

AMENDED IN SENATE JUNE 2, 2015  
AMENDED IN SENATE APRIL 7, 2015  
AMENDED IN SENATE MARCH 24, 2015

**SENATE BILL**

**No. 238**

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**Introduced by Senators Mitchell and Beall**  
(Coauthor: Assembly Member Chiu)

February 17, 2015

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An act to amend Sections 1522.41 and 1529.2 of the Health and Safety Code, and to amend Sections 304.7, 317, 369.5, 16003, and 16206 of, and to add Section 16501.4 to, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 238, as amended, Mitchell. Foster care: psychotropic medication.

Existing law authorizes only a juvenile court judicial officer to make orders regarding the administration of psychotropic medications for a dependent child or a ward who has been removed from the physical custody of his or her parent. Existing law requires the court authorization for the administration of psychotropic medication to be based on a request from a physician, indicating the reasons for the request, a description of the child's or ward's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication. Existing law requires the officer to approve or deny the request for authorization to administer psychotropic medication, or set the matter for hearing, as specified, within 7 court days. Existing law requires the Judicial Council to adopt