
 33 mail, notice may be served by electronic mail if the county, or city
 34 and county, and the court choose to permit service by electronic
 35 mail and the person to be served has consented to service by
 36 electronic mail by signing Judicial Council Form EFS-005.
- 37 (2) Certified mail, return receipt requested, to the parent's last
 38 known mailing address. This notice shall be sufficient if the child
 39 welfare agency receives a return receipt signed by the parent.
- 40 (3) Personal service to the parent named in the notice.

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

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

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

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

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

37 (B) If the court determines that there has been due diligence in
38 attempting to locate and serve the parent and the probation officer
39 or social worker recommends legal guardianship, placement with
40 a fit and willing relative, or another planned permanent living

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

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

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

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

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

1 another planned permanent living arrangement, as appropriate, no
2 further notice 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. 63.~~

15 *SEC. 65.* Section 294 of the Welfare and Institutions Code, as
16 added by Section 12 of Chapter 219 of the Statutes of 2015, is
17 amended to read:

18 294. The social worker or probation officer shall give notice
19 of a selection and implementation hearing held pursuant to Section
20 366.26 in the following manner:

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

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

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

35 (6) All counsel of record.

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

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

1 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,

1 placement with a fit and willing relative, or another planned
2 permanent living arrangement, as appropriate, 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, placement with
11 a fit and willing relative, or another planned permanent living
12 arrangement, as appropriate, for the child. The court shall direct
13 the parent to appear for the proceedings and then direct that the
14 parent be notified thereafter by first-class mail to the parent's usual
15 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, placement with a fit and willing
29 relative, or another planned permanent living arrangement, as
30 appropriate, or, in the case of an Indian child, tribal customary
31 adoption, service may be made by first-class mail to the parent's
32 usual place of residence or business.

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

39 (A) If the court determines that there has been due diligence in
40 attempting to locate and serve the parent and the probation officer

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

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

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

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

34 (2) After a determination that there has been due diligence in
35 attempting to identify an unknown parent pursuant to paragraph
36 (1) and the probation officer or social worker recommends
37 adoption, the court shall consider whether publication notice would
38 be likely to lead to actual notice to the unknown parent. The court
39 may order publication notice if, on the basis of all information
40 before the court, the court determines that notice by publication

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

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

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

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

22 (j) Notwithstanding subdivision (a), if the attorney of record is
23 present at the time the court schedules a hearing pursuant to Section
24 366.26, no further notice is required, except as required by
25 subparagraph (A) of paragraph (7) of subdivision (f).

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

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

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

33 ~~SEC. 64.~~

34 *SEC. 66.* Section 295 of the Welfare and Institutions Code, as
35 amended by Section 13 of Chapter 219 of the Statutes of 2015, is
36 amended to read:

37 295. The social worker or probation officer shall give notice
38 of review hearings held pursuant to Sections 366.3 and 366.31 and
39 for termination of jurisdiction hearings held pursuant to Section
40 391 in the following manner:

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

2 (1) The mother.

3 (2) The presumed father.

4 (3) The legal guardian or guardians.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (i) If notice is required to be provided to a child pursuant to
40 paragraph (4) or (5) of subdivision (a), written notice may be served

1 on the child by electronic mail as well as by regular mail if all of
2 the following requirements are satisfied:

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

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

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

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

11 (j) 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. 65.~~

15 *SEC. 67.* Section 295 of the Welfare and Institutions Code, as
16 added by Section 14 of Chapter 219 of the Statutes of 2015, is
17 amended to read:

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

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

23 (1) The mother.

24 (2) The presumed father.

25 (3) The legal guardian or guardians.

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

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

37 (6) The current caregiver of the child, including the foster
38 parents, relative caregivers, preadoptive parents, nonrelative
39 extended family members, resource family, community care
40 facility, or foster family agency having physical custody of the

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

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

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

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

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

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

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

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

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

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

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

2 ~~SEC. 66.~~

3 *SEC. 68.* Section 309 of the Welfare and Institutions Code is
4 amended to read:

5 309. (a) Upon delivery to the social worker of a child who has
6 been taken into temporary custody under this article, the social
7 worker shall immediately investigate the circumstances of the child
8 and the facts surrounding the child's being taken into custody and
9 attempt to maintain the child with the child's family through the
10 provision of services. The social worker shall immediately release
11 the child to the custody of the child's parent, guardian, or
12 responsible relative, regardless of the parent's, guardian's, or
13 relative's immigration status, unless one or more of the following
14 conditions exist:

15 (1) The child has no parent, guardian, or responsible relative;
16 or the child's parent, guardian, or responsible relative is not willing
17 to provide care for the child.

18 (2) Continued detention of the child is a matter of immediate
19 and urgent necessity for the protection of the child and there are
20 no reasonable means by which the child can be protected in his or
21 her home or the home of a responsible relative.

22 (3) There is substantial evidence that a parent, guardian, or
23 custodian of the child is likely to flee the jurisdiction of the court.

24 (4) The child has left a placement in which he or she was placed
25 by the juvenile court.

26 (5) The parent or other person having lawful custody of the
27 child voluntarily surrendered physical custody of the child pursuant
28 to Section 1255.7 of the Health and Safety Code and did not
29 reclaim the child within the 14-day period specified in subdivision
30 (e) of that section.

31 (b) In any case in which there is reasonable cause for believing
32 that a child who is under the care of a physician and surgeon or a
33 hospital, clinic, or other medical facility and cannot be immediately
34 moved and is a person described in Section 300, the child shall be
35 deemed to have been taken into temporary custody and delivered
36 to the social worker for the purposes of this chapter while the child
37 is at the office of the physician and surgeon or the medical facility.

38 (c) If the child is not released to his or her parent or guardian,
39 the child shall be deemed detained for purposes of this chapter.

1 (d) (1) If an able and willing relative, as defined in Section 319,
2 or an able and willing nonrelative extended family member, as
3 defined in Section 362.7, is available and requests temporary
4 placement of the child pending the detention hearing, or after the
5 detention hearing and pending the dispositional hearing conducted
6 pursuant to Section 358, the county welfare department shall
7 initiate an assessment of the relative's or nonrelative extended
8 family member's suitability, which shall include an in-home
9 inspection to assess the safety of the home and the ability of the
10 relative or nonrelative extended family member to care for the
11 child's needs, and a consideration of the results of a criminal
12 records check conducted pursuant to subdivision (a) of Section
13 16504.5 and a check of allegations of prior child abuse or neglect
14 concerning the relative or nonrelative extended family member
15 and other adults in the home. A relative's identification card from
16 a foreign consulate or foreign passport shall be considered a valid
17 form of identification for conducting a criminal records check and
18 fingerprint clearance check under this subdivision. Upon
19 completion of this assessment, the child may be placed on an
20 emergency basis in the assessed home.

21 (2) Following the emergency placement of a child in the home
22 of a relative or a nonrelative extended family member, the county
23 welfare department shall evaluate and approve or deny the home
24 pursuant to Section 16519.5.

25 (3) If the criminal records check indicates that the person has
26 been convicted of a crime for which the Director of Social Services
27 cannot grant an exemption under Section 1522 of the Health and
28 Safety Code, the child shall not be placed in the home. If the
29 criminal records check indicates that the person has been convicted
30 of a crime for which the Director of Social Services may grant an
31 exemption under Section 1522 of the Health and Safety Code, the
32 child shall not be placed in the home unless a criminal records
33 exemption has been granted by the county based on substantial
34 and convincing evidence to support a reasonable belief that the
35 person with the criminal conviction is of such good character as
36 to justify the placement and not present a risk of harm to the child.

37 (e) (1) If the child is removed, the social worker shall conduct,
38 within 30 days, an investigation in order to identify and locate all
39 grandparents, parents of a sibling of the child, if the parent has
40 legal custody of the sibling, adult siblings, and other adult relatives

1 of the child, as defined in paragraph (2) of subdivision (f) of
2 Section 319, including any other adult relatives suggested by the
3 parents. As used in this section, “sibling” means a person related
4 to the identified child by blood, adoption, or affinity through a
5 common legal or biological parent. The social worker shall provide
6 to all adult relatives who are located, except when that relative’s
7 history of family or domestic violence makes notification
8 inappropriate, within 30 days of removal of the child, written
9 notification and shall also, whenever appropriate, provide oral
10 notification, in person or by telephone, of all the following
11 information:

12 (A) The child has been removed from the custody of his or her
13 parent or parents, or his or her guardians.

14 (B) An explanation of the various options to participate in the
15 care and placement of the child and support for the child’s family,
16 including any options that may be lost by failing to respond. The
17 notice shall provide information about providing care for the child
18 while the family receives reunification services with the goal of
19 returning the child to the parent or guardian, how to become a
20 resource family, and additional services and support that are
21 available in out-of-home placements. The notice shall also include
22 information regarding the Kin-GAP Program (Article 4.5
23 (commencing with Section 11360) of Chapter 2 of Part 3 of
24 Division 9), the CalWORKs program for approved relative
25 caregivers (Chapter 2 (commencing with Section 11200) of Part
26 3 of Division 9), adoption, and adoption assistance (Chapter 2.1
27 (commencing with Section 16115) of Part 4 of Division 9), as well
28 as other options for contact with the child, including, but not
29 limited to, visitation. The State Department of Social Services, in
30 consultation with the County Welfare Directors Association of
31 California and other interested stakeholders, shall develop the
32 written notice.

33 (2) The social worker shall also provide the adult relatives
34 notified pursuant to paragraph (1) with a relative information form
35 to provide information to the social worker and the court regarding
36 the needs of the child. The form shall include a provision whereby
37 the relative may request the permission of the court to address the
38 court, if the relative so chooses. The Judicial Council, in
39 consultation with the State Department of Social Services and the

1 County Welfare Directors Association of California, shall develop
2 the form.

3 (3) The social worker shall use due diligence in investigating
4 the names and locations of the relatives pursuant to paragraph (1),
5 including, but not limited to, asking the child in an age-appropriate
6 manner about relatives important to the child, consistent with the
7 child's best interest, and obtaining information regarding the
8 location of the child's adult relatives. Each county welfare
9 department shall create and make public a procedure by which
10 relatives of a child who has been removed from his or her parents
11 or guardians may identify themselves to the county welfare
12 department and be provided with the notices required by paragraphs
13 (1) and (2).

14 ~~SEC. 67.~~

15 *SEC. 69.* Section 319.3 of the Welfare and Institutions Code
16 is amended to read:

17 319.3. Notwithstanding Section 319, a dependent child who is
18 6 to 12 years of age, inclusive, may be placed in a community care
19 facility licensed as a group home for children, a short-term
20 residential therapeutic program, or in a temporary shelter care
21 facility, as defined in Section 1530.8 of the Health and Safety
22 Code, only when the court finds that placement is necessary to
23 secure a complete and adequate evaluation, including placement
24 planning and transition time. The placement period shall not exceed
25 60 days unless a case plan has been developed and the need for
26 additional time is documented in the case plan and has been
27 approved by a deputy director or director of the county child
28 welfare department or an assistant chief probation officer or chief
29 probation officer of the county probation department.

30 ~~SEC. 68.~~

31 *SEC. 70.* Section 361.2 of the Welfare and Institutions Code,
32 as added by Section 48 of Chapter 773 of the Statutes of 2015, is
33 amended to read:

34 361.2. (a) When a court orders removal of a child pursuant to
35 Section 361, the court shall first determine whether there is a parent
36 of the child, with whom the child was not residing at the time that
37 the events or conditions arose that brought the child within the
38 provisions of Section 300, who desires to assume custody of the
39 child. If that parent requests custody, the court shall place the child
40 with the parent unless it finds that placement with that parent would

1 be detrimental to the safety, protection, or physical or emotional
2 well-being of the child. The fact that the parent is enrolled in a
3 certified substance abuse treatment facility that allows a dependent
4 child to reside with his or her parent shall not be, for that reason
5 alone, prima facie evidence that placement with that parent would
6 be detrimental.

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

9 (1) Order that the parent become legal and physical custodian
10 of the child. The court may also provide reasonable visitation by
11 the noncustodial parent. The court shall then terminate its
12 jurisdiction over the child. The custody order shall continue unless
13 modified by a subsequent order of the superior court. The order
14 of the juvenile court shall be filed in any domestic relation
15 proceeding between the parents.

16 (2) Order that the parent assume custody subject to the
17 jurisdiction of the juvenile court and require that a home visit be
18 conducted within three months. In determining whether to take
19 the action described in this paragraph, the court shall consider any
20 concerns that have been raised by the child's current caregiver
21 regarding the parent. After the social worker conducts the home
22 visit and files his or her report with the court, the court may then
23 take the action described in paragraph (1), (3), or this paragraph.
24 However, nothing in this paragraph shall be interpreted to imply
25 that the court is required to take the action described in this
26 paragraph as a prerequisite to the court taking the action described
27 in either paragraph (1) or (3).

28 (3) Order that the parent assume custody subject to the
29 supervision of the juvenile court. In that case the court may order
30 that reunification services be provided to the parent or guardian
31 from whom the child is being removed, or the court may order that
32 services be provided solely to the parent who is assuming physical
33 custody in order to allow that parent to retain later custody without
34 court supervision, or that services be provided to both parents, in
35 which case the court shall determine, at review hearings held
36 pursuant to Section 366, which parent, if either, shall have custody
37 of the child.

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

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

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

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

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

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

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

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

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

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

25 (8) With a foster family agency, as defined in subdivision (g)
26 of Section 11400 and paragraph (4) of subdivision (a) of Section
27 1502 of the Health and Safety Code, to be placed in a suitable
28 family home certified or approved by the agency, with prior
29 approval of the county placing agency.

30 (9) A child of any age who is placed in a community care facility
31 licensed as a group home for children or a short-term residential
32 therapeutic program, as defined in subdivision (ad) of Section
33 11400 and paragraph (18) of subdivision (a) of Section 1502 of
34 the Health and Safety Code, shall have a case plan that indicates
35 that placement is for purposes of providing short term, specialized,
36 and intensive treatment for the child, the case plan specifies the
37 need for, nature of, and anticipated duration of this treatment,
38 pursuant to paragraph (2) of subdivision (c) of Section 16501.1,
39 and the case plan includes transitioning the child to a less restrictive
40 environment and the projected timeline by which the child will be

1 transitioned to a less restrictive environment. If the placement is
2 longer than six months, the placement shall be documented
3 consistent with paragraph (3) of subdivision (a) of Section 16501.1
4 and shall be approved by the deputy director or director of the
5 county child welfare department.

6 (A) A child under six years of age shall not be placed in a
7 community care facility licensed as a group home for children, or
8 a short-term residential therapeutic program, except under the
9 following circumstances:

10 (i) When the facility meets the applicable regulations adopted
11 under Section 1530.8 of the Health and Safety Code and standards
12 developed pursuant to Section 11467.1 of this code, and the deputy
13 director or director of the county child welfare department has
14 approved the case plan.

15 (ii) The short term, specialized, and intensive treatment period
16 shall not exceed 120 days, unless the county has made progress
17 toward or is actively working toward implementing the case plan
18 that identifies the services or supports necessary to transition the
19 child to a family setting, circumstances beyond the county's control
20 have prevented the county from obtaining those services or
21 supports within the timeline documented in the case plan, and the
22 need for additional time pursuant to the case plan is documented
23 by the caseworker and approved by a deputy director or director
24 of the county child welfare department.

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

31 (iv) In addition, when a case plan indicates that placement is
32 for purposes of providing family reunification services, the facility
33 shall offer family reunification services that meet the needs of the
34 individual child and his or her family, permit parents to have
35 reasonable access to their children 24 hours a day, encourage
36 extensive parental involvement in meeting the daily needs of their
37 children, and employ staff trained to provide family reunification
38 services. In addition, one of the following conditions exists:

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

1 (II) The child’s parent is participating in a treatment program
2 affiliated with the facility and the child’s placement in the facility
3 facilitates the coordination and provision of reunification services.
4 (III) Placement in the facility is the only alternative that permits
5 the parent to have daily 24-hour access to the child in accordance
6 with the case plan, to participate fully in meeting all of the daily
7 needs of the child, including feeding and personal hygiene, and to
8 have access to necessary reunification services.
9 (B) A child who is 6 to 12 years of age, inclusive, may be placed
10 in a community care facility licensed as a group home for children
11 or a short-term residential therapeutic program under the following
12 conditions.
13 (i) The short-term, specialized, and intensive treatment period
14 shall not exceed six months, unless the county has made progress
15 or is actively working toward implementing the case plan that
16 identifies the services or supports necessary to transition the child
17 to a family setting, circumstances beyond the county’s control
18 have prevented the county from obtaining those services or
19 supports within the timeline documented in the case plan, and the
20 need for additional time pursuant to the case plan is documented
21 by the caseworker and approved by a deputy director or director
22 of the county child welfare department.
23 (ii) To the extent that placements pursuant to this paragraph are
24 extended beyond an initial six months, the requirements of this
25 subparagraph shall apply to each extension. In addition, the deputy
26 director or director of the county child welfare department shall
27 approve the continued placement no less frequently than every 60
28 days.
29 (10) Any child placed in a short-term residential therapeutic
30 program shall be either of the following:
31 (A) A child who has been assessed as meeting one of the
32 placement requirements set forth in subdivisions (b) and (e) of
33 Section 11462.01.
34 (B) A child under 6 years of age who is placed with his or her
35 minor parent or for the purpose of reunification pursuant to clause
36 (iv) of subparagraph (A) of paragraph (9).
37 (11) Nothing in this subdivision shall be construed to allow a
38 social worker to place any dependent child outside the United
39 States, except as specified in subdivision (f).

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

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

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

11 (A) Placement with a relative.

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

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

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

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

17 (F) Social, cultural, and educational needs of the dependent
18 child.

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

21 (4) If the court finds that a placement outside the United States
22 is, by clear and convincing evidence, in the best interest of the
23 child, the court may issue an order authorizing the social worker
24 to make a placement outside the United States. A child subject to
25 this subdivision shall not leave the United States prior to the
26 issuance of the order described in this paragraph.

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

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

32 (g) (1) If the child is taken from the physical custody of the
33 child’s parent or guardian and unless the child is placed with
34 relatives, the child shall be placed in foster care in the county of
35 residence of the child’s parent or guardian in order to facilitate
36 reunification of the family.

37 (2) In the event that there are no appropriate placements
38 available in the parent’s or guardian’s county of residence, a
39 placement may be made in an appropriate place in another county,

1 preferably a county located adjacent to the parent's or guardian's
2 community of residence.

3 (3) Nothing in this section shall be interpreted as requiring
4 multiple disruptions of the child's placement corresponding to
5 frequent changes of residence by the parent or guardian. In
6 determining whether the child should be moved, the social worker
7 shall take into consideration the potential harmful effects of
8 disrupting the placement of the child and the parent's or guardian's
9 reason for the move.

10 (4) When it has been determined that it is necessary for a child
11 to be placed in a county other than the child's parent's or guardian's
12 county of residence, the specific reason the out-of-county
13 placement is necessary shall be documented in the child's case
14 plan. If the reason the out-of-county placement is necessary is the
15 lack of resources in the sending county to meet the specific needs
16 of the child, those specific resource needs shall be documented in
17 the case plan.

18 (5) When it has been determined that a child is to be placed out
19 of county either in a group home or with a foster family agency
20 for subsequent placement in a certified foster family home, and
21 the sending county is to maintain responsibility for supervision
22 and visitation of the child, the sending county shall develop a plan
23 of supervision and visitation that specifies the supervision and
24 visitation activities to be performed and specifies that the sending
25 county is responsible for performing those activities. In addition
26 to the plan of supervision and visitation, the sending county shall
27 document information regarding any known or suspected dangerous
28 behavior of the child that indicates the child may pose a safety
29 concern in the receiving county. Upon implementation of the Child
30 Welfare Services Case Management System, the plan of
31 supervision and visitation, as well as information regarding any
32 known or suspected dangerous behavior of the child, shall be made
33 available to the receiving county upon placement of the child in
34 the receiving county. If placement occurs on a weekend or holiday,
35 the information shall be made available to the receiving county on
36 or before the end of the next business day.

37 (6) When it has been determined that a child is to be placed out
38 of county and the sending county plans that the receiving county
39 shall be responsible for the supervision and visitation of the child,
40 the sending county shall develop a formal agreement between the

1 sending and receiving counties. The formal agreement shall specify
2 the supervision and visitation to be provided the child, and shall
3 specify that the receiving county is responsible for providing the
4 supervision and visitation. The formal agreement shall be approved
5 and signed by the sending and receiving counties prior to placement
6 of the child in the receiving county. In addition, upon completion
7 of the case plan, the sending county shall provide a copy of the
8 completed case plan to the receiving county. The case plan shall
9 include information regarding any known or suspected dangerous
10 behavior of the child that indicates the child may pose a safety
11 concern to the receiving county.

12 (h) Whenever the social worker must change the placement of
13 the child and is unable to find a suitable placement within the
14 county and must place the child outside the county, the placement
15 shall not be made until he or she has served written notice on the
16 parent or guardian at least 14 days prior to the placement, unless
17 the child's health or well-being is endangered by delaying the
18 action or would be endangered if prior notice were given. The
19 notice shall state the reasons that require placement outside the
20 county. The parent or guardian may object to the placement not
21 later than seven days after receipt of the notice and, upon objection,
22 the court shall hold a hearing not later than five days after the
23 objection and prior to the placement. The court shall order
24 out-of-county placement if it finds that the child's particular needs
25 require placement outside the county.

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

32 (j) If the court has ordered removal of the child from the physical
33 custody of his or her parents pursuant to Section 361, the court
34 shall consider whether there are any siblings under the court's
35 jurisdiction, or any nondependent siblings in the physical custody
36 of a parent subject to the court's jurisdiction, the nature of the
37 relationship between the child and his or her siblings, the
38 appropriateness of developing or maintaining the sibling
39 relationships pursuant to Section 16002, and the impact of the

1 sibling relationships on the child's placement and planning for
2 legal permanence.

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

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

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

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

15 (2) The foster child's caregiver shall use a reasonable and
16 prudent parent standard, as defined in paragraph (2) of subdivision
17 (a) of Section 362.04, to determine day-to-day activities that are
18 age appropriate to meet the needs of the child. Nothing in this
19 section shall be construed to permit a child's caregiver to permit
20 the child to engage in day-to-day activities that carry an
21 unreasonable risk of harm, or subject the child to abuse or neglect.

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

23 ~~SEC. 69.~~

24 *SEC. 71.* Section 361.3 of the Welfare and Institutions Code
25 is amended to read:

26 361.3. (a) In any case in which a child is removed from the
27 physical custody of his or her parents pursuant to Section 361,
28 preferential consideration shall be given to a request by a relative
29 of the child for placement of the child with the relative, regardless
30 of the relative's immigration status. In determining whether
31 placement with a relative is appropriate, the county social worker
32 and court shall consider, but shall not be limited to, consideration
33 of all the following factors:

34 (1) The best interest of the child, including special physical,
35 psychological, educational, medical, or emotional needs.

36 (2) The wishes of the parent, the relative, and child, if
37 appropriate.

38 (3) The provisions of Part 6 (commencing with Section 7950)
39 of Division 12 of the Family Code regarding relative placement.

1 (4) Placement of siblings and half siblings in the same home,
2 unless that placement is found to be contrary to the safety and
3 well-being of any of the siblings, as provided in Section 16002.

4 (5) The good moral character of the relative and any other adult
5 living in the home, including whether any individual residing in
6 the home has a prior history of violent criminal acts or has been
7 responsible for acts of child abuse or neglect.

8 (6) The nature and duration of the relationship between the child
9 and the relative, and the relative's desire to care for, and to provide
10 legal permanency for, the child if reunification is unsuccessful.

11 (7) The ability of the relative to do the following:

12 (A) Provide a safe, secure, and stable environment for the child.

13 (B) Exercise proper and effective care and control of the child.

14 (C) Provide a home and the necessities of life for the child.

15 (D) Protect the child from his or her parents.

16 (E) Facilitate court-ordered reunification efforts with the parents.

17 (F) Facilitate visitation with the child's other relatives.

18 (G) Facilitate implementation of all elements of the case plan.

19 (H) (i) Provide legal permanence for the child if reunification
20 fails.

21 (ii) However, any finding made with respect to the factor
22 considered pursuant to this subparagraph and pursuant to
23 subparagraph (G) shall not be the sole basis for precluding
24 preferential placement with a relative.

25 (I) Arrange for appropriate and safe child care, as necessary.

26 (8) (A) The safety of the relative's home. For a relative to be
27 considered appropriate to receive placement of a child under this
28 section on an emergency basis, the relative's home shall first be
29 assessed pursuant to the process and standards described in
30 subdivision (d) of Section 309.

31 (B) In this regard, the Legislature declares that a physical
32 disability, such as blindness or deafness, is no bar to the raising
33 of children, and a county social worker's determination as to the
34 ability of a disabled relative to exercise care and control should
35 center upon whether the relative's disability prevents him or her
36 from exercising care and control. The court shall order the parent
37 to disclose to the county social worker the names, residences, and
38 any other known identifying information of any maternal or
39 paternal relatives of the child. This inquiry shall not be construed,
40 however, to guarantee that the child will be placed with any person

1 so identified. The county social worker shall initially contact the
2 relatives given preferential consideration for placement to
3 determine if they desire the child to be placed with them. Those
4 desiring placement shall be assessed according to the factors
5 enumerated in this subdivision. The county social worker shall
6 document these efforts in the social study prepared pursuant to
7 Section 358.1. The court shall authorize the county social worker,
8 while assessing these relatives for the possibility of placement, to
9 disclose to the relative, as appropriate, the fact that the child is in
10 custody, the alleged reasons for the custody, and the projected
11 likely date for the child's return home or placement for adoption
12 or legal guardianship. However, this investigation shall not be
13 construed as good cause for continuance of the dispositional
14 hearing conducted pursuant to Section 358.

15 (b) In any case in which more than one appropriate relative
16 requests preferential consideration pursuant to this section, each
17 relative shall be considered under the factors enumerated in
18 subdivision (a). Consistent with the legislative intent for children
19 to be placed immediately with a responsible relative, this section
20 does not limit the county social worker's ability to place a child
21 in the home of an appropriate relative or a nonrelative extended
22 family member pending the consideration of other relatives who
23 have requested preferential consideration.

24 (c) For purposes of this section:

25 (1) "Preferential consideration" means that the relative seeking
26 placement shall be the first placement to be considered and
27 investigated.

28 (2) "Relative" means an adult who is related to the child by
29 blood, adoption, or affinity within the fifth degree of kinship,
30 including stepparents, stepsiblings, and all relatives whose status
31 is preceded by the words "great," "great-great," or "grand," or the
32 spouse of any of these persons even if the marriage was terminated
33 by death or dissolution. However, only the following relatives
34 shall be given preferential consideration for the placement of the
35 child: an adult who is a grandparent, aunt, uncle, or sibling.

36 (d) Subsequent to the hearing conducted pursuant to Section
37 358, whenever a new placement of the child must be made,
38 consideration for placement shall again be given as described in
39 this section to relatives who have not been found to be unsuitable
40 and who will fulfill the child's reunification or permanent plan

1 requirements. In addition to the factors described in subdivision
2 (a), the county social worker shall consider whether the relative
3 has established and maintained a relationship with the child.

4 (e) If the court does not place the child with a relative who has
5 been considered for placement pursuant to this section, the court
6 shall state for the record the reasons placement with that relative
7 was denied.

8 (f) (1) With respect to a child who satisfies the criteria set forth
9 in paragraph (2), the department and any licensed adoption agency
10 may search for a relative and furnish identifying information
11 relating to the child to that relative if it is believed the child's
12 welfare will be promoted thereby.

13 (2) Paragraph (1) shall apply if both of the following conditions
14 are satisfied:

15 (A) The child was previously a dependent of the court.

16 (B) The child was previously adopted and the adoption has been
17 disrupted, set aside pursuant to Section 9100 or 9102 of the Family
18 Code, or the child has been released into the custody of the
19 department or a licensed adoption agency by the adoptive parent
20 or parents.

21 (3) As used in this subdivision, "relative" includes a member
22 of the child's birth family and nonrelated extended family
23 members, regardless of whether the parental rights were terminated,
24 provided that both of the following are true:

25 (A) No appropriate potential caretaker is known to exist from
26 the child's adoptive family, including nonrelated extended family
27 members of the adoptive family.

28 (B) The child was not the subject of a voluntary relinquishment
29 by the birth parents pursuant to Section 8700 of the Family Code
30 or Section 1255.7 of the Health and Safety Code.

31 ~~SEC. 70.~~

32 *SEC. 72.* Section 361.4 of the Welfare and Institutions Code
33 is amended to read:

34 361.4. (a) Prior to placing a child in the home of a relative, or
35 the home of any prospective guardian or another person who is
36 not a licensed or certified foster parent or an approved resource
37 family, the county social worker shall visit the home to ascertain
38 the appropriateness of the placement.

39 (b) (1) Whenever a child may be placed in the home of a
40 relative, a prospective guardian, or another person who is not a

1 licensed or certified foster parent or an approved resource family,
2 the court or county social worker placing the child shall cause a
3 state-level criminal records check to be conducted by an appropriate
4 government agency through the California Law Enforcement
5 Telecommunications System (CLETS) pursuant to Section 16504.5.
6 The criminal records check shall be conducted with regard to all
7 persons over 18 years of age living in the home, and on any other
8 person over 18 years of age, other than professionals providing
9 professional services to the child, known to the placing entity who
10 may have significant contact with the child, including any person
11 who has a familial or intimate relationship with any person living
12 in the home. A criminal records check may be conducted pursuant
13 to this section on any person over 14 years of age living in the
14 home who the county social worker believes may have a criminal
15 record. Within 10 calendar days following the criminal records
16 check conducted through the California Law Enforcement
17 Telecommunications System, the social worker shall ensure that
18 a fingerprint clearance check of the relative and any other person
19 whose criminal record was obtained pursuant to this subdivision
20 is initiated through the Department of Justice to ensure the accuracy
21 of the criminal records check conducted through the California
22 Law Enforcement Telecommunications System and shall review
23 the results of any criminal records check to assess the safety of the
24 home. The Department of Justice shall forward fingerprint requests
25 for federal-level criminal history information to the Federal Bureau
26 of Investigation pursuant to this section.

27 (2) An identification card from a foreign consulate or foreign
28 passport shall be considered a valid form of identification for
29 conducting a criminal records check and fingerprint clearance
30 check under this subdivision and under subdivision (c).

31 (c) Whenever a child may be placed in the home of a relative,
32 a prospective guardian, or another person who is not a licensed or
33 certified foster parent or an approved resource family, the county
34 social worker shall cause a check of the Child Abuse Central Index
35 pursuant to subdivision (a) of Section 11170 of the Penal Code to
36 be requested from the Department of Justice. The Child Abuse
37 Central Index check shall be conducted on all persons over 18
38 years of age living in the home. For any application received on
39 or after January 1, 2008, if any person in the household is 18 years
40 of age or older and has lived in another state in the preceding five

1 years, the county social worker shall check the other state's child
2 abuse and neglect registry to the extent required by federal law.

3 (d) (1) If the results of the California and federal criminal
4 records check indicates that the person has no criminal record, the
5 county social worker and court may consider the home of the
6 relative, prospective guardian, or other person who is not a licensed
7 or certified foster parent or approved resource family for placement
8 of a child.

9 (2) If the criminal records check indicates that the person has
10 been convicted of a crime that the Director of Social Services
11 cannot grant an exemption for under Section 1522 of the Health
12 and Safety Code, the child shall not be placed in the home. If the
13 criminal records check indicates that the person has been convicted
14 of a crime that the Director of Social Services may grant an
15 exemption for under Section 1522 of the Health and Safety Code,
16 the child shall not be placed in the home unless a criminal records
17 exemption has been granted by the county, based on substantial
18 and convincing evidence to support a reasonable belief that the
19 person with the criminal conviction is of such good character as
20 to justify the placement and not present a risk of harm to the child
21 pursuant to paragraph (3).

22 (3) (A) A county may issue a criminal records exemption only
23 if that county has been granted permission by the Director of Social
24 Services to issue criminal records exemptions. The county may
25 file a request with the Director of Social Services seeking
26 permission for the county to establish a procedure to evaluate and
27 grant appropriate individual criminal records exemptions for
28 persons described in subdivision (b). The director shall grant or
29 deny the county's request within 14 days of receipt. The county
30 shall evaluate individual criminal records in accordance with the
31 standards and limitations set forth in paragraph (1) of subdivision
32 (g) of Section 1522 of the Health and Safety Code, and in no event
33 shall the county place a child in the home of a person who is
34 ineligible for an exemption under that provision.

35 (B) The department shall monitor county implementation of the
36 authority to grant an exemption under this paragraph to ensure that
37 the county evaluates individual criminal records and allows or
38 disallows placements according to the standards set forth in
39 paragraph (1) of subdivision (g) of Section 1522 of the Health and
40 Safety Code.

1 (4) The department shall conduct an evaluation of the
2 implementation of paragraph (3) through random sampling of
3 county exemption decisions.

4 (5) The State Department of Social Services shall not evaluate
5 or grant criminal records exemption requests for persons described
6 in subdivision (b), unless the exemption request is made by an
7 Indian tribe pursuant to subdivision (e).

8 (6) If a county has not requested, or has not been granted,
9 permission by the State Department of Social Services to establish
10 a procedure to evaluate and grant criminal records exemptions,
11 the county shall not place a child into the home of a person
12 described in subdivision (b) if any person residing in the home has
13 been convicted of a crime other than a minor traffic violation,
14 except as provided in subdivision (e).

15 (e) The State Department of Social Services shall evaluate a
16 request from an Indian tribe to exempt a crime that is exemptible
17 under Section 1522 of the Health and Safety Code, if needed, to
18 allow placement into an Indian home that the tribe has designated
19 for placement under the federal Indian Child Welfare Act (25
20 U.S.C. Sec. 1901 et seq.). However, if the county with jurisdiction
21 over the child that is the subject of the tribe's request has
22 established an approved procedure pursuant to paragraph (3) of
23 subdivision (d), the tribe may request that the county evaluate the
24 exemption request. Once a tribe has elected to have the exemption
25 request reviewed by either the State Department of Social Services
26 or the county, the exemption decision may only be made by that
27 entity. Nothing in this subdivision limits the duty of a county social
28 worker to evaluate the home for placement or to gather information
29 needed to evaluate an exemption request.

30 ~~SEC. 71.~~

31 *SEC. 73.* Section 361.45 of the Welfare and Institutions Code
32 is amended to read:

33 361.45. (a) Notwithstanding any other law, when the sudden
34 unavailability of a foster caregiver requires a change in placement
35 on an emergency basis for a child who is under the jurisdiction of
36 the juvenile court pursuant to Section 300, if an able and willing
37 relative, as defined in Section 319, or an able and willing
38 nonrelative extended family member, as defined in Section 362.7,
39 is available and requests temporary placement of the child pending
40 resolution of the emergency situation, the county welfare

1 department shall initiate an assessment of the relative's or
2 nonrelative extended family member's suitability, which shall
3 include an in-home inspection to assess the safety of the home and
4 the ability of the relative or nonrelative extended family member
5 to care for the child's needs, and a consideration of the results of
6 a criminal records check conducted pursuant to subdivision (a) of
7 Section 16504.5 and a check of allegations of prior child abuse or
8 neglect concerning the relative or nonrelative extended family
9 member and other adults in the home. Upon completion of this
10 assessment, the child may be placed on an emergency basis in the
11 assessed home.

12 (b) Following the emergency placement of a child in the home
13 of a relative or a nonrelative extended family member, the county
14 welfare department shall evaluate and approve or deny the home
15 pursuant to Section 16519.5.

16 (c) (1) On and after January 1, 2012, if a nonminor dependent,
17 as defined in subdivision (v) of Section 11400, is placed in the
18 home of a relative or nonrelative extended family member, the
19 home shall be approved using the same standards set forth in
20 regulations as described in Section 1502.7 of the Health and Safety
21 Code.

22 (2) On or before July 1, 2012, the department, in consultation
23 with representatives of the Legislature, the County Welfare
24 Directors Association, the Chief Probation Officers of California,
25 the California Youth Connection, the Judicial Council, former
26 foster youth, child advocacy organizations, dependency counsel
27 for children, juvenile justice advocacy organizations, foster
28 caregiver organizations, labor organizations, and representatives
29 of Indian tribes, shall revise regulations regarding health and safety
30 standards for approving relative homes in which nonminor
31 dependents, as defined in subdivision (v) of Section 11400, of the
32 juvenile court are placed under the responsibility of the county
33 welfare or probation department, or an Indian tribe that entered
34 into an agreement pursuant to Section 10553.1.

35 (3) Notwithstanding the Administrative Procedure Act (Chapter
36 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
37 Title 2 of the Government Code), the department, in consultation
38 with the stakeholders listed in paragraph (2), shall prepare for
39 implementation of the applicable provisions of this section by
40 publishing all-county letters or similar instructions from the director

1 by October 1, 2011, to be effective January 1, 2012. Emergency
2 regulations to implement this section may be adopted by the
3 director in accordance with the Administrative Procedure Act. The
4 initial adoption of the emergency regulations and one re-adoption
5 of the initial regulations shall be deemed to be an emergency and
6 necessary for the immediate preservation of the public peace,
7 health, safety, or general welfare. Initial emergency regulations
8 and the first re-adoption of those emergency regulations shall be
9 exempt from review by the Office of Administrative Law. The
10 emergency regulations authorized by this section shall be submitted
11 to the Office of Administrative Law for filing with the Secretary
12 of State and shall remain in effect for no more than 180 days.

13 ~~SEC. 72.~~

14 *SEC. 74.* Section 361.5 of the Welfare and Institutions Code
15 is amended to read:

16 361.5. (a) Except as provided in subdivision (b), or when the
17 parent has voluntarily relinquished the child and the relinquishment
18 has been filed with the State Department of Social Services, or
19 upon the establishment of an order of guardianship pursuant to
20 Section 360, or when a court adjudicates a petition under Section
21 329 to modify the court's jurisdiction from delinquency jurisdiction
22 to dependency jurisdiction pursuant to subparagraph (A) of
23 paragraph (2) of subdivision (b) of Section 607.2 and the parents
24 or guardian of the ward have had reunification services terminated
25 under the delinquency jurisdiction, whenever a child is removed
26 from a parent's or guardian's custody, the juvenile court shall order
27 the social worker to provide child welfare services to the child and
28 the child's mother and statutorily presumed father or guardians.
29 Upon a finding and declaration of paternity by the juvenile court
30 or proof of a prior declaration of paternity by any court of
31 competent jurisdiction, the juvenile court may order services for
32 the child and the biological father, if the court determines that the
33 services will benefit the child.

34 (1) Family reunification services, when provided, shall be
35 provided as follows:

36 (A) Except as otherwise provided in subparagraph (C), for a
37 child who, on the date of initial removal from the physical custody
38 of his or her parent or guardian, was three years of age or older,
39 court-ordered services shall be provided beginning with the
40 dispositional hearing and ending 12 months after the date the child

1 entered foster care as provided in Section 361.49, unless the child
2 is returned to the home of the parent or guardian.

3 (B) For a child who, on the date of initial removal from the
4 physical custody of his or her parent or guardian, was under three
5 years of age, court-ordered services shall be provided for a period
6 of six months from the dispositional hearing as provided in
7 subdivision (e) of Section 366.21, but no longer than 12 months
8 from the date the child entered foster care as provided in Section
9 361.49 unless the child is returned to the home of the parent or
10 guardian.

11 (C) For the purpose of placing and maintaining a sibling group
12 together in a permanent home should reunification efforts fail, for
13 a child in a sibling group whose members were removed from
14 parental custody at the same time, and in which one member of
15 the sibling group was under three years of age on the date of initial
16 removal from the physical custody of his or her parent or guardian,
17 court-ordered services for some or all of the sibling group may be
18 limited as set forth in subparagraph (B). For the purposes of this
19 paragraph, “a sibling group” shall mean two or more children who
20 are related to each other as full or half siblings.

21 (2) Any motion to terminate court-ordered reunification services
22 prior to the hearing set pursuant to subdivision (f) of Section 366.21
23 for a child described by subparagraph (A) of paragraph (1), or
24 prior to the hearing set pursuant to subdivision (e) of Section
25 366.21 for a child described by subparagraph (B) or (C) of
26 paragraph (1), shall be made pursuant to the requirements set forth
27 in subdivision (c) of Section 388. A motion to terminate
28 court-ordered reunification services shall not be required at the
29 hearing set pursuant to subdivision (e) of Section 366.21 if the
30 court finds by clear and convincing evidence one of the following:

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

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

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

36 (3) Notwithstanding subparagraphs (A), (B), and (C) of
37 paragraph (1), court-ordered services may be extended up to a
38 maximum time period not to exceed 18 months after the date the
39 child was originally removed from physical custody of his or her
40 parent or guardian if it can be shown, at the hearing held pursuant

1 to subdivision (f) of Section 366.21, that the permanent plan for
2 the child is that he or she will be returned and safely maintained
3 in the home within the extended time period. The court shall extend
4 the time period only if it finds that there is a substantial probability
5 that the child will be returned to the physical custody of his or her
6 parent or guardian within the extended time period or that
7 reasonable services have not been provided to the parent or
8 guardian. In determining whether court-ordered services may be
9 extended, the court shall consider the special circumstances of an
10 incarcerated or institutionalized parent or parents, parent or parents
11 court-ordered to a residential substance abuse treatment program,
12 or a parent who has been arrested and issued an immigration hold,
13 detained by the United States Department of Homeland Security,
14 or deported to his or her country of origin, including, but not
15 limited to, barriers to the parent's or guardian's access to services
16 and ability to maintain contact with his or her child. The court
17 shall also consider, among other factors, good faith efforts that the
18 parent or guardian has made to maintain contact with the child. If
19 the court extends the time period, the court shall specify the factual
20 basis for its conclusion that there is a substantial probability that
21 the child will be returned to the physical custody of his or her
22 parent or guardian within the extended time period. The court also
23 shall make findings pursuant to subdivision (a) of Section 366 and
24 subdivision (e) of Section 358.1.

25 When counseling or other treatment services are ordered, the
26 parent or guardian shall be ordered to participate in those services,
27 unless the parent's or guardian's participation is deemed by the
28 court to be inappropriate or potentially detrimental to the child, or
29 unless a parent or guardian is incarcerated or detained by the United
30 States Department of Homeland Security and the corrections
31 facility in which he or she is incarcerated does not provide access
32 to the treatment services ordered by the court, or has been deported
33 to his or her country of origin and services ordered by the court
34 are not accessible in that country. Physical custody of the child by
35 the parents or guardians during the applicable time period under
36 subparagraph (A), (B), or (C) of paragraph (1) shall not serve to
37 interrupt the running of the time period. If at the end of the
38 applicable time period, a child cannot be safely returned to the
39 care and custody of a parent or guardian without court supervision,
40 but the child clearly desires contact with the parent or guardian,

1 the court shall take the child's desire into account in devising a
2 permanency plan.

3 In cases where the child was under three years of age on the date
4 of the initial removal from the physical custody of his or her parent
5 or guardian or is a member of a sibling group as described in
6 subparagraph (C) of paragraph (1), the court shall inform the parent
7 or guardian that the failure of the parent or guardian to participate
8 regularly in any court-ordered treatment programs or to cooperate
9 or avail himself or herself of services provided as part of the child
10 welfare services case plan may result in a termination of efforts
11 to reunify the family after six months. The court shall inform the
12 parent or guardian of the factors used in subdivision (e) of Section
13 366.21 to determine whether to limit services to six months for
14 some or all members of a sibling group as described in
15 subparagraph (C) of paragraph (1).

16 (4) Notwithstanding paragraph (3), court-ordered services may
17 be extended up to a maximum time period not to exceed 24 months
18 after the date the child was originally removed from physical
19 custody of his or her parent or guardian if it is shown, at the hearing
20 held pursuant to subdivision (b) of Section 366.22, that the
21 permanent plan for the child is that he or she will be returned and
22 safely maintained in the home within the extended time period.
23 The court shall extend the time period only if it finds that it is in
24 the child's best interest to have the time period extended and that
25 there is a substantial probability that the child will be returned to
26 the physical custody of his or her parent or guardian who is
27 described in subdivision (b) of Section 366.22 within the extended
28 time period, or that reasonable services have not been provided to
29 the parent or guardian. If the court extends the time period, the
30 court shall specify the factual basis for its conclusion that there is
31 a substantial probability that the child will be returned to the
32 physical custody of his or her parent or guardian within the
33 extended time period. The court also shall make findings pursuant
34 to subdivision (a) of Section 366 and subdivision (e) of Section
35 358.1.

36 When counseling or other treatment services are ordered, the
37 parent or guardian shall be ordered to participate in those services,
38 in order for substantial probability to be found. Physical custody
39 of the child by the parents or guardians during the applicable time
40 period under subparagraph (A), (B), or (C) of paragraph (1) shall

1 not serve to interrupt the running of the time period. If at the end
2 of the applicable time period, the child cannot be safely returned
3 to the care and custody of a parent or guardian without court
4 supervision, but the child clearly desires contact with the parent
5 or guardian, the court shall take the child's desire into account in
6 devising a permanency plan.

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

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

14 (1) That the whereabouts of the parent or guardian is unknown.
15 A finding pursuant to this paragraph shall be supported by an
16 affidavit or by proof that a reasonably diligent search has failed
17 to locate the parent or guardian. The posting or publication of
18 notices is not required in that search.

19 (2) That the parent or guardian is suffering from a mental
20 disability that is described in Chapter 2 (commencing with Section
21 7820) of Part 4 of Division 12 of the Family Code and that renders
22 him or her incapable of utilizing those services.

23 (3) That the child or a sibling of the child has been previously
24 adjudicated a dependent pursuant to any subdivision of Section
25 300 as a result of physical or sexual abuse, that following that
26 adjudication the child had been removed from the custody of his
27 or her parent or guardian pursuant to Section 361, that the child
28 has been returned to the custody of the parent or guardian from
29 whom the child had been taken originally, and that the child is
30 being removed pursuant to Section 361, due to additional physical
31 or sexual abuse.

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

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

37 (6) That the child has been adjudicated a dependent pursuant
38 to any subdivision of Section 300 as a result of severe sexual abuse
39 or the infliction of severe physical harm to the child, a sibling, or
40 a half sibling by a parent or guardian, as defined in this subdivision,

1 and the court makes a factual finding that it would not benefit the
2 child to pursue reunification services with the offending parent or
3 guardian.

4 A finding of severe sexual abuse, for the purposes of this
5 subdivision, may be based on, but is not limited to, sexual
6 intercourse, or stimulation involving genital-genital, oral-genital,
7 anal-genital, or oral-anal contact, whether between the parent or
8 guardian and the child or a sibling or half sibling of the child, or
9 between the child or a sibling or half sibling of the child and
10 another person or animal with the actual or implied consent of the
11 parent or guardian; or the penetration or manipulation of the
12 child's, sibling's, or half sibling's genital organs or rectum by any
13 animate or inanimate object for the sexual gratification of the
14 parent or guardian, or for the sexual gratification of another person
15 with the actual or implied consent of the parent or guardian.

16 A finding of the infliction of severe physical harm, for the
17 purposes of this subdivision, may be based on, but is not limited
18 to, deliberate and serious injury inflicted to or on a child's body
19 or the body of a sibling or half sibling of the child by an act or
20 omission of the parent or guardian, or of another individual or
21 animal with the consent of the parent or guardian; deliberate and
22 torturous confinement of the child, sibling, or half sibling in a
23 closed space; or any other torturous act or omission that would be
24 reasonably understood to cause serious emotional damage.

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

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

33 (9) That the child has been found to be a child described in
34 subdivision (g) of Section 300; that the parent or guardian of the
35 child willfully abandoned the child, and the court finds that the
36 abandonment itself constituted a serious danger to the child; or
37 that the parent or other person having custody of the child
38 voluntarily surrendered physical custody of the child pursuant to
39 Section 1255.7 of the Health and Safety Code. For the purposes
40 of this paragraph, "serious danger" means that without the

1 intervention of another person or agency, the child would have
2 sustained severe or permanent disability, injury, illness, or death.
3 For purposes of this paragraph, “willful abandonment” shall not
4 be construed as actions taken in good faith by the parent without
5 the intent of placing the child in serious danger.

6 (10) That the court ordered termination of reunification services
7 for any siblings or half siblings of the child because the parent or
8 guardian failed to reunify with the sibling or half sibling after the
9 sibling or half sibling had been removed from that parent or
10 guardian pursuant to Section 361 and that parent or guardian is
11 the same parent or guardian described in subdivision (a) and that,
12 according to the findings of the court, this parent or guardian has
13 not subsequently made a reasonable effort to treat the problems
14 that led to removal of the sibling or half sibling of that child from
15 that parent or guardian.

16 (11) That the parental rights of a parent over any sibling or half
17 sibling of the child had been permanently severed, and this parent
18 is the same parent described in subdivision (a), and that, according
19 to the findings of the court, this parent has not subsequently made
20 a reasonable effort to treat the problems that led to removal of the
21 sibling or half sibling of that child from the parent.

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

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

34 (14) That the parent or guardian of the child has advised the
35 court that he or she is not interested in receiving family
36 maintenance or family reunification services or having the child
37 returned to or placed in his or her custody and does not wish to
38 receive family maintenance or reunification services.

39 The parent or guardian shall be represented by counsel and shall
40 execute a waiver of services form to be adopted by the Judicial

1 Council. The court shall advise the parent or guardian of any right
2 to services and of the possible consequences of a waiver of
3 services, including the termination of parental rights and placement
4 of the child for adoption. The court shall not accept the waiver of
5 services unless it states on the record its finding that the parent or
6 guardian has knowingly and intelligently waived the right to
7 services.

8 (15) That the parent or guardian has on one or more occasions
9 willfully abducted the child or child's sibling or half sibling from
10 his or her placement and refused to disclose the child's or child's
11 sibling's or half sibling's whereabouts, refused to return physical
12 custody of the child or child's sibling or half sibling to his or her
13 placement, or refused to return physical custody of the child or
14 child's sibling or half sibling to the social worker.

15 (16) That the parent or guardian has been required by the court
16 to be registered on a sex offender registry under the federal Adam
17 Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.
18 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the
19 Child Abuse Prevention and Treatment Act of 2006 (42 U.S.C.
20 Sec. 5106a(2)(B)(xvi)(VI)).

21 (c) In deciding whether to order reunification in any case in
22 which this section applies, the court shall hold a dispositional
23 hearing. The social worker shall prepare a report that discusses
24 whether reunification services shall be provided. When it is alleged,
25 pursuant to paragraph (2) of subdivision (b), that the parent is
26 incapable of utilizing services due to mental disability, the court
27 shall order reunification services unless competent evidence from
28 mental health professionals establishes that, even with the provision
29 of services, the parent is unlikely to be capable of adequately caring
30 for the child within the time limits specified in subdivision (a).

31 The court shall not order reunification for a parent or guardian
32 described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12),
33 (13), (14), (15), or (16) of subdivision (b) unless the court finds,
34 by clear and convincing evidence, that reunification is in the best
35 interest of the child.

36 In addition, the court shall not order reunification in any situation
37 described in paragraph (5) of subdivision (b) unless it finds that,
38 based on competent testimony, those services are likely to prevent
39 reabuse or continued neglect of the child or that failure to try
40 reunification will be detrimental to the child because the child is

1 closely and positively attached to that parent. The social worker
2 shall investigate the circumstances leading to the removal of the
3 child and advise the court whether there are circumstances that
4 indicate that reunification is likely to be successful or unsuccessful
5 and whether failure to order reunification is likely to be detrimental
6 to the child.

7 The failure of the parent to respond to previous services, the fact
8 that the child was abused while the parent was under the influence
9 of drugs or alcohol, a past history of violent behavior, or testimony
10 by a competent professional that the parent's behavior is unlikely
11 to be changed by services are among the factors indicating that
12 reunification services are unlikely to be successful. The fact that
13 a parent or guardian is no longer living with an individual who
14 severely abused the child may be considered in deciding that
15 reunification services are likely to be successful, provided that the
16 court shall consider any pattern of behavior on the part of the parent
17 that has exposed the child to repeated abuse.

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

23 (e) (1) If the parent or guardian is incarcerated, institutionalized,
24 or detained by the United States Department of Homeland Security,
25 or has been deported to his or her country of origin, the court shall
26 order reasonable services unless the court determines, by clear and
27 convincing evidence, those services would be detrimental to the
28 child. In determining detriment, the court shall consider the age
29 of the child, the degree of parent-child bonding, the length of the
30 sentence, the length and nature of the treatment, the nature of the
31 crime or illness, the degree of detriment to the child if services are
32 not offered and, for children 10 years of age or older, the child's
33 attitude toward the implementation of family reunification services,
34 the likelihood of the parent's discharge from incarceration,
35 institutionalization, or detention within the reunification time
36 limitations described in subdivision (a), and any other appropriate
37 factors. In determining the content of reasonable services, the court
38 shall consider the particular barriers to an incarcerated,
39 institutionalized, detained, or deported parent's access to those
40 court-mandated services and ability to maintain contact with his

1 or her child, and shall document this information in the child's
2 case plan. Reunification services are subject to the applicable time
3 limitations imposed in subdivision (a). Services may include, but
4 shall not be limited to, all of the following:

5 (A) Maintaining contact between the parent and child through
6 collect telephone calls.

7 (B) Transportation services, when appropriate.

8 (C) Visitation services, when appropriate.

9 (D) Reasonable services to extended family members or foster
10 parents providing care for the child if the services are not
11 detrimental to the child.

12 An incarcerated or detained parent may be required to attend
13 counseling, parenting classes, or vocational training programs as
14 part of the reunification service plan if actual access to these
15 services is provided. The social worker shall document in the
16 child's case plan the particular barriers to an incarcerated,
17 institutionalized, or detained parent's access to those
18 court-mandated services and ability to maintain contact with his
19 or her child.

20 (E) Reasonable efforts to assist parents who have been deported
21 to contact child welfare authorities in their country of origin, to
22 identify any available services that would substantially comply
23 with case plan requirements, to document the parents' participation
24 in those services, and to accept reports from local child welfare
25 authorities as to the parents' living situation, progress, and
26 participation in services.

27 (2) The presiding judge of the juvenile court of each county
28 may convene representatives of the county welfare department,
29 the sheriff's department, and other appropriate entities for the
30 purpose of developing and entering into protocols for ensuring the
31 notification, transportation, and presence of an incarcerated or
32 institutionalized parent at all court hearings involving proceedings
33 affecting the child pursuant to Section 2625 of the Penal Code.
34 The county welfare department shall utilize the prisoner locator
35 system developed by the Department of Corrections and
36 Rehabilitation to facilitate timely and effective notice of hearings
37 for incarcerated parents.

38 (3) Notwithstanding any other law, if the incarcerated parent is
39 a woman seeking to participate in the community treatment
40 program operated by the Department of Corrections and

1 Rehabilitation pursuant to Chapter 4.8 (commencing with Section
2 1174) of Title 7 of Part 2 of, Chapter 4 (commencing with Section
3 3410) of Title 2 of Part 3 of, the Penal Code, the court shall
4 determine whether the parent's participation in a program is in the
5 child's best interest and whether it is suitable to meet the needs of
6 the parent and child.

7 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
8 (8), (9), (10), (11), (12), (13), (14), (15), or (16) of subdivision (b)
9 or paragraph (1) of subdivision (e), does not order reunification
10 services, it shall, at the dispositional hearing, that shall include a
11 permanency hearing, determine if a hearing under Section 366.26
12 shall be set in order to determine whether adoption, guardianship,
13 placement with a fit and willing relative, or another planned
14 permanent living arrangement, or in the case of an Indian child,
15 in consultation with the child's tribe, tribal customary adoption,
16 is the most appropriate plan for the child, and shall consider in-state
17 and out-of-state placement options. If the court so determines, it
18 shall conduct the hearing pursuant to Section 366.26 within 120
19 days after the dispositional hearing. However, the court shall not
20 schedule a hearing so long as the other parent is being provided
21 reunification services pursuant to subdivision (a). The court may
22 continue to permit the parent to visit the child unless it finds that
23 visitation would be detrimental to the child.

24 (g) (1) Whenever a court orders that a hearing shall be held
25 pursuant to Section 366.26, including, when, in consultation with
26 the child's tribe, tribal customary adoption is recommended, it
27 shall direct the agency supervising the child and the county
28 adoption agency, or the State Department of Social Services when
29 it is acting as an adoption agency, to prepare an assessment that
30 shall include:

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

34 (B) A review of the amount of and nature of any contact between
35 the child and his or her parents and other members of his or her
36 extended family since the time of placement. Although the
37 extended family of each child shall be reviewed on a case-by-case
38 basis, "extended family" for the purpose of this subparagraph shall
39 include, but not be limited to, the child's siblings, grandparents,
40 aunts, and uncles.

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

3 (D) A preliminary assessment of the eligibility and commitment
4 of any identified prospective adoptive parent or guardian, including
5 a prospective tribal customary adoptive parent, particularly the
6 caretaker, to include a social history, including screening for
7 criminal records and prior referrals for child abuse or neglect, the
8 capability to meet the child’s needs, and the understanding of the
9 legal and financial rights and responsibilities of adoption and
10 guardianship. If a proposed guardian is a relative of the minor, the
11 assessment shall also consider, but need not be limited to, all of
12 the factors specified in subdivision (a) of Section 361.3 and in
13 Section 361.4. As used in this subparagraph, “relative” means an
14 adult who is related to the minor by blood, adoption, or affinity
15 within the fifth degree of kinship, including stepparents,
16 stepsiblings, and all relatives whose status is preceded by the words
17 “great,” “great-great,” or “grand,” or the spouse of any of those
18 persons even if the marriage was terminated by death or
19 dissolution. If the proposed permanent plan is guardianship with
20 an approved relative caregiver for a minor eligible for aid under
21 the Kin-GAP Program, as provided for in Article 4.7 (commencing
22 with Section 11385) of Chapter 2 of Part 3 of Division 9, “relative”
23 as used in this section has the same meaning as “relative” as
24 defined in subdivision (c) of Section 11391.

25 (E) The relationship of the child to any identified prospective
26 adoptive parent or guardian, including a prospective tribal
27 customary parent, the duration and character of the relationship,
28 the degree of attachment of the child to the prospective relative
29 guardian or adoptive parent, the relative’s or adoptive parent’s
30 strong commitment to caring permanently for the child, the
31 motivation for seeking adoption or guardianship, a statement from
32 the child concerning placement and the adoption or guardianship,
33 and whether the child over 12 years of age has been consulted
34 about the proposed relative guardianship arrangements, unless the
35 child’s age or physical, emotional, or other condition precludes
36 his or her meaningful response, and if so, a description of the
37 condition.

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

1 (G) In the case of an Indian child, in addition to subparagraphs
2 (A) to (F), inclusive, an assessment of the likelihood that the child
3 will be adopted, when, in consultation with the child's tribe, a
4 tribal customary adoption, as defined in Section 366.24, is
5 recommended. If tribal customary adoption is recommended, the
6 assessment shall include an analysis of both of the following:

7 (i) Whether tribal customary adoption would or would not be
8 detrimental to the Indian child and the reasons for reaching that
9 conclusion.

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

13 (2) (A) A relative caregiver's preference for legal guardianship
14 over adoption, if it is due to circumstances that do not include an
15 unwillingness to accept legal or financial responsibility for the
16 child, shall not constitute the sole basis for recommending removal
17 of the child from the relative caregiver for purposes of adoptive
18 placement.

19 (B) Regardless of his or her immigration status, a relative
20 caregiver shall be given information regarding the permanency
21 options of guardianship and adoption, including the long-term
22 benefits and consequences of each option, prior to establishing
23 legal guardianship or pursuing adoption. If the proposed permanent
24 plan is guardianship with an approved relative caregiver for a
25 minor eligible for aid under the Kin-GAP Program, as provided
26 for in Article 4.7 (commencing with Section 11385) of Chapter 2
27 of Part 3 of Division 9, the relative caregiver shall be informed
28 about the terms and conditions of the negotiated agreement
29 pursuant to Section 11387 and shall agree to its execution prior to
30 the hearing held pursuant to Section 366.26. A copy of the executed
31 negotiated agreement shall be attached to the assessment.

32 (h) If, at any hearing held pursuant to Section 366.26, a
33 guardianship is established for the minor with an approved relative
34 caregiver and juvenile court dependency is subsequently dismissed,
35 the minor shall be eligible for aid under the Kin-GAP Program as
36 provided for in Article 4.5 (commencing with Section 11360) or
37 Article 4.7 (commencing with Section 11385) of Chapter 2 of Part
38 3 of Division 9, as applicable.

39 (i) In determining whether reunification services will benefit
40 the child pursuant to paragraph (6) or (7) of subdivision (b), the

1 court shall consider any information it deems relevant, including
2 the following factors:

3 (1) The specific act or omission comprising the severe sexual
4 abuse or the severe physical harm inflicted on the child or the
5 child's sibling or half sibling.

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

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

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

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

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

17 (j) When the court determines that reunification services will
18 not be ordered, it shall order that the child's caregiver receive the
19 child's birth certificate in accordance with Sections 16010.4 and
20 16010.5. Additionally, when the court determines that reunification
21 services will not be ordered, it shall order, when appropriate, that
22 a child who is 16 years of age or older receive his or her birth
23 certificate.

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

30 ~~SEC. 73.~~

31 *SEC. 75.* Section 366.26 of the Welfare and Institutions Code
32 is amended to read:

33 366.26. (a) This section applies to children who are adjudged
34 dependent children of the juvenile court pursuant to subdivision
35 (d) of Section 360. The procedures specified herein are the
36 exclusive procedures for conducting these hearings; Part 2
37 (commencing with Section 3020) of Division 8 of the Family Code
38 is not applicable to these proceedings. Section 8616.5 of the Family
39 Code is applicable and available to all dependent children meeting
40 the requirements of that section, if the postadoption contact

1 agreement has been entered into voluntarily. For children who are
2 adjudged dependent children of the juvenile court pursuant to
3 subdivision (d) of Section 360, this section and Sections 8604,
4 8605, 8606, and 8700 of the Family Code and Chapter 5
5 (commencing with Section 7660) of Part 3 of Division 12 of the
6 Family Code specify the exclusive procedures for permanently
7 terminating parental rights with regard to, or establishing legal
8 guardianship of, the child while the child is a dependent child of
9 the juvenile court.

10 (b) At the hearing, which shall be held in juvenile court for all
11 children who are dependents of the juvenile court, the court, in
12 order to provide stable, permanent homes for these children, shall
13 review the report as specified in Section 361.5, 366.21, 366.22, or
14 366.25, shall indicate that the court has read and considered it,
15 shall receive other evidence that the parties may present, and then
16 shall make findings and orders in the following order of preference:

17 (1) Terminate the rights of the parent or parents and order that
18 the child be placed for adoption and, upon the filing of a petition
19 for adoption in the juvenile court, order that a hearing be set. The
20 court shall proceed with the adoption after the appellate rights of
21 the natural parents have been exhausted.

22 (2) Order, without termination of parental rights, the plan of
23 tribal customary adoption, as described in Section 366.24, through
24 tribal custom, traditions, or law of the Indian child's tribe, and
25 upon the court affording the tribal customary adoption order full
26 faith and credit at the continued selection and implementation
27 hearing, order that a hearing be set pursuant to paragraph (2) of
28 subdivision (e).

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

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

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

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

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

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

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

30 (A) The child is living with a relative who is unable or unwilling
31 to adopt the child because of circumstances that do not include an
32 unwillingness to accept legal or financial responsibility for the
33 child, but who is willing and capable of providing the child with
34 a stable and permanent environment through legal guardianship,
35 and the removal of the child from the custody of his or her relative
36 would be detrimental to the emotional well-being of the child. For
37 purposes of an Indian child, “relative” shall include an “extended
38 family member,” as defined in the federal Indian Child Welfare
39 Act of 1978 (25 U.S.C. Sec. 1903(2)).

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

4 (i) The parents have maintained regular visitation and contact
5 with the child and the child would benefit from continuing the
6 relationship.

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

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

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

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

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

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

1 (II) The child’s tribe has identified guardianship, foster care
2 with a fit and willing relative, tribal customary adoption, or another
3 planned permanent living arrangement for the child.

4 (III) The child is a nonminor dependent, and the nonminor and
5 the nonminor’s tribe have identified tribal customary adoption for
6 the nonminor.

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

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

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

13 (A) At each hearing at which the court was required to consider
14 reasonable efforts or services, the court has found that reasonable
15 efforts were not made or that reasonable services were not offered
16 or provided.

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

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

20 (ii) The court does not make a determination at the hearing
21 terminating parental rights, supported by evidence beyond a
22 reasonable doubt, including testimony of one or more “qualified
23 expert witnesses” as defined in Section 224.6, that the continued
24 custody of the child by the parent is likely to result in serious
25 emotional or physical damage to the child.

26 (iii) The court has ordered tribal customary adoption pursuant
27 to Section 366.24.

28 (3) If the court finds that termination of parental rights would
29 not be detrimental to the child pursuant to paragraph (1) and that
30 the child has a probability for adoption but is difficult to place for
31 adoption and there is no identified or available prospective adoptive
32 parent, the court may identify adoption as the permanent placement
33 goal and, without terminating parental rights, order that efforts be
34 made to locate an appropriate adoptive family for the child, within
35 the state or out of the state, within a period not to exceed 180 days.
36 During this 180-day period, the public agency responsible for
37 seeking adoptive parents for each child shall, to the extent possible,
38 ask each child who is 10 years of age or older to identify any
39 individuals, other than the child’s siblings, who are important to
40 the child, in order to identify potential adoptive parents. The public

1 agency may ask any other child to provide that information, as
2 appropriate. During the 180-day period, the public agency shall,
3 to the extent possible, contact other private and public adoption
4 agencies regarding the availability of the child for adoption. During
5 the 180-day period, the public agency shall conduct the search for
6 adoptive parents in the same manner as prescribed for children in
7 Sections 8708 and 8709 of the Family Code. At the expiration of
8 this period, another hearing shall be held and the court shall
9 proceed pursuant to paragraph (1), (2), (3), (5), or (6) of subdivision
10 (b). For purposes of this section, a child may only be found to be
11 difficult to place for adoption if there is no identified or available
12 prospective adoptive parent for the child because of the child's
13 membership in a sibling group, or the presence of a diagnosed
14 medical, physical, or mental handicap, or the child is seven years
15 of age or older.

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

36 (B) (i) If the child is living with an approved relative who is
37 willing and capable of providing a stable and permanent
38 environment, but not willing to become a legal guardian as of the
39 hearing date, the court shall order a permanent plan of placement
40 with a fit and willing relative, and the child shall not be removed

1 from the home if the court finds the removal would be seriously
2 detrimental to the emotional well-being of the child because the
3 child has substantial psychological ties to the relative caretaker.

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

19 (iii) If the child is living in a group home or, on or after January
20 1, 2017, a short-term residential therapeutic program, the court
21 shall order that the child remain in foster care with a permanent
22 plan of return home, adoption, tribal customary adoption in the
23 case of an Indian child, legal guardianship, or placement with a
24 fit and willing relative, as appropriate. If the child is 16 years of
25 age or older, or a nonminor dependent, and no other permanent
26 plan is appropriate at the time of the hearing, the court may order
27 another planned permanent living arrangement, as described in
28 paragraph (2) of subdivision (i) of Section 16501.

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

33 (5) If the court finds that the child should not be placed for
34 adoption, that legal guardianship shall not be established, that
35 placement with a fit and willing relative is not appropriate as of
36 the hearing date, and that there are no suitable foster parents except
37 certified family homes or resource families of a foster family
38 agency available to provide the child with a stable and permanent
39 environment, the court may order the care, custody, and control
40 of the child transferred from the county welfare department to a

1 licensed foster family agency. The court shall consider the written
2 recommendation of the county welfare director regarding the
3 suitability of the transfer. The transfer shall be subject to further
4 court orders.

5 The licensed foster family agency shall place the child in a
6 suitable licensed or certified family home that has been certified
7 by the agency as meeting licensing standards or with a resource
8 family approved by the agency. The licensed foster family agency
9 shall be responsible for supporting the child and providing
10 appropriate services to the child, including those services ordered
11 by the court. Responsibility for the support of the child shall not,
12 in and of itself, create liability on the part of the foster family
13 agency to third persons injured by the child. Those children whose
14 care, custody, and control are transferred to a foster family agency
15 shall not be eligible for foster care maintenance payments or child
16 welfare services, except for emergency response services pursuant
17 to Section 16504.

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

29 (e) (1) The proceeding for the adoption of a child who is a
30 dependent of the juvenile court shall be in the juvenile court if the
31 court finds pursuant to this section that adoption is the appropriate
32 permanent plan and the petition for adoption is filed in the juvenile
33 court. Upon the filing of a petition for adoption, the juvenile court
34 shall order that an adoption hearing be set. The court shall proceed
35 with the adoption after the appellate rights of the natural parents
36 have been exhausted. The full report required by Section 8715 of
37 the Family Code shall be read and considered by the court prior
38 to the adoption and this shall be reflected in the minutes of the
39 court. The person preparing the report may be called and examined
40 by any party to the proceeding. It is the intent of the Legislature,

1 pursuant to this subdivision, to give potential adoptive parents the
2 option of filing in the juvenile court the petition for the adoption
3 of a child who is a dependent of the juvenile court. Nothing in this
4 section is intended to prevent the filing of a petition for adoption
5 in any other court as permitted by law, instead of in the juvenile
6 court.

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

21 (3) If a child who is the subject of a finalized tribal customary
22 adoption shows evidence of a developmental disability or mental
23 illness as a result of conditions existing before the tribal customary
24 adoption to the extent that the child cannot be relinquished to a
25 licensed adoption agency on the grounds that the child is considered
26 unadoptable, and of which condition the tribal customary adoptive
27 parent or parents had no knowledge or notice before the entry of
28 the tribal customary adoption order, a petition setting forth those
29 facts may be filed by the tribal customary adoptive parent or
30 parents with the juvenile court that granted the tribal customary
31 adoption petition. If these facts are proved to the satisfaction of
32 the juvenile court, it may make an order setting aside the tribal
33 customary adoption order. The set-aside petition shall be filed
34 within five years of the issuance of the tribal customary adoption
35 order. The court clerk shall immediately notify the child's tribe
36 and the department in Sacramento of the petition within 60 days
37 after the notice of filing of the petition. The department shall file
38 a full report with the court and shall appear before the court for
39 the purpose of representing the child. Whenever a final decree of
40 tribal customary adoption has been vacated or set aside, the child

1 shall be returned to the custody of the county in which the
2 proceeding for tribal customary adoption was finalized. The
3 biological parent or parents of the child may petition for return of
4 custody. The disposition of the child after the court has entered an
5 order to set aside a tribal customary adoption shall include
6 consultation with the child’s tribe.

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

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

15 (2) If a parent appears without counsel and is unable to afford
16 counsel, the court shall appoint counsel for the parent, unless this
17 representation is knowingly and intelligently waived. The same
18 counsel shall not be appointed to represent both the child and his
19 or her parent. The public defender or private counsel may be
20 appointed as counsel for the parent.

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

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

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

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

1 (3) (A) The testimony of the child may be taken in chambers
2 and outside the presence of the child's parent or parents, if the
3 child's parent or parents are represented by counsel, the counsel
4 is present, and any of the following circumstances exist:

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

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

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

11 (B) After testimony in chambers, the parent or parents of the
12 child may elect to have the court reporter read back the testimony
13 or have the testimony summarized by counsel for the parent or
14 parents.

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

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

26 (2) A tribal customary adoption order evidencing that the Indian
27 child has been the subject of a tribal customary adoption shall be
28 afforded full faith and credit and shall have the same force and
29 effect as an order of adoption authorized by this section. The rights
30 and obligations of the parties as to the matters determined by the
31 Indian child's tribe shall be binding on all parties. A court shall
32 not order compliance with the order absent a finding that the party
33 seeking the enforcement participated, or attempted to participate,
34 in good faith, in family mediation services of the court or dispute
35 resolution through the tribe regarding the conflict, prior to the
36 filing of the enforcement action.

37 (3) A child who has not been adopted after the passage of at
38 least three years from the date the court terminated parental rights
39 and for whom the court has determined that adoption is no longer
40 the permanent plan may petition the juvenile court to reinstate

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

31 (j) If the court, by order or judgment, declares the child free
32 from the custody and control of both parents, or one parent if the
33 other does not have custody and control, or declares the child
34 eligible for tribal customary adoption, the court shall at the same
35 time order the child referred to the State Department of Social
36 Services, county adoption agency, or licensed adoption agency for
37 adoptive placement by the agency. However, except in the case
38 of a tribal customary adoption where there is no termination of
39 parental rights, a petition for adoption may not be granted until
40 the appellate rights of the natural parents have been exhausted.

1 The State Department of Social Services, county adoption agency,
2 or licensed adoption agency shall be responsible for the custody
3 and supervision of the child and shall be entitled to the exclusive
4 care and control of the child at all times until a petition for adoption
5 or tribal customary adoption is granted, except as specified in
6 subdivision (n). With the consent of the agency, the court may
7 appoint a guardian of the child, who shall serve until the child is
8 adopted.

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

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

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

26 (A) A petition for extraordinary writ review was filed in a timely
27 manner.

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

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

32 (2) Failure to file a petition for extraordinary writ review within
33 the period specified by rule, to substantively address the specific
34 issues challenged, or to support that challenge by an adequate
35 record shall preclude subsequent review by appeal of the findings
36 and orders made pursuant to this section.

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

39 (A) A trial court, after issuance of an order directing a hearing
40 pursuant to this section be held, shall advise all parties of the

1 requirement of filing a petition for extraordinary writ review as
2 set forth in this subdivision in order to preserve any right to appeal
3 in these issues. This notice shall be made orally to a party if the
4 party is present at the time of the making of the order or by
5 first-class mail by the clerk of the court to the last known address
6 of a party not present at the time of the making of the order.

7 (B) The prompt transmittal of the records from the trial court
8 to the appellate court.

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

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

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

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

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

21 (5) This subdivision shall only apply to cases in which an order
22 to set a hearing pursuant to this section is issued on or after January
23 1, 1995.

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

26 (n) (1) Notwithstanding Section 8704 of the Family Code or
27 any other law, the court, at a hearing held pursuant to this section
28 or anytime thereafter, may designate a current caretaker as a
29 prospective adoptive parent if the child has lived with the caretaker
30 for at least six months, the caretaker currently expresses a
31 commitment to adopt the child, and the caretaker has taken at least
32 one step to facilitate the adoption process. In determining whether
33 to make that designation, the court may take into consideration
34 whether the caretaker is listed in the preliminary assessment
35 prepared by the county department in accordance with subdivision
36 (i) of Section 366.21 as an appropriate person to be considered as
37 an adoptive parent for the child and the recommendation of the
38 State Department of Social Services, county adoption agency, or
39 licensed adoption agency.

- 1 (2) For purposes of this subdivision, steps to facilitate the
2 adoption process include, but are not limited to, the following:
- 3 (A) Applying for an adoption homestudy.
 - 4 (B) Cooperating with an adoption homestudy.
 - 5 (C) Being designated by the court or the adoption agency as the
6 adoptive family.
 - 7 (D) Requesting de facto parent status.
 - 8 (E) Signing an adoptive placement agreement.
 - 9 (F) Engaging in discussions regarding a postadoption contact
10 agreement.
 - 11 (G) Working to overcome any impediments that have been
12 identified by the State Department of Social Services, county
13 adoption agency, or licensed adoption agency.
 - 14 (H) Attending classes required of prospective adoptive parents.
- 15 (3) Prior to a change in placement and as soon as possible after
16 a decision is made to remove a child from the home of a designated
17 prospective adoptive parent, the agency shall notify the court, the
18 designated prospective adoptive parent or the current caretaker, if
19 that caretaker would have met the threshold criteria to be
20 designated as a prospective adoptive parent pursuant to paragraph
21 (1) on the date of service of this notice, the child's attorney, and
22 the child, if the child is 10 years of age or older, of the proposal
23 in the manner described in Section 16010.6.
- 24 (A) Within five court days or seven calendar days, whichever
25 is longer, of the date of notification, the child, the child's attorney,
26 or the designated prospective adoptive parent may file a petition
27 with the court objecting to the proposal to remove the child, or the
28 court, upon its own motion, may set a hearing regarding the
29 proposal. The court may, for good cause, extend the filing period.
30 A caretaker who would have met the threshold criteria to be
31 designated as a prospective adoptive parent pursuant to paragraph
32 (1) on the date of service of the notice of proposed removal of the
33 child may file, together with the petition under this subparagraph,
34 a petition for an order designating the caretaker as a prospective
35 adoptive parent for purposes of this subdivision.
 - 36 (B) A hearing ordered pursuant to this paragraph shall be held
37 as soon as possible and not later than five court days after the
38 petition is filed with the court or the court sets a hearing upon its
39 own motion, unless the court for good cause is unable to set the
40 matter for hearing five court days after the petition is filed, in

1 which case the court shall set the matter for hearing as soon as
2 possible. At the hearing, the court shall determine whether the
3 caretaker has met the threshold criteria to be designated as a
4 prospective adoptive parent pursuant to paragraph (1), and whether
5 the proposed removal of the child from the home of the designated
6 prospective adoptive parent is in the child's best interest, and the
7 child may not be removed from the home of the designated
8 prospective adoptive parent unless the court finds that removal is
9 in the child's best interest. If the court determines that the caretaker
10 did not meet the threshold criteria to be designated as a prospective
11 adoptive parent on the date of service of the notice of proposed
12 removal of the child, the petition objecting to the proposed removal
13 filed by the caretaker shall be dismissed. If the caretaker was
14 designated as a prospective adoptive parent prior to this hearing,
15 the court shall inquire into any progress made by the caretaker
16 towards the adoption of the child since the caretaker was designated
17 as a prospective adoptive parent.

18 (C) A determination by the court that the caretaker is a
19 designated prospective adoptive parent pursuant to paragraph (1)
20 or subparagraph (B) does not make the caretaker a party to the
21 dependency proceeding nor does it confer on the caretaker any
22 standing to object to any other action of the department, county
23 adoption agency, or licensed adoption agency, unless the caretaker
24 has been declared a de facto parent by the court prior to the notice
25 of removal served pursuant to paragraph (3).

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

30 (4) Notwithstanding paragraph (3), if the State Department of
31 Social Services, county adoption agency, or licensed adoption
32 agency determines that the child must be removed from the home
33 of the caretaker who is or may be a designated prospective adoptive
34 parent immediately, due to a risk of physical or emotional harm,
35 the agency may remove the child from that home and is not
36 required to provide notice prior to the removal. However, as soon
37 as possible and not longer than two court days after the removal,
38 the agency shall notify the court, the caretaker who is or may be
39 a designated prospective adoptive parent, the child's attorney, and
40 the child, if the child is 10 years of age or older, of the removal.

1 Within five court days or seven calendar days, whichever is longer,
2 of the date of notification of the removal, the child, the child's
3 attorney, or the caretaker who is or may be a designated prospective
4 adoptive parent may petition for, or the court on its own motion
5 may set, a noticed hearing pursuant to paragraph (3). The court
6 may, for good cause, extend the filing period.

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

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

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

17 ~~SEC. 74.~~

18 *SEC. 76.* Section 706.6 of the Welfare and Institutions Code
19 is amended to read:

20 706.6. (a) Services to minors are best provided in a framework
21 that integrates service planning and delivery among multiple
22 service systems, including the mental health system, using a
23 team-based approach, such as a child and family team. A child
24 and family team brings together individuals that engage with the
25 child or youth and family in assessing, planning, and delivering
26 services. Use of a team approach increases efficiency, and thus
27 reduces cost, by increasing coordination of formal services and
28 integrating the natural and informal supports available to the child
29 or youth and family.

30 (b) (1) For the purposes of this section, "child and family team"
31 has the same meaning as in paragraph (4) of subdivision (a) of
32 Section 16501.

33 (2) In its development of the case plan, the probation agency
34 shall consider any recommendations of the child and family team,
35 as defined in paragraph (4) of subdivision (a) of Section 16501.
36 The agency shall document the rationale for any inconsistencies
37 between the case plan and the child and family team
38 recommendations.

39 (c) A case plan prepared as required by Section 706.5 shall be
40 submitted to the court. It shall either be attached to the social study

1 or incorporated as a separate section within the social study. The
2 case plan shall include, but not be limited to, the following
3 information:

4 (1) A description of the circumstances that resulted in the minor
5 being placed under the supervision of the probation department
6 and in foster care.

7 (2) Documentation of the preplacement assessment of the
8 minor's and family's strengths and service needs showing that
9 preventive services have been provided, and that reasonable efforts
10 to prevent out-of-home placement have been made. The assessment
11 shall include the type of placement best equipped to meet those
12 needs.

13 (3) (A) A description of the type of home or institution in which
14 the minor is to be placed, and the reasons for that placement
15 decision, including a discussion of the safety and appropriateness
16 of the placement, including the recommendations of the child and
17 family team, if available.

18 (B) An appropriate placement is a placement in the least
19 restrictive, most family-like environment that promotes normal
20 childhood experiences, in closest proximity to the minor's home,
21 that meets the minor's best interests and special needs.

22 (d) The following shall apply:

23 (1) The agency selecting a placement shall consider, in order
24 of priority:

25 (A) Placement with relatives, nonrelated extended family
26 members, and tribal members.

27 (B) Foster family homes and certified homes or resource families
28 of foster family agencies.

29 (C) Treatment and intensive treatment certified homes or
30 resource families of foster family agencies, or multidimensional
31 treatment foster homes or therapeutic foster care homes.

32 (D) Group care placements in the following order:

33 (i) Short-term residential therapeutic programs.

34 (ii) Group homes.

35 (iii) Community treatment facilities.

36 (iv) Out-of-state residential treatment pursuant to Part 5
37 (commencing with Section 7900) of Division 12 of the Family
38 Code.

39 (2) Although the placement options shall be considered in the
40 preferential order specified in paragraph (1), the placement of a

1 child may be with any of these placement settings in order to ensure
2 the selection of a safe placement setting that is in the child's best
3 interests and meets the child's special needs.

4 (3) A minor may be placed into a community care facility
5 licensed as a short-term residential therapeutic program, as defined
6 in subdivision (ad) of Section 11400, provided the case plan
7 indicates that the placement is for the purposes of providing
8 short-term, specialized, and intensive treatment for the minor, the
9 case plan specifies the need for, nature of, and anticipated duration
10 of this treatment, and the case plan includes transitioning the minor
11 to a less restrictive environment and the projected timeline by
12 which the minor will be transitioned to a less restrictive
13 environment.

14 (e) Effective January 1, 2010, a case plan shall ensure the
15 educational stability of the child while in foster care and shall
16 include both of the following:

17 (1) Assurances that the placement takes into account the
18 appropriateness of the current educational setting and the proximity
19 to the school in which the child is enrolled at the time of placement.

20 (2) An assurance that the placement agency has coordinated
21 with appropriate local educational agencies to ensure that the child
22 remains in the school in which the child is enrolled at the time of
23 placement, or, if remaining in that school is not in the best interests
24 of the child, assurances by the placement agency and the local
25 educational agency to provide immediate and appropriate
26 enrollment in a new school and to provide all of the child's
27 educational records to the new school.

28 (f) Specific time-limited goals and related activities designed
29 to enable the safe return of the minor to his or her home, or in the
30 event that return to his or her home is not possible, activities
31 designed to result in permanent placement or emancipation.
32 Specific responsibility for carrying out the planned activities shall
33 be assigned to one or more of the following:

34 (1) The probation department.

35 (2) The minor's parent or parents or legal guardian or guardians,
36 as applicable.

37 (3) The minor.

38 (4) The foster parents or licensed agency providing foster care.

39 (g) The projected date of completion of the case plan objectives
40 and the date services will be terminated.

- 1 (h) (1) Scheduled visits between the minor and his or her family
2 and an explanation if no visits are made.
- 3 (2) Whether the child has other siblings, and, if any siblings
4 exist, all of the following:
- 5 (A) The nature of the relationship between the child and his or
6 her siblings.
- 7 (B) The appropriateness of developing or maintaining the sibling
8 relationships pursuant to Section 16002.
- 9 (C) If the siblings are not placed together in the same home,
10 why the siblings are not placed together and what efforts are being
11 made to place the siblings together, or why those efforts are not
12 appropriate.
- 13 (D) If the siblings are not placed together, all of the following:
- 14 (i) The frequency and nature of the visits between the siblings.
- 15 (ii) If there are visits between the siblings, whether the visits
16 are supervised or unsupervised. If the visits are supervised, a
17 discussion of the reasons why the visits are supervised, and what
18 needs to be accomplished in order for the visits to be unsupervised.
- 19 (iii) If there are visits between the siblings, a description of the
20 location and length of the visits.
- 21 (iv) Any plan to increase visitation between the siblings.
- 22 (E) The impact of the sibling relationships on the child's
23 placement and planning for legal permanence.
- 24 (F) The continuing need to suspend sibling interaction, if
25 applicable, pursuant to subdivision (c) of Section 16002.
- 26 (3) The factors the court may consider in making a determination
27 regarding the nature of the child's sibling relationships may
28 include, but are not limited to, whether the siblings were raised
29 together in the same home, whether the siblings have shared
30 significant common experiences or have existing close and strong
31 bonds, whether either sibling expresses a desire to visit or live with
32 his or her sibling, as applicable, and whether ongoing contact is
33 in the child's best emotional interests.
- 34 (i) (1) When placement is made in a foster family home, group
35 home, or other child care institution that is either a substantial
36 distance from the home of the minor's parent or legal guardian or
37 out of state, the case plan shall specify the reasons why the
38 placement is the most appropriate and is in the best interest of the
39 minor.

1 (2) When an out-of-state group home placement is recommended
2 or made, the case plan shall comply with Section 727.1 of this
3 code and Section 7911.1 of the Family Code. In addition,
4 documentation of the recommendation of the multidisciplinary
5 team and the rationale for this particular placement shall be
6 included. The case plan shall also address what in-state services
7 or facilities were used or considered and why they were not
8 recommended.

9 (j) If applicable, efforts to make it possible to place siblings
10 together, unless it has been determined that placement together is
11 not in the best interest of one or more siblings.

12 (k) A schedule of visits between the minor and the probation
13 officer, including a monthly visitation schedule for those children
14 placed in group homes.

15 (l) Health and education information about the minor, school
16 records, immunizations, known medical problems, and any known
17 medications the minor may be taking, names and addresses of the
18 minor's health and educational providers; the minor's grade level
19 performance; assurances that the minor's placement in foster care
20 takes into account proximity to the school in which the minor was
21 enrolled at the time of placement; and other relevant health and
22 educational information.

23 (m) When out-of-home services are used and the goal is
24 reunification, the case plan shall describe the services that were
25 provided to prevent removal of the minor from the home, those
26 services to be provided to assist in reunification and the services
27 to be provided concurrently to achieve legal permanency if efforts
28 to reunify fail.

29 (n) (1) The updated case plan prepared for a permanency
30 planning hearing shall include a recommendation for a permanent
31 plan for the minor. The identified permanent plan for a minor under
32 16 years of age shall be return home, adoption, legal guardianship,
33 or placement with a fit and willing relative. The case plan shall
34 identify any barriers to achieving legal permanence and the steps
35 the agency will take to address those barriers.

36 (2) If, after considering reunification, adoptive placement, legal
37 guardianship, or permanent placement with a fit and willing relative
38 the probation officer recommends placement in a planned
39 permanent living arrangement for a minor 16 years of age or older,
40 the case plan shall include documentation of a compelling reason

1 or reasons why termination of parental rights is not in the minor's
2 best interest. For purposes of this subdivision, a "compelling
3 reason" shall have the same meaning as in subdivision (c) of
4 Section 727.3. The case plan shall also identify the intensive and
5 ongoing efforts to return the minor to the home of the parent, place
6 the minor for adoption, establish a legal guardianship, or place the
7 minor with a fit and willing relative, as appropriate. Efforts shall
8 include the use of technology, including social media, to find
9 biological family members of the minor.

10 (o) Each updated case plan shall include a description of the
11 services that have been provided to the minor under the plan and
12 an evaluation of the appropriateness and effectiveness of those
13 services.

14 (p) A statement that the parent or legal guardian, and the minor
15 have had an opportunity to participate in the development of the
16 case plan, to review the case plan, to sign the case plan, and to
17 receive a copy of the plan, or an explanation about why the parent,
18 legal guardian, or minor was not able to participate or sign the case
19 plan.

20 (q) For a minor in out-of-home care who is 16 years of age or
21 older, a written description of the programs and services, which
22 will help the minor prepare for the transition from foster care to
23 successful adulthood.

24 ~~SEC. 75.~~

25 *SEC. 77.* Section 727 of the Welfare and Institutions Code is
26 amended to read:

27 727. (a) (1) If a minor or nonminor is adjudged a ward of the
28 court on the ground that he or she is a person described by Section
29 601 or 602, the court may make any reasonable orders for the care,
30 supervision, custody, conduct, maintenance, and support of the
31 minor or nonminor, including medical treatment, subject to further
32 order of the court.

33 (2) In the discretion of the court, a ward may be ordered to be
34 on probation without supervision of the probation officer. The
35 court, in so ordering, may impose on the ward any and all
36 reasonable conditions of behavior as may be appropriate under
37 this disposition. A minor or nonminor who has been adjudged a
38 ward of the court on the basis of the commission of any of the
39 offenses described in subdivision (b) or paragraph (2) of
40 subdivision (d) of Section 707, Section 459 of the Penal Code, or

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

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

16 (4) It is the responsibility pursuant to 42 U.S.C. Section
17 672(a)(2)(B) of the probation agency to determine the appropriate
18 placement for the ward once the court issues a placement order.
19 In determination of the appropriate placement for the ward, the
20 probation officer shall consider any recommendations of the child
21 and family. The probation agency may place the minor or nonminor
22 in any of the following:

23 (A) The approved home of a relative or the approved home of
24 a nonrelative, extended family member, as defined in Section
25 362.7. If a decision has been made to place the minor in the home
26 of a relative, the court may authorize the relative to give legal
27 consent for the minor's medical, surgical, and dental care and
28 education as if the relative caregiver were the custodial parent of
29 the minor.

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

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

38 (D) A foster family agency, as defined in subdivision (g) of
39 Section 11400 and paragraph (4) of subdivision (a) of Section 1502

1 of the Health and Safety Code, in a suitable certified family home
2 or with a resource family.

3 (E) Commencing January 1, 2017, a minor or nonminor
4 dependent may be placed in a short-term residential therapeutic
5 program as defined in subdivision (ad) of Section 11400 and
6 paragraph (18) of subdivision (a) of Section 1502 of the Health
7 and Safety Code. The placing agency shall also comply with
8 requirements set forth in paragraph (9) of subdivision (e) of Section
9 361.2, which includes, but is not limited to, authorization, limitation
10 on length of stay, extensions, and additional requirements related
11 to minors. For youth 13 years of age and older, the chief probation
12 officer of the county probation department, or his or her designee,
13 shall approve the placement if it is longer than 12 months, and no
14 less frequently than every 12 months thereafter.

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

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

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

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

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

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

33 (3) For the purposes of this subdivision, "agency" means any
34 governmental agency or any private service provider or individual
35 that receives federal, state, or local governmental funding or
36 reimbursement for providing services directly to a child, nonminor,
37 or nonminor dependent.

38 (c) If a minor has been adjudged a ward of the court on the
39 ground that he or she is a person described in Section 601 or 602,
40 and the court finds that notice has been given in accordance with

1 Section 661, and if the court orders that a parent or guardian shall
 2 retain custody of that minor either subject to or without the
 3 supervision of the probation officer, the parent or guardian may
 4 be required to participate with that minor in a counseling or
 5 education program, including, but not limited to, parent education
 6 and parenting programs operated by community colleges, school
 7 districts, or other appropriate agencies designated by the court.

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

16 If counseling or other treatment services are ordered for the
 17 minor, the parent, guardian, or foster parent shall be ordered to
 18 participate in those services, unless participation by the parent,
 19 guardian, or foster parent is deemed by the court to be inappropriate
 20 or potentially detrimental to the minor.

21 (e) The court may, after receipt of relevant testimony and other
 22 evidence from the parties, affirm or reject the placement
 23 determination. If the court rejects the placement determination, .
 24 the court may instruct the probation department to determine an
 25 alternative placement for the ward, or the court may modify the
 26 placement order to an alternative placement recommended by a
 27 party to the case after the court has received the probation
 28 department’s assessment of that recommendation and other relevant
 29 evidence from the parties.

30 ~~SEC. 76.~~

31 *SEC. 78.* Section 727.1 of the Welfare and Institutions Code
 32 is amended to read:

33 727.1. (a) When the court orders the care, custody, and control
 34 of the minor to be under the supervision of the probation officer
 35 for foster care placement pursuant to subdivision (a) of Section
 36 727, the decision regarding choice of placement, pursuant to
 37 Section 706.6, shall be based upon selection of a safe setting that
 38 is the least restrictive or most family like, and the most appropriate
 39 setting that meets the individual needs of the minor and is available,
 40 in proximity to the parent’s home, consistent with the selection of

1 the environment best suited to meet the minor’s special needs and
2 best interests. The selection shall consider, in order of priority,
3 placement with relatives, tribal members, and foster family, group
4 care, and residential treatment pursuant to Section 7950 of the
5 Family Code.

6 (b) Unless otherwise authorized by law, the court may not order
7 the placement of a minor who is adjudged a ward of the court on
8 the basis that he or she is a person described by either Section 601
9 or 602 in a private residential facility or program that provides
10 24-hour supervision, outside of the state, unless the court finds, in
11 its order of placement, that all of the following conditions are met:

12 (1) In-state facilities or programs have been determined to be
13 unavailable or inadequate to meet the needs of the minor.

14 (2) The State Department of Social Services or its designee has
15 performed initial and continuing inspection of the out-of-state
16 residential facility or program and has either certified that the
17 facility or program meets the greater of all licensure standards
18 required of group homes or of short-term residential therapeutic
19 programs operated in California, or that the department has granted
20 a waiver to a specific licensing standard upon a finding that there
21 exists no adverse impact to health and safety, pursuant to
22 subdivision (c) of Section 7911.1 of the Family Code.

23 (3) The requirements of Section 7911.1 of the Family Code are
24 met.

25 (c) If, upon inspection, the probation officer of the county in
26 which the minor is adjudged a ward of the court determines that
27 the out-of-state facility or program is not in compliance with the
28 standards required under paragraph (2) of subdivision (b) or has
29 an adverse impact on the health and safety of the minor, the
30 probation officer may temporarily remove the minor from the
31 facility or program. The probation officer shall promptly inform
32 the court of the minor’s removal, and shall return the minor to the
33 court for a hearing to review the suitability of continued out-of-state
34 placement. The probation officer shall, within one business day
35 of removing the minor, notify the State Department of Social
36 Services’ Compact Administrator, and, within five working days,
37 submit a written report of the findings and actions taken.

38 (d) The court shall review each of these placements for
39 compliance with the requirements of subdivision (b) at least once
40 every six months.

1 (e) The county shall not be entitled to receive or expend any
2 public funds for the placement of a minor in an out-of-state group
3 home or short-term residential therapeutic program, unless the
4 conditions of subdivisions (b) and (d) are met.

5 ~~SEC. 77.~~

6 *SEC. 79.* Section 727.4 of the Welfare and Institutions Code
7 is amended to read:

8 727.4. (a) (1) Notice of any hearing pursuant to Section 727,
9 727.2, or 727.3 shall be mailed by the probation officer to the
10 minor, the minor's parent or guardian, any adult provider of care
11 to the minor including, but not limited to, foster parents, relative
12 caregivers, preadoptive parents, resource family, community care
13 facility, or foster family agency, and to the counsel of record if the
14 counsel of record was not present at the time that the hearing was
15 set by the court, by first-class mail addressed to the last known
16 address of the person to be notified, or shall be personally served
17 on those persons, not earlier than 30 days nor later than 15 days
18 preceding the date of the hearing. The notice shall contain a
19 statement regarding the nature of the status review or permanency
20 planning hearing and any change in the custody or status of the
21 minor being recommended by the probation department. The notice
22 shall also include a statement informing the foster parents, relative
23 caregivers, or preadoptive parents that he or she may attend all
24 hearings or may submit any information he or she deems relevant
25 to the court in writing. The foster parents, relative caregiver, and
26 preadoptive parents are entitled to notice and opportunity to be
27 heard but need not be made parties to the proceedings. Proof of
28 notice shall be filed with the court.

29 (2) If the court or probation officer knows or has reason to know
30 that the minor is or may be an Indian child, any notice sent under
31 this section shall comply with the requirements of Section 224.2.

32 (b) At least 10 calendar days prior to each status review and
33 permanency planning hearing, after the hearing during which the
34 court orders that the care, custody, and control of the minor to be
35 under the supervision of the probation officer for placement
36 pursuant to subdivision (a) of Section 727, the probation officer
37 shall file a social study report with the court, pursuant to the
38 requirements listed in Section 706.5.

39 (c) The probation department shall inform the minor, the minor's
40 parent or guardian, and all counsel of record that a copy of the

1 social study prepared for the hearing will be available 10 days
2 prior to the hearing and may be obtained from the probation officer.

3 (d) As used in Article 15 (commencing with Section 625) to
4 Article 18 (commencing with Section 725), inclusive:

5 (1) “Foster care” means residential care provided in any of the
6 settings described in Section 11402 or 11402.01.

7 (2) “At risk of entering foster care” means that conditions within
8 a minor’s family may necessitate his or her entry into foster care
9 unless those conditions are resolved.

10 (3) “Preadoptive parent” means a licensed foster parent who
11 has been approved for adoption by the State Department of Social
12 Services when it is acting as an adoption agency or by a licensed
13 adoption agency.

14 (4) “Date of entry into foster care” means the date that is 60
15 days after the date on which the minor was removed from his or
16 her home, unless one of the exceptions below applies:

17 (A) If the minor is detained pending foster care placement, and
18 remains detained for more than 60 days, then the date of entry into
19 foster care means the date the court adjudges the minor a ward and
20 orders the minor placed in foster care under the supervision of the
21 probation officer.

22 (B) If, before the minor is placed in foster care, the minor is
23 committed to a ranch, camp, school, or other institution pending
24 placement, and remains in that facility for more than 60 days, then
25 the “date of entry into foster care” is the date the minor is
26 physically placed in foster care.

27 (C) If at the time the wardship petition was filed, the minor was
28 a dependent of the juvenile court and in out-of-home placement,
29 then the “date of entry into foster care” is the earlier of the date
30 the juvenile court made a finding of abuse or neglect, or 60 days
31 after the date on which the child was removed from his or her
32 home.

33 (5) “Reasonable efforts” means:

34 (A) Efforts made to prevent or eliminate the need for removing
35 the minor from the minor’s home.

36 (B) Efforts to make it possible for the minor to return home,
37 including, but not limited to, case management, counseling,
38 parenting training, mentoring programs, vocational training,
39 educational services, substance abuse treatment, transportation,
40 and therapeutic day services.

1 (C) Efforts to complete whatever steps are necessary to finalize
2 a permanent plan for the minor.

3 (D) In child custody proceedings involving an Indian child,
4 “reasonable efforts” shall also include “active efforts” as defined
5 in Section 361.7.

6 (6) “Relative” means an adult who is related to the minor by
7 blood, adoption, or affinity within the fifth degree of kinship
8 including stepparents, stepsiblings, and all relatives whose status
9 is preceded by the words “great,” “great-great,” “grand,” or the
10 spouse of any of these persons even if the marriage was terminated
11 by death or dissolution. “Relative” shall also include an “extended
12 family member” as defined in the Indian Child Welfare Act (25
13 U.S.C. Sec. 1903(2)).

14 (7) “Hearing” means a noticed proceeding with findings and
15 orders that are made on a case-by-case basis, heard by either of
16 the following:

17 (A) A judicial officer, in a courtroom, recorded by a court
18 reporter.

19 (B) An administrative panel, provided that the hearing is a status
20 review hearing and that the administrative panel meets the
21 following conditions:

22 (i) The administrative review shall be open to participation by
23 the minor and parents or legal guardians and all those persons
24 entitled to notice under subdivision (a).

25 (ii) The minor and his or her parents or legal guardians receive
26 proper notice as required in subdivision (a).

27 (iii) The administrative review panel is composed of persons
28 appointed by the presiding judge of the juvenile court, the
29 membership of which shall include at least one person who is not
30 responsible for the case management of, or delivery of services
31 to, the minor or the parents who are the subjects of the review.

32 (iv) The findings of the administrative review panel shall be
33 submitted to the juvenile court for the court’s approval and shall
34 become part of the official court record.

35 ~~SEC. 78.~~

36 *SEC. 80.* Section 4094.2 of the Welfare and Institutions Code
37 is amended to read:

38 4094.2. (a) For the purpose of establishing payment rates for
39 community treatment facility programs, the private nonprofit
40 agencies selected to operate these programs shall prepare a budget

1 that covers the total costs of providing residential care and
2 supervision and mental health services for their proposed programs.
3 These costs shall include categories that are allowable under
4 California’s Foster Care program and existing programs for mental
5 health services. They shall not include educational, nonmental
6 health medical, and dental costs.

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

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

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

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

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

37 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the
38 2003–04 fiscal year, and the 2004–05 fiscal year, community
39 treatment facility programs shall also be paid a community
40 treatment facility supplemental rate of up to two thousand five

1 hundred dollars (\$2,500) per child per month on behalf of children
2 eligible under the foster care program and children placed out of
3 home pursuant to an individualized education program developed
4 under Section 7572.5 of the Government Code. Subject to the
5 availability of funds, the supplemental rate shall be shared by the
6 state and the counties. Counties shall be responsible for paying a
7 county share of cost equal to 60 percent of the community
8 treatment rate for children placed by counties in community
9 treatment facilities and the state shall be responsible for 40 percent
10 of the community treatment facility supplemental rate. The
11 community treatment facility supplemental rate is intended to
12 supplement, and not to supplant, the payments for which children
13 placed in community treatment facilities are eligible to receive
14 under the foster care program and the existing programs for mental
15 health services.

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

24 (f) The State Department of Health Care Services shall provide
25 the community treatment facility supplemental rates to the counties
26 for advanced payment to the community treatment facility
27 providers in the same manner as the regular foster care payment
28 and within the same required payment time limits.

29 (g) In order to facilitate the study of the costs of community
30 treatment facilities, licensed community treatment facilities shall
31 provide all documents regarding facility operations, treatment, and
32 placements requested by the department.

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

1 (i) The State Department of Health Care Services and the State
2 Department of Social Services may adopt emergency regulations
3 necessary to implement joint protocols for the oversight of
4 community treatment facilities, to modify existing licensing
5 regulations governing reporting requirements and other procedural
6 and administrative mandates to take into account the seriousness
7 and frequency of behaviors that are likely to be exhibited by
8 seriously emotionally disturbed children placed in community
9 treatment facility programs, to modify the existing foster care
10 ratesetting regulations, and to pay the community treatment facility
11 supplemental rate. The adoption of these regulations shall be
12 deemed to be an emergency and necessary for the immediate
13 preservation of the public peace, health and safety, and general
14 welfare. The regulations shall become effective immediately upon
15 filing with the Secretary of State. The regulations shall not remain
16 in effect more than 180 days unless the adopting agency complies
17 with all the provisions of Chapter 3.5 (commencing with Section
18 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
19 as required by subdivision (e) of Section 11346.1 of the
20 Government Code.

21 ~~SEC. 79.~~

22 *SEC. 81.* Section 4096 of the Welfare and Institutions Code,
23 as added by Section 56 of Chapter 773 of the Statutes of 2015, is
24 amended to read:

25 4096. (a) (1) Interagency collaboration and children's program
26 services shall be structured in a manner that will facilitate
27 implementation of the goals of Part 4 (commencing with Section
28 5850) of Division 5 to develop protocols outlining the roles and
29 responsibilities of placing agencies and short-term residential
30 therapeutic programs regarding nonemergency placements of foster
31 children in certified short-term residential therapeutic programs
32 or foster family agencies.

33 (2) Components shall be added to state-county performance
34 contracts required in Section 5650 that provide for reports from
35 counties on how this section is implemented.

36 (3) The State Department of Health Care Services shall develop
37 performance contract components required by paragraph (2).

38 (4) Performance contracts subject to this section shall document
39 that the procedures to be implemented in compliance with this

1 section have been approved by the county social services
2 department and the county probation department.

3 (b) Funds specified in subdivision (a) of Section 17601 for
4 services to wards of the court and dependent children of the court
5 shall be allocated and distributed to counties based on the number
6 of wards of the court and dependent children of the court in the
7 county.

8 (c) A county may utilize funds allocated pursuant to subdivision
9 (b) only if the county has established an operational interagency
10 placement committee with a membership that includes at least the
11 county placement agency and a licensed mental health professional
12 from the county department of mental health. If necessary, the
13 funds may be used for costs associated with establishing the
14 interagency placement committee.

15 (d) Funds allocated pursuant to subdivision (b) shall be used to
16 provide services to wards of the court and dependent children of
17 the court jointly identified by county mental health, social services,
18 and probation departments as the highest priority. Every effort
19 shall be made to match those funds with funds received pursuant
20 to Title XIX of the federal Social Security Act, contained in
21 Subchapter 19 (commencing with Section 1396) of Chapter 7 of
22 Title 42 of the United States Code.

23 (e) (1) Each interagency placement committee shall establish
24 procedures whereby a ward of the court or dependent child of the
25 court, or a voluntarily placed child whose placement is funded by
26 the Aid to Families with Dependent Children-Foster Care Program,
27 who is to be placed or is currently placed in a short-term residential
28 therapeutic program, as specified in Section 11462.01, or a group
29 home granted an extension pursuant to Section 11462.04, shall be
30 assessed to determine whether the child meets one of the following:

31 (A) He or she meets the medical necessity criteria for Medi-Cal
32 specialty mental health services, as the criteria are described in
33 Section 1830.205 or 1830.210 of Title 9 of the California Code of
34 Regulations.

35 (B) He or she is assessed as seriously emotionally disturbed, as
36 described in subdivision (a) of Section 5600.3.

37 (C) His or her individual behavioral or treatment needs can only
38 be met by the level of care provided in a short-term residential
39 therapeutic program.

1 (2) The assessment required by paragraph (1) shall also indicate
2 that the child is in need of the care and services provided by a
3 short-term residential therapeutic program and ensure that the
4 requirements of subdivision (c) of Section 16514 have been met
5 with respect to commonality of need. The assessment shall include
6 a determination that placement of the child in the short-term
7 residential therapeutic program will not pose a threat to the health
8 or safety of, or interfere with the effectiveness of the mental health
9 services provided to, that child or the other children residing there.

10 (3) Nothing in this subdivision shall prohibit an interagency
11 placement committee from considering an assessment that was
12 provided by a licensed mental health professional, as described in
13 subdivision (g), and that was developed consistent with procedures
14 established by the county pursuant to paragraph (1).

15 (4) The State Department of Health Care Services and the State
16 Department of Social Services shall develop a dispute resolution
17 process or utilize an existing dispute resolution process currently
18 operated by each department to jointly review a disputed
19 interagency placement committee assessment or determination
20 made pursuant to this subdivision. The departments shall report
21 the developed or utilized dispute resolution process to the
22 appropriate policy and fiscal committees of the Legislature no later
23 than January 1, 2017, and shall track the number of disputes
24 reported and resolved, and provide that information to the
25 Legislature annually as part of the State Budget process.
26 Notwithstanding the rulemaking provisions of the Administrative
27 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
28 Part 1 of Division 3 of Title 2 of the Government Code), the
29 departments may issue guidance on the joint review process for
30 dispute resolution by written directive.

31 (f) The interagency placement committee shall document the
32 results of the assessment required by subdivision (e) and shall
33 notify the appropriate provider in writing, of those results within
34 10 days of the completion of the assessment.

35 (g) If the child's or youth's placement is not funded by the Aid
36 to Families with Dependent Children-Foster Care Program, a
37 licensed mental health professional, or an otherwise recognized
38 provider of mental health services, shall certify that the child has
39 been assessed as meeting the medical necessity criteria for
40 Medi-Cal specialty mental health Early and Periodic Screening,

1 Diagnosis, and Treatment services, as the criteria are described in
2 Section 1830.210 of Title 9 of the California Code of Regulations,
3 or assessed as seriously emotionally disturbed, as described in
4 subdivision (a) of Section 5600.3. A “licensed mental health
5 professional” includes a physician licensed under Section 2050 of
6 the Business and Professions Code, a licensed psychologist within
7 the meaning of subdivision (a) of Section 2902 of the Business
8 and Professions Code, a licensed clinical social worker within the
9 meaning of subdivision (a) of Section 4996 of the Business and
10 Professions Code, a licensed marriage and family therapist within
11 the meaning of subdivision (b) of Section 4980 of the Business
12 and Professions Code, or a licensed professional clinical counselor
13 within the meaning of subdivision (e) of Section 4999.12.

14 ~~SEC. 80.~~

15 *SEC. 82.* Section 4096.5 of the Welfare and Institutions Code,
16 as added by Section 59 of Chapter 773 of the Statutes of 2015, is
17 amended to read:

18 4096.5. (a) This section governs standards for the mental health
19 program approval for short-term residential therapeutic programs,
20 which is required under subdivision (c) of Section 1562.01 of the
21 Health and Safety Code.

22 (b) All short-term residential therapeutic programs that serve
23 children who have either been assessed as meeting the medical
24 necessity criteria for Medi-Cal specialty mental health services,
25 as provided for in Section 1830.205 or 1830.210 of Title 9 of the
26 California Code of Regulations, or who have been assessed as
27 seriously emotionally disturbed, as defined in subdivision (a) of
28 Section 5600.3, shall obtain and have in good standing a mental
29 health program approval that includes a Medi-Cal mental health
30 certification, as described in Section 11462.01, issued by the State
31 Department of Health Care Services or a county mental health
32 plan to which the department has delegated approval authority.
33 This approval is a condition for receiving an Aid to Families with
34 Dependent Children-Foster Care rate pursuant to Section 11462.01.

35 (c) (1) A short-term residential therapeutic program shall not
36 directly provide specialty mental health services without a current
37 mental health program approval. A licensed short-term residential
38 therapeutic program that has not obtained a program approval shall
39 provide children in its care access to appropriate mental health
40 services.

1 (2) County mental health plans shall ensure that Medi-Cal
2 specialty mental health services, including, but not limited to,
3 services under the Early and Periodic Screening, Diagnosis and
4 Treatment benefit, are provided to all Medi-Cal beneficiaries served
5 by short-term residential therapeutic programs who meet medical
6 necessity criteria, as provided for in Section 1830.205 or 1830.210
7 of Title 9 of the California Code of Regulations.

8 (d) (1) The State Department of Health Care Services or a
9 county mental health plan to which the department has delegated
10 mental health program approval authority shall approve or deny
11 mental health program approval requests within 45 days of
12 receiving a request. The State Department of Health Care Services
13 or a county mental health plan to which the department has
14 delegated mental health program approval authority shall issue
15 each mental health program approval for a period of one year,
16 except for approvals granted pursuant to paragraph (2) and
17 provisional approvals granted pursuant to regulations promulgated
18 under subdivision (e), and shall specify the effective date of the
19 approval. Approved entities shall meet all program standards to
20 be reapproved.

21 (2) (A) Between January 1, 2017, and December 31, 2017, the
22 State Department of Health Care Services, or a county mental
23 health plan to which the department has delegated mental health
24 program approval authority, shall approve or deny a mental health
25 program approval request within 90 days of receipt.

26 (B) Between January 1, 2017, and December 31, 2017, the State
27 Department of Health Care Services, or a county mental health
28 plan to which the department has delegated mental health program
29 approval authority, may issue a mental health program approval
30 for a period of less than one year.

31 (e) (1) The State Department of Health Care Services and the
32 county mental health plans to which the department has delegated
33 mental health program approval authority may enforce the mental
34 health program approval standards by taking any of the following
35 actions against a noncompliant short-term residential therapeutic
36 program:

37 (A) Suspend or revoke a mental health program approval.

38 (B) Impose monetary penalties.

39 (C) Place a mental health program on probation.

1 (D) Require a mental health program to prepare and comply
2 with a corrective action plan.

3 (2) The State Department of Health Care Services and the county
4 mental health plans to which the department has delegated mental
5 health program approval authority shall provide short-term
6 residential therapeutic programs with due process protections when
7 taking any of the actions described in paragraph (1).

8 (f) The State Department of Health Care Services, in
9 consultation with the State Department of Social Services, shall
10 promulgate regulations regarding program standards, oversight,
11 enforcement, issuance of mental health program approvals,
12 including provisional approvals that are effective for a period of
13 less than one year, and due process protections related to the mental
14 health program approval process for short-term residential
15 therapeutic programs.

16 (g) (1) Except for mental health program approval of short-term
17 residential therapeutic programs operated by a county, the State
18 Department of Health Care Services may, upon the request of a
19 county, delegate to that county mental health plan the mental health
20 program approval of short-term residential therapeutic programs
21 within its borders.

22 (2) Any county to which mental health program approval is
23 delegated pursuant to paragraph (1) shall be responsible for the
24 oversight and enforcement of program standards and the provision
25 of due process for approved and denied entities.

26 (h) The State Department of Health Care Services or a county
27 mental health plan to which the department has delegated mental
28 health program approval authority shall notify the State Department
29 of Social Services immediately upon the termination of any mental
30 health program approval issued in accordance with subdivisions
31 (b) and (d).

32 (i) The State Department of Social Services shall notify the
33 State Department of Health Care Services and, if applicable, a
34 county to which the department has delegated mental health
35 program approval authority, immediately upon the revocation of
36 any license issued pursuant to Chapter 3 (commencing with Section
37 1500) of Division 2 of the Health and Safety Code.

38 (j) Revocation of a license or a mental health program approval
39 shall be a basis for rate termination.

1 *SEC. 83. Section 11253.45 of the Welfare and Institutions Code*
2 *is amended to read:*

3 11253.45. (a) (1) A child to whom Section 309, 361.45, or
4 16519.5 applies, and who is placed in the home of a relative who
5 ~~has been approved as a resource family pursuant to Section~~
6 ~~16519.5, an approved relative~~, shall receive a grant that equals
7 the resource family basic rate at the child's assessed level of care,
8 as set forth in subdivision (g) of Section 11461 and Section 11463.
9 If the child is determined eligible for aid, the total grant shall be
10 comprised of the CalWORKs grant plus an amount that, when
11 combined with the CalWORKs grant, equals the resource family
12 basic rate at the child's assessed level of care.

13 (2) The non-CalWORKs portion of the grant provided in
14 paragraph (1) shall be paid from funds separate from funds
15 appropriated in the annual Budget Act and counties' share of costs
16 for the CalWORKs program.

17 (3) A child specified in paragraph (1) is not subject to the
18 provisions of this chapter relating to CalWORKs, including, but
19 not limited to, the provisions that relate to CalWORKs eligibility,
20 welfare to work, child support enforcement, time limits, or grant
21 computation.

22 (4) All of the following shall apply to a child specified in
23 paragraph (1):

24 (A) He or she shall receive the applicable regional CalWORKs
25 grant for a recipient in an assistance unit of one, pursuant to the
26 exempt maximum aid payment set forth in Section 11450, and any
27 changes to the CalWORKs grant amount shall apply to the grant
28 described in this subparagraph.

29 (B) Notwithstanding any other law, the CalWORKs grant for
30 the child shall be paid by the county with payment responsibility
31 in accordance with paragraph (1) regardless of the county of
32 residence of the child.

33 (C) For an assistance unit described in subparagraph (A),
34 eligibility shall be determined in accordance with paragraph (3)
35 of subdivision (a) of Section 672 of Title 42 of the United States
36 Code and state law implementing those requirements for the
37 purposes of Article 5 (commencing with Section 11400).

38 (b) (1) Except as provided in paragraph (2), a person applying
39 for aid on behalf of a child described in paragraph (1) of
40 subdivision (a), shall be exempt from Chapter 4.6 (commencing

1 with Section 10830) of Part 2 governing the statewide fingerprint
2 imaging system.

3 (2) A relative who is also an applicant for or a recipient of
4 benefits under this chapter shall comply with the statewide
5 fingerprint imaging system requirements.

6 (c) Notwithstanding Sections 11004 and 11004.1 or any other
7 law, overpayments to an assistance unit described in subparagraph
8 (A) of paragraph (4) of subdivision (a) shall be collected using the
9 standards and processes for overpayment recoupment as specified
10 in Section 11466.24, and recouped overpayments shall not be
11 subject to remittance to the federal government.

12 (d) If a relative with whom a child eligible in accordance with
13 this section is placed is also an applicant for, or a recipient of,
14 benefits under this chapter, all of the following shall apply:

15 (1) The applicant or recipient and each eligible child, excluding
16 any child eligible in accordance with this section, shall receive aid
17 in an assistance unit separate from the assistance unit described in
18 subparagraph (A) of paragraph (4) of subdivision (a), and the
19 CalWORKs grant of the assistance unit shall be paid by the county
20 of residence of the assistance unit.

21 (2) For purposes of calculating the grant of the assistance unit,
22 the number of eligible needy persons on which the grant is based
23 pursuant to paragraph (1) of subdivision (a) of Section 11450 shall
24 not include any child eligible in accordance with this section.

25 (3) For purposes of calculating minimum basic standards of
26 adequate care for the assistance unit, any child eligible in
27 accordance with this section shall be included as an eligible needy
28 person in the same family pursuant to paragraph (2) of subdivision
29 (a) of Section 11452.

30 (e) This section shall apply only to a child under the jurisdiction
31 of a county that has not opted into the Approved Relative Caregiver
32 Funding Option pursuant to Section 11461.3.

33 (f) This section shall become operative on January 1, 2017.

34 ~~SEC. 81.~~

35 *SEC. 84.* Section 11400 of the Welfare and Institutions Code
36 is amended to read:

37 11400. For purposes of this article, the following definitions
38 shall apply:

1 (a) “Aid to Families with Dependent Children-Foster Care
2 (AFDC-FC)” means the aid provided on behalf of needy children
3 in foster care under the terms of this division.

4 (b) “Case plan” means a written document that, at a minimum,
5 specifies the type of home in which the child shall be placed, the
6 safety of that home, and the appropriateness of that home to meet
7 the child’s needs. It shall also include the agency’s plan for
8 ensuring that the child receive proper care and protection in a safe
9 environment, and shall set forth the appropriate services to be
10 provided to the child, the child’s family, and the foster parents, in
11 order to meet the child’s needs while in foster care, and to reunify
12 the child with the child’s family. In addition, the plan shall specify
13 the services that will be provided or steps that will be taken to
14 facilitate an alternate permanent plan if reunification is not possible.

15 (c) “Certified family home” means an individual or family
16 certified by a licensed foster family agency and issued a certificate
17 of approval by that agency as meeting licensing standards, and
18 used exclusively by that foster family agency for placements.

19 (d) “Family home” means the family residence of a licensee in
20 which 24-hour care and supervision are provided for children.

21 (e) “Small family home” means any residential facility, in the
22 licensee’s family residence, which provides 24-hour care for six
23 or fewer foster children who have mental disorders or
24 developmental or physical disabilities and who require special care
25 and supervision as a result of their disabilities.

26 (f) “Foster care” means the 24-hour out-of-home care provided
27 to children whose own families are unable or unwilling to care for
28 them, and who are in need of temporary or long-term substitute
29 parenting.

30 (g) “Foster family agency” means a licensed community care
31 facility, as defined in paragraph (4) of subdivision (a) of Section
32 1502 of the Health and Safety Code. Private foster family agencies
33 shall be organized and operated on a nonprofit basis.

34 (h) “Group home” means a nondetention privately operated
35 residential home, organized and operated on a nonprofit basis only,
36 of any capacity, or a nondetention licensed residential care home
37 operated by the County of San Mateo with a capacity of up to 25
38 beds, that accepts children in need of care and supervision in a
39 group home, as defined by paragraph (13) of subdivision (a) of
40 Section 1502 of the Health and Safety Code.

- 1 (i) “Periodic review” means review of a child’s status by the
2 juvenile court or by an administrative review panel, that shall
3 include a consideration of the safety of the child, a determination
4 of the continuing need for placement in foster care, evaluation of
5 the goals for the placement and the progress toward meeting these
6 goals, and development of a target date for the child’s return home
7 or establishment of alternative permanent placement.
- 8 (j) “Permanency planning hearing” means a hearing conducted
9 by the juvenile court in which the child’s future status, including
10 whether the child shall be returned home or another permanent
11 plan shall be developed, is determined.
- 12 (k) “Placement and care” refers to the responsibility for the
13 welfare of a child vested in an agency or organization by virtue of
14 the agency or organization having (1) been delegated care, custody,
15 and control of a child by the juvenile court, (2) taken responsibility,
16 pursuant to a relinquishment or termination of parental rights on
17 a child, (3) taken the responsibility of supervising a child detained
18 by the juvenile court pursuant to Section 319 or 636, or (4) signed
19 a voluntary placement agreement for the child’s placement; or to
20 the responsibility designated to an individual by virtue of his or
21 her being appointed the child’s legal guardian.
- 22 (l) “Preplacement preventive services” means services that are
23 designed to help children remain with their families by preventing
24 or eliminating the need for removal.
- 25 (m) “Relative” means an adult who is related to the child by
26 blood, adoption, or affinity within the fifth degree of kinship,
27 including stepparents, stepsiblings, and all relatives whose status
28 is preceded by the words “great,” “great-great,” or “grand” or the
29 spouse of any of these persons even if the marriage was terminated
30 by death or dissolution.
- 31 (n) “Nonrelative extended family member” means an adult
32 caregiver who has an established familial or mentoring relationship
33 with the child, as described in Section 362.7.
- 34 (o) “Voluntary placement” means an out-of-home placement
35 of a child by (1) the county welfare department, probation
36 department, or Indian tribe that has entered into an agreement
37 pursuant to Section 10553.1, after the parents or guardians have
38 requested the assistance of the county welfare department and have
39 signed a voluntary placement agreement; or (2) the county welfare
40 department licensed public or private adoption agency, or the

1 department acting as an adoption agency, after the parents have
2 requested the assistance of either the county welfare department,
3 the licensed public or private adoption agency, or the department
4 acting as an adoption agency for the purpose of adoption planning,
5 and have signed a voluntary placement agreement.

6 (p) “Voluntary placement agreement” means a written agreement
7 between either the county welfare department, probation
8 department, or Indian tribe that has entered into an agreement
9 pursuant to Section 10553.1, licensed public or private adoption
10 agency, or the department acting as an adoption agency, and the
11 parents or guardians of a child that specifies, at a minimum, the
12 following:

13 (1) The legal status of the child.

14 (2) The rights and obligations of the parents or guardians, the
15 child, and the agency in which the child is placed.

16 (q) “Original placement date” means the most recent date on
17 which the court detained a child and ordered an agency to be
18 responsible for supervising the child or the date on which an agency
19 assumed responsibility for a child due to termination of parental
20 rights, relinquishment, or voluntary placement.

21 (r) (1) “Transitional housing placement provider” means an
22 organization licensed by the State Department of Social Services
23 pursuant to Section 1559.110 of the Health and Safety Code, to
24 provide transitional housing to foster children at least 16 years of
25 age and not more than 18 years of age, and nonminor dependents,
26 as defined in subdivision (v). A transitional housing placement
27 provider shall be privately operated and organized on a nonprofit
28 basis.

29 (2) Prior to licensure, a provider shall obtain certification from
30 the applicable county, in accordance with Section 16522.1.

31 (s) “Transitional Housing Program-Plus” means a provider
32 certified by the applicable county, in accordance with subdivision
33 (c) of Section 16522, to provide transitional housing services to
34 former foster youth who have exited the foster care system on or
35 after their 18th birthday.

36 (t) “Whole family foster home” means a new or existing family
37 home, approved relative caregiver or nonrelative extended family
38 member’s home, the home of a nonrelated legal guardian whose
39 guardianship was established pursuant to Section 360 or 366.26,
40 certified family home, or a host family home placement of a

1 transitional housing placement provider, that provides foster care
2 for a minor or nonminor dependent parent and his or her child,
3 and is specifically recruited and trained to assist the minor or
4 nonminor dependent parent in developing the skills necessary to
5 provide a safe, stable, and permanent home for his or her child.
6 The child of the minor or nonminor dependent parent need not be
7 the subject of a petition filed pursuant to Section 300 to qualify
8 for placement in a whole family foster home.

9 (u) “Mutual agreement” means any of the following:

10 (1) A written voluntary agreement of consent for continued
11 placement and care in a supervised setting between a minor or, on
12 and after January 1, 2012, a nonminor dependent, and the county
13 welfare services or probation department or tribal agency
14 responsible for the foster care placement, that documents the
15 nonminor’s continued willingness to remain in supervised
16 out-of-home placement under the placement and care of the
17 responsible county, tribe, consortium of tribes, or tribal
18 organization that has entered into an agreement with the state
19 pursuant to Section 10553.1, remain under the jurisdiction of the
20 juvenile court as a nonminor dependent, and report any change of
21 circumstances relevant to continued eligibility for foster care
22 payments, and that documents the nonminor’s and social worker’s
23 or probation officer’s agreement to work together to facilitate
24 implementation of the mutually developed supervised placement
25 agreement and transitional independent living case plan.

26 (2) An agreement, as described in paragraph (1), between a
27 nonminor former dependent or ward in receipt of Kin-GAP
28 payments under Article 4.5 (commencing with Section 11360) or
29 Article 4.7 (commencing with Section 11385), and the agency
30 responsible for the Kin-GAP benefits, provided that the nonminor
31 former dependent or ward satisfies the conditions described in
32 Section 11403.01, or one or more of the conditions described in
33 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
34 11403. For purposes of this paragraph and paragraph (3),
35 “nonminor former dependent or ward” has the same meaning as
36 described in subdivision (aa).

37 (3) An agreement, as described in paragraph (1), between a
38 nonminor former dependent or ward in receipt of AFDC-FC
39 payments under subdivision (e) or (f) of Section 11405 and the
40 agency responsible for the AFDC-FC benefits, provided that the

1 nonminor former dependent or ward described in subdivision (e)
2 of Section 11405 satisfies one or more of the conditions described
3 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
4 11403, and the nonminor described in subdivision (f) of Section
5 11405 satisfies the secondary school or equivalent training or
6 certificate program conditions described in that subdivision.

7 (v) “Nonminor dependent” means, on and after January 1, 2012,
8 a foster child, as described in Section 675(8)(B) of Title 42 of the
9 United States Code under the federal Social Security Act who is
10 a current dependent child or ward of the juvenile court, or who is
11 a nonminor under the transition jurisdiction of the juvenile court,
12 as described in Section 450, and who satisfies all of the following
13 criteria:

14 (1) He or she has attained 18 years of age while under an order
15 of foster care placement by the juvenile court, and is not more than
16 19 years of age on or after January 1, 2012, not more than 20 years
17 of age on or after January 1, 2013, or not more than 21 years of
18 age on or after January 1, 2014, and as described in Section
19 10103.5.

20 (2) He or she is in foster care under the placement and care
21 responsibility of the county welfare department, county probation
22 department, Indian tribe, consortium of tribes, or tribal organization
23 that entered into an agreement pursuant to Section 10553.1.

24 (3) He or she has a transitional independent living case plan
25 pursuant to Section 475(8) of the federal Social Security Act (42
26 U.S.C. Sec. 675(8)), as contained in the federal Fostering
27 Connections to Success and Increasing Adoptions Act of 2008
28 (Public Law 110-351), as described in Section 11403.

29 (w) “Supervised independent living placement” means, on and
30 after January 1, 2012, an independent supervised setting, as
31 specified in a nonminor dependent’s transitional independent living
32 case plan, in which the youth is living independently, pursuant to
33 Section 472(c)(2) of the federal Social Security Act (42 U.S.C.
34 Sec. 672(c)(2)).

35 (x) “Supervised independent living setting,” pursuant to Section
36 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
37 672(c)(2)), includes both a supervised independent living
38 placement, as defined in subdivision (w), and a residential housing
39 unit certified by the transitional housing placement provider
40 operating a Transitional Housing Placement-Plus Foster Care

1 program, as described in paragraph (2) of subdivision (a) of Section
2 16522.1.

3 (y) “Transitional independent living case plan” means, on or
4 after January 1, 2012, a child’s case plan submitted for the last
5 review hearing held before he or she reaches 18 years of age or
6 the nonminor dependent’s case plan, updated every six months,
7 that describes the goals and objectives of how the nonminor will
8 make progress in the transition to living independently and assume
9 incremental responsibility for adult decisionmaking, the
10 collaborative efforts between the nonminor and the social worker,
11 probation officer, or Indian tribal placing entity and the supportive
12 services as described in the transitional independent living plan
13 (TILP) to ensure active and meaningful participation in one or
14 more of the eligibility criteria described in paragraphs (1) to (5),
15 inclusive, of subdivision (b) of Section 11403, the nonminor’s
16 appropriate supervised placement setting, and the nonminor’s
17 permanent plan for transition to living independently, which
18 includes maintaining or obtaining permanent connections to caring
19 and committed adults, as set forth in paragraph (16) of subdivision
20 (f) of Section 16501.1.

21 (z) “Voluntary reentry agreement” means a written voluntary
22 agreement between a former dependent child or ward or a former
23 nonminor dependent, who has had juvenile court jurisdiction
24 terminated pursuant to Section 391, 452, or 607.2, and the county
25 welfare or probation department or tribal placing entity that
26 documents the nonminor’s desire and willingness to reenter foster
27 care, to be placed in a supervised setting under the placement and
28 care responsibility of the placing agency, the nonminor’s desire,
29 willingness, and ability to immediately participate in one or more
30 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
31 (b) of Section 11403, the nonminor’s agreement to work
32 collaboratively with the placing agency to develop his or her
33 transitional independent living case plan within 60 days of reentry,
34 the nonminor’s agreement to report any changes of circumstances
35 relevant to continued eligibility for foster care payments, and (1)
36 the nonminor’s agreement to participate in the filing of a petition
37 for juvenile court jurisdiction as a nonminor dependent pursuant
38 to subdivision (e) of Section 388 within 15 judicial days of the
39 signing of the agreement and the placing agency’s efforts and
40 supportive services to assist the nonminor in the reentry process,

1 or (2) if the nonminor meets the definition of a nonminor former
2 dependent or ward, as described in subdivision (aa), the nonminor’s
3 agreement to return to the care and support of his or her former
4 juvenile court-appointed guardian and meet the eligibility criteria
5 for AFDC-FC pursuant to subdivision (e) of Section 11405.

6 (aa) “Nonminor former dependent or ward” means, on and after
7 January 1, 2012, either of the following:

8 (1) A nonminor who reached 18 years of age while subject to
9 an order for foster care placement, and for whom dependency,
10 delinquency, or transition jurisdiction has been terminated, and
11 who is still under the general jurisdiction of the court.

12 (2) A nonminor who is over 18 years of age and, while a minor,
13 was a dependent child or ward of the juvenile court when the
14 guardianship was established pursuant to Section 360 or 366.26,
15 or subdivision (d), of Section 728 and the juvenile court
16 dependency or wardship was dismissed following the establishment
17 of the guardianship.

18 (ab) “Runaway and homeless youth shelter” means a type of
19 group home, as defined in paragraph (14) of subdivision (a) of
20 Section 1502 of the Health and Safety Code, that is not an eligible
21 placement option under Sections 319, 361.2, 450, and 727, and
22 that is not eligible for AFDC-FC funding pursuant to subdivision
23 (c) of Section 11402 or Section 11462.

24 (ac) “Transition dependent” is a minor between 17 years and
25 five months and 18 years of age who is subject to the court’s
26 transition jurisdiction under Section 450.

27 (ad) “Short-term residential therapeutic program” means a
28 nondetention, licensed community care facility, as defined in
29 paragraph (18) of subdivision (a) of Section 1502 of the Health
30 and Safety Code, that provides an integrated program of specialized
31 and intensive care and supervision, services and supports, and
32 treatment for the child or youth, when the child’s or youth’s case
33 plan specifies the need for, nature of, and anticipated duration of
34 this specialized treatment. Short-term residential therapeutic
35 programs shall be organized and operated on a nonprofit basis.

36 (ae) “Resource family” means an approved caregiver, as defined
37 in subdivision (c) of Section 16519.5.

38 (af) “Core Services” mean services, made available to children,
39 youth, and nonminor dependents either directly or secured through

1 formal agreement with other agencies, which are trauma informed
2 and culturally relevant as specified in Sections 11462 and 11463.

3 ~~SEC. 82.~~

4 *SEC. 85.* Section 11402 of the Welfare and Institutions Code,
5 as amended by Section 14 of Chapter 25 of the Statutes of 2016,
6 is amended to read:

7 11402. In order to be eligible for AFDC-FC, a child or
8 nonminor dependent shall be placed in one of the following:

9 (a) Prior to January 1, 2020:

10 (1) The approved home of a relative, provided the child or youth
11 is otherwise eligible for federal financial participation in the
12 AFDC-FC payment.

13 (2) The approved home of a nonrelative extended family
14 member, as described in Section 362.7.

15 (3) The licensed family home of a nonrelative.

16 (b) The approved home of a resource family, as defined in
17 Section 16519.5, if either of the following is true:

18 (1) The caregiver is a nonrelative.

19 (2) The caregiver is a relative, and the child or youth is otherwise
20 eligible for federal financial participation in the AFDC-FC
21 payment.

22 (c) A small family home, as defined in paragraph (6) of
23 subdivision (a) of Section 1502 of the Health and Safety Code.

24 (d) A housing model certified by a licensed transitional housing
25 placement provider, as described in Section 1559.110 of the Health
26 and Safety Code, and as defined in subdivision (r) of Section
27 11400.

28 (e) An approved supervised independent living setting for
29 nonminor dependents, as defined in subdivision (w) of Section
30 11400.

31 (f) A licensed foster family agency, as defined in subdivision
32 (g) of Section 11400 and paragraph (4) of subdivision (a) of Section
33 1502 of the Health and Safety Code, for placement into a certified
34 or approved home used exclusively by the foster family agency.

35 (g) A short-term residential therapeutic program licensed as a
36 community care facility, as defined in subdivision (ad) of Section
37 11400 and paragraph (18) of subdivision (a) of Section 1502 of
38 the Health and Safety Code.

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 (i) A community treatment facility set forth in Article 5
6 (commencing with Section 4094) of Chapter 3 of Part 1 of Division
7 4.

8 (j) A community care facility licensed pursuant to Chapter 3
9 (commencing with Section 1500) of Division 2 of the Health and
10 Safety Code and vendored by a regional center pursuant to Section
11 56004 of Title 17 of the California Code of Regulations.

12 (k) The home of a nonrelated legal guardian or the home of a
13 former nonrelated legal guardian when the guardianship of a child
14 or youth who is otherwise eligible for AFDC-FC has been
15 dismissed due to the child or youth attaining 18 years of age.

16 ~~SEC. 83.~~

17 *SEC. 86.* Section 11402.01 of the Welfare and Institutions
18 Code is repealed.

19 ~~SEC. 84.~~

20 *SEC. 87.* Section 11402.01 is added to the Welfare and
21 Institutions Code, to read:

22 11402.01. (a) In addition to the placements described in
23 Section 11402, a child or nonminor dependent may be eligible for
24 AFDC-FC while placed in a group home with an extension
25 pursuant to the exception process described in subdivision (d) of
26 Section 11462.04.

27 (b) This section shall remain in effect only until January 1, 2019,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2019, deletes or extends that date.

30 ~~SEC. 85.~~

31 *SEC. 88.* Section 11460 of the Welfare and Institutions Code
32 is amended to read:

33 11460. (a) (1) Foster care providers shall be paid a per child
34 per month rate in return for the care and supervision of the
35 AFDC-FC child placed with them. The department is designated
36 the single organizational unit whose duty it shall be to administer
37 a state system for establishing rates in the AFDC-FC program.
38 State functions shall be performed by the department or by
39 delegation of the department to county welfare departments or

1 Indian tribes, consortia of tribes, or tribal organizations that have
2 entered into an agreement pursuant to Section 10553.1.

3 (2) (A) Foster care providers that care for a child in a
4 home-based setting described in paragraph (1) of subdivision (g)
5 of Section 11461, or in a certified home or an approved resource
6 family of a foster family agency, shall be paid the per child per
7 month rate as set forth in subdivision (g) of Section 11461.

8 (B) The basic rate paid to either a certified family home or an
9 approved resource family of a foster family agency shall be paid
10 by the agency to the certified family home or approved resource
11 family from the rate that is paid to the agency pursuant to Section
12 11463.

13 (b) “Care and supervision” includes food, clothing, shelter, daily
14 supervision, school supplies, a child’s personal incidentals, liability
15 insurance with respect to a child, reasonable travel to the child’s
16 home for visitation, and reasonable travel for the child to remain
17 in the school in which he or she is enrolled at the time of
18 placement. Reimbursement for the costs of educational travel, as
19 provided for in this subdivision, shall be made pursuant to
20 procedures determined by the department, in consultation with
21 representatives of county welfare and probation directors, and
22 additional stakeholders, as appropriate.

23 (1) For a child or youth placed in a short-term residential
24 therapeutic program or a group home, care and supervision shall
25 also include reasonable administration and operational activities
26 necessary to provide the items listed in this subdivision.

27 (2) For a child or youth placed in a short-term residential
28 therapeutic program or a group home, care and supervision may
29 also include reasonable activities performed by social workers
30 employed by the program provider that are not otherwise
31 considered daily supervision or administration activities.

32 (3) The department, in consultation with the California State
33 Foster Parent Association, and other interested stakeholders, shall
34 provide information to the Legislature, no later than January 1,
35 2017, regarding the availability and cost for liability and property
36 insurance covering acts committed by children in care, and shall
37 make recommendations for any needed program development in
38 this area.

39 (c) It is the intent of the Legislature to establish the maximum
40 level of financial participation in out-of-state foster care group

1 home program rates for placements in facilities described in
2 subdivision (h) of Section 11402.

3 (1) The department shall develop regulations that establish the
4 method for determining the level of financial participation in the
5 rate paid for out-of-state placements in facilities described in
6 subdivision (h) of Section 11402. The department shall consider
7 all of the following methods:

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

10 (B) The rate developed for a short-term residential therapeutic
11 program pursuant to Section 11462.

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

14 (D) A system that considers the rate established by the host
15 state.

16 (E) Any other appropriate methods as determined by the
17 department.

18 (2) Reimbursement for the Aid to Families with Dependent
19 Children-Foster Care rate to be paid to an out-of-state program
20 described in subdivision (h) of Section 11402 shall only be paid
21 to programs that have done all of the following:

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

24 (i) Commencing January 1, 2017, unless granted an extension
25 from the department pursuant to subdivision (d) of Section
26 11462.04, the equivalent of the mental health program approval
27 required in Section 4096.5.

28 (ii) Commencing January 1, 2017, unless granted an extension
29 from the department pursuant to subdivision (d) of Section
30 11462.04, the national accreditation required in paragraph (6) of
31 subdivision (b) of Section 11462.

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

34 (i) The current fiscal year's standard rate for rate classification
35 level 14 for a group home.

36 (ii) Commencing January 1, 2017, the current fiscal year's rate
37 for a short-term residential therapeutic program.

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

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

3 (3) Except as specifically provided for in statute, reimbursement
4 for an AFDC-FC rate shall only be paid to a group home or
5 short-term residential therapeutic program organized and operated
6 on a nonprofit basis.

7 (d) A foster care provider that accepts payments, following the
8 effective date of this section, based on a rate established under this
9 section, shall not receive rate increases or retroactive payments as
10 the result of litigation challenging rates established prior to the
11 effective date of this section. This shall apply regardless of whether
12 a provider is a party to the litigation or a member of a class covered
13 by the litigation.

14 (e) Nothing shall preclude a county from using a portion of its
15 county funds to increase rates paid to family homes, foster family
16 agencies, group homes, and short-term residential therapeutic
17 programs within that county, and to make payments for specialized
18 care increments, clothing allowances, or infant supplements to
19 homes within that county, solely at that county’s expense.

20 (f) Nothing shall preclude a county from providing a
21 supplemental rate to serve commercially sexually exploited foster
22 children to provide for the additional care and supervision needs
23 of these children. To the extent that federal financial participation
24 is available, it is the intent of the Legislature that the federal
25 funding shall be utilized.

26 ~~SEC. 86.~~

27 *SEC. 89.* Section 11461 of the Welfare and Institutions Code
28 is amended to read:

29 11461. (a) For children or, on and after January 1, 2012,
30 nonminor dependents placed in a licensed or approved family
31 home with a capacity of six or less, or in an approved home of a
32 relative or nonrelated legal guardian, or the approved home of a
33 nonrelative extended family member as described in Section 362.7,
34 or, on and after January 1, 2012, a supervised independent living
35 placement, as defined in subdivision (w) of Section 11400, the per
36 child per month basic rates in the following schedule shall be in
37 effect for the period July 1, 1989, through December 31, 1989:

38	Age	Basic rate
39	0-4.....	\$ 294
40		

Age	Basic rate
5-8.....	\$ 319
9-11.....	\$ 340
12-14.....	\$ 378
15-20.....	\$ 412

(b) (1) Any county that, as of October 1, 1989, has in effect a basic rate that is at the levels set forth in the schedule in subdivision (a), shall continue to receive state participation, as specified in subdivision (c) of Section 15200, at these levels.

(2) Any county that, as of October 1, 1989, has in effect a basic rate that exceeds a level set forth in the schedule in subdivision (a), shall continue to receive the same level of state participation as it received on October 1, 1989.

(c) The amounts in the schedule of basic rates in subdivision (a) shall be adjusted as follows:

(1) Effective January 1, 1990, the amounts in the schedule of basic rates in subdivision (a) shall be increased by 12 percent.

(2) Effective May 1, 1990, any county that did not increase the basic rate by 12 percent on January 1, 1990, shall do both of the following:

(A) Increase the basic rate in effect December 31, 1989, for which state participation is received by 12 percent.

(B) Increase the basic rate, as adjusted pursuant to subparagraph (A), by an additional 5 percent.

(3) (A) Except as provided in subparagraph (B), effective July 1, 1990, for the 1990-91 fiscal year, the amounts in the schedule of basic rates in subdivision (a) shall be increased by an additional 5 percent.

(B) The rate increase required by subparagraph (A) shall not be applied to rates increased May 1, 1990, pursuant to paragraph (2).

(4) Effective July 1, 1998, the amounts in the schedule of basic rates in subdivision (a) shall be increased by 6 percent. Notwithstanding any other law, the 6-percent increase provided for in this paragraph shall, retroactive to July 1, 1998, apply to every county, including any county to which paragraph (2) of subdivision (b) applies, and shall apply to foster care for every age group.

(5) Notwithstanding any other law, any increase that takes effect after July 1, 1998, shall apply to every county, including any county

1 to which paragraph (2) of subdivision (b) applies, and shall apply
 2 to foster care for every age group.

3 (6) The increase in the basic foster family home rate shall apply
 4 only to children placed in a licensed foster family home receiving
 5 the basic rate or in an approved home of a relative or nonrelative
 6 extended family member, as described in Section 362.7, a
 7 supervised independent living placement, as defined in subdivision
 8 (w) of Section 11400, or a nonrelated legal guardian receiving the
 9 basic rate. The increased rate shall not be used to compute the
 10 monthly amount that may be paid to licensed foster family agencies
 11 for the placement of children in certified foster homes.

12 (d) (1) (A) Beginning with the 1991–92 fiscal year, the
 13 schedule of basic rates in subdivision (a) shall be adjusted by the
 14 percentage changes in the California Necessities Index, computed
 15 pursuant to the methodology described in Section 11453, subject
 16 to the availability of funds.

17 (B) In addition to the adjustment in subparagraph (A) effective
 18 January 1, 2000, the schedule of basic rates in subdivision (a) shall
 19 be increased by 2.36 percent rounded to the nearest dollar.

20 (C) Effective January 1, 2008, the schedule of basic rates in
 21 subdivision (a), as adjusted pursuant to subparagraph (B), shall be
 22 increased by 5 percent, rounded to the nearest dollar. The increased
 23 rate shall not be used to compute the monthly amount that may be
 24 paid to licensed foster family agencies for the placement of children
 25 in certified foster family homes, and shall not be used to recompute
 26 the foster care maintenance payment that would have been paid
 27 based on the age-related, state-approved foster family home care
 28 rate and any applicable specialized care increment, for any adoption
 29 assistance agreement entered into prior to October 1, 1992, or in
 30 any subsequent reassessment for adoption assistance agreements
 31 executed before January 1, 2008.

32 (2) (A) Any county that, as of the 1991–92 fiscal year, receives
 33 state participation for a basic rate that exceeds the amount set forth
 34 in the schedule of basic rates in subdivision (a) shall receive an
 35 increase each year in state participation for that basic rate of
 36 one-half of the percentage adjustments specified in paragraph (1)
 37 until the difference between the county’s adjusted state
 38 participation level for its basic rate and the adjusted schedule of
 39 basic rates is eliminated.

1 (B) Notwithstanding subparagraph (A), all counties for the
2 1999–2000 fiscal year and the 2007–08 fiscal year shall receive
3 an increase in state participation for the basic rate of the entire
4 percentage adjustment described in paragraph (1).

5 (3) If a county has, after receiving the adjustments specified in
6 paragraph (2), a state participation level for a basic rate that is
7 below the amount set forth in the adjusted schedule of basic rates
8 for that fiscal year, the state participation level for that rate shall
9 be further increased to the amount specified in the adjusted
10 schedule of basic rates.

11 (e) (1) As used in this section, “specialized care increment”
12 means an amount paid on behalf of a child requiring specialized
13 care to a home listed in subdivision (g) in addition to the basic
14 rate. Notwithstanding subdivision (g), the specialized care
15 increment shall not be paid to a nonminor dependent placed in a
16 supervised independent living setting as defined in subdivision
17 (w) of Section 11403. A county may have a ratesetting system for
18 specialized care to pay for the additional care and supervision
19 needed to address the behavioral, emotional, and physical
20 requirements of foster children. A county may modify its
21 specialized care rate system as needed, to accommodate changing
22 specialized placement needs of children.

23 (2) (A) The department shall have the authority to review the
24 county’s specialized care information, including the criteria and
25 methodology used for compliance with state and federal law, and
26 to require counties to make changes if necessary to conform to
27 state and federal law.

28 (B) The department shall make available to the public each
29 county’s specialized care information, including the criteria and
30 methodology used to determine the specialized care increments.

31 (3) Upon a request by a county for technical assistance,
32 specialized care information shall be provided by the department
33 within 90 days of the request to the department.

34 (4) (A) Except for subparagraph (B), beginning January 1,
35 1990, specialized care increments shall be adjusted in accordance
36 with the methodology for the schedule of basic rates described in
37 subdivisions (c) and (d).

38 (B) Notwithstanding subdivision (e) of Section 11460, for the
39 1993–94 fiscal year, an amount equal to 5 percent of the State
40 Treasury appropriation for family homes shall be added to the total

1 augmentation for the AFDC-FC program in order to provide
2 incentives and assistance to counties in the area of specialized
3 care. This appropriation shall be used, but not limited to,
4 encouraging counties to implement or expand specialized care
5 payment systems, to recruit and train foster parents for the
6 placement of children with specialized care needs, and to develop
7 county systems to encourage the placement of children in family
8 homes. It is the intent of the Legislature that in the use of these
9 funds, federal financial participation shall be claimed whenever
10 possible.

11 (C) (i) Notwithstanding subparagraph (A), the specialized care
12 increment shall not receive a cost-of-living adjustment in the
13 2011–12 or 2012–13 fiscal years.

14 (ii) Notwithstanding clause (i), a county may choose to apply
15 a cost-of-living adjustment to its specialized care increment during
16 the 2011–12 or 2012–13 fiscal years. To the extent that a county
17 chooses to apply a cost-of-living adjustment during that time, the
18 state shall not participate in the costs of that adjustment.

19 (iii) To the extent that federal financial participation is available
20 for a cost-of-living adjustment made by a county pursuant to clause
21 (ii), it is the intent of the Legislature that the federal funding shall
22 be utilized.

23 (5) Beginning in the 2011–12 fiscal year, and for each fiscal
24 year thereafter, funding and expenditures for programs and
25 activities under this subdivision shall be in accordance with the
26 requirements provided in Sections 30025 and 30026.5 of the
27 Government Code.

28 (f) (1) As used in this section, “clothing allowance” means the
29 amount paid by a county, at the county’s option, in addition to the
30 basic rate for the provision of additional clothing for a child,
31 including, but not limited to, an initial supply of clothing and
32 school or other uniforms. The frequency and level of funding shall
33 be based on the needs of the child, as determined by the county.

34 (2) The state shall no longer participate in any clothing
35 allowance in addition to the basic rate, commencing with the
36 2011–12 fiscal year.

37 (g) (1) Notwithstanding subdivisions (a) to (d), inclusive, for
38 a child, or on and after January 1, 2012, a nonminor dependent,
39 placed in a licensed foster family home or with a resource family,
40 or placed in an approved home of a relative or the approved home

1 of a nonrelative extended family member as described in Section
 2 362.7, or placed on and after January 1, 2012, in a supervised
 3 independent living placement, as defined in subdivision (w) of
 4 Section 11400, the per child per month basic rate in the following
 5 schedule shall be in effect for the period commencing July 1, 2011,
 6 or the date specified in the final order, for which the time to appeal
 7 has passed, issued by a court of competent jurisdiction in California
 8 State Foster Parent Association v. William Lightbourne, et al. (U.S.
 9 Dist. Ct. C 07-08056 WHA), whichever is earlier, through June
 10 30, 2012:

Age	Basic rate
12 0-4.....	\$ 609
14 5-8.....	\$ 660
15 9-11.....	\$ 695
16 12-14.....	\$ 727
17 15-20.....	\$ 761

18
 19 (2) Commencing July 1, 2011, the basic rate set forth in this
 20 subdivision shall be annually adjusted on July 1 by the annual
 21 percentage change in the California Necessities Index applicable
 22 to the calendar year within which each July 1 occurs.

23 (3) Subdivisions (e) and (f) shall apply to payments made
 24 pursuant to this subdivision.

25 (4) (A) (i) For the 2016-17 fiscal year, the department shall
 26 develop a basic rate in coordination with the development of the
 27 foster family agency rate authorized in Section 11463 that ensures
 28 a child placed in a home-based setting described in paragraph (1),
 29 and a child placed in a certified family home or with a resource
 30 family approved by a foster family agency, is eligible for the same
 31 basic rate set forth in this paragraph.

32 (ii) The rates developed pursuant to this paragraph shall not be
 33 lower than the rates proposed as part of the Governor’s 2016 May
 34 Revision.

35 (iii) A certified family home of a foster family agency shall be
 36 paid the basic rate set forth in this paragraph only through
 37 December 31, 2017.

38 (B) The basic rate paid to either a certified family home or a
 39 resource family approved by a foster family agency shall be paid
 40 by the agency to the certified family home or approved resource

1 family from the rate that is paid to the agency pursuant to Section
2 11463.

3 (C) 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), the basic rates and the manner in which they are determined
7 shall be set forth in written directives until regulations are adopted.

8 (D) The basic rates set forth in written directives or regulations
9 pursuant to subparagraph (C) shall become inoperative on January
10 1, 2018, unless a later enacted statute, that becomes operative on
11 or before January 1, 2018, deletes or extends the dates on which
12 they become inoperative.

13 (h) Beginning in the 2011–12 fiscal year, and each fiscal year
14 thereafter, funding and expenditures for programs and activities
15 under this section shall be in accordance with the requirements
16 provided in Sections 30025 and 30026.5 of the Government Code.

17 ~~SEC. 87.~~

18 *SEC. 90.* Section 11461.2 of the Welfare and Institutions Code
19 is amended to read:

20 11461.2. (a) It is the intent of the Legislature to ensure quality
21 care for children who are placed in the continuum of AFDC-FC
22 eligible placement settings.

23 (b) The State Department of Social Services shall establish, in
24 consultation with county welfare departments and other
25 stakeholders, as appropriate, a working group to develop
26 recommended revisions to the current ratesetting system, services,
27 and programs serving children and families in the continuum of
28 AFDC-FC eligible placement settings including, at a minimum,
29 all programs provided by foster family agencies and group homes
30 including those providing residentially based services, as defined
31 in paragraph (1) of subdivision (a) of Section 18987.71.

32 (c) In developing the recommended revisions identified in
33 subdivision (b), the working group shall consider all of the
34 following:

35 (1) How ratesetting systems for foster care providers, including,
36 at least, foster family agencies and group homes, can better support
37 a continuum of programs and services that promote positive
38 outcomes for children and families. This may include a process
39 for matching the child's strengths and needs to the appropriate
40 placement setting.

1 (2) How the provision of an integrated, comprehensive set of
2 services including mental health and other critical services for
3 children and youth support the achievement of well-being,
4 permanency, and safety outcomes.

5 (3) How to ensure the provision of services in a family setting
6 that promotes normal childhood experiences and that serves the
7 needs of the child, including aftercare services, when appropriate.

8 (4) How to provide outcome-based evaluations of foster care
9 providers or other methods of measuring quality improvement
10 including measures of youth and families' satisfaction with services
11 provided and program effectiveness.

12 (5) How changes in the licensing, ratesetting, and auditing
13 processes can improve the quality of foster care providers, the
14 quality of services and programs provided, and enhance the
15 oversight of care provided to children, including, but not limited
16 to, accreditation, administrator qualifications, and the reassignment
17 of these responsibilities within the department.

18 (d) In addition to the considerations in subdivision (c), the
19 workgroup recommendations shall be based on the review and
20 evaluation of the current ratesetting systems, actual cost data, and
21 information from the provider community as well as research on
22 other applicable ratesetting methodologies, evidence-based
23 practices, information developed as a result of pilots approved by
24 the director, and any other relevant information.

25 (e) (1) The workgroup shall develop the content, format, and
26 data sources for reports to be posted by the department on a public
27 Internet Web site describing the outcomes achieved by providers
28 with foster care rates set by the department.

29 (2) Commencing January 1, 2017, and at least semiannually
30 after that date, the department shall publish and make available
31 on a public Internet Web site, short-term residential therapeutic
32 program and foster family agency provider performance indicators.

33 (f) (1) Recommendations developed pursuant to this section
34 shall include the plan required under subdivision (d) of Section
35 18987.7. Updates regarding the workgroup's establishment and
36 its progress toward meeting the requirements of this section shall
37 be provided to the Legislature during 2012–13 and 2013–14 budget
38 hearings. The revisions recommended pursuant to the requirements
39 of subdivision (b) shall be submitted in a report to the appropriate
40 policy and fiscal committees of the Legislature by October 1, 2014.

1 (2) The requirement for submitting a report pursuant to this
2 subdivision is inoperative on October 1, 2018, pursuant to Section
3 10231.5 of the Government Code.

4 (g) The department shall retain the authority to extend the
5 workgroup after October 1, 2014, to ensure that the objectives of
6 this section are met and to reconvene this workgroup as necessary
7 to address any future recommended changes to the continuum of
8 AFDC-FC eligible placement settings pursuant to this section.

9 ~~SEC. 88.~~

10 *SEC. 91.* Section 11462 of the Welfare and Institutions Code,
11 as added by Section 72 of Chapter 773 of the Statutes of 2015, is
12 amended to read:

13 11462. (a) The department shall commence development of
14 a new payment structure for short-term residential therapeutic
15 program placements claiming Title IV-E funding, in consultation
16 with county placing agencies and providers.

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

19 (1) Core services, made available to children and nonminor
20 dependents either directly or secured through formal agreements
21 with other agencies, which are trauma informed and culturally
22 relevant and include:

23 (A) Specialty mental health services for children who meet
24 medical necessity criteria for specialty mental health services under
25 the Medi-Cal Early and Periodic Screening, Diagnosis, and
26 Treatment program.

27 (B) Transition support services for children, youth, and families
28 upon initial entry and placement changes and for families who
29 assume permanency through reunification, adoption, or
30 guardianship.

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

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

35 (E) Services to achieve permanency, including supporting efforts
36 to reunify or achieve adoption or guardianship and efforts to
37 maintain or establish relationships with parents, siblings, extended
38 family members, tribes, or others important to the child or youth,
39 as appropriate.

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

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

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

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

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

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

34 (4) Staff training.

35 (5) Health and Safety Code requirements.

36 (6) Accreditation that includes:

37 (A) Provision for all licensed short-term residential therapeutic
38 programs to obtain and maintain in good standing accreditation
39 from a nationally recognized accreditation agency, as identified

1 by the department, with expertise in programs for children or youth
2 group care facilities, as determined by the department.

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

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

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

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

12 (c) The department shall establish rates pursuant to subdivisions
13 (a) and (b) commencing January 1, 2017. The rate structure shall
14 include an interim rate, a provisional rate for new short-term
15 residential therapeutic programs, and a probationary rate. The
16 department may issue a one-time reimbursement for accreditation
17 fees incurred after August 1, 2016, in an amount and manner
18 determined by the department in written directives.

19 (1) (A) Initial interim rates developed pursuant to this section
20 shall be effective January 1, 2017, through December 31, 2017.

21 (B) The initial interim rates developed pursuant to this paragraph
22 shall not be lower than the rates proposed as part of the Governor's
23 2016 May Revision.

24 (C) The initial interim rates set forth in written directives or
25 regulations pursuant to paragraph (3) shall become inoperative on
26 January 1, 2018, unless a later enacted statute, that becomes
27 operative on or before January 1, 2018, deletes or extends the dates
28 on which they become inoperative.

29 (D) It is the intent of the Legislature to establish an ongoing
30 payment structure no later than January 1, 2020.

31 (2) Consistent with Section 11466.01, for provisional and
32 probationary rates, the following shall be established:

33 (A) Terms and conditions, including the duration of the rate.

34 (B) An administrative review process for rate determinations,
35 including denials, reductions, and terminations.

36 (C) An administrative review process that includes a
37 departmental review, corrective action, and a protest with the
38 department. Notwithstanding the rulemaking provisions of the
39 Administrative Procedure Act (Chapter 3.5 (commencing with
40 Section 11340) of Part 1 of Division 3 of Title 2 of the Government

1 Code), this process shall be disseminated by written directive
2 pending the promulgation of regulations.

3 (3) 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), the initial interim rates, provisional rates, and probationary
7 rates and the manner in which they are determined shall be set
8 forth in written directives until regulations are adopted.

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

17 ~~SEC. 89.~~

18 *SEC. 92.* Section 11462.01 of the Welfare and Institutions
19 Code, as added by Section 75 of Chapter 773 of the Statutes of
20 2015, is amended to read:

21 11462.01. (a) (1) No later than 12 months following the date
22 of initial licensure, a short-term residential therapeutic program,
23 as defined in subdivision (ad) of Section 11400 of this code and
24 paragraph (18) of subdivision (a) of Section 1502 of the Health
25 and Safety Code, shall obtain a contract, subject to an agreement
26 on rates and terms and conditions, with a county mental health
27 plan to provide specialty mental health services and demonstrate
28 the ability to meet the therapeutic needs of each child, as identified
29 in any of the following:

30 (A) A mental health assessment.

31 (B) The child's case plan.

32 (C) The child's needs and services plan.

33 (D) Other documentation demonstrating the child has a mental
34 health need.

35 (2) A short-term residential therapeutic program shall comply
36 with any other mental health program approvals required by the
37 State Department of Health Care Services or by a county mental
38 health plan to which mental health program approval authority has
39 been delegated.

1 (b) A short-term residential therapeutic program may accept for
2 placement a child who meets both of the criteria in paragraphs (1)
3 and (2) and at least one of the conditions in paragraph (3).

4 (1) The child does not require inpatient care in a licensed health
5 facility.

6 (2) The child has been assessed as requiring the level of services
7 provided in a short-term residential therapeutic program in order
8 to maintain the safety and well-being of the child or others due to
9 behaviors, including those resulting from traumas, that render the
10 child or those around the child unsafe or at risk of harm, or that
11 prevent the effective delivery of needed services and supports
12 provided in the child's own home or in other family settings, such
13 as with a relative, guardian, foster family, resource family, or
14 adoptive family. The assessment shall ensure the child has needs
15 in common with other children or youth in the care of the facility,
16 consistent with subdivision (c) of Section 16514.

17 (3) The child meets at least one of the following conditions:

18 (A) The child has been assessed, pursuant to Section 4096, as
19 meeting the medical necessity criteria for Medi-Cal specialty
20 mental health services, as provided for in Section 1830.205 or
21 1830.210 of Title 9 of the California Code of Regulations.

22 (B) The child has been assessed, pursuant to Section 4096, as
23 seriously emotionally disturbed, as defined in subdivision (a) of
24 Section 5600.3.

25 (C) The child requires emergency placement pursuant to
26 paragraph (3) of subdivision (h).

27 (D) The child has been assessed, pursuant to Section 4096, as
28 requiring the level of services provided by the short-term residential
29 therapeutic program in order to meet his or her behavioral or
30 therapeutic needs.

31 (4) Subject to the requirements of this subdivision, a short-term
32 residential therapeutic program may have a specialized program
33 to serve a child, including, but not limited to, the following:

34 (A) A commercially sexually exploited child.

35 (B) A private voluntary placement, if the youth exhibits status
36 offender behavior, the parents or other relatives feel they cannot
37 control the child's behavior, and short-term intervention is needed
38 to transition the child back into the home.

39 (C) A juvenile sex offender.

40 (D) A child who is affiliated with, or impacted by, a gang.

1 (c) A foster family agency that is certified as a Medi-Cal
2 specialty mental health provider pursuant to Section 1810.435 of
3 Title 9 of the California Code of Regulations by the State
4 Department of Health Care Services, or by a county mental health
5 plan to which the department has delegated certification authority,
6 and which has entered into a contract with a county mental health
7 plan pursuant to Section 1810.436 of Title 9 of the California Code
8 of Regulations, shall provide, or provide access to, specialty mental
9 health services to children under its care who do not require
10 inpatient care in a licensed health facility and who meet the medical
11 necessity criteria for Medi-Cal specialty mental health services
12 provided for in Section 1830.205 or 1830.210 of Title 9 of the
13 California Code of Regulations.

14 (d) A foster family agency that is not certified as a Medi-Cal
15 specialty mental health provider shall provide access to specialty
16 and non-specialty mental health services in that program for
17 children who do not require inpatient care in a licensed health
18 facility and who meet any of the conditions in paragraph (3) of
19 subdivision (b). In this situation the foster family agency shall do
20 the following:

21 (1) In the case of a child who is a Medi-Cal beneficiary, arrange
22 for specialty mental health services from the county mental health
23 plan.

24 (2) In all other cases, arrange for the child to receive mental
25 health services.

26 (e) All short-term residential therapeutic programs shall maintain
27 the level of care and services necessary to meet the needs of the
28 children and youth in their care and shall maintain and have in
29 good standing the appropriate mental health program approval that
30 includes a certification to provide Medi-Cal specialty mental health
31 services issued by the State Department of Health Care Services
32 or a county mental health plan to which the department has
33 delegated mental health program approval authority, pursuant to
34 Section 4096.5 of this code or Section 1810.435 or 1810.436 of
35 Title 9 of the California Code of Regulations. All foster family
36 agencies that are certified as a Medi-Cal specialty mental health
37 provider pursuant to Section 1810.435 of Title 9 of the California
38 Code of Regulations shall maintain the level of care and services
39 necessary to meet the needs of children and youth in their care and
40 shall maintain and have in good standing the Medi-Cal specialty

1 mental health provider certification issued by the State Department
 2 of Health Care Services or a county mental health plan to which
 3 the department has delegated certification authority.

4 (f) The assessments described in subparagraphs (A), (B), (C),
 5 and (D) of paragraph (3) of subdivision (b) shall ensure the child's
 6 individual behavioral or treatment needs are consistent with, and
 7 can be met by, the facility and shall be made by one of the
 8 following, as applicable:

9 (1) An interagency placement committee, as described in Section
 10 4096, considering the recommendations from the child and family
 11 team, if any are available. If the short-term residential therapeutic
 12 program serves children who are placed by county child welfare
 13 agencies and children who are placed by probation departments,
 14 the interagency placement committee shall also ensure the
 15 requirements of subdivision (c) of Section 16514 have been met
 16 with respect to commonality of need.

17 (2) A licensed mental health professional as defined in
 18 subdivision (g) of Section 4096.

19 (3) For the purposes of this section, an AFDC-FC funded child
 20 with an individualized education program developed pursuant to
 21 Article 2 (commencing with Section 56320) of Chapter 4 of Part
 22 30 of Division 4 of Title 2 of the Education Code that assesses the
 23 child as seriously emotionally disturbed, as defined in, and subject
 24 to, this section and recommends out-of-home placement at the
 25 level of care provided by the provider, shall be deemed to have
 26 met the assessment requirement.

27 (g) The evaluation described in subparagraph (A) of paragraph
 28 (3) of subdivision (h) shall be made pursuant to subdivision (b) of
 29 Section 706.6 or paragraph (2) of subdivision (c) of Section
 30 16501.1.

31 (h) (1) The provider shall ensure that AFDC-FC funded
 32 children, assessed pursuant to subparagraphs (A) and (B) of
 33 paragraph (3) of subdivision (b), who are accepted for placement
 34 have been approved for placement by an interagency placement
 35 committee, as described in Section 4096, except as provided for
 36 in paragraphs (3) and (4) of subdivision (f).

37 (2) The approval shall be in writing and shall indicate that the
 38 interagency placement committee has determined one of the
 39 following:

1 (A) The child meets the medical necessity criteria for Medi-Cal
2 specialty mental health services, as provided for in Section
3 1830.205 or 1830.210 of Title 9 of the California Code of
4 Regulations.

5 (B) The child is seriously emotionally disturbed, as described
6 in subdivision (a) of Section 5600.3.

7 (3) (A) Nothing in subdivisions (a) to (h), inclusive, or this
8 subdivision shall prevent an emergency placement of a child or
9 youth into a certified short-term residential therapeutic program
10 prior to the determination by the interagency placement committee,
11 but only if a licensed mental health professional, as defined in
12 subdivision (g) of Section 4096, has made a written determination
13 within 72 hours of the child's or youth's placement, that the child
14 or youth requires the level of services and supervision provided
15 by the short-term residential therapeutic program in order to meet
16 his or her behavioral or therapeutic needs. If the short-term
17 residential therapeutic program serves children placed by county
18 child welfare agencies and children placed by probation
19 departments, the interagency placement committee shall also ensure
20 the requirements of subdivision (c) of Section 16514 have been
21 met with respect to commonality of need.

22 (i) The interagency placement committee, as appropriate, shall,
23 within 30 days of placement, make the determinations, with
24 recommendations from the child and family team, required by this
25 subdivision.

26 (ii) If it determines the placement is appropriate, the interagency
27 placement committee, with recommendations from the child and
28 family team, shall transmit the approval, in writing, to the county
29 placing agency and the short-term residential therapeutic program.

30 (iii) If it determines the placement is not appropriate, the
31 interagency placement committee shall respond pursuant to
32 subparagraph (B).

33 (B) (i) If the interagency placement committee determines at
34 any time that the placement is not appropriate, it shall, with
35 recommendations from the child and family team, transmit the
36 disapproval, in writing, to the county placing agency and the
37 short-term residential therapeutic program and shall include a
38 recommendation as to the child's appropriate level of care and
39 placement to meet his or her service needs. The necessary
40 interagency placement committee representative or representatives

1 shall participate in any child and family team meetings to refer the
2 child or youth to an appropriate placement, as specified in this
3 section.

4 (ii) The child may remain in the placement for the amount of
5 time necessary to identify and transition the child to an alternative,
6 suitable placement.

7 (iii) Notwithstanding clause (ii), if the interagency placement
8 committee determined the placement was not appropriate due to
9 a health and safety concern, immediate arrangements for the child
10 to transition to an appropriate placement shall occur.

11 (i) Commencing January 1, 2017, for AFDC-FC funded children
12 or youth, only those children or youth who are approved for
13 placement, as set forth in this section, may be accepted by a
14 short-term residential therapeutic program.

15 (j) The department shall, through regulation, establish
16 consequences for the failure of a short-term residential therapeutic
17 program to obtain written approval for placement of an AFDC-FC
18 funded child or youth pursuant to this section.

19 (k) The department shall not establish a rate for a short-term
20 residential therapeutic program unless the provider submits a
21 recommendation from the host county or the primary placing
22 county that the program is needed and that the provider is willing
23 and capable of operating the program at the level sought. For
24 purposes of this subdivision, “host county,” and “primary placing
25 county,” mean the same as defined in the department’s AFDC-FC
26 ratesetting regulations.

27 (l) Any certified short-term residential therapeutic program shall
28 be reclassified and paid at the appropriate program rate for which
29 it is qualified if either of the following occurs:

30 (1) (A) It fails to maintain the level of care and services
31 necessary to meet the needs of the children and youth in care, as
32 required by subdivision (a). The determination shall be made
33 consistent with the department’s AFDC-FC ratesetting regulations
34 developed pursuant to Section 11462 and shall take into
35 consideration the highest level of care and associated rates for
36 which the program may be eligible if granted an extension pursuant
37 to Section 11462.04 or any reduction in rate associated with a
38 provisional or probationary rate granted or imposed under Section
39 11466.01.

1 (B) In the event of a determination under this paragraph, the
2 short-term residential therapeutic program may appeal the finding
3 or submit a corrective action plan. The appeal process specified
4 in Section 11466.6 shall be available to a short-term residential
5 therapeutic program that provides intensive and therapeutic
6 treatment. During any appeal, the short-term residential therapeutic
7 program that provides intensive and therapeutic treatment shall
8 maintain the appropriate level of care.

9 (2) It fails to maintain a certified mental health treatment
10 program as required by subdivision (e).

11 (m) In addition to any other review required by law, the child
12 and family team as defined in paragraph (4) of subdivision (a) of
13 Section 16501 may periodically review the placement of the child
14 or youth. If the child and family team make a recommendation
15 that the child or youth no longer needs, or is not benefiting from,
16 placement in a short-term residential therapeutic program, the team
17 shall transmit the disapproval, in writing, to the county placing
18 agency to consider a more appropriate placement.

19 (n) The department shall develop a process to address
20 placements when, subsequent to the child's or youth's placement,
21 a determination is made by the interagency placement team and
22 shall consider the recommendations of the child and family team,
23 either that the child or youth is not in need of the care and services
24 provided by the certified program. The process shall include, but
25 not be limited to:

26 (1) Notice of the determination in writing to both the county
27 placing agency and the short-term residential therapeutic program
28 or foster family agency that provides intensive and therapeutic
29 treatment.

30 (2) Notice of the county's plan, and a time frame, for removal
31 of the child or youth in writing to the short-term residential
32 therapeutic program that provides intensive and therapeutic
33 treatment.

34 (3) Referral to an appropriate placement.

35 (4) Actions to be taken if a child or youth is not timely removed
36 from the short-term residential therapeutic program that provides
37 intensive and therapeutic treatment or placed in an appropriate
38 placement.

1 (o) (1) Nothing in this section shall prohibit a short-term
2 residential therapeutic program from accepting private placements
3 of children or youth.

4 (2) When a referral is not from a public agency and no public
5 funding is involved, there is no requirement for public agency
6 review or determination of need.

7 (3) Children and youth subject to paragraphs (1) and (2) shall
8 have been determined to be seriously emotionally disturbed, as
9 described in subdivision (a) of Section 5600.3, and subject to
10 Section 1502.4 of the Health and Safety Code, by a licensed mental
11 health professional, as defined in subdivision (g) of Section 4096.

12 ~~SEC. 90.~~

13 *SEC. 93.* Section 11462.02 of the Welfare and Institutions
14 Code, as added by Section 78 of Chapter 773 of the Statutes of
15 2015, is amended to read:

16 11462.02. (a) Any existing county-operated foster family
17 agency or group home, including the group home operated by the
18 County of San Mateo, shall, commencing January 1, 2017, be
19 classified as, and shall meet all of the requirements of, a foster
20 family agency or a short-term residential therapeutic program, as
21 defined respectively in subdivisions (g) and (ad) of Section 11400,
22 to be eligible to receive AFDC-FC funds.

23 (b) Notwithstanding any other law, the State Department of
24 Social Services may license a county as a foster family agency or
25 as a short-term residential therapeutic program.

26 (c) If a county exercises its option to operate a foster family
27 agency or a short-term residential therapeutic program, the county
28 shall submit an application and shall comply with the requirements
29 of Chapter 3 (commencing with Section 1500) of Division 2 of
30 the Health and Safety Code related to foster family agency
31 programs or a short-term residential therapeutic program, as
32 applicable.

33 (d) A county that requests, and is granted, a license for a foster
34 family agency or short-term residential therapeutic program shall
35 apply for an AFDC-FC rate pursuant to Section 11462 or 11463,
36 as applicable.

37 (e) As a condition for eligibility for an AFDC-FC rate for a
38 short-term residential therapeutic program or a foster family
39 agency, the county shall comply with all applicable law concerning
40 a short-term residential therapeutic program or foster family

1 agency, including, but not limited to, the following provisions
2 related to licensing, rate, audit, due process, enforcement, and
3 overpayment collection:

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

6 (2) Article 10 (commencing with Section 360) of Chapter 2 of
7 Part 1 of Division 2 of this code.

8 (3) Article 18 (commencing with Section 725) of Chapter 2 of
9 Part 1 of Division 2 of this code.

10 (4) Article 22 (commencing with Section 825) of Chapter 2 of
11 Part 1 of Division 2 of this code.

12 (5) Article 5 (commencing with Section 11400) of Chapter 2
13 of Part 3 of Division 9 of this code.

14 (6) Article 6 (commencing with Section 11450) of Chapter 2
15 of Part 3 of Division 9 of this code.

16 (f) The state is not obligated under Section 36 of Article XIII
17 of the California Constitution to provide any annual funding to a
18 county to comply with this section; with any regulation, executive
19 order, or administrative order implementing this section; or with
20 any federal statute or regulation related to this section, because
21 the county's operation of a licensed short-term residential
22 therapeutic program or foster family agency is optional for the
23 county and is not required by this section.

24 (g) Counties licensed to operate a foster family agency or
25 short-term residential therapeutic program shall, as a condition to
26 receiving payment, ensure that its conflict-of-interest mitigation
27 plan, submitted to the department pursuant to subdivision (d) of
28 Section 1506.1 and subdivision (d) of Section 1562.01 of the Health
29 and Safety Code, addresses, but is not limited to, the following:

30 (1) A decision to place children and youth in a county-operated
31 facility when alternative appropriate placement options exist.

32 (2) The reporting by county staff to the department or other
33 agencies of observed noncompliant conditions or health and safety
34 concerns in county-operated foster family agencies or short-term
35 residential therapeutic programs.

36 (3) The cross-reporting of reports received from mandatory
37 child abuse and neglect reporters involving county-operated foster
38 family agencies and short-term residential therapeutic programs.

1 (4) Disclosures of fatalities and near fatalities of children placed
2 in county-operated foster family agencies and short-term residential
3 therapeutic programs.

4 (h) This section shall become operative on January 1, 2017.

5 ~~SEC. 94.~~

6 *SEC. 94.* Section 11462.04 of the Welfare and Institutions
7 Code, as added by Section 82 of Chapter 773 of the Statutes of
8 2015, is amended to read:

9 11462.04. (a) Notwithstanding any other law, commencing
10 January 1, 2017, no new group home rate or change to an existing
11 rate shall be established pursuant to the Rate Classification Level
12 (RCL) system.

13 (b) Notwithstanding subdivision (a), the department may grant
14 an exception as appropriate, on a case-by-case basis, when a written
15 request and supporting documentation are provided by a county
16 placing agency, including a county welfare or probation director,
17 that absent the granting of that exception, there is a material risk
18 to the welfare of children due to an inadequate supply of
19 appropriate alternative placement options to meet the needs of
20 children.

21 (c) For group homes being paid under the RCL system, and
22 those granted an exception pursuant to paragraph (b), group home
23 rates shall terminate on December 31, 2016, unless granted an
24 extension under the exception process in subdivision (d).

25 (d) A group home may request an exception to extend its rate
26 as follows:

27 (1) The department may grant an extension for up to two years,
28 through December 31, 2018, except as provided in paragraph (2),
29 on a case-by-case basis, when a written request and supporting
30 documentation are provided by a county placing agency, including
31 a county welfare or probation director, that absent the granting of
32 that exception, there is a material risk to the welfare of children
33 due to an inadequate supply of appropriate alternative placement
34 options to meet the needs of children. The exception may include
35 time to meet the program accreditation requirement or the mental
36 health certification requirement.

37 (2) Pursuant to Section 11462.041, after the expiration of the
38 extension afforded in paragraph (1), the department may grant an
39 additional extension to a group home beyond December 31, 2018,
40 upon a provider submitting a written request and the county

1 probation department providing documentation stating that absent
2 the grant of that extension, there is a significant risk to the safety
3 of the youth or the public, due to an inadequate supply of
4 short-term residential therapeutic programs or resource families
5 necessary to meet the needs of probation youth. The extension
6 granted to any provider through this section may be reviewed
7 annually by the department if concerns arise regarding that
8 provider's facility. Pursuant to subdivision (e) of Section
9 11462.041, the final report submitted to the Legislature shall
10 address whether or not the extensions are still necessary.

11 (3) The exception shall allow the provider to continue to receive
12 the rate under the prior ratesetting system.

13 (4) A provider granted an extension pursuant to this section
14 shall continue to operate and be governed by the applicable laws
15 and regulations that were operative on December 31, 2018.

16 (5) If the exception request granted pursuant to this subdivision
17 is not made by the host county, the placing county shall notify and
18 provide a copy to the host county.

19 (e) (1) The extended rate granted pursuant to either paragraph
20 (1) or (2) of subdivision (d) shall be provisional and subject to
21 terms and conditions set by the department during the provisional
22 period.

23 (2) Consistent with Section 11466.01, for provisional rates, the
24 following shall be established:

25 (A) Terms and conditions, including the duration of the
26 provisional rate.

27 (B) An administrative review process for provisional rate
28 determinations, including denials, reductions, and terminations.

29 (C) An administrative review process that includes a
30 departmental review, corrective action, and a protest with the
31 department. Notwithstanding the rulemaking provisions of the
32 Administrative Procedure Act (Chapter 3.5 (commencing with
33 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
34 Code), this process shall be disseminated by written directive
35 pending the promulgation of regulations.

36 (f) Upon termination of an existing group home rate under the
37 RCL system, a new rate shall not be paid until an application is
38 approved and a rate is granted by the department pursuant to
39 Section 11462 as a short-term residential therapeutic program or,

1 effective January 1, 2017, the rate set pursuant to Section 11463
2 as a foster family agency.

3 (g) 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 ~~SEC. 92.~~

7 *SEC. 95.* Section 11462.041 of the Welfare and Institutions
8 Code is amended to read:

9 11462.041. (a) The Legislature recognizes that group homes
10 are one of the primary placement options utilized by probation
11 departments to avoid inappropriate housing of youth in a detention
12 hall, more so since the 2007 realignment of most juvenile offenders
13 from state supervision to county supervision. In order to further
14 improve outcomes for these youth, targeted efforts will be required
15 at the state and local levels to create sufficient capacity in
16 home-based family care and in short-term residential therapeutic
17 programs in order to serve these youth safely in the least restrictive,
18 family-based settings, whenever possible. This increased capacity
19 is needed in both the number of related and unrelated family-based
20 caregivers, in the caregivers' ability to meet the needs of probation
21 youth, and in the services and supports available to these
22 caregivers. Additionally, there must be sufficient capacity in
23 short-term residential therapeutic programs to meet the needs of
24 probation youth and ensure public safety.

25 (b) To meet the capacity needs described in subdivision (a),
26 commencing on January 1, 2016, county probation departments
27 shall do all of the following:

28 (1) Work with group home providers to develop short-term
29 residential therapeutic programs that meet the treatment needs of
30 probation supervised youth in foster care.

31 (2) Work with foster family agencies and other
32 community-based organizations to develop strategies to recruit,
33 retain, and support specialized foster homes for probation youth.

34 (3) Work with the department on strategies to identify, engage,
35 and support relative caregivers.

36 (4) Work with the department to define probation youth outcome
37 measures to be collected and analyzed to assess implementation
38 of this act.

39 (c) To support the activities described in subdivision (b),
40 commencing on January 1, 2016, the department, in consultation

1 with the Chief Probation Officers of California, shall do all of the
2 following:

3 (1) Work with providers, courts, and county probation
4 departments to develop capacity for home-based family care.

5 (2) Work with short-term residential therapeutic programs and
6 foster family agencies to address the treatment needs of specific
7 probation populations, including, but not limited to, sex offenders,
8 youth with gang affiliations, youth who currently are placed out
9 of state, and youth with mental illness.

10 (3) Develop appropriate rate structures to support probation
11 foster youth in home-based family care.

12 (4) Identify strategies to address the systemic challenges specific
13 to small and rural counties in meeting the needs of probation foster
14 youth in need of placement or treatment services.

15 (5) Provide technical assistance to existing group home providers
16 interested in serving probation youth during the transition to the
17 short-term residential therapeutic program or foster family agency
18 models outlined in this act.

19 (6) Provide technical assistance related to implementation of
20 this section to any requesting county probation department.

21 (d) Beginning January 1, 2018, the department, in consultation
22 with the Chief Probation Officers of California, shall assess the
23 capacity and quality of placement options for probation youth in
24 foster care, including home-based family care and short-term
25 residential therapeutic programs. This assessment shall include:

26 (1) The number and type of placement options.

27 (2) Whether short-term residential therapeutic programs have
28 developed programming tailored to address the propensity of
29 probation youth to run away.

30 (3) The degree to which foster family agencies,
31 community-based service providers, and county probation
32 departments have developed the programs and services necessary
33 to recruit, retain, and support foster families and relative caregivers
34 serving foster youth supervised by probation departments.

35 (4) Any need for additional training and technical assistance to
36 be provided to short-term residential therapeutic programs or foster
37 family agency providers.

38 (e) The department, in consultation with the Chief Probation
39 Officers of California and the counties, shall provide an interim
40 report, pursuant to Section 9795 of the Government Code, to the

1 Legislature no later than January 10, 2019, and a final report,
2 pursuant to Section 9795 of the Government Code, to the
3 Legislature no later than January 10, 2021, which shall include the
4 number of youth served in home-based family care, in short-term
5 residential therapeutic programs, and in group homes,
6 characteristics of youth in these placement types, and whether
7 there is a continued need for probation placement in group homes.
8 The reports also shall provide recommendations on any further
9 technical assistance and training, if needed, to facilitate county
10 probation departments, county child welfare departments, DSS,
11 and providers in strengthening the continuum of care for
12 justice-involved youth.

13 ~~SEC. 93.~~

14 *SEC. 96.* Section 11462.06 of the Welfare and Institutions
15 Code is amended to read:

16 11462.06. (a) For purposes of the administration of this article,
17 including the setting of group home rates, the department shall
18 deem the reasonable costs of leases for shelter care for foster
19 children to be allowable costs. Reimbursement of shelter costs
20 shall not exceed 12 percent of the fair market value of owned,
21 leased, or rented buildings, including any structures, improvements,
22 edifices, land, grounds, and other similar property that is owned,
23 leased, or rented by the group home and that is used for group
24 home programs and activities, exclusive of idle capacity and
25 capacity used for nongroup home programs and activities. Shelter
26 costs shall be considered reasonable in relation to the fair market
27 value limit as described in subdivision (b).

28 (b) For purposes of this section, fair market value of leased
29 property shall be determined by either of the following methods,
30 as chosen by the provider:

31 (1) The market value shown on the last tax bill for the cost
32 reporting period.

33 (2) The market value determined by an independent appraisal.
34 The appraisal shall be performed by a qualified, professional
35 appraiser who, at a minimum, meets standards for appraisers as
36 specified in Chapter 6.5 (commencing with Section 3500) of Title
37 10 of the California Code of Regulations. The appraisal shall not
38 be deemed independent if performed under a less-than-arms-length
39 agreement, or if performed by a person or persons employed by,
40 or under contract with, the group home for purposes other than

1 performing appraisals, or by a person having a material interest in
2 any group home which receives foster care payments. If the
3 department believes an appraisal does not meet these standards,
4 the department shall give its reasons in writing to the provider and
5 provide an opportunity for appeal.

6 (c) (1) The department may adopt emergency regulations in
7 order to implement this section, in accordance with Chapter 3.5
8 (commencing with Section 11340) of Part 1 of Division 3 of Title
9 2 of the Government Code.

10 (2) The adoption of emergency regulations pursuant to this
11 section shall be deemed to be an emergency and considered by the
12 Office of Administrative Law as necessary for the immediate
13 preservation of the public peace, health and safety, or general
14 welfare.

15 (3) Emergency regulations adopted pursuant to this section shall
16 be exempt from the review and approval of the Office of
17 Administrative Law.

18 (4) The emergency regulations authorized by this section shall
19 be submitted to the Office of Administrative Law for filing with
20 the Secretary of State and publication in the California Code of
21 Regulations.

22 (d) (1) Commencing July 1, 2003, any group home provider
23 with a self-dealing lease transaction for shelter costs, as defined
24 in Section 5233 of the Corporations Code, shall not be eligible for
25 an AFDC-FC rate.

26 (2) Notwithstanding paragraph (1), providers that received an
27 approval letter for a self-dealing lease transaction for shelter costs
28 during the 2002–03 fiscal year from the Charitable Trust Section
29 of the Department of Justice shall be eligible to continue to receive
30 an AFDC-FC rate until the date that the lease expires, or is
31 modified, extended, or terminated, whichever occurs first. These
32 providers shall be ineligible to receive an AFDC-FC rate after that
33 date if they have entered into any self-dealing lease transactions
34 for group home shelter costs.

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

38 ~~SEC. 94.~~

39 *SEC. 97.* Section 11462.06 is added to the Welfare and
40 Institutions Code, to read:

1 11462.06. (a) For purposes of the administration of this article,
2 including setting AFDC-FC provider rates, the department shall
3 deem the reasonable costs of leases for shelter care for foster
4 children to be allowable costs.

5 (b) Rental costs of real property, allowable as either shelter care
6 or as necessary administration of the foster care maintenance
7 payment, are allowable to the extent that the rates are reasonable
8 in light of such factors as rental costs of comparable property, if
9 any; market conditions in the area; alternatives available; and the
10 type, life expectancy, condition, and value of the leased property,
11 including any structures, improvements, edifices, land, grounds,
12 and other similar property that is used for the facility's residential
13 foster care programs and activities, exclusive of idle capacity and
14 capacity used for nonresidential foster care programs and activities.

15 (1) Rental costs shall be considered reasonable in relation to
16 the fair market rental value limit, subject to the requirements in
17 Section 200.465 of Title 2 of the Code of Federal Regulations, as
18 implemented by the United States Department of Health and
19 Human Services in Section 75.465 of Title 45 of the Code of
20 Federal Regulations.

21 (2) Rental arrangements should be reviewed periodically to
22 determine if circumstances have changed and other options are
23 available.

24 (c) The appraisal shall be performed by an independent,
25 qualified, professional appraiser who, at a minimum, meets
26 standards for appraisers as specified in Chapter 6.5 (commencing
27 with Section 3500) of Title 10 of the California Code of
28 Regulations. The appraisal shall not be deemed independent if
29 performed under a less-than-arms-length agreement, if performed
30 by a person or persons employed by, or under contract with, the
31 program subject to the appraisal for purposes other than performing
32 appraisals, or if performed by a person having a material interest
33 in any program that receives foster care payments. If the department
34 believes an appraisal does not meet these standards, the department
35 shall give its reasons in writing to the program and provide an
36 opportunity for appeal.

37 (d) (1) Any provider with a self-dealing transaction, as defined
38 in Section 5233 of the Corporations Code, for a lease for shelter
39 costs shall be ineligible for an AFDC-FC rate.

1 (2) Lease transactions are subject to restrictions set forth in
2 Section 200.465(c) of Title 2 of the Code of Federal Regulations,
3 as implemented by the United States Department of Health and
4 Human Services in Section 75.465 of Title 45 of the Code of
5 Federal Regulations.

6 (e) This section shall become operative on January 1, 2019.

7 ~~SEC. 95.~~

8 *SEC. 98.* Section 11463 of the Welfare and Institutions Code,
9 as added by Section 85 of Chapter 773 of the Statutes of 2015, is
10 amended to read:

11 11463. (a) The department shall commence development of
12 a new payment structure for the Title IV-E funded foster family
13 agency placement option that maximizes federal funding, in
14 consultation with county placing agencies.

15 (b) The department shall develop a payment system for foster
16 family agencies that provide treatment, intensive treatment, and
17 therapeutic foster care programs, and shall consider all of the
18 following factors:

19 (1) Administrative activities that are eligible for federal financial
20 participation provided, at county request, for and to county-licensed
21 or approved family homes and resource families, intensive case
22 management and supervision, and services to achieve legal
23 permanency or successful transition to adulthood.

24 (2) Social work activities that are eligible for federal financial
25 participation under Title IV-E of the Social Security Act.

26 (3) Social work and mental health services eligible for federal
27 financial participation under Title XIX of the Social Security Act.

28 (4) Intensive treatment or therapeutic services in the foster
29 family agency.

30 (5) Core services, made available to children and nonminor
31 dependents either directly or secured through agreements with
32 other agencies, which are trauma informed and culturally relevant
33 and include:

34 (A) Specialty mental health services for children who meet
35 medical necessity criteria for specialty mental health services, as
36 provided for in Section 1830.205 or 1830.210 of Title 9, of the
37 California Code of Regulations.

38 (B) Transition support services for children, youth, and families
39 upon initial entry and placement changes and for families who

1 assume permanency through reunification, adoption, or
2 guardianship.

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

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

7 (E) Services to achieve permanency, including supporting efforts
8 to reunify or achieve adoption or guardianship and efforts to
9 maintain or establish relationships with parents, siblings, extended
10 family members, tribes, or others important to the child or youth,
11 as appropriate.

12 (F) When serving Indian children, as defined in subdivisions
13 (a) and (b) of Section 224.1, the core services specified in
14 subparagraphs (A) to (E), inclusive, shall be provided to eligible
15 children consistent with active efforts pursuant to Section 361.7.

16 (G) The core services specified in subparagraphs (A) to (F),
17 inclusive, are not intended to duplicate services already available
18 to foster children in the community, but to support access to those
19 services and supports to the extent already available. Those services
20 and supports may include, but are not limited to, foster youth
21 services available through county offices of education, Indian
22 Health Services, and school-based extracurricular activities.

23 (6) Staff training.

24 (7) Health and Safety Code requirements.

25 (8) A process for accreditation that includes all of the following:

26 (A) Provision for all licensed foster family agencies to maintain
27 in good standing accreditation from a nationally recognized
28 accreditation agency with expertise in programs for youth group
29 care facilities, as determined by the department.

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

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

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

37 (10) Populations served, including, but not limited to, any of
38 the following:

39 (A) (i) Children and youth assessed as seriously emotionally
40 disturbed, as described in subdivision (a) of Section 5600.3,

1 including those placed out-of-home pursuant to an individualized
2 education program developed under Article 2 (commencing with
3 Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of
4 the Education Code.

5 (ii) Children assessed as meeting the medical necessity criteria
6 for specialty mental health services, as provided for in Section
7 1830.205 or 1830.210 of Title 9 of the California Code of
8 Regulations.

9 (B) AFDC-FC children and youth receiving intensive and
10 therapeutic treatment services in a foster family agency.

11 (C) AFDC-FC children and youth receiving mental health
12 treatment services from a foster family agency.

13 (11) Maximization of federal financial participation for Title
14 IV-E and Title XIX of the Social Security Act.

15 (c) The department shall establish rates pursuant to subdivisions
16 (a) and (b) commencing January 1, 2017. The rate structure shall
17 include an interim rate, a provisional rate for new foster family
18 agency programs, and a probationary rate. The department may
19 issue a one-time reimbursement for accreditation fees incurred
20 after August 1, 2016, in an amount and manner determined by the
21 department in written directives.

22 (1) (A) Initial interim rates developed pursuant to this section
23 shall be effective January 1, 2017, through December 31, 2017.

24 (B) The initial interim rates developed pursuant to this paragraph
25 shall not be lower than the rates proposed as part of the Governor's
26 2016 May Revision.

27 (C) The initial interim rates set forth in written directives or
28 regulations pursuant to paragraph (4) shall become inoperative on
29 January 1, 2018, unless a later enacted statute, that becomes
30 operative on or before January 1, 2018, deletes or extends the dates
31 on which they become inoperative.

32 (D) It is the intent of the Legislature to establish an ongoing
33 payment structure no later than January 1, 2020.

34 (2) Consistent with Section 11466.01, for provisional and
35 probationary rates, the following shall be established:

36 (A) Terms and conditions, including the duration of the rate.

37 (B) An administrative review process for the rate determinations,
38 including denials, reductions, and terminations.

39 (C) An administrative review process that includes a
40 departmental review, corrective action, and an appeal with the

1 department. Notwithstanding the rulemaking provisions of the
2 Administrative Procedure Act (Chapter 3.5 (commencing with
3 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
4 Code), this process shall be disseminated by written directive
5 pending the promulgation of regulations.

6 (3) (A) (i) The foster family agency rate shall include a basic
7 rate pursuant to paragraph (4) of subdivision (g) of Section 11461.
8 A child or youth placed in a certified family home or an approved
9 resource family of a foster family agency is eligible for the basic
10 rate, which shall be passed on to the certified parent or resource
11 family along with annual increases set forth in subparagraph (D).

12 (ii) A certified family home of a foster family agency shall be
13 paid the basic rate as set forth in this paragraph only through
14 December 31, 2017.

15 (B) The basic rate paid to either a certified family home or an
16 approved resource family of a foster family agency shall be paid
17 by the agency to the home from the rate that is paid to the agency
18 pursuant to this section.

19 (C) In addition to the basic rate described in this paragraph, the
20 department shall develop foster family agency rates that consider
21 specialized programs to serve children with specific needs,
22 including, but not limited to, the following:

23 (i) Intensive treatment and behavioral needs, including those
24 currently being served under intensive treatment foster care.

25 (ii) Specialized health care needs.

26 (4) Notwithstanding the rulemaking provisions of the
27 Administrative Procedure Act (Chapter 3.5 (commencing with
28 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
29 Code), the foster family agency rates, and the manner in which
30 they are determined, shall be set forth in written directives until
31 regulations are adopted.

32 (d) The department shall develop a system of governmental
33 monitoring and oversight that shall be carried out in coordination
34 with the State Department of Health Care Services. Oversight
35 responsibilities shall include, but not be limited to, ensuring
36 conformity with federal and state law, including program, fiscal,
37 and health and safety reviews. The state agencies shall attempt to
38 minimize duplicative audits and reviews to reduce the
39 administrative burden on providers.

1 (e) The department shall consider the impact on children and
2 youth being transitioned to alternate programs as a result of the
3 new ratesetting system.

4 ~~SEC. 96.~~

5 *SEC. 99.* Section 11463.01 of the Welfare and Institutions
6 Code is repealed.

7 ~~SEC. 97.~~

8 *SEC. 100.* Section 11463.1 of the Welfare and Institutions
9 Code is repealed.

10 ~~SEC. 98.~~

11 *SEC. 101.* Section 11465 of the Welfare and Institutions Code
12 is amended to read:

13 11465. (a) When a child is living with a parent who receives
14 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
15 behalf of the parent shall include an amount for care and
16 supervision of the child.

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

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

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

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

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

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

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

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

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

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

28 (3) (A) The caregiver shall provide the county child welfare
29 agency or probation department with a copy of the shared
30 responsibility plan developed pursuant to Section 16501.25 and
31 shall advise the county child welfare agency or probation
32 department of any subsequent changes to the plan. Once the plan
33 has been completed and provided to the appropriate agencies, the
34 payment made pursuant to this section shall be increased by an
35 additional two hundred dollars (\$200) per month to reflect the
36 increased care and supervision while he or she is placed in the
37 whole family foster home.

38 (B) A nonminor dependent parent residing in a supervised
39 independent living placement, as defined in subdivision (w) of
40 Section 11400, who develops a written parenting support plan

1 pursuant to Section 16501.26 shall provide the county child welfare
2 agency or probation department with a copy of the plan and shall
3 advise the county child welfare agency or probation department
4 of any subsequent changes to the plan. The payment made pursuant
5 to this section shall be increased by an additional two hundred
6 dollars (\$200) per month after all of the following have been
7 satisfied:

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

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

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

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

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

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

28 ~~SEC. 99.~~

29 *SEC. 102.* Section 11466 of the Welfare and Institutions Code
30 is amended to read:

31 11466. For the purposes of this section to Section 11469.1,
32 inclusive, “provider” shall mean a group home, short-term
33 residential therapeutic program, a foster family agency, and similar
34 foster care business entities.

35 ~~SEC. 100.~~

36 *SEC. 103.* Section 11466.01 is added to the Welfare and
37 Institutions Code, to read:

38 11466.01. (a) Commencing January 1, 2017, a provisional
39 rate shall be set for all of the following:

- 1 (1) A provider that is granted an extension pursuant to paragraph
2 (1) of subdivision (d) of Section 11462.04.
- 3 (2) A provider that is granted an extension pursuant to paragraph
4 (2) of subdivision (d) of Section 11462.04.
- 5 (3) A foster family agency licensed on or before January 1,
6 2017, upon submission of a program statement pursuant to Section
7 1506.1 of the Health and Safety Code.
- 8 (4) A new short-term residential therapeutic program provider.
- 9 (5) A new foster family agency provider.
- 10 (b) The provisional rate shall be subject to terms and conditions,
11 including the duration of the provisional period, set by the
12 department.
- 13 (1) For a provider described in paragraph (1) or (3) of
14 subdivision (a), a provisional rate may be granted for a period that
15 is not extended beyond December 31, 2018.
- 16 (2) For a provider described in paragraph (2) of subdivision (a),
17 a provisional rate may be granted and may be reviewed on an
18 annual basis, pursuant to paragraph (2) of subdivision (d) of Section
19 11462.04.
- 20 (3) For a provider described in paragraph (4) or (5) of
21 subdivision (a), a provisional rate may be granted for a period of
22 up to 24 months from the date the provider's license was issued.
- 23 (c) In determining whether to grant, and upon what conditions
24 to grant, a provisional rate, the department shall consider factors
25 including the following:
- 26 (1) Any prior extension granted pursuant to Section 11462.04
27 or 11462.041.
- 28 (2) Any licensing history for any license with which the
29 program, or its directors or officers, have been associated.
- 30 (3) Any financial, fiscal, or compliance audit history with which
31 the program, or its directors or officers, have been associated.
- 32 (4) Outstanding civil penalties or overpayments with which the
33 program, or its directors or officers, have been associated.
- 34 (5) Any violations of state or federal law.
- 35 (d) In determining whether to continue, and upon what
36 conditions to continue, a provisional rate, the department shall
37 consider those factors specified in subdivision (c), as well as
38 compliance with the terms, conditions, and requirements during
39 the provisional period.

1 (e) In determining whether, at the end of the provisional rate
2 period or thereafter, to grant a rate and whether to impose or
3 continue, and upon what conditions to impose or continue, a
4 probationary rate the department shall consider the factors specified
5 in subdivision (c).

6 (f) The department shall establish an administrative review
7 process for determinations, including denial, rate reduction,
8 probation, and termination of the provisional and probationary
9 rates. This process shall include a departmental review, corrective
10 action, and a protest with the department. Notwithstanding the
11 rulemaking provisions of the Administrative Procedure Act
12 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
13 Division 3 of Title 2 of the Government Code), this process shall
14 be disseminated by written directive pending the promulgation of
15 regulations.

16 (g) (1) (A) For the purposes of this section, a “provisional rate”
17 is a prospective rate given to a provider described in subdivision
18 (a) based on an assurance to perform in accordance with terms and
19 conditions attached to the granting of the provisional rate.

20 (B) For the purposes of this section, a “probationary rate” is a
21 rate upon which limitations and conditions are imposed as a result
22 of violations of terms, conditions, or state or federal law, including
23 those set forth in subdivisions (c) and (d).

24 (2) (A) At the conclusion of a provisional rate, a probationary
25 rate may be imposed, at the discretion of the department, if
26 additional oversight is deemed necessary based on the provider’s
27 performance during the provisional rate period.

28 (B) At any time, a rate may become a probationary rate if
29 additional oversight is deemed necessary based on the provider’s
30 performance in accordance with terms and conditions attached to
31 the granting or maintenance of its rate.

32 (C) A probationary rate may be accompanied by a rate reduction.

33 ~~SEC. 101.~~

34 *SEC. 104.* Section 11466.2 of the Welfare and Institutions
35 Code, as added by Section 91 of Chapter 773 of the Statutes of
36 2015, is amended to read:

37 11466.2. (a) (1) The department shall perform or have
38 performed provider program and fiscal audits as needed. Provider
39 programs shall maintain all child-specific, programmatic,

1 personnel, fiscal, and other information affecting ratesetting and
2 AFDC-FC payments for a period of not less than five years.

3 (2) Provider fiscal audits shall be conducted pursuant to Part
4 200 (commencing with Section 200.0) of Chapter II of Subtitle A
5 of Title 2 of the Code of Federal Regulations, as implemented by
6 the United States Department of Health and Human Services in
7 Part 75 (commencing with Section 75.1) of Title 45 of the Code
8 of Federal Regulations, including uniform administrative
9 requirements, cost principles, and audit requirements, as
10 specifically implemented in Section 75.106 of Title 45 of the Code
11 of Federal Regulations.

12 (3) A provider may request a hearing of the department’s audit
13 determination under this section no later than 30 days after the
14 date the department issues its audit determination. The
15 department’s audit determination shall be final if the provider does
16 not request a hearing within the prescribed time. Within 60 days
17 of receipt of the request for hearing, the department shall conduct
18 a hearing on the audit determination. The standard of proof shall
19 be the preponderance of the evidence and the burden of proof shall
20 be on the department. The hearing officer shall issue the proposed
21 decision within 45 days of the close of the evidentiary record. The
22 director shall adopt, reject, or modify the proposed decision, or
23 refer the matter back to the hearing officer for additional evidence
24 or findings within 100 days of issuance of the proposed decision.
25 If the director takes no action on the proposed decision within the
26 prescribed time, the proposed decision shall take effect by operation
27 of law.

28 (b) The department shall develop regulations to correct a
29 program’s audit findings, adjust the rate, and recover any
30 overpayments resulting from an overstatement of the projected
31 level of care and services and other audit findings.

32 (c) (1) In any audit conducted by the department, the
33 department, or other public or private audit agency with which the
34 department contracts, shall coordinate with the department’s
35 licensing and ratesetting entities so that a consistent set of
36 standards, rules, and auditing protocols are maintained. The
37 department, or other public or private audit agency with which the
38 department contracts, shall make available to all providers, in
39 writing, any standards, rules, and auditing protocols to be used in
40 those audits.

1 (2) The department shall provide exit interviews with providers,
2 whenever deficiencies are found, in which those deficiencies may
3 be explained and permit providers an opportunity to respond. The
4 department shall adopt regulations specifying the procedure for
5 the appeal of audit findings.

6 ~~SEC. 102.~~

7 *SEC. 105.* Section 11466.21 of the Welfare and Institutions
8 Code is amended to read:

9 11466.21. (a) In accordance with subdivision (b), as a
10 condition to receive an AFDC-FC rate for a program including,
11 but not limited to, a group home, a foster family agency, a
12 short-term residential therapeutic program, and other similar
13 business entities providing foster care, the following shall apply:

14 (1) Any provider who expends in combined federal funds an
15 amount at or above the federal funding threshold in accordance
16 with the federal Single Audit Act, as amended, and Section 200.501
17 of Title 2 of the Code of Federal Regulations, as implemented by
18 the United States Department of Health and Human Services in
19 Section 75.501 of Title 45 of the Code of Federal Regulations,
20 shall arrange to have a financial audit conducted on an annual
21 basis, and shall submit the financial audit to the department in
22 accordance with regulations adopted by the department, all-county
23 letter, or similar written instructions.

24 (2) Any provider who expends in combined federal funds an
25 amount below the federal funding threshold shall annually submit
26 a financial audit to the department pursuant to Generally Accepted
27 Government Auditing Standards (GAGAS), and shall submit the
28 financial audit to the department in accordance with regulations
29 adopted by the department, all-county letter, or similar written
30 instructions.

31 (3) The scope of the financial audit shall include all of the
32 programs and activities operated by the provider and shall not be
33 limited to those funded in whole or in part by the AFDC-FC
34 program. The financial audits shall include, but not be limited to,
35 an evaluation of the expenditures and accounting and control
36 systems of the provider.

37 (4) The provider shall have its financial audit conducted by
38 certified public accountants or by state-licensed public accountants,
39 with audit designation, who have no direct or indirect relationship

1 with the functions or activities being audited, or with the provider,
2 its board of directors, or other governing body, officers, or staff.

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

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

10 (B) A provider may change the definition of its fiscal year.
11 However, the financial audit conducted following the change shall
12 cover all of the months since the last audit, even though this may
13 cover a period that exceeds 12 months.

14 (b) (1) In accordance with subdivision (a), as a condition to
15 receive an AFDC-FC rate, a provider shall submit a copy of its
16 most recent financial audit report, except as provided in paragraph
17 (3).

18 (2) The department shall terminate the rate of a provider who
19 fails to submit a copy of its most recent financial audit pursuant
20 to subdivision (a). A terminated rate shall only be reinstated upon
21 the provider's submission to the department of an acceptable
22 financial audit.

23 (3) A new provider that has been incorporated for fewer than
24 12 calendar months shall not be required to submit a copy of a
25 financial audit to receive an AFDC-FC rate for a new program.
26 The financial audit shall be conducted on the provider's next full
27 fiscal year of operation. The provider shall submit the financial
28 audit to the department in accordance with subdivision (a).

29 (c) The department shall issue a management decision letter on
30 audit findings, made by the independent auditor or as a result of
31 department review, within six months of receipt of the financial
32 audit report. The management decision letter shall clearly state
33 whether or not the audit finding is sustained, the reasons for the
34 decision, and the action or actions expected of the nonprofit
35 organization provider to repay disallowed costs, make financial
36 adjustments, or take other action.

37 (d) Repeated late submission of financial audits, repeat findings
38 in financial audits, or failure to comply with corrective action in
39 a management decision letter may result in monetary penalties or
40 a reduction, suspension, or termination of the provider's rate in

1 accordance with regulations adopted by the department, all-county
2 letter, or similar written instructions. This subdivision shall not be
3 construed to affect the department's authority under other
4 provisions of law, including, but not limited to, Part 200 of Title
5 2 of the Code of Federal Regulations, as implemented by the United
6 States Department of Health and Human Services in Part 75
7 (commencing with Section 75.1) of Title 45 of the Code of Federal
8 Regulations.

9 ~~SEC. 103.~~

10 *SEC. 106.* Section 11466.22 of the Welfare and Institutions
11 Code is amended to read:

12 11466.22. (a) It is the intent of the Legislature to ensure overall
13 program integrity in the AFDC-FC program through the
14 establishment of an effective and efficient process for the collection
15 of provider sustained overpayments. Furthermore, the intent of the
16 Legislature is to ensure that children placed in AFDC-FC programs,
17 including, but not limited to, group homes, short-term residential
18 therapeutic programs, and foster family agencies, receive the level
19 of care and supervision commensurate with the program's paid
20 rate.

21 (b) For the purposes of this section, a provider is a licensee of
22 an AFDC-FC program listed in Section 11402, including, but not
23 limited to, a group home, short-term residential therapeutic
24 program, foster family agency that provides treatment services, or
25 a similar business entity, receiving foster care maintenance
26 payments under the AFDC-FC program. The department may
27 collect a sustained overpayment from the party responsible for the
28 sustained overpayment, regardless of whether the party remains
29 in the business of providing any AFDC-FC programs, and
30 regardless of whether the provider remains licensed by the
31 department.

32 (c) For the purposes of this section, a provider overpayment is
33 an overpayment that results in an audit period when a provider
34 receives a rate reimbursement to which it is not entitled. If a
35 provider receives a rate reimbursement to which it is not entitled,
36 including, but not limited to, the provider failing to maintain a
37 license, or failing to maintain its status as a nonprofit organization,
38 or due to an overpayment determined as described in paragraph
39 (1) of subdivision (d), it shall be liable to repay the overpayment.

1 (d) (1) Overpayments shall be determined by either a provider
2 audit pursuant to Section 11466.21, a department audit conducted
3 pursuant to Section 11466.2, a management decision letter, or a
4 provider self-reporting an overpayment. A self-reported
5 overpayment may include a finding in the financial audit report
6 submitted by the provider whether that finding is formally made
7 in the financial audit report or discovered through department
8 review of the report or other provider submission.

9 (2) If a hearing is not requested, or on the 60th day after an
10 informal decision if a provider or the department does not file a
11 notice of intent to file a formal appeal, or on the 30th day following
12 a formal appeal hearing decision, whichever is latest, a provider
13 overpayment shall be sustained for collection purposes and the
14 department shall issue a demand letter for repayment of the
15 sustained overpayment.

16 (3) The department shall establish a voluntary repayment
17 agreement procedure with a maximum repayment period of nine
18 years. The procedure shall take into account the amount of the
19 overpayment, projected annual income of the program that caused
20 the overpayment, a minimum repayment amount, including
21 principal and interest, of 3 percent of annual income prorated on
22 a monthly basis, simple interest for the first seven years of the
23 voluntary repayment agreement on the overpayment amount based
24 on the Surplus Money Investment Fund, and simple interest for
25 the eighth and ninth years of the voluntary repayment agreement
26 based on the prime rate at that time plus 3 percent. The department
27 may consider renegotiation of a voluntary repayment agreement
28 if the department determines that the agreement would cause severe
29 harm to children in placement.

30 (4) The department shall establish an involuntary overpayment
31 collection procedure, that shall take into account the amount of
32 the overpayment, projected annual income, a minimum required
33 repayment amount, including principal and interest, of 5 percent
34 of the annual income prorated on a monthly basis, simple interest
35 on the overpayment amount based on the Surplus Money
36 Investment Fund, and a maximum repayment period of seven
37 years. The department may consider renegotiation of an involuntary
38 payment agreement if the department determines that the agreement
39 would cause severe harm to children in placement.

1 (e) The department shall maintain, by regulation, all-county
2 letter, or similar written directive, a procedure for recovery of any
3 provider sustained overpayments. The department shall prioritize
4 collection methods, which shall include voluntary repayment
5 agreement procedures, involuntary overpayment collection
6 procedures, including the use of a statutory lien, rate request
7 denials, rate decreases, and rate terminations. The department may
8 also deny rate requests, including requests for rate increases, or
9 program changes or expansions, while an overpayment is due.

10 (f) Whenever the department determines that a provider
11 sustained overpayment has occurred, the department shall recover
12 from the provider the full amount of the sustained overpayment,
13 and simple interest on the sustained overpayment amount, pursuant
14 to methods described in subdivision (e), against the provider's
15 income or assets.

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

19 ~~SEC. 104.~~

20 *SEC. 107.* Section 11466.24 of the Welfare and Institutions
21 Code is amended to read:

22 11466.24. (a) In accordance with this section, a county shall
23 collect an overpayment, discovered on or after January 1, 1999,
24 made to a foster family home, an approved home of a relative,
25 including, on and after the date that the director executes a
26 declaration pursuant to Section 11217, the home of a Kin-GAP
27 guardian, an approved home of a nonrelative extended family
28 member, an approved home of a nonrelative legal guardian, a
29 resource family, as defined in subdivision (c) of Section 16519.5,
30 or the supervised independent living setting where a nonminor
31 dependent resides, for any period of time in which the foster child
32 was not cared for in that home, unless any of the following
33 conditions exist, in which case a county shall not collect the
34 overpayment:

35 (1) The cost of the collection exceeds that amount of the
36 overpayment that is likely to be recovered by the county. The cost
37 of collecting the overpayment and the likelihood of collection shall
38 be documented by the county. Costs that the county shall consider
39 when determining the cost-effectiveness to collect are total

1 administrative, personnel, legal filing fee, and investigative costs,
2 and any other applicable costs.

3 (2) The child was temporarily removed from the home and
4 payment was owed to the provider to maintain the child's
5 placement, or the child was temporarily absent from the provider's
6 home, or on runaway status and subsequently returned, and
7 payment was made to the provider to meet the child's needs.

8 (3) The overpayment was exclusively the result of a county
9 administrative error or both the county welfare department and
10 the provider or nonminor dependent were unaware of the
11 information that would establish that the foster child or nonminor
12 dependent was not eligible for foster care benefits.

13 (4) The provider or nonminor dependent did not have knowledge
14 of, and did not contribute to, the cause of the overpayment.

15 (b) (1) After notification by a county of an overpayment to a
16 foster family home, an approved home of a relative, including the
17 home of a Kin-GAP guardian, or a nonrelative extended family
18 member, approved home of a nonrelative legal guardian, a resource
19 family, or the supervised independent living setting where the
20 nonminor dependent resides, and a demand letter for repayment,
21 the foster parent, approved relative, approved nonrelative legal
22 guardian, resource family, or nonminor dependent may request
23 the county welfare department to review the overpayment
24 determination in an informal hearing, or may file with the
25 department a request for a hearing to appeal the overpayment
26 determination. Requesting an informal hearing shall not preclude
27 a payee from seeking a formal hearing at a later date. The county
28 welfare department shall dismiss the overpayment repayment
29 request if it determines the action to be incorrect through an initial
30 review prior to a state hearing, or through a review in an informal
31 hearing held at the request of the foster parent, relative, nonrelative
32 legal guardian, or nonminor dependent.

33 (2) If an informal hearing does not result in the dismissal of the
34 overpayment, or a formal appeal hearing is not requested, or on
35 the 30th day following a formal appeal hearing decision, whichever
36 is later, the foster family provider overpayment shall be sustained
37 for collection purposes.

38 (3) The department shall adopt regulations that ensure that the
39 best interests of the child or nonminor dependent shall be the

1 primary concern of the county welfare director in any repayment
2 agreement.

3 (c) (1) The department shall develop regulations for recovery
4 of overpayments made to any foster family home, approved home
5 of a relative, including the home of a Kin-GAP guardian, approved
6 home of a nonrelative legal guardian, resource family, or supervised
7 independent living setting where a nonminor dependent resides.
8 The regulations shall prioritize collection methods, that shall
9 include voluntary repayment agreement procedures and involuntary
10 overpayment collection procedures. These procedures shall take
11 into account the amount of the overpayment and a minimum
12 required payment amount.

13 (2) A county shall not collect an overpayment through the use
14 of an involuntary payment agreement unless a foster family home,
15 an approved home of a relative, including the home of a Kin-GAP
16 guardian, approved home of a nonrelative legal guardian, resource
17 family, or supervised independent living setting where a nonminor
18 dependent resides has rejected the offer of a voluntary overpayment
19 agreement, or has failed to comply with the terms of the voluntary
20 overpayment agreement.

21 (3) A county shall not be permitted to collect an overpayment
22 through the offset of payments due to a foster family home, an
23 approved home of a relative, including the home of a Kin-GAP
24 guardian, approved home of a nonrelative legal guardian, resource
25 family, or supervised independent living setting where a nonminor
26 dependent resides, unless this method of repayment is requested
27 by the provider or nonminor dependent in a voluntary repayment
28 agreement, or other circumstances defined by the department by
29 regulation.

30 (d) If a provider or nonminor dependent is successful in its
31 appeal of a collected overpayment, it shall be repaid the collected
32 overpayment plus simple interest based on the Surplus Money
33 Investment Fund.

34 (e) A county may not collect interest on the repayment of an
35 overpayment.

36 (f) There shall be a one-year statute of limitations from the date
37 upon which the county determined that there was an overpayment.

38 ~~SEC. 105.~~

39 *SEC. 108.* Section 11466.25 of the Welfare and Institutions
40 Code is amended to read:

1 11466.25. Interest begins to accrue on a provider overpayment
 2 or penalty on the date of the issuance of the penalty, the date of
 3 issuance of the final audit report, or the date of the issuance of a
 4 management decision letter in accordance with Section 11466.21,
 5 or the date that a provider self-reports an overpayment.

6 ~~SEC. 106.~~

7 *SEC. 109.* Section 11466.31 of the Welfare and Institutions
 8 Code is amended to read:

9 11466.31. (a) When it has been determined that a provider
 10 participating in the AFDC-FC program owes an overpayment that
 11 is due and payable, the department may implement involuntary
 12 offset collection procedures to collect sustained overpayments
 13 from a provider if the provider does not enter into a voluntary
 14 repayment agreement with the department or the provider has three
 15 outstanding payments on a voluntary repayment agreement before
 16 the overpayment is repaid.

17 (b) The minimum monthly overpayment offset amount from
 18 monthly rate reimbursements shall be determined using the
 19 involuntary collection procedures developed pursuant to paragraph
 20 (4) of subdivision (d) of Section 11466.22. Overpayments shall
 21 be offset against current monthly rate reimbursement payments
 22 due and payable to a provider under this chapter.

23 (c) Failure to repay an overpayment shall be grounds for
 24 termination of the provider's rate and shall result in a referral to
 25 the department's Community Care Licensing Division for license
 26 revocation.

27 ~~SEC. 107.~~

28 *SEC. 110.* Section 11466.32 of the Welfare and Institutions
 29 Code is amended to read:

30 11466.32. (a) If a provider that owes a sustained overpayment
 31 pursuant to paragraph (2) of subdivision (d) of Section 11466.22
 32 does not enter into a voluntary repayment agreement with the
 33 department, or the provider has three outstanding payments on a
 34 voluntary repayment agreement before the overpayment is repaid,
 35 in addition to the monthly overpayment offset amount, 50 percent
 36 of any increases resulting from California Necessities Index (CNI)
 37 adjustments and provider's rate adjustments to the standard rate
 38 that are due to a provider shall be withheld until the sustained
 39 overpayment amount is collected. Once the overpayment amount
 40 is collected, the provider shall begin to prospectively receive the

1 full amount of any California Necessities Index and rate adjustment
2 to which it is entitled.

3 (b) Any provider subject to involuntary repayment of a sustained
4 overpayment pursuant to Section 11466.31 shall be ineligible to
5 receive any rate increase or program change or expansion, until
6 the repayment is completed or until the host county or the primary
7 placement county provide the department with a request for waiver
8 of this paragraph.

9 ~~SEC. 108.~~

10 *SEC. 111.* Section 11468 of the Welfare and Institutions Code
11 is amended to read:

12 11468. The department shall establish and maintain
13 administrative procedures to review the rate set by the department
14 for AFDC-FC programs, including, but not limited to, group
15 homes, short-term residential therapeutic programs, and foster
16 family agencies that provide treatment services.

17 ~~SEC. 109.~~

18 *SEC. 112.* Section 11469 of the Welfare and Institutions Code
19 is amended to read:

20 11469. (a) The department shall develop, following
21 consultation with group home providers, the County Welfare
22 Directors Association of California, the Chief Probation Officers
23 of California, the County Behavioral Health Directors Association
24 of California, the State Department of Health Care Services, and
25 stakeholders, performance standards and outcome measures for
26 determining the effectiveness of the care and supervision, as
27 defined in subdivision (b) of Section 11460, provided by group
28 homes under the AFDC-FC program pursuant to Sections 11460
29 and 11462. These standards shall be designed to measure group
30 home program performance for the client group that the group
31 home program is designed to serve.

32 (1) The performance standards and outcome measures shall be
33 designed to measure the performance of group home programs in
34 areas over which the programs have some degree of influence, and
35 in other areas of measurable program performance that the
36 department can demonstrate are areas over which group home
37 programs have meaningful managerial or administrative influence.

38 (2) These standards and outcome measures shall include, but
39 are not limited to, the effectiveness of services provided by each
40 group home program, and the extent to which the services provided

1 by the group home assist in obtaining the child welfare case plan
2 objectives for the child.

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

10 (b) Regulations regarding the implementation of the group home
11 performance standards system required by this section shall be
12 adopted no later than one year prior to implementation. The
13 regulations shall specify both the performance standards system
14 and the manner by which the AFDC-FC rate of a group home
15 program shall be adjusted if performance standards are not met.

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

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

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

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

30 (3) The program meets the performance standards designed
31 pursuant to this section.

32 (e) Notwithstanding subdivision (c), the group home program
33 performance standards system shall not be implemented prior to
34 the implementation of the AFDC-FC performance standards
35 system.

36 (f) On or before January 1, 2016, the department shall develop,
37 following consultation with the County Welfare Directors
38 Association of California, the Chief Probation Officers of
39 California, the County Behavioral Health Directors Association
40 of California, research entities, foster children, advocates for foster

1 children, foster care provider business entities organized and
2 operated on a nonprofit basis, Indian tribes, and other stakeholders,
3 additional performance standards and outcome measures that
4 require group homes to implement programs and services to
5 minimize law enforcement contacts and delinquency petition filings
6 arising from incidents of allegedly unlawful behavior by minors
7 occurring in group homes or under the supervision of group home
8 staff, including individualized behavior management programs,
9 emergency intervention plans, and conflict resolution processes.

10 (g) On or before January 1, 2017, the department shall develop,
11 following consultation with the County Welfare Directors
12 Association of California, the Chief Probation Officers of
13 California, the County Behavioral Health Directors Association
14 of California, the Medical Board of California, research entities,
15 foster children advocates for foster children, foster care provider
16 business entities organized and operated on a nonprofit basis,
17 Indian tribes, and other stakeholders, additional performance
18 standards and outcome measures that require group homes and
19 short-term residential therapeutic programs to implement
20 alternative programs and services, including individualized
21 behavior management programs, emergency intervention plans,
22 and conflict resolution processes.

23 (h) Performance standards and outcome measures developed
24 pursuant to this section shall apply to short-term residential
25 therapeutic programs.

26 ~~SEC. 110.~~

27 *SEC. 113.* Section 16000 of the Welfare and Institutions Code
28 is amended to read:

29 16000. (a) It is the intent of the Legislature to preserve and
30 strengthen a child's family ties whenever possible, removing the
31 child from the custody of his or her parents only when necessary
32 for his or her welfare or for the safety and protection of the public.
33 If a child is removed from the physical custody of his or her
34 parents, preferential consideration shall be given whenever possible
35 to the placement of the child with the relative as required by
36 Section 7950 of the Family Code. If the child is removed from his
37 or her own family, it is the purpose of this chapter to secure as
38 nearly as possible for the child the custody, care, and discipline
39 equivalent to that which should have been given to the child by
40 his or her parents. It is further the intent of the Legislature to

1 reaffirm its commitment to children who are in out-of-home
2 placement to live in the least restrictive family setting promoting
3 normal childhood experiences that is suited to meet the child's or
4 youth's individual needs, and to live as close to the child's family
5 as possible pursuant to subdivision (c) of Section 16501.1. Family
6 reunification services shall be provided for expeditious
7 reunification of the child with his or her family, as required by
8 law. If reunification is not possible or likely, a permanent
9 alternative shall be developed.

10 (b) It is further the intent of the Legislature that all children live
11 with a committed, permanent, and nurturing family. Services and
12 supports should be tailored to meet the needs of the individual
13 child and family being served, with the ultimate goal of maintaining
14 the family, or when this is not possible, transitioning the child or
15 youth to a permanent family or preparing the child or youth for a
16 successful transition into adulthood. When needed, short-term
17 residential therapeutic program services are a short-term,
18 specialized, and intensive intervention that is just one part of a
19 continuum of care available for children, youth, young adults, and
20 their families.

21 (c) It is further the intent of the Legislature to ensure that all
22 pupils in foster care and those who are homeless as defined by the
23 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
24 Sec. 11301 et seq.) have the opportunity to meet the challenging
25 state pupil academic achievement standards to which all pupils
26 are held. In fulfilling their responsibilities to pupils in foster care,
27 educators, county placing agencies, care providers, advocates, and
28 the juvenile courts shall work together to maintain stable school
29 placements and to ensure that each pupil is placed in the least
30 restrictive educational programs, and has access to the academic
31 resources, services, and extracurricular and enrichment activities
32 that are available to all pupils. In all instances, educational and
33 school placement decisions shall be based on the best interests of
34 the child.

35 ~~SEC. 114.~~

36 *SEC. 114.* Section 16501 of the Welfare and Institutions Code
37 is amended to read:

38 16501. (a) (1) As used in this chapter, "child welfare services"
39 means public social services that are directed toward the
40 accomplishment of any or all of the following purposes: protecting

1 and promoting the welfare of all children, including disabled,
2 homeless, dependent, or neglected children; preventing or
3 remedying, or assisting in the solution of problems which may
4 result in, the neglect, abuse, exploitation, or delinquency of
5 children; preventing the unnecessary separation of children from
6 their families by identifying family problems, assisting families
7 in resolving their problems, and preventing breakup of the family
8 where the prevention of child removal is desirable and possible;
9 restoring to their families children who have been removed, by
10 the provision of services to the child and the families; identifying
11 children to be placed in suitable adoptive homes, in cases where
12 restoration to the biological family is not possible or appropriate;
13 and ensuring adequate care of children away from their homes, in
14 cases where the child cannot be returned home or cannot be placed
15 for adoption.

16 (2) “Child welfare services” also means services provided on
17 behalf of children alleged to be the victims of child abuse, neglect,
18 or exploitation. The child welfare services provided on behalf of
19 each child represent a continuum of services, including emergency
20 response services, family preservation services, family maintenance
21 services, family reunification services, and permanent placement
22 services, including supportive transition services. The individual
23 child’s case plan is the guiding principle in the provision of these
24 services. The case plan shall be developed within a maximum of
25 60 days of the initial removal of the child or of the in-person
26 response required under subdivision (f) if the child has not been
27 removed from his or her home, or by the date of the dispositional
28 hearing pursuant to Section 358, whichever comes first.

29 (3) “Child welfare services” are best provided in a framework
30 that integrates service planning and delivery among multiple
31 service systems, including the mental health system, using a
32 team-based approach, such as a child and family team. A child
33 and family team brings together individuals that engage with the
34 child or youth and family in assessing, planning, and delivering
35 services consistent with paragraph (1) of subdivision (d) of Section
36 16501.1. Use of a team approach increases efficiency, and thus
37 reduces cost, by increasing coordination of formal services and
38 integrating the natural and informal supports available to the child
39 or youth and family.

1 (4) “Child and family team” means a group of individuals who
2 are convened by the placing agency and who are engaged through
3 a variety of team-based processes to identify the strengths and
4 needs of the child or youth and his or her family, and to help
5 achieve positive outcomes for safety, permanency, and well-being.

6 (A) The activities of the team shall include, but not be limited
7 to, both of the following:

8 (i) Providing input into the development of a child and family
9 plan that is strengths-based, needs-driven, and culturally relevant.

10 (ii) Providing input into the placement decision made by the
11 placing agency and the services to be provided in order to support
12 the child or youth.

13 (B) The child and family team process shall engage the child
14 or youth, the child’s family, and other people important to the
15 family or to the child or youth in meeting the objectives set forth
16 in subparagraph (A). The child and family team shall also include
17 representatives who provide formal supports to the child or youth
18 and family when appropriate, including, but not limited to, the
19 caregiver, the placing agency caseworker, a representative from a
20 foster family agency or short-term residential therapeutic program
21 with which a child or youth is placed, a county mental health
22 representative, a representative from the regional center when the
23 child is eligible for regional center service, and a representative
24 of the child’s or youth’s tribe or Indian custodian, as applicable.
25 As appropriate, the child and family team also may include other
26 formal supports, such as substance use disorder treatment
27 professionals and educational professionals, providing services to
28 the child or youth and family. For purposes of this definition, the
29 child and family team also may include extended family and
30 informal support persons, such as friends, coaches, faith-based
31 connections, and tribes as identified by the child or youth and
32 family. If placement into a short-term residential therapeutic
33 program or a foster family agency that provides treatment services
34 has occurred or is being considered, the mental health
35 representative is required to be a licensed mental health
36 professional. Any party to the child’s case who is represented by
37 an attorney may consult with his or her attorney regarding this
38 process. The child or youth and his or her family may request
39 specific persons to be included on the child and family team.

1 Nothing shall preclude another agency serving the child or youth
2 from convening a team in collaboration with the placing agency.

3 (5) Child welfare services may include, but are not limited to,
4 a range of service-funded activities, including case management,
5 counseling, emergency shelter care, emergency in-home caretakers,
6 temporary in-home caretakers, respite care, therapeutic day
7 services, teaching and demonstrating homemakers, parenting
8 training, substance abuse testing, and transportation. These
9 service-funded activities shall be available to children and their
10 families in all phases of the child welfare program in accordance
11 with the child’s case plan and departmental regulations. Funding
12 for services is limited to the amount appropriated in the annual
13 Budget Act and other available county funds.

14 (6) Service-funded activities to be provided may be determined
15 by each county, based upon individual child and family needs as
16 reflected in the service plan.

17 (7) As used in this chapter, “emergency shelter care” means
18 emergency shelter provided to children who have been removed
19 pursuant to Section 300 from their parent or parents or their
20 guardian or guardians. The department may establish, by
21 regulation, the time periods for which emergency shelter care shall
22 be funded. For the purposes of this paragraph, “emergency shelter
23 care” may include “transitional shelter care facilities” as defined
24 in paragraph (11) of subdivision (a) of Section 1502 of the Health
25 and Safety Code.

26 (b) As used in this chapter, “respite care” means temporary care
27 for periods not to exceed 72 hours, and, in order to preserve the
28 placement, may be extended up to 14 days in any one month
29 pending the development of policies and regulations in consultation
30 with county placing agencies and stakeholders. This care may be
31 provided to the child’s parents or guardians. This care shall not be
32 limited by regulation to care over 24 hours. These services shall
33 not be provided for the purpose of routine, ongoing child care.

34 (c) The county shall provide child welfare services as needed
35 pursuant to an approved service plan and in accordance with
36 regulations promulgated, in consultation with the counties, by the
37 department. Counties may contract for service-funded activities
38 as defined in paragraph (1) of subdivision (a). Counties shall not
39 contract for needs assessment, client eligibility determination, or
40 any other activity as specified by regulations of the State

1 Department of Social Services, except as specifically authorized
2 in Section 16100.

3 (d) Nothing in this chapter shall be construed to affect duties
4 which are delegated to probation officers pursuant to Sections 601
5 and 654.

6 (e) Any county may utilize volunteer individuals to supplement
7 professional child welfare services by providing ancillary support
8 services in accordance with regulations adopted by the State
9 Department of Social Services.

10 (f) As used in this chapter, emergency response services consist
11 of a response system providing in-person response, 24 hours a day,
12 seven days a week, to reports of abuse, neglect, or exploitation, as
13 required by Article 2.5 (commencing with Section 11164) of
14 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of
15 investigation pursuant to Section 11166 of the Penal Code and to
16 determine the necessity for providing initial intake services and
17 crisis intervention to maintain the child safely in his or her own
18 home or to protect the safety of the child. County welfare
19 departments shall respond to any report of imminent danger to a
20 child immediately and all other reports within 10 calendar days.
21 An in-person response is not required when the county welfare
22 department, based upon an evaluation of risk, determines that an
23 in-person response is not appropriate. This evaluation includes
24 collateral, contacts, a review of previous referrals, and other
25 relevant information, as indicated.

26 (g) As used in this chapter, family maintenance services are
27 activities designed to provide in-home protective services to
28 prevent or remedy neglect, abuse, or exploitation, for the purposes
29 of preventing separation of children from their families.

30 (h) As used in this chapter, family reunification services are
31 activities designed to provide time-limited foster care services to
32 prevent or remedy neglect, abuse, or exploitation, when the child
33 cannot safely remain at home, and needs temporary foster care,
34 while services are provided to reunite the family.

35 (i) (1) As used in this chapter, permanent placement services
36 are activities designed to provide an alternate permanent family
37 structure for children who because of abuse, neglect, or exploitation
38 cannot safely remain at home and who are unlikely to ever return
39 home. These services shall be provided on behalf of children for
40 whom there has been a judicial determination of a permanent plan

1 for adoption, legal guardianship, placement with a fit and willing
2 relative, or continued foster care placement, and, as needed, shall
3 include supportive transition services to nonminor dependents, as
4 described in subdivision (v) of Section 11400.

5 (2) For purposes of this section, “another planned permanent
6 living arrangement” means a permanent plan ordered by the court
7 for a child 16 years of age or older or a nonminor dependent, when
8 there is a compelling reason or reasons to determine that it is not
9 in the best interest of the child or nonminor dependent to return
10 home, be placed for adoption, be placed for tribal customary
11 adoption in the case of an Indian child, or be placed with a fit and
12 willing relative. Placement in a group home, or, on and after
13 January 1, 2017, a short-term residential therapeutic program, shall
14 not be the identified permanent plan for any child or nonminor
15 dependent.

16 (j) As used in this chapter, family preservation services include
17 those services specified in Section 16500.5 to avoid or limit
18 out-of-home placement of children, and may include those services
19 specified in that section to place children in the least restrictive
20 environment possible.

21 (k) (1) (A) In any county electing to implement this
22 subdivision, all county welfare department employees who have
23 frequent and routine contact with children shall, by February 1,
24 1997, and all welfare department employees who are expected to
25 have frequent and routine contact with children and who are hired
26 on or after January 1, 1996, and all such employees whose duties
27 change after January 1, 1996, to include frequent and routine
28 contact with children, shall, if the employees provide services to
29 children who are alleged victims of abuse, neglect, or exploitation,
30 sign a declaration under penalty of perjury regarding any prior
31 criminal conviction, and shall provide a set of fingerprints to the
32 county welfare director.

33 (B) The county welfare director shall secure from the
34 Department of Justice a criminal record to determine whether the
35 employee has ever been convicted of a crime other than a minor
36 traffic violation. The Department of Justice shall deliver the
37 criminal record to the county welfare director.

38 (C) If it is found that the employee has been convicted of a
39 crime, other than a minor traffic violation, the county welfare
40 director shall determine whether there is substantial and convincing

1 evidence to support a reasonable belief that the employee is of
2 good character so as to justify frequent and routine contact with
3 children.

4 (D) No exemption shall be granted pursuant to subparagraph
5 (C) if the person has been convicted of a sex offense against a
6 minor, or has been convicted of an offense specified in Section
7 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in
8 paragraph (1) of Section 273a of, or subdivision (a) or (b) of
9 Section 368 of, the Penal Code, or has been convicted of an offense
10 specified in subdivision (c) of Section 667.5 of the Penal Code.
11 The county welfare director shall suspend such a person from any
12 duties involving frequent and routine contact with children.

13 (E) Notwithstanding subparagraph (D), the county welfare
14 director may grant an exemption if the employee or prospective
15 employee, who was convicted of a crime against an individual
16 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5
17 of the Penal Code, has been rehabilitated as provided in Section
18 4852.03 of the Penal Code and has maintained the conduct required
19 in Section 4852.05 of the Penal Code for at least 10 years and has
20 the recommendation of the district attorney representing the
21 employee's or prospective employee's county of residence, or if
22 the employee or prospective employee has received a certificate
23 of rehabilitation pursuant to Chapter 3.5 (commencing with Section
24 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the
25 county welfare director may give the employee or prospective
26 employee an opportunity to explain the conviction and shall
27 consider that explanation in the evaluation of the criminal
28 conviction record.

29 (F) If no criminal record information has been recorded, the
30 county welfare director shall cause a statement of that fact to be
31 included in that person's personnel file.

32 (2) For purposes of this subdivision, a conviction means a plea
33 or verdict of guilty or a conviction following a plea of nolo
34 contendere. Any action that the county welfare director is permitted
35 to take following the establishment of a conviction may be taken
36 when the time for appeal has elapsed, or the judgment of conviction
37 has been affirmed on appeal or when an order granting probation
38 is made suspending the imposition of sentence, notwithstanding
39 a subsequent order pursuant to Sections 1203.4 and 1203.4a of the
40 Penal Code permitting the person to withdraw his or her plea of

1 guilty and to enter a plea of not guilty, or setting aside the verdict
2 of guilty, or dismissing the accusation, information, or indictment.
3 For purposes of this subdivision, the record of a conviction, or a
4 copy thereof certified by the clerk of the court or by a judge of the
5 court in which the conviction occurred, shall be conclusive
6 evidence of the conviction.

7 ~~SEC. 112.~~

8 *SEC. 115.* Section 16501.1 of the Welfare and Institutions
9 Code is amended to read:

10 16501.1. (a) (1) The Legislature finds and declares that the
11 foundation and central unifying tool in child welfare services is
12 the case plan.

13 (2) The Legislature further finds and declares that a case plan
14 ensures that the child receives protection and safe and proper care
15 and case management, and that services are provided to the child
16 and parents or other caretakers, as appropriate, in order to improve
17 conditions in the parent's home, to facilitate the safe return of the
18 child to a safe home or the permanent placement of the child, and
19 to address the needs of the child while in foster care.

20 (3) The agency shall consider the recommendations of the child
21 and family team, as defined in paragraph (4) of subdivision (a) of
22 Section 16501, if any are available. The agency shall document
23 the rationale for any inconsistencies between the case plan and the
24 child and family team recommendations.

25 (b) (1) A case plan shall be based upon the principles of this
26 section and the input from the child and family team.

27 (2) The case plan shall document that a preplacement assessment
28 of the service needs of the child and family, and preplacement
29 preventive services, have been provided, and that reasonable efforts
30 to prevent out-of-home placement have been made. Preplacement
31 services may include intensive mental health services in the home
32 or a community setting and the reasonable efforts made to prevent
33 out-of-home placement.

34 (3) In determining the reasonable services to be offered or
35 provided, the child's health and safety shall be the paramount
36 concerns.

37 (4) Upon a determination pursuant to paragraph (1) of
38 subdivision (e) of Section 361.5 that reasonable services will be
39 offered to a parent who is incarcerated in a county jail or state
40 prison, detained by the United States Department of Homeland

1 Security, or deported to his or her country of origin, the case plan
2 shall include information, to the extent possible, about a parent's
3 incarceration in a county jail or the state prison, detention by the
4 United States Department of Homeland Security, or deportation
5 during the time that a minor child of that parent is involved in
6 dependency care.

7 (5) Reasonable services shall be offered or provided to make it
8 possible for a child to return to a safe home environment, unless,
9 pursuant to subdivisions (b) and (e) of Section 361.5, the court
10 determines that reunification services shall not be provided.

11 (6) If reasonable services are not ordered, or are terminated,
12 reasonable efforts shall be made to place the child in a timely
13 manner in accordance with the permanent plan and to complete
14 all steps necessary to finalize the permanent placement of the child.

15 (c) If out-of-home placement is used to attain case plan goals,
16 the case plan shall consider the recommendations of the child and
17 family team.

18 (d) (1) The case plan shall include a description of the type of
19 home or institution in which the child is to be placed, and the
20 reasons for that placement decision. The decision regarding choice
21 of placement shall be based upon selection of a safe setting that is
22 the least restrictive family setting that promotes normal childhood
23 experiences and the most appropriate setting that meets the child's
24 individual needs and is available, in proximity to the parent's home,
25 in proximity to the child's school, and consistent with the selection
26 of the environment best suited to meet the child's special needs
27 and best interests. The selection shall consider, in order of priority,
28 placement with relatives, nonrelated extended family members,
29 and tribal members; foster family homes, resource families, and
30 nontreatment certified homes of foster family agencies; followed
31 by treatment and intensive treatment certified homes of foster
32 family agencies; or multidimensional treatment foster care homes
33 or therapeutic foster care homes; group care placements in the
34 order of short-term residential therapeutic programs, group homes,
35 community treatment facilities, and out-of-state residential
36 treatment pursuant to Part 5 (commencing with Section 7900) of
37 Division 12 of the Family Code.

38 (2) If a short-term residential therapeutic program placement is
39 selected for a child, the case plan shall indicate the needs of the
40 child that necessitate this placement, the plan for transitioning the

1 child to a less restrictive environment, and the projected timeline
2 by which the child will be transitioned to a less restrictive
3 environment. This section of the case plan shall be reviewed and
4 updated at least semiannually.

5 (A) The case plan for placements in a group home, or
6 commencing January 1, 2017, in a short-term residential therapeutic
7 program, shall indicate that the county has taken into consideration
8 Section 16010.8.

9 (B) After January 1, 2017, a child and family team meeting as
10 defined in Section 16501 shall be convened by the county placing
11 agency for the purpose of identifying the supports and services
12 needed to achieve permanency and enable the child or youth to be
13 placed in the least restrictive family setting that promotes normal
14 childhood experiences.

15 (3) On or after January 1, 2012, for a nonminor dependent, as
16 defined in subdivision (v) of Section 11400, who is receiving
17 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
18 in addition to the above requirements, the selection of the
19 placement, including a supervised independent living placement,
20 as described in subdivision (w) of Section 11400, shall also be
21 based upon the developmental needs of young adults by providing
22 opportunities to have incremental responsibilities that prepare a
23 nonminor dependent to transition to successful adulthood. If
24 admission to, or continuation in, a group home or short-term
25 residential therapeutic program placement is being considered for
26 a nonminor dependent, the group home or short-term residential
27 therapeutic program placement approval decision shall include a
28 youth-driven, team-based case planning process, as defined by the
29 department, in consultation with stakeholders. The case plan shall
30 consider the full range of placement options, and shall specify why
31 admission to, or continuation in, a group home placement is the
32 best alternative available at the time to meet the special needs or
33 well-being of the nonminor dependent, and how the placement
34 will contribute to the nonminor dependent's transition to successful
35 adulthood. The case plan shall specify the treatment strategies that
36 will be used to prepare the nonminor dependent for discharge to
37 a less restrictive family setting that promotes normal childhood
38 experiences, including a target date for discharge from the group
39 home placement. The placement shall be reviewed and updated
40 on a regular, periodic basis to ensure that continuation in the group

1 home placement remains in the best interests of the nonminor
2 dependent and that progress is being made in achieving case plan
3 goals leading to successful adulthood. The group home placement
4 planning process shall begin as soon as it becomes clear to the
5 county welfare department or probation office that a foster child
6 in group home placement is likely to remain in group home
7 placement on his or her 18th birthday, in order to expedite the
8 transition to a less restrictive family setting that promotes normal
9 childhood experiences, if he or she becomes a nonminor dependent.
10 The case planning process shall include informing the youth of all
11 of his or her options, including, but not limited to, admission to
12 or continuation in a group home placement. Consideration for
13 continuation of existing group home placement for a nonminor
14 dependent under 19 years of age may include the need to stay in
15 the same placement in order to complete high school. After a
16 nonminor dependent either completes high school or attains his or
17 her 19th birthday, whichever is earlier, continuation in or admission
18 to a group home placement is prohibited unless the nonminor
19 dependent satisfies the conditions of paragraph (5) of subdivision
20 (b) of Section 11403, and group home placement functions as a
21 short-term transition to the appropriate system of care. Treatment
22 services provided by the group home placement to the nonminor
23 dependent to alleviate or ameliorate the medical condition, as
24 described in paragraph (5) of subdivision (b) of Section 11403,
25 shall not constitute the sole basis to disqualify a nonminor
26 dependent from the group home placement.

27 (4) In addition to the requirements of paragraphs (1) to (3),
28 inclusive, and taking into account other statutory considerations
29 regarding placement, the selection of the most appropriate home
30 that will meet the child's special needs and best interests shall also
31 promote educational stability by taking into consideration
32 proximity to the child's school of origin, and school attendance
33 area, the number of school transfers the child has previously
34 experienced, and the child's school matriculation schedule, in
35 addition to other indicators of educational stability that the
36 Legislature hereby encourages the State Department of Social
37 Services and the State Department of Education to develop.

38 (e) A written case plan shall be completed within a maximum
39 of 60 days of the initial removal of the child or of the in-person
40 response required under subdivision (f) of Section 16501 if the

1 child has not been removed from his or her home, or by the date
2 of the dispositional hearing pursuant to Section 358, whichever
3 occurs first. The case plan shall be updated, as the service needs
4 of the child and family dictate. At a minimum, the case plan shall
5 be updated in conjunction with each status review hearing
6 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
7 the hearing conducted pursuant to Section 366.26, but no less
8 frequently than once every six months. Each updated case plan
9 shall include a description of the services that have been provided
10 to the child under the plan and an evaluation of the appropriateness
11 and effectiveness of those services.

12 (1) It is the intent of the Legislature that extending the maximum
13 time available for preparing a written case plan from 30 to 60 days
14 will afford caseworkers time to actively engage families, and to
15 solicit and integrate into the case plan the input of the child and
16 the child's family, as well as the input of relatives and other
17 interested parties.

18 (2) The extension of the maximum time available for preparing
19 a written case plan from the 30 to 60 days shall be effective 90
20 days after the date that the department gives counties written notice
21 that necessary changes have been made to the Child Welfare
22 Services/Case Management System (CWS/CMS) to account for
23 the 60-day timeframe for preparing a written case plan.

24 (f) The child welfare services case plan shall be comprehensive
25 enough to meet the juvenile court dependency proceedings
26 requirements pursuant to Article 6 (commencing with Section 300)
27 of Chapter 2 of Part 1 of Division 2.

28 (g) The case plan shall be developed considering the
29 recommendations of the child and family team, as follows:

30 (1) The case plan shall be based upon an assessment of the
31 circumstances that required child welfare services intervention.
32 The child shall be involved in developing the case plan as age and
33 developmentally appropriate.

34 (2) The case plan shall identify specific goals and the
35 appropriateness of the planned services in meeting those goals.

36 (3) The case plan shall identify the original allegations of abuse
37 or neglect, as defined in Article 2.5 (commencing with Section
38 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
39 conditions cited as the basis for declaring the child a dependent of
40 the court pursuant to Section 300, or all of these, and the other

1 precipitating incidents that led to child welfare services
2 intervention.

3 (4) The case plan shall include a description of the schedule of
4 the placement agency contacts with the child and the family or
5 other caretakers. The frequency of these contacts shall be in
6 accordance with regulations adopted by the State Department of
7 Social Services. If the child has been placed in foster care out of
8 state, the county social worker or probation officer, or a social
9 worker or probation officer on the staff of the agency in the state
10 in which the child has been placed, shall visit the child in a foster
11 family home or the home of a relative, consistent with federal law
12 and in accordance with the department's approved state plan. For
13 children in out-of-state group home facilities, visits shall be
14 conducted at least monthly, pursuant to Section 16516.5. At least
15 once every six months, at the time of a regularly scheduled
16 placement agency contact with the foster child, the child's social
17 worker or probation officer shall inform the child of his or her
18 rights as a foster child, as specified in Section 16001.9. The social
19 worker or probation officer shall provide the information to the
20 child in a manner appropriate to the age or developmental level of
21 the child.

22 (5) (A) When out-of-home services are used, the frequency of
23 contact between the natural parents or legal guardians and the child
24 shall be specified in the case plan. The frequency of those contacts
25 shall reflect overall case goals, and consider other principles
26 outlined in this section.

27 (B) Information regarding any court-ordered visitation between
28 the child and the natural parents or legal guardians, and the terms
29 and conditions needed to facilitate the visits while protecting the
30 safety of the child, shall be provided to the child's out-of-home
31 caregiver as soon as possible after the court order is made.

32 (6) When out-of-home placement is made, the case plan shall
33 include provisions for the development and maintenance of sibling
34 relationships as specified in subdivisions (b), (c), and (d) of Section
35 16002. If appropriate, when siblings who are dependents of the
36 juvenile court are not placed together, the social worker for each
37 child, if different, shall communicate with each of the other social
38 workers and ensure that the child's siblings are informed of
39 significant life events that occur within their extended family.
40 Unless it has been determined that it is inappropriate in a particular

1 case to keep siblings informed of significant life events that occur
2 within the extended family, the social worker shall determine the
3 appropriate means and setting for disclosure of this information
4 to the child commensurate with the child's age and emotional
5 well-being. These significant life events shall include, but shall
6 not be limited to, the following:

7 (A) The death of an immediate relative.

8 (B) The birth of a sibling.

9 (C) Significant changes regarding a dependent child, unless the
10 child objects to the sharing of the information with his or her
11 siblings, including changes in placement, major medical or mental
12 health diagnoses, treatments, or hospitalizations, arrests, and
13 changes in the permanent plan.

14 (7) If out-of-home placement is made in a foster family home,
15 group home, or other child care institution that is either a
16 substantial distance from the home of the child's parent or out of
17 state, the case plan shall specify the reasons why that placement
18 is in the best interest of the child. When an out-of-state group home
19 placement is recommended or made, the case plan shall, in
20 addition, specify compliance with Section 7911.1 of the Family
21 Code.

22 (8) A case plan shall ensure the educational stability of the child
23 while in foster care and shall include both of the following:

24 (A) An assurance that the placement takes into account the
25 appropriateness of the current educational setting and the proximity
26 to the school in which the child is enrolled at the time of placement.

27 (B) An assurance that the placement agency has coordinated
28 with the person holding the right to make educational decisions
29 for the child and appropriate local educational agencies to ensure
30 that the child remains in the school in which the child is enrolled
31 at the time of placement or, if remaining in that school is not in
32 the best interests of the child, assurances by the placement agency
33 and the local educational agency to provide immediate and
34 appropriate enrollment in a new school and to provide all of the
35 child's educational records to the new school.

36 (9) (A) If out-of-home services are used, or if parental rights
37 have been terminated and the case plan is placement for adoption,
38 the case plan shall include a recommendation regarding the
39 appropriateness of unsupervised visitation between the child and
40 any of the child's siblings. This recommendation shall include a

1 statement regarding the child's and the siblings' willingness to
2 participate in unsupervised visitation. If the case plan includes a
3 recommendation for unsupervised sibling visitation, the plan shall
4 also note that information necessary to accomplish this visitation
5 has been provided to the child or to the child's siblings.

6 (B) Information regarding the schedule and frequency of the
7 visits between the child and siblings, as well as any court-ordered
8 terms and conditions needed to facilitate the visits while protecting
9 the safety of the child, shall be provided to the child's out-of-home
10 caregiver as soon as possible after the court order is made.

11 (10) If out-of-home services are used and the goal is
12 reunification, the case plan shall describe the services to be
13 provided to assist in reunification and the services to be provided
14 concurrently to achieve legal permanency if efforts to reunify fail.
15 The plan shall also consider in-state and out-of-state placements,
16 the importance of developing and maintaining sibling relationships
17 pursuant to Section 16002, and the desire and willingness of the
18 caregiver to provide legal permanency for the child if reunification
19 is unsuccessful.

20 (11) If out-of-home services are used, the child has been in care
21 for at least 12 months, and the goal is not adoptive placement, the
22 case plan shall include documentation of the compelling reason
23 or reasons why termination of parental rights is not in the child's
24 best interest. A determination completed or updated within the
25 past 12 months by the department when it is acting as an adoption
26 agency or by a licensed adoption agency that it is unlikely that the
27 child will be adopted, or that one of the conditions described in
28 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
29 be deemed a compelling reason.

30 (12) (A) Parents and legal guardians shall have an opportunity
31 to review the case plan, and to sign it whenever possible, and then
32 shall receive a copy of the plan. In a voluntary service or placement
33 agreement, the parents or legal guardians shall be required to
34 review and sign the case plan. Whenever possible, parents and
35 legal guardians shall participate in the development of the case
36 plan. Commencing January 1, 2012, for nonminor dependents, as
37 defined in subdivision (v) of Section 11400, who are receiving
38 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
39 to Section 11403, the transitional independent living case plan, as

1 set forth in subdivision (y) of Section 11400, shall be developed
2 with, and signed by, the nonminor.

3 (B) Parents and legal guardians shall be advised that, pursuant
4 to Section 1228.1 of the Evidence Code, neither their signature on
5 the child welfare services case plan nor their acceptance of any
6 services prescribed in the child welfare services case plan shall
7 constitute an admission of guilt or be used as evidence against the
8 parent or legal guardian in a court of law. However, they shall also
9 be advised that the parent's or guardian's failure to cooperate,
10 except for good cause, in the provision of services specified in the
11 child welfare services case plan may be used in any hearing held
12 pursuant to Section 366.21, 366.22, or 366.25 of this code as
13 evidence.

14 (13) A child shall be given a meaningful opportunity to
15 participate in the development of the case plan and state his or her
16 preference for foster care placement. A child who is 12 years of
17 age or older and in a permanent placement shall also be given the
18 opportunity to review the case plan, sign the case plan, and receive
19 a copy of the case plan.

20 (14) The case plan shall be included in the court report and shall
21 be considered by the court at the initial hearing and each review
22 hearing. Modifications to the case plan made during the period
23 between review hearings need not be approved by the court if the
24 casework supervisor for that case determines that the modifications
25 further the goals of the plan. If out-of-home services are used with
26 the goal of family reunification, the case plan shall consider and
27 describe the application of subdivision (b) of Section 11203.

28 (15) (A) If the case plan has as its goal for the child a permanent
29 plan of adoption or legal guardianship, it shall include a statement
30 of the child's wishes regarding their permanent placement plan
31 and an assessment of those stated wishes. The agency shall also
32 include documentation of the steps the agency is taking to find an
33 adoptive family or other permanent living arrangements for the
34 child; to place the child with an adoptive family, an appropriate
35 and willing relative, or a legal guardian, and to finalize the adoption
36 or legal guardianship. At a minimum, the documentation shall
37 include child-specific recruitment efforts, such as the use of state,
38 regional, and national adoption exchanges, including electronic
39 exchange systems, when the child has been freed for adoption.
40 Regardless of whether the child has been freed for adoption,

1 documentation shall include a description of any barriers to
2 achieving legal permanence and the steps the agency will take to
3 address those barriers. If the plan is for kinship guardianship, the
4 case plan shall document how the child meets the kinship
5 guardianship eligibility requirements.

6 (B) When the child is 16 years of age or older and is in another
7 planned permanent living arrangement, the case plan shall identify
8 the intensive and ongoing efforts to return the child to the home
9 of the parent, place the child for adoption, place the child for tribal
10 customary adoption in the case of an Indian child, establish a legal
11 guardianship, or place the child nonminor dependent with a fit and
12 willing relative, as appropriate. Efforts shall include the use of
13 technology, including social media, to find biological family
14 members of the child.

15 (16) (A) (i) For a child who is 14 or 15 years of age, the case
16 plan shall include a written description of the programs and services
17 that will help the child, consistent with the child's best interests,
18 to prepare for the transition from foster care to successful
19 adulthood. The description may be included in the document
20 described in subparagraph (A) of paragraph (18).

21 (ii) When appropriate, for a child who is 16 years of age or older
22 and, commencing January 1, 2012, for a nonminor dependent, the
23 case plan shall include the transitional independent living plan
24 (TILP), a written description of the programs and services that
25 will help the child, consistent with the child's best interests, to
26 prepare for the transition from foster care to successful adulthood,
27 and, in addition, whether the youth has an in-progress application
28 pending for Title XVI Supplemental Security Income benefits or
29 for Special Immigrant Juvenile Status or other applicable
30 application for legal residency and an active dependency case is
31 required for that application. When appropriate, for a nonminor
32 dependent, the transitional independent living case plan, as
33 described in subdivision (v) of Section 11400, shall include the
34 TILP, a written description of the programs and services that will
35 help the nonminor dependent, consistent with his or her best
36 interests, to prepare for transition from foster care and assist the
37 youth in meeting the eligibility criteria set forth in paragraphs (1)
38 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
39 the case plan shall describe the individualized supervision provided
40 in the supervised independent living placement as defined in

1 subdivision (w) of Section 11400. The case plan shall be developed
2 with the child or nonminor dependent and individuals identified
3 as important to the child or nonminor dependent, and shall include
4 steps the agency is taking to ensure that the child or nonminor
5 dependent achieves permanence, including maintaining or
6 obtaining permanent connections to caring and committed adults.

7 (B) During the 90-day period prior to the participant attaining
8 18 years of age or older as the state may elect under Section
9 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
10 675(8)(B)(iii)), whether during that period foster care maintenance
11 payments are being made on the child's behalf or the child is
12 receiving benefits or services under Section 477 of the federal
13 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
14 appropriate agency staff or probation officer and other
15 representatives of the participant, as appropriate, shall provide the
16 youth or nonminor dependent with assistance and support in
17 developing the written 90-day transition plan, that is personalized
18 at the direction of the child, information as detailed as the
19 participant elects that shall include, but not be limited to, options
20 regarding housing, health insurance, education, local opportunities
21 for mentors and continuing support services, and workforce
22 supports and employment services, a power of attorney for health
23 care, and information regarding the advance health care directive
24 form.

25 (C) For youth 14 years of age or older, the case plan shall
26 include documentation that a consumer credit report was requested
27 annually from each of the three major credit reporting agencies at
28 no charge to the youth and that any results were provided to the
29 youth. For nonminor dependents, the case plan shall include
30 documentation that the county assisted the nonminor dependent
31 in obtaining his or her reports. The case plan shall include
32 documentation of barriers, if any, to obtaining the credit reports.
33 If the consumer credit report reveals any accounts, the case plan
34 shall detail how the county ensured the youth received assistance
35 with interpreting the credit report and resolving any inaccuracies,
36 including any referrals made for the assistance.

37 (17) For youth 14 years of age or older and nonminor
38 dependents, the case plan shall be developed in consultation with
39 the youth. At the youth's option, the consultation may include up
40 to two members of the case planning team who are chosen by the

1 youth and who are not foster parents of, or caseworkers for, the
2 youth. The agency, at any time, may reject an individual selected
3 by the youth to be a member of the case planning team if the
4 agency has good cause to believe that the individual would not act
5 in the youth's best interest. One individual selected by the youth
6 to be a member of the case planning team may be designated to
7 be the youth's adviser and advocate with respect to the application
8 of the reasonable and prudent parent standard to the youth, as
9 necessary.

10 (18) For youth in foster care 14 years of age and older and
11 nonminor dependents, the case plan shall include both of the
12 following:

13 (A) A document that describes the youth's rights with respect
14 to education, health, visitation, and court participation, the right
15 to be annually provided with copies of his or her credit reports at
16 no cost while in foster care pursuant to Section 10618.6, and the
17 right to stay safe and avoid exploitation.

18 (B) A signed acknowledgment by the youth that he or she has
19 been provided a copy of the document and that the rights described
20 in the document have been explained to the youth in an
21 age-appropriate manner.

22 (19) The case plan for a child or nonminor dependent who is,
23 or who is at risk of becoming, the victim of commercial sexual
24 exploitation, shall document the services provided to address that
25 issue.

26 (h) If the court finds, after considering the case plan, that
27 unsupervised sibling visitation is appropriate and has been
28 consented to, the court shall order that the child or the child's
29 siblings, the child's current caregiver, and the child's prospective
30 adoptive parents, if applicable, be provided with information
31 necessary to accomplish this visitation. This section does not
32 require or prohibit the social worker's facilitation, transportation,
33 or supervision of visits between the child and his or her siblings.

34 (i) The case plan documentation on sibling placements required
35 under this section shall not require modification of existing case
36 plan forms until the Child Welfare Service/Case Management
37 System (CWS/CMS) is implemented on a statewide basis.

38 (j) When a child is 10 years of age or older and has been in
39 out-of-home placement for six months or longer, the case plan
40 shall include an identification of individuals, other than the child's

1 siblings, who are important to the child and actions necessary to
2 maintain the child's relationship with those individuals, provided
3 that those relationships are in the best interest of the child. The
4 social worker or probation officer shall ask every child who is 10
5 years of age or older and who has been in out-of-home placement
6 for six months or longer to identify individuals other than the
7 child's siblings who are important to the child, and may ask any
8 other child to provide that information, or may seek that
9 information from the child and family team, as appropriate. The
10 social worker or probation officer shall make efforts to identify
11 other individuals who are important to the child, consistent with
12 the child's best interests.

13 (k) The child's caregiver shall be provided a copy of a plan
14 outlining the child's needs and services. The nonminor dependent's
15 caregiver shall be provided with a copy of the nonminor's TILP.

16 (l) Each county shall ensure that the total number of visits made
17 by caseworkers on a monthly basis to children in foster care during
18 a federal fiscal year is not less than 95 percent of the total number
19 of those visits that would occur if each child were visited once
20 every month while in care and that the majority of the visits occur
21 in the residence of the child. The county child welfare and
22 probation departments shall comply with data reporting
23 requirements that the department deems necessary to comply with
24 the federal Child and Family Services Improvement Act of 2006
25 (Public Law 109-288) and the federal Child and Family Services
26 Improvement and Innovation Act of 2011 (Public Law 112-34).

27 (m) The implementation and operation of the amendments to
28 subdivision (i) enacted at the 2005–06 Regular Session shall be
29 subject to appropriation through the budget process and by phase,
30 as provided in Section 366.35.

31 ~~SEC. 113.~~

32 *SEC. 116.* Section 16504.5 of the Welfare and Institutions
33 Code is amended to read:

34 16504.5. (a) (1) Notwithstanding any other law, pursuant to
35 subdivision (b) of Section 11105 of the Penal Code, a child welfare
36 agency may secure from an appropriate governmental criminal
37 justice agency the state summary criminal history information, as
38 defined in subdivision (a) of Section 11105 of the Penal Code,
39 through the California Law Enforcement Telecommunications
40 System pursuant to subdivision (d) of Section 309, and subdivision

1 (a) of Section 1522 of the Health and Safety Code for the following
2 purposes:

3 (A) To conduct an investigation pursuant to Section 11166.3 of
4 the Penal Code or an investigation involving a child in which the
5 child is alleged to come within the jurisdiction of the juvenile court
6 under Section 300.

7 (B) (i) To assess the appropriateness and safety of placing a
8 child who has been detained or is a dependent of the court, in the
9 home of a relative assessed pursuant to Section 309, 361.4, or
10 16519.5, or in the home of a nonrelative extended family member
11 assessed as described in Section 362.7 or 16519.5 during an
12 emergency situation.

13 (ii) When a relative or nonrelative family member who has been
14 assessed pursuant to clause (i) and approved as a caregiver moves
15 to a different county and continued placement of the child with
16 that person is intended, the move shall be considered an emergency
17 situation for purposes of this subparagraph.

18 (C) To attempt to locate a parent or guardian pursuant to Section
19 311 of a child who is the subject of dependency court proceedings.

20 (D) To obtain information about the background of a nonminor
21 who has petitioned to reenter foster care under subdivision (e) of
22 Section 388, in order to assess the appropriateness and safety of
23 placing the nonminor in a foster care or other placement setting
24 with minor dependent children.

25 (2) Any time that a child welfare agency initiates a criminal
26 background check through the California Law Enforcement
27 Telecommunications System for the purpose described in
28 subparagraph (B) of paragraph (1), the agency shall ensure that a
29 state-level fingerprint check is initiated within 10 calendar days
30 of the check, unless the whereabouts of the subject of the check
31 are unknown or the subject of the check refuses to submit to the
32 fingerprint check. The Department of Justice shall provide the
33 requesting agency a copy of all criminal history information
34 regarding an individual that it maintains pursuant to subdivision
35 (b) of Section 11105 of the Penal Code.

36 (b) Criminal justice personnel shall cooperate with requests for
37 criminal history information authorized pursuant to this section
38 and shall provide the information to the requesting entity in a
39 timely manner.

1 (c) Any law enforcement officer or person authorized by this
2 section to receive the information who obtains the information in
3 the record and knowingly provides the information to a person not
4 authorized by law to receive the information is guilty of a
5 misdemeanor as specified in Section 11142 of the Penal Code.

6 (d) Information obtained pursuant to this section shall not be
7 used for any purposes other than those described in subdivision
8 (a).

9 (e) Nothing in this section shall preclude a nonminor petitioning
10 to reenter foster care or a relative or other person living in a
11 relative's home from refuting any of the information obtained by
12 law enforcement if the individual believes the state- or federal-level
13 criminal records check revealed erroneous information.

14 (f) (1) A state or county welfare agency may submit to the
15 Department of Justice fingerprint images and related information
16 required by the Department of Justice of parents or legal guardians
17 when determining their suitability for reunification with a
18 dependent child subject to the jurisdiction of the juvenile court,
19 for the purposes of obtaining information as to the existence and
20 content of a record of state or federal convictions and state or
21 federal arrests, as well as information as to the existence and
22 content of a record of state or federal arrests for which the
23 Department of Justice establishes that the person is free on bail or
24 on his or her own recognizance pending trial or appeal. Of the
25 information received by the Department of Justice pursuant to this
26 subdivision, only the parent's or legal guardian's criminal history
27 for the time period following the removal of the child from the
28 parent or legal guardian shall be considered.

29 (2) A county welfare agency or county probation office may
30 submit to the Department of Justice fingerprint images and related
31 information required by the Department of Justice of nonminors
32 petitioning to reenter foster care under Section 388, in order to
33 assess the appropriateness and safety of placing the nonminor in
34 a foster care or other placement setting with minor dependent
35 children.

36 (3) When received, the Department of Justice shall forward to
37 the Federal Bureau of Investigation requests for federal summary
38 criminal history information received pursuant to this subdivision.
39 The Department of Justice shall review the information returned

1 from the Federal Bureau of Investigation and respond to the state
2 or county welfare agency.

3 (4) The Department of Justice shall provide a response to the
4 state or county welfare agency pursuant to subdivision (p) of
5 Section 11105 of the Penal Code.

6 (5) The state or county welfare agency shall not request from
7 the Department of Justice subsequent arrest notification service,
8 as provided pursuant to Section 11105.2 of the Penal Code, for
9 individuals described in this subdivision.

10 (6) The Department of Justice shall charge a fee sufficient to
11 cover the costs of processing the request described in this
12 subdivision.

13 (7) This subdivision shall become operative on July 1, 2007.

14 (g) A fee, determined by the Federal Bureau of Investigation
15 and collected by the Department of Justice, shall be charged for
16 each federal-level criminal offender record information request
17 submitted pursuant to this section and Section 361.4.

18 ~~SEC. 114.~~

19 *SEC. 117.* Section 16514 of the Welfare and Institutions Code
20 is amended to read:

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

30 (b) A minor who has been voluntarily placed, adjudged a
31 dependent child of the juvenile court pursuant to Section 300, or
32 adjudged a ward of the juvenile court pursuant to Section 601,
33 shall not be housed in an emergency shelter with any minor
34 adjudged a ward of the juvenile court pursuant to Section 602.

35 (c) A minor or nonminor who has been voluntarily placed,
36 adjudged a dependent child of the juvenile court pursuant to Section
37 300, or as to whom a petition has been filed under Section 325, or
38 a nonminor dependent, as described in subdivision (v) of Section
39 11400, shall not be placed or detained in a short-term residential
40 therapeutic program, group home, licensed foster family home,

1 resource family home, or certified family home or approved
2 resource family home of a foster family agency, with any minor
3 adjudged a ward of the juvenile court pursuant to Section 601 or
4 602, unless the social worker or probation officer with placement
5 authority has determined that the placement setting has a program
6 that meets the specific needs of the minor or nonminor dependent
7 being placed or detained, and there is a commonality of needs with
8 the other minors and nonminor dependents in the placement setting.

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

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

18 ~~SEC. 115.~~

19 *SEC. 118.* The heading of Article 2 (commencing with Section
20 16519.5) is added to Chapter 5 of Part 4 of Division 9 of the
21 Welfare and Institutions Code, to read:

22

23 Article 2. Resource Family Approval Program

24

25 ~~SEC. 116.~~

26 *SEC. 119.* Section 16519.5 of the Welfare and Institutions
27 Code, as amended by Section 27 of Chapter 25 of the Statutes of
28 2016, is amended to read:

29 16519.5. (a) The State Department of Social Services, in
30 consultation with county child welfare agencies, foster parent
31 associations, and other interested community parties, shall
32 implement a unified, family friendly, and child-centered resource
33 family approval process to replace the existing multiple processes
34 for licensing foster family homes, certifying foster homes by
35 licensed foster family agencies, approving relatives and nonrelative
36 extended family members as foster care providers, and approving
37 guardians and adoptive families.

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

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

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

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

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

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

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

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

23 (A) Submitting an implementation plan.

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

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

28 (D) Training appropriate staff.

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

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

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

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

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

9 (7) This subdivision shall become inoperative on January 1,
10 2017.

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

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

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

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

32 (D) The financial ability within the household to ensure the
33 stability and financial security of the family. An applicant who
34 will rely on the funding described in subdivision (l) to meet
35 additional household expenses incurred due to the placement of a
36 child shall not, for this reason, be denied approval as a resource
37 family.

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

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

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

7 (4) Subsequent to meeting the criteria set forth in this
8 subdivision and designation as a resource family, a resource family
9 shall be considered eligible to provide foster care for related and
10 unrelated children in out-of-home placement and shall be
11 considered approved for adoption or guardianship.

12 (5) For purposes of this article, “resource family approval”
13 means that the applicant or resource family successfully meets the
14 home environment assessment and permanency assessment
15 standards. This approval is in lieu of a foster family home license
16 issued pursuant to Chapter 3 (commencing with Section 1500) of
17 Division 2 of the Health and Safety Code, a certificate of approval
18 issued by a licensed foster family agency, as described in
19 subdivision (b) of Section 1506 of the Health and Safety Code,
20 relative or nonrelative extended family member approval,
21 guardianship approval, and the adoption home study approval.

22 (6) Approval of a resource family does not guarantee an initial,
23 continued, or adoptive placement of a child with a resource family
24 or with a relative or nonrelative extended family member pursuant
25 to subdivision (e). Approval of a resource family does not
26 guarantee the establishment of a legal guardianship of a child with
27 a resource family.

28 (7) (A) Notwithstanding paragraphs (1) to (6), inclusive, the
29 department or county shall cease any further review of an
30 application if the applicant has had a previous application denial
31 within the preceding year, or if the applicant has had a previous
32 rescission, revocation, or exemption denial or exemption rescission
33 by the department or county within the preceding two years.

34 (B) Notwithstanding subparagraph (A), the department or county
35 may continue to review an application if it has determined that the
36 reasons for the previous denial, rescission, or revocation were due
37 to circumstances and conditions that either have been corrected or
38 are no longer in existence. If an individual was excluded from a
39 resource family home or facility licensed by the department, the
40 department or county shall cease review of the individual’s

1 application unless the excluded individual has been reinstated
2 pursuant to Section 11522 of the Government Code and subdivision
3 (h) of Section 1558 of the Health and Safety Code. The cessation
4 of review shall not constitute a denial of the application for
5 purposes of this section or any other law.

6 (8) A resource family shall meet the approval standards set forth
7 in this section, comply with the written directives or regulations
8 adopted pursuant to this section, and comply with other applicable
9 laws in order to maintain approval.

10 (9) A resource family may be approved by the department or a
11 county pursuant to this section or by a foster family agency
12 pursuant to Section 1517 of the Health and Safety Code.

13 (10) A resource family shall not be licensed as a residential
14 facility, as defined in paragraph (1) of subdivision (a) of Section
15 1502 of the Health and Safety Code.

16 (d) (1) The department shall adopt standards pertaining to the
17 home environment and permanency assessments of a resource
18 family.

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

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

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

36 (iii) If the resource family parent, applicant, or any other person
37 specified in subdivision (b) of Section 1522 of the Health and
38 Safety Code has been convicted of a crime other than a minor
39 traffic violation or arrested for an offense specified in subdivision
40 (e) of Section 1522 of the Health and Safety Code, except for the

1 civil penalty language, the criminal background check provisions
2 specified in subdivisions (d) through (f) of Section 1522 of the
3 Health and Safety Code shall apply. Exemptions from the criminal
4 records clearance requirements set forth in this section may be
5 granted by the department or the county, if that county had been
6 granted permission by the department to issue criminal records
7 exemptions pursuant to Section 361.4 on or before January 1, 2017,
8 using the exemption criteria specified in subdivision (g) of Section
9 1522 of the Health and Safety Code and the written directives or
10 regulations adopted pursuant to this section.

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

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

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

21 (C) In addition to the foregoing requirements, the resource
22 family home environment assessment standards shall also require
23 the following:

24 (i) That the applicant demonstrates an understanding about the
25 rights of children in care and his or her responsibility to safeguard
26 those rights.

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

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

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

40 (A) Caregiver training, as described in subdivisions (g) and (h).

1 (B) A psychosocial assessment of an applicant, which shall
2 include the results of a risk assessment.

3 (i) When the applicant is a relative or nonrelative extended
4 family member to an identified child, the psychosocial assessment
5 shall consider the nature of the relationship between the relative
6 or nonrelative extended family member and the child. The relative
7 or nonrelative extended family member's expressed desire to only
8 care for a specific child or children shall not be a reason to deny
9 the approval.

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

14 (C) Completion of any other activities that relate to the ability
15 of an applicant or a resource family to achieve permanency with
16 a child.

17 (e) (1) A county may place a child with a resource family
18 applicant who has successfully completed the home environment
19 assessment prior to completion of a permanency assessment only
20 if a compelling reason for the placement exists based on the needs
21 of the child.

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

25 (B) If additional time is needed to complete the permanency
26 assessment, the county shall document the extenuating
27 circumstances for the delay and generate a timeframe for the
28 completion of the permanency assessment.

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

33 (2) (A) Upon an assessment completed pursuant to Section 309
34 or 361.45, a county may place a child with a relative, as defined
35 in Section 319, or nonrelative extended family member, as defined
36 in Section 362.7.

37 (B) For any emergency placement made pursuant to this
38 paragraph, the county shall initiate the home environment
39 assessment no later than five business days after the placement,

1 which shall include a face-to-face interview with the resource
2 family applicant and child.

3 (C) Nothing in this paragraph shall be construed to limit the
4 obligation under existing law to assess and give placement
5 consideration to relatives and nonrelative extended family
6 members.

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

10 (4) Any child placed under this section shall be afforded all the
11 rights set forth in Section 16001.9 and in the written directions or
12 regulations adopted pursuant to this section.

13 (5) Nothing in this section shall limit the county's authority to
14 inspect the home of a resource family applicant or a relative or
15 nonrelative extended family member as often as necessary to ensure
16 the quality of care provided.

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

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

28 (B) Adopting, amending, or repealing, in accordance with
29 Chapter 4.5 (commencing with Section 11400) of Part 1 of Division
30 3 of Title 2 of the Government Code, any reasonable rules,
31 regulations, and standards that may be necessary or proper to carry
32 out the purposes and intent of this chapter and to enable the
33 department to exercise the powers and perform the duties conferred
34 upon it by this section, consistent with the laws of this state.

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

37 (3) Adopting and requiring the use of standardized
38 documentation for the home environment and permanency
39 assessments of resource families.

- 1 (4) Adopting core competencies for county staff to participate
2 in the assessment and evaluation of an applicant or resource family.
- 3 (5) Requiring counties to monitor county-approved resource
4 families, including, but not limited to, both of the following:
5 (A) Investigating complaints of resource families.
6 (B) Developing and monitoring resource family corrective action
7 plans to correct identified deficiencies and to rescind resource
8 family approval if compliance with corrective action plans is not
9 achieved.
- 10 (6) Ongoing oversight and monitoring of county systems and
11 operations including all of the following:
12 (A) Reviewing the county's implementation plan and
13 implementation of the program.
14 (B) Reviewing an adequate number of county-approved resource
15 families in each county to ensure that approval standards are being
16 properly applied. The review shall include case file documentation,
17 and may include onsite inspection of individual resource families.
18 The review shall occur on an annual basis, and more frequently if
19 the department becomes aware that a county is experiencing a
20 disproportionate number of complaints against individual resource
21 family homes.
22 (C) Reviewing county reports of serious complaints and
23 incidents involving approved resource families, as determined
24 necessary by the department. The department may conduct an
25 independent review of the complaint or incident and change the
26 findings depending on the results of its investigation.
27 (D) Investigating unresolved complaints against counties.
28 (E) Requiring corrective action of counties that are not in full
29 compliance with this section.
- 30 (7) Updating the Legislature on the early implementation phase
31 of the program, including the status of implementation, successes,
32 and challenges during the early implementation phase, and relevant
33 available data, including resource family satisfaction.
- 34 (8) Implementing due process procedures, including, but not
35 limited to, all of the following:
36 (A) Providing a statewide fair hearing process for application
37 denials, rescissions of approval, exclusion actions, or criminal
38 record exemption denials or rescissions by a county or the
39 department.

- 1 (B) Providing an excluded individual with due process pursuant
2 to Section 16519.6.
- 3 (C) Amending the department's applicable state hearing
4 procedures and regulations or using the Administrative Procedure
5 Act, when applicable, as necessary for the administration of the
6 program.
- 7 (g) Counties shall be responsible for all of the following:
- 8 (1) Submitting an implementation plan and consulting with the
9 county probation department in the development of the
10 implementation plan.
- 11 (2) Complying with the written directives or regulations adopted
12 pursuant to this section.
- 13 (3) Implementing the requirements for resource family approval
14 and utilizing standardized documentation established by the
15 department.
- 16 (4) Training appropriate staff, including ensuring staff have the
17 education and experience or core competencies necessary to
18 participate in the assessment and evaluation of an applicant or
19 resource family.
- 20 (5) (A) Taking the following actions, as applicable:
- 21 (i) (I) Approving or denying resource family applications,
22 including preparing a written evaluation of an applicant's capacity
23 to foster, adopt, or provide legal guardianship of a child based on
24 all of the information gathered through the resource family
25 application and assessment processes.
- 26 (II) Considering the applicant's preference to provide a specific
27 level of permanency, including adoption, guardianship, or, in the
28 case of a relative, placement with a fit and willing relative, shall
29 not be a basis to deny an application.
- 30 (ii) Rescinding approvals of resource families.
- 31 (iii) When applicable, referring a case to the department for an
32 action to exclude a resource family parent or other individual from
33 presence in a resource family home, consistent with the established
34 standard.
- 35 (iv) Issuing a temporary suspension order that suspends the
36 resource family approval prior to a hearing when urgent action is
37 needed to protect a child from physical or mental abuse,
38 abandonment, or any other substantial threat to health or safety,
39 consistent with the established standard.
- 40 (v) Granting, denying, or rescinding criminal record exemptions.

1 (B) Providing a resource family parent, applicant, or individual
2 who is the subject of a criminal record exemption decision with
3 due process pursuant to Section 16519.6.

4 (C) Notifying the department of any decisions denying an
5 application for resource family approval, rescinding the approval
6 of a resource family, or denying or rescinding a criminal record
7 exemption and, if applicable, notifying the department of the results
8 of an administrative action.

9 (6) (A) Updating resource family approval annually and as
10 necessary to address any changes that have occurred in the resource
11 family's circumstances, including, but not limited to, moving to
12 a new home location or commencing operation of a family day
13 care home, as defined in Section 1596.78 of the Health and Safety
14 Code.

15 (B) A county shall conduct an announced inspection of a
16 resource family home during the annual update, and as necessary
17 to address any changes specified in subparagraph (A), in order to
18 ensure that the resource family is conforming to all applicable laws
19 and the written directives or regulations adopted pursuant to this
20 section.

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

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

26 (B) Requiring resource families to meet the approval standards
27 set forth in this section and to comply with the written directives
28 or regulations adopted pursuant to this section, other applicable
29 laws, and corrective action plans as necessary to correct identified
30 deficiencies. If corrective action is not completed as specified in
31 the plan, the county may rescind the resource family approval.

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

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

37 (8) (A) Investigating all complaints against a resource family
38 and taking action as necessary, including, but not limited to,
39 investigating any incidents reported about a resource family

1 indicating that the approval standard is not being maintained and
2 inspecting the resource family home.

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

9 (C) Upon conclusion of the complaint investigation, the final
10 disposition shall be reviewed and approved by a supervising staff
11 member.

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

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

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

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

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

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

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

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

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

2 (D) Health issues in foster care.

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

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

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

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

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

25 (J) Child and adolescent development, including sexual
26 orientation, gender identity, and expression.

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

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

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

38 (N) An overview of the specialized training identified in
39 subdivision (h).

1 (14) Ensuring approved resource families complete a minimum
2 of eight hours of caregiver training annually, a portion of which
3 shall be from subparagraph (M) of paragraph (13) and from one
4 or more of the other topics listed in paragraph (13).

5 (h) In addition to any training required by this section, a county
6 may require a resource family or applicant to receive relevant
7 specialized training for the purpose of preparing the resource family
8 to meet the needs of a particular child in care. This training may
9 include, but is not limited to, the following:

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

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

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

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

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

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

31 (7) Understanding the different permanency options and the
32 services and benefits associated with the options.

33 (i) Nothing in this section shall preclude a county from requiring
34 training in excess of the requirements in this section.

35 (j) (1) Resource families who move home locations shall retain
36 their resource family status pending the outcome of the update
37 conducted pursuant to paragraph (6) of subdivision (g).

38 (2) (A) If a resource family moves from one county to another
39 county, the department, or the county to which a resource family
40 has moved, shall submit a written request to the Department of

1 Justice to transfer the individual's subsequent arrest notification,
2 as specified in subdivision (h) of Section 1522 of the Health and
3 Safety Code.

4 (B) A request to transfer subsequent arrest notification shall
5 contain all prescribed data elements and format protocols pursuant
6 to a written agreement between the department and the Department
7 of Justice.

8 (3) Subject to the requirements in paragraph (1), the resource
9 family shall continue to be approved for guardianship and adoption.
10 Nothing in this subdivision shall limit a county, foster family
11 agency, or adoption agency from determining that the family is
12 not approved for guardianship or adoption based on changes in
13 the family's circumstances or psychosocial assessment.

14 (k) Implementation of the program shall be contingent upon the
15 continued availability of federal Social Security Act Title IV-E
16 (42 U.S.C. Sec. 670) funds for costs associated with placement of
17 children with resource families assessed and approved under the
18 program.

19 (l) A child placed with a resource family is eligible for the
20 resource family basic rate, pursuant to Sections 11253.45, 11460,
21 11461, and 11463, and subdivision (l) of Section 11461.3, at the
22 child's assessed level of care.

23 (m) Sharing ratios for nonfederal expenditures for all costs
24 associated with activities related to the approval of relatives and
25 nonrelative extended family members shall be in accordance with
26 Section 10101.

27 (n) 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 (o) 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 (p) (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.

4 (2) (A) (i) On and after January 1, 2017, a county to which the
5 department has delegated its licensing authority pursuant to Section
6 1511 of the Health and Safety Code shall approve resource families
7 in lieu of licensing foster family homes.

8 (ii) Notwithstanding clause (i), the existing licensure and
9 oversight processes shall continue to be administered for foster
10 family homes licensed prior to January 1, 2017, or as specified in
11 subparagraph (C), until the license is revoked or forfeited by
12 operation of law pursuant to Section 1517.1 of the Health and
13 Safety Code.

14 (B) (i) On and after January 1, 2017, a county shall approve
15 resource families in lieu of approving relative and nonrelative
16 extended family members.

17 (ii) Notwithstanding clause (i), the existing approval and
18 oversight processes shall continue to be administered for relatives
19 and nonrelative extended family members approved prior to
20 January 1, 2017, or as specified in subparagraph (C), until the
21 approval is revoked or forfeited by operation of law pursuant to
22 this section.

23 (C) Notwithstanding subparagraph (D), a county shall approve
24 or deny all applications for foster family home licenses and requests
25 for relative or nonrelative extended family member approvals
26 received on or before December 31, 2016, in accordance with
27 Chapter 3 (commencing with Section 1500) of Division 2 of the
28 Health and Safety Code or provisions providing for the approval
29 of relatives or nonrelative extended family members, as applicable.

30 (D) On and after January 1, 2017, a county shall not accept
31 applications for foster family home licenses or requests to approve
32 relatives or nonrelative extended family members.

33 (3) No later than July 1, 2017, each county shall provide the
34 following information to all licensed foster family homes and
35 approved relatives and nonrelative extended family members
36 licensed or approved by the county:

37 (A) A detailed description of the resource family approval
38 program.

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

1 (C) Notification that a foster family home license and an
2 approval of a relative or nonrelative extended family member shall
3 be forfeited by operation of law as specified in paragraph (5).

4 (4) By no later than January 1, 2018, the following shall apply
5 to all licensed foster family homes and approved relative and
6 nonrelative extended family members:

7 (A) A licensed foster family home or an approved relative or
8 nonrelative extended family member with an approved adoptive
9 home study completed prior to January 1, 2018, shall be deemed
10 to be an approved resource family.

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

17 (C) A county may provide supportive services to all licensed
18 foster family homes, relatives, and nonrelative extended family
19 members with a child in placement to assist with the resource
20 family transition and to minimize placement disruptions.

21 (5) All foster family licenses and approvals of relatives and
22 nonrelative extended family members shall be forfeited by
23 operation of law on December 31, 2019, except as provided in this
24 paragraph or Section 1524 of the Health and Safety Code:

25 (A) All licensed foster family homes that did not have a child
26 in placement at any time between January 1, 2017, and December
27 31, 2017, inclusive, shall forfeit the license by operation of law
28 on January 1, 2018.

29 (B) For foster family home licensees and approved relatives or
30 nonrelative extended family members who have a pending resource
31 family application on December 31, 2019, the foster family home
32 license or relative and nonrelative extended family member
33 approval shall be forfeited by operation of law upon approval as
34 a resource family. If approval is denied, forfeiture by operation of
35 law shall occur on the date of completion of any proceedings
36 required by law to ensure due process.

37 (C) A foster family home license shall be forfeited by operation
38 of law, pursuant to subdivision (b) of Section 1524 of the Health
39 and Safety Code, upon approval as a resource family.

1 (D) Approval as a relative or nonrelative extended family
2 member shall be forfeited by operation of law upon approval as a
3 resource family.

4 (q) On and after January 1, 2017, all licensed foster family
5 agencies shall approve resource families in lieu of certifying foster
6 homes, as set forth in Section 1517 of the Health and Safety Code.

7 (r) Commencing January 1, 2016, the department may establish
8 participation conditions, and select and authorize foster family
9 agencies that voluntarily submit implementation plans and revised
10 plans of operation in accordance with requirements established by
11 the department, to approve resource families in lieu of certifying
12 foster homes.

13 (1) Notwithstanding any other law, a participating foster family
14 agency shall require resource families to meet and maintain the
15 resource family approval standards and requirements set forth in
16 this chapter and in the written directives adopted hereto prior to
17 approval and in order to maintain approval.

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

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

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

31 (5) This subdivision shall become inoperative on January 1,
32 2017.

33 (s) A county is authorized to obtain any arrest or conviction
34 records or reports from any court or law enforcement agency as
35 necessary to the performance of its duties, as provided in this
36 section or subdivision (e) of Section 1522 of the Health and Safety
37 Code.

38 (t) A resource family approved pursuant to this section shall
39 forfeit its approval concurrent with resource family approval by a
40 foster family agency.

1 ~~SEC. 117.~~

2 *SEC. 120.* Section 16519.51 of the Welfare and Institutions
3 Code is repealed.

4 ~~SEC. 118.~~

5 *SEC. 121.* Section 16519.51 is added to the Welfare and
6 Institutions Code, to read:

7 16519.51. (a) A person shall not incur civil liability as a result
8 of a county notifying the department of its determination to rescind
9 the approval of a resource family due to any of the following
10 actions by a resource family parent:

11 (1) Violation of Section 16519.5, the written directives or
12 regulations adopted pursuant to Section 16519.5, or any applicable
13 law.

14 (2) Aiding, abetting, or permitting the violation of Section
15 16519.5, the written directives or regulations adopted pursuant to
16 Section 16519.5, or any applicable law.

17 (3) Conduct that poses a risk or threat to the health and safety,
18 protection, or well-being of a child, or the people of the state of
19 California.

20 (4) The conviction of the applicant or resource family parent at
21 any time before or during his or her approval of a crime described
22 in Section 1522.

23 (5) Knowingly allowing any child to have illegal drugs, alcohol,
24 or any tobacco product as defined in subdivision (d) of Section
25 22950.5 of the Business and Professions Code.

26 (6) Committing an act of child abuse or neglect or an act of
27 violence against another person.

28 (b) The department or a county shall not incur civil liability for
29 providing each other with information if the communication is for
30 the purpose of aiding in the evaluation of an application for
31 approval of a resource family.

32 ~~SEC. 119.~~

33 *SEC. 122.* Section 16519.55 of the Welfare and Institutions
34 Code is amended to read:

35 16519.55. (a) Subject to subdivision (d), to encourage the
36 recruitment of resource families, to protect their personal privacy,
37 and to preserve the security of confidentiality of the placements
38 with resource families, the names, addresses, and other identifying
39 information of resource families shall be considered personal
40 information for purposes of the Information Practices Act of 1977

1 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
2 4 of Division 3 of the Civil Code). This information shall not be
3 disclosed by any state or local agency pursuant to the California
4 Public Records Act (Chapter 3.5 (commencing with Section 6250)
5 of Division 7 of Title 1 of the Government Code), except as
6 necessary for administering the resource family approval program,
7 facilitating the placement of children with resource families, and
8 providing names and addresses, upon request, only to bona fide
9 professional foster parent organizations and to professional
10 organizations educating foster parents, including the Foster and
11 Kinship Care Education Program of the California Community
12 Colleges.

13 (b) The application form signed by a resource family applicant
14 of a county shall be signed with a declaration by the applicant that
15 the information submitted is true, correct, and contains no material
16 omissions of fact to the best knowledge and belief of the applicant.
17 Any person who willfully and knowingly, with the intent to
18 deceive, makes a false statement or fails to disclose a material fact
19 in his or her application is guilty of a misdemeanor.

20 (c) Before approving a resource family, a county may conduct
21 a reference check of the applicant by contacting the following:

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

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

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

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

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

32 (d) The department, a county, a foster family agency, or a tribe
33 may request information from, or divulge information to, the
34 department, a county, a foster family agency, or a tribe regarding
35 a prospective resource family for the purpose of and as necessary
36 to conduct a reference check to determine whether it is safe and
37 appropriate to approve an applicant to be a resource family.

38 ~~SEC. 120.~~

39 *SEC. 123.* Section 16519.6 of the Welfare and Institutions
40 Code is amended to read:

1 16519.6. (a) All hearings conducted pursuant to Section
2 16519.5 shall be conducted in accordance with the requirements
3 of this section and the written directives or regulations adopted
4 pursuant to Section 16519.5.

5 (b) For resource family hearings held at the department's State
6 Hearings Division, the procedures set forth in Chapter 7
7 (commencing with Section 10950) of Part 2 shall apply, except as
8 otherwise provided in this section.

9 (c) For resource family hearings held at the Office of
10 Administrative Hearings, the procedures set forth in Chapter 3
11 (commencing with Section 1500) of Division 2 of the Health and
12 Safety Code and the procedures set forth in the Administrative
13 Procedure Act shall apply, except as otherwise provided in this
14 section.

15 (d) Notwithstanding Section 10951, a resource family, applicant,
16 excluded individual, or individual who is the subject of a criminal
17 record exemption decision may file a written appeal within 25
18 days of service of a notice of action. Pursuant to Section 1013 of
19 the Code of Civil Procedure, if the notice of action is served by
20 mail, the time to respond shall be extended five days, not to exceed
21 30 days to file the appeal.

22 (e) Notwithstanding Section 10951, a county's action shall be
23 final, or for matters set before the State Hearings Division, an
24 action shall be subject to dismissal if the resource family, applicant,
25 excluded individual, or individual who is the subject of a criminal
26 record exemption decision does not file an appeal to the notice of
27 action within the prescribed time.

28 (f) Except as provided in subdivisions (g) and (h), and
29 notwithstanding Section 10952, a hearing under this section,
30 notwithstanding any time waiver, shall be held within 90 days
31 following the receipt of a timely appeal or notice of defense, unless
32 a continuance or postponement of the hearing is granted for good
33 cause.

34 (g) (1) The department may exclude a resource family parent,
35 applicant, or other individual from presence in any resource family
36 home, from employment in, presence in, and contact with clients
37 of any facility licensed by the department or certified by a licensed
38 foster family agency, and from holding the position of member of
39 the board of directors, executive director, or officer of the licensee
40 of any facility licensed by the department. If the department has

1 issued an immediate exclusion order, the timelines for filings and
2 hearings and the provisions set forth in Section 1558 of the Health
3 and Safety Code shall apply, unless a continuance of the hearing
4 is granted for good cause.

5 (2) For purposes of this subdivision, a “facility licensed by the
6 department” means a facility licensed pursuant to Chapter 3
7 (commencing with Section 1500) of, Chapter 3.01 (commencing
8 with Section 1568.01) of, Chapter 3.2 (commencing with Section
9 1569) of, Chapter 3.3 (commencing with Section 1570) of, Chapter
10 3.4 (commencing with Section 1596.70) of, Chapter 3.5
11 (commencing with Section 1596.90) of, or Chapter 3.6
12 (commencing with Section 1597.30) of, Division 2 of the Health
13 and Safety Code.

14 (h) If a county or the department has issued a temporary
15 suspension order, the hearing shall be held within 30 days
16 following the receipt of a timely appeal or notice of defense. The
17 temporary suspension order shall remain in effect until the time
18 the hearing is completed and the director has made a final
19 determination on the merits. However, the temporary suspension
20 order shall be deemed vacated if the director fails to make a final
21 determination on the merits within 30 days after receipt of the
22 proposed decision by the county or department.

23 (i) Upon a finding of noncompliance, the department may
24 require a foster family agency to deny a resource family
25 application, rescind the approval of a resource family, or take other
26 action deemed necessary for the protection of a child who is or
27 who may be placed with the resource family. The resource family
28 or applicant shall be afforded the due process provided pursuant
29 to this section.

30 (1) If the department requires a foster family agency to deny an
31 application or rescind the approval of a resource family, the
32 department shall serve an order of denial or rescission notifying
33 the resource family, applicant, and foster family agency of the
34 basis of the department’s action and of the right to a hearing.

35 (2) The department’s order of the application denial or rescission
36 of the approval shall remain in effect until the hearing is completed
37 and the director has made a final determination on the merits.

38 (3) A foster family agency’s failure to comply with the
39 department’s order to deny an application or rescind the approval
40 of a resource family by placing or retaining a child in care shall

1 be grounds for disciplining the foster family agency pursuant to
2 Section 1550 of the Health and Safety Code.

3 (j) A resource family, applicant, excluded individual, or
4 individual who is the subject of a criminal record exemption
5 decision who files an appeal to a notice of action pursuant to this
6 section shall, as part of the appeal, provide his or her current
7 mailing address. The resource family, applicant, excluded
8 individual, or individual who is the subject of a criminal record
9 exemption decision shall subsequently notify the county, or
10 department if applicable, in writing of any change in mailing
11 address, until the hearing process has been completed or
12 terminated.

13 (k) Service by mail of a notice or other writing on a resource
14 family, applicant, excluded individual, or individual who is the
15 subject of a criminal record exemption decision in a procedure
16 provided herein is effective if served to the last mailing address
17 on file with the county or department. Service of a notice of action
18 may be by personal service or by first class mail. If the last day
19 for performance of any action required herein falls on a holiday,
20 then such period shall be extended to the next day which is not a
21 holiday.

22 (l) In all proceedings conducted in accordance with this section,
23 the burden of proof on the department or county shall be by a
24 preponderance of the evidence.

25 (m) (1) A county or the department may institute or continue
26 an administrative proceeding against a resource family, applicant,
27 or individual who is the subject of a criminal record exemption
28 decision upon any ground provided by this section or Section
29 16519.61, enter an order denying an application or rescinding the
30 approval of a resource family, exclude an individual, issue a
31 temporary suspension order, or otherwise take disciplinary action
32 against a resource family, applicant, or individual who is the subject
33 of a criminal record exemption decision, notwithstanding any
34 resignation, withdrawal, surrender of approval, or denial or
35 rescission of the approval by a foster family agency.

36 (2) The department may institute or continue an administrative
37 proceeding against an excluded individual upon any ground
38 provided by this section or Section 16519.61, enter an order to
39 exclude an individual, or otherwise take disciplinary action against
40 an excluded individual, notwithstanding any resignation,

1 withdrawal, surrender of approval, or denial or rescission of the
2 approval by a foster family agency.

3 (n) Except as otherwise required by law, in any writ of mandate
4 proceeding related to an issue arising out of this article, the name,
5 identifying information, or confidential information of a child as
6 described in Sections 827, 10850, and 16519.55, and Section
7 11167.5 of the Penal Code, shall not be disclosed in a public
8 document and a protective order shall be issued by the court in
9 order to protect the confidential information of a child.

10 ~~SEC. 121.~~

11 *SEC. 124.* Section 16519.61 is added to the Welfare and
12 Institutions Code, to read:

13 16519.61. A county or the department may deny a resource
14 family application or rescind the approval of a resource family,
15 and the department may exclude an individual from a resource
16 family home, for any of the following reasons:

17 (a) Violation of Section 16519.5, the written directives or
18 regulations adopted pursuant to Section 16519.5, or any applicable
19 law.

20 (b) Aiding, abetting, or permitting the violation of Section
21 16519.5, the written directives or regulations adopted pursuant to
22 Section 16519.5, or any applicable law.

23 (c) Conduct that poses a risk or threat to the health and safety,
24 protection, or well-being of a child or the people of the State of
25 California.

26 (d) The conviction of the resource family applicant, parent, or
27 associated individual at any time before or during his or her
28 approval of a crime described in Section 1522 of the Health and
29 Safety Code.

30 (e) Engaging in acts of financial malfeasance, including, but
31 not limited to, improper use or embezzlement of the money or
32 property of a child, fraudulent appropriation for personal gain of
33 money or property, or willful or negligent failure to provide
34 services.

35 (f) Any other reason specified in the written directives or
36 regulations adopted pursuant to Section 16519.5.

37 ~~SEC. 122.~~

38 *SEC. 125.* Section 16519.62 is added to the Welfare and
39 Institutions Code, to read:

1 16519.62. (a) The out-of-court statements of a child under 12
2 years of age who is the subject or victim of an allegation at issue
3 constitutes admissible evidence at an administrative hearing
4 conducted pursuant to this article. The out-of-court statement may
5 provide the sole basis for a finding of fact if the proponent of the
6 statement provided the statement to all parties prior to the hearing
7 and the adjudicator finds that the time, content, and circumstances
8 of the statement provide sufficient indicia of reliability. However,
9 the out-of-court statement shall not be admissible if an objecting
10 party establishes that the statement is unreliable because it was the
11 product of fraud, deceit, or undue influence.

12 (b) This section shall not be construed to limit the right of any
13 party to the administrative hearing to subpoena a witness whose
14 statement is admitted as evidence or to introduce admissible
15 evidence relevant to the weight of the hearsay evidence or the
16 credibility of the hearsay declarant.

17 ~~SEC. 123.~~

18 *SEC. 126.* The heading of Article 3 (commencing with Section
19 16520) is added to Chapter 5 of Part 4 of Division 9 of the Welfare
20 and Institutions Code, to read:

21

22 Article 3. Miscellaneous Provisions

23

24 *SEC. 127. Section 18250 of the Welfare and Institutions Code*
25 *is amended to read:*

26 18250. (a) It is the intent of the Legislature that all counties
27 be authorized to provide children with service alternatives to ~~group~~
28 ~~home care~~ *out-of-home* through the development of expanded
29 family based services programs. These programs shall include
30 individualized or “wraparound” services, where services are
31 wrapped around a child living with his or her birth parent, relative,
32 nonrelative extended family member as defined in Section 362.7,
33 adoptive parent, licensed or certified foster parent, or guardian.
34 The wraparound services developed under this section shall build
35 on the strengths of each eligible child and family and be tailored
36 to address their unique and changing needs.

37 (b) It is further the intent of the Legislature that the county
38 wraparound services program include the following elements:

1 (1) Enabling the county to access all possible sources of federal
2 funds for the purpose of developing family based service
3 alternatives.

4 (2) Encouraging collaboration among persons and entities
5 including, but not limited to, parents, county welfare departments,
6 county mental health departments, county probation departments,
7 county health departments, special education local planning
8 agencies, school districts, and private service providers for the
9 purpose of planning and providing individualized services for
10 children and their birth or substitute families.

11 (3) Ensuring local community participation in the development
12 and implementation of wraparound services by county placing *or*
13 *referring* agencies and service providers.

14 (4) Preserving and using the service resources and expertise of
15 nonprofit providers to develop family based and community-based
16 service alternatives.

17 (c) Beginning in the 2011–12 fiscal year, and for each fiscal
18 year thereafter, funding and expenditures for programs and
19 activities under this section shall be in accordance with the
20 requirements provided in Sections 30025 and 30026.5 of the
21 Government Code.

22 ~~SEC. 124.~~

23 *SEC. 128.* Section 18251 of the Welfare and Institutions Code
24 is amended to read:

25 18251. As used in this chapter:

26 (a) “County” means each county participating in an
27 individualized or wraparound services program.

28 (b) “County placing *or referring* agency” means a county
29 welfare or probation department, or a county mental health
30 department.

31 (c) “Eligible child” means a child or nonminor dependent, as
32 described in subdivision (v) of Section 11400, who is any of the
33 following:

34 (1) A child or nonminor dependent who has been adjudicated
35 as either a dependent, transition dependent, or ward of the juvenile
36 court pursuant to Section 300, 450, 601, or ~~602~~ and who would be
37 placed in a group home licensed by the department at a rate
38 classification level of 10 or higher, or commencing January 1,
39 2017, would be placed in a short-term residential therapeutic
40 program. ~~602, who is the subject of a petition filed pursuant to~~

1 Section 602 and who is participating in a program described in
2 Section 654.2, 725, or 790, or who is or may be within the
3 jurisdiction of the juvenile court and is participating in a program
4 of supervision pursuant to Section 654, and is at risk of placement
5 in out-of-home care.

6 (2) A child or nonminor dependent who is currently, or who
7 would be, placed in a group home licensed by the department at
8 a rate classification level of 10 or higher, or commencing January
9 1, 2017, would be placed in a short-term residential therapeutic
10 program. *out-of-home care.*

11 (3) A child who is eligible for adoption assistance program
12 benefits when the responsible public agency has approved the
13 provision of wraparound services in lieu of out-of-home placement
14 care at a rate classification level of 10 or higher, or commencing
15 January 1, 2017, would be placed in a short-term residential
16 therapeutic program. *care.*

17 (d) “Wraparound services” means community-based intervention
18 services that emphasize the strengths of the child and family and
19 includes the delivery of coordinated, highly individualized
20 unconditional services to address needs and achieve positive
21 outcomes in their lives.

22 (e) “Service allocation slot” means a specified amount of funds
23 available to the county to pay for an individualized intensive
24 wraparound services package for an eligible child. A service
25 allocation slot may be used for more than one child on a successive
26 basis.

27 ~~SEC. 125.~~

28 *SEC. 129.* Section 18254 of the Welfare and Institutions Code,
29 as added by Section 119 of Chapter 773 of the Statutes of 2015,
30 is amended to read:

31 18254. (a) (1) Commencing January 1, 2017, the rate for
32 wraparound services, under the wraparound services program,
33 shall be eight thousand five hundred seventy-three dollars (\$8,573),
34 based on the average cost of rate classification levels 10.5 and 13
35 in effect for the 2014–15 fiscal year.

36 (2) The rate was determined by using the existing rates
37 determined for the 2014–15 fiscal year for rate classification levels
38 10.5 and 13.

39 (A) Combining and calculating the average of the two.

1 (B) Minus the cost of any concurrent out-of-home placement
2 for children who are or would be placed in a rate classification
3 level 10 to 11 and 12 to 14 group home, respectively.

4 (b) For each fiscal year, funding and expenditures for programs
5 and activities under this section shall be in accordance with the
6 requirements provided in Sections 30025 and 30026.5 of the
7 Government Code.

8 (c) County and federal foster care funds, to the extent permitted
9 by federal law, shall remain with the administrative authority of
10 the county, which may enter into an interagency agreement to
11 transfer those funds, and shall be used to provide intensive
12 wraparound services.

13 (d) Costs for the provision of benefits to eligible children, at
14 rates authorized by subdivision (a), through the wraparound
15 services program authorized by this chapter, shall not exceed the
16 costs that otherwise would have been incurred had the eligible
17 children been placed in a short-term residential therapeutic
18 program.

19 (e) Commencing January 1, 2018, and each January 1 thereafter,
20 an annual cost-of-living increase shall be applied to the wraparound
21 rate, subject to the availability of county funds, equal to the
22 California Necessities Index used in the preparation of the May
23 Revision for the current fiscal year.

24 (f) This section shall become operative on January 1, 2017.

25 ~~SEC. 126.~~

26 *SEC. 130.* Section 18358.30 of the Welfare and Institutions
27 Code is amended to read:

28 18358.30. (a) Rates for foster family agency programs
29 participating under this chapter shall be exempt from the current
30 AFDC-FC foster family agency ratesetting system.

31 (b) Rates for foster family agency programs participating under
32 this chapter shall be set according to the appropriate service and
33 rate level based on the level of services provided to the eligible
34 child and the certified foster family. For an eligible child placed
35 from a group home program, the service and rate level shall not
36 exceed the rate paid for group home placement. For an eligible
37 child assessed by the county interagency review team or county
38 placing agency as at imminent risk of group home placement or
39 psychiatric hospitalization, the appropriate service and rate level
40 for the child shall be determined by the interagency review team

1 or county placing agency at time of placement. In all of the service
2 and rate levels, the foster family agency programs shall:

3 (1) Provide social work services with average caseloads not to
4 exceed eight children per worker, except that social worker average
5 caseloads for children in Service and Rate Level E shall not exceed
6 12 children per worker.

7 (2) Pay an amount not less than two thousand one hundred
8 dollars (\$2,100) per child per month to the certified foster parent
9 or parents.

10 (3) Perform activities necessary for the administration of the
11 programs, including, but not limited to, training, recruitment,
12 certification, and monitoring of the certified foster parents.

13 (4) (A) (i) Provide a minimum average range of service per
14 month for children in each service and rate level in a participating
15 foster family agency, represented by paid employee hours incurred
16 by the participating foster family agency, by the in-home support
17 counselor to the eligible child and the certified foster parents
18 depending on the needs of the child and according to the following
19 schedule:

20

21	Service	In-Home Support
22	and	Counselor Hours
23	Rate Level	Per Month
24	A	98-114 hours
25	B	81-97 hours
26	C	64-80 hours
27	D	47-63 hours

28

29 (ii) Children placed at Service and Rate Level E shall receive
30 behavior deescalation and other support services on a flexible, as
31 needed, basis from an in-home support counselor. The foster family
32 agency shall provide one full-time in-home support counselor for
33 every 20 children placed at this level.

34 (B) (i) For the interim period beginning July 1, 2012, through
35 December 31, 2016, inclusive, only the following modified service
36 and rate levels to support modified in-home support counselor
37 hours per month shall apply:

1	Service	In-Home Support
2	and	Counselor Hours
3	Rate Level	Per Month
4	Level I	81-114 hours
5	Level II	47-80 hours
6	Level III	Less than 47 hours

7
8 (ii) Children placed at Service and Rate Level III shall receive
9 behavior deescalation and other support services on a flexible, as
10 needed, basis from an in-home support counselor. The foster family
11 agency shall provide one full-time in-home support counselor for
12 every 20 children placed at this level.

13 (C) When the interagency review team or county placing agency
14 and the foster family agency agree that alternative services are in
15 the best interests of the child, the foster family agency may provide
16 or arrange for services and supports allowable under California's
17 foster care program in lieu of in-home support services required
18 by subparagraphs (A) and (B). These services and supports may
19 include, but need not be limited to, activities in the
20 Multidimensional Treatment Foster Care (MTFC) program.

21 (c) The department or placing county, or both, may review the
22 level of services provided by the foster family agency program. If
23 the level of services actually provided are less than those required
24 by subdivision (b) for the child's service and rate level, the rate
25 shall be adjusted to reflect the level of service actually provided,
26 and an overpayment may be established and recovered by the
27 department.

28 (d) (1) On and after July 1, 1998, the standard rate schedule of
29 service and rate levels shall be:

30		
31	Service	Fiscal Year
32	and	1998-99
33	Rate Level	Standard Rate
34	A	\$3,957
35	B	\$3,628
36	C	\$3,290
37	D	\$2,970
38	E	\$2,639
39		

1 (2) For the interim period beginning July 1, 2012, through
 2 December 31, 2016, inclusive, only the following modified service
 3 and rate levels to support the modified standard rate schedule shall
 4 apply:

5		
6	Service	
7	and	
8	Rate Level	Standard Rate
9	Level I	\$5,581
10	Level II	\$4,798
11	Level III	\$4,034
12		

13 (3) (A) On and after July 1, 1999, the standardized schedule of
 14 rates shall be adjusted by an amount equal to the California
 15 Necessities Index computed pursuant to Section 11453, rounded
 16 to the nearest dollar. The resultant amounts shall constitute the
 17 new standardized rate schedule, subject to further adjustment
 18 pursuant to subparagraph (B), for foster family agency programs
 19 participating under this chapter.

20 (B) In addition to the adjustment in subparagraph (A),
 21 commencing January 1, 2000, the standardized schedule of rates
 22 shall be increased by 2.36 percent, rounded to the nearest dollar.
 23 The resultant amounts shall constitute the new standardized rate
 24 schedule for foster family agency programs participating under
 25 this chapter.

26 (4) (A) Beginning with the 2000–01 fiscal year, the standardized
 27 schedule of rates shall be adjusted annually by an amount equal
 28 to the California Necessities Index computed pursuant to Section
 29 11453, subject to the availability of funds. The resultant amounts,
 30 rounded to the nearest dollar, shall constitute the new standard rate
 31 schedule for foster family agency programs participating under
 32 this chapter.

33 (B) Effective October 1, 2009, the rates identified in this
 34 subdivision shall be reduced by 10 percent. The resulting amounts
 35 shall constitute the new standardized schedule of rates.

36 (5) Notwithstanding paragraphs (3) and (4), the rate identified
 37 in paragraph (2) of subdivision (b) shall be adjusted on July 1,
 38 2013, and each July 1 thereafter through July 1, 2016, inclusive,
 39 by an amount equal to the California Necessities Index computed
 40 pursuant to Section 11453.

1 (e) (1) Rates for foster family agency programs participating
2 under paragraph (1) of subdivision (d) shall not exceed Service
3 and Rate Level A at any time during an eligible child's placement.
4 An eligible child may be initially placed in a participating intensive
5 foster care program at any one of the five Service and Rate Levels
6 A to E, inclusive, and thereafter placed at any level, either higher
7 or lower, not to exceed a total of six months at any level other than
8 Service and Rate Level E, unless it is determined to be in the best
9 interests of the child by the child's county interagency review team
10 or county placing agency and the child's certified foster parents.
11 The child's county interagency placement review team or county
12 placement agency may, through a formal review of the child's
13 placement, extend the placement of an eligible child in a service
14 and rate level higher than Service and Rate Level E for additional
15 periods of up to six months each.

16 (2) Rates for foster family agency programs participating under
17 paragraph (2) of subdivision (d) shall not exceed Service and Rate
18 Level I at any time during an eligible child's placement. An eligible
19 child may be initially placed in a participating intensive foster care
20 program at any one of the three Service and Rate Levels I to III,
21 inclusive, and thereafter placed at any level, either higher or lower,
22 not to exceed a total of six months at any level other than Service
23 and Rate Level III, unless it is determined to be in the best interests
24 of the child by the child's county interagency review team or
25 county placing agency, foster family agency, and the child's
26 certified foster parents. The child's county interagency placement
27 review team or county placement agency, through a formal review
28 of the child's placement, may extend the placement of an eligible
29 child in a service and rate level higher than Service and Rate Level
30 III for additional periods of up to six months each.

31 (f) It is the intent of the Legislature that the rate paid to
32 participating foster family agency programs shall decrease as the
33 child's need for services from the foster family agency decreases.
34 The foster family agency shall notify the placing county and the
35 department of the reduced services and the pilot classification
36 model, and the rate shall be reduced accordingly.

37 (g) It is the intent of the Legislature to prohibit any duplication
38 of public funding. Therefore, social worker services, payments to
39 certified foster parents, administrative activities, and the services
40 of in-home support counselors that are funded by another public

1 source shall not be counted in determining whether the foster
2 family agency program has met its obligations to provide the items
3 listed in paragraphs (1), (2), (3), and (4) of subdivision (b). The
4 department shall work with other potentially affected state
5 departments to ensure that duplication of payment or services does
6 not occur.

7 (h) It is the intent of the Legislature that the State Department
8 of Social Services and the State Department of Health Care
9 Services, in collaboration with county placing agencies and ITFC
10 providers and other stakeholders, develop and implement an
11 integrated system that provides for the appropriate level of
12 placement and care, support services, and mental health treatment
13 services to foster children served in these programs.

14 (i) Beginning in the 2011–12 fiscal year, and for each fiscal
15 year thereafter, funding and expenditures for programs and
16 activities under this section shall be in accordance with the
17 requirements provided in Sections 30025 and 30026.5 of the
18 Government Code.

19 (j) Notwithstanding subdivisions (d) and (e), the department
20 shall implement a new interim rate structure for the period
21 beginning January 1, 2017, to December 31, 2019, inclusive. The
22 rate shall reflect the appropriate level of placement and address
23 the need for specialized health care, support services, and mental
24 health treatment services for foster children served in these
25 programs.

26 ~~SEC. 127.~~

27 *SEC. 131.* (a) The State Department of Social Services and
28 the State Department of Health Care Services shall adopt
29 regulations as required to implement this act and Chapter 773 of
30 the Statutes of 2015.

31 (b) Notwithstanding the rulemaking provisions of the
32 Administrative Procedure Act (Chapter 3.5 (commencing with
33 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
34 Code), the State Department of Social Services and the State
35 Department of Health Care Services may implement and administer
36 the changes made by this act through all-county letters or similar
37 written instructions until regulations are adopted.

38 ~~SEC. 128.~~

39 *SEC. 132.* Section 1.5 of this bill incorporates amendments to
40 Section 48204 of the Education Code proposed by both this bill

1 and Assembly Bill 2537. It shall only become operative if (1) both
 2 bills are enacted and become effective on or before January 1,
 3 2017, (2) each bill amends Section 48204 of the Education Code,
 4 and (3) this bill is enacted after Assembly Bill 2537, in which case
 5 Sections 1 and 2 of this bill shall not become operative.

6 ~~SEC. 129.~~

7 *SEC. 133.* To the extent that this act has an overall effect of
 8 increasing certain costs already borne by a local agency for
 9 programs or levels of service mandated by the 2011 Realignment
 10 Legislation within the meaning of Section 36 of Article XIII of
 11 the California Constitution, it shall apply to local agencies only to
 12 the extent that the state provides annual funding for those cost
 13 increases. Any new program or higher level of service provided
 14 by a local agency pursuant to this act above the level for which
 15 funding has been provided shall not require a subvention of funds
 16 by the state nor otherwise be subject to Section 6 of Article XIII
 17 B of the California Constitution.

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

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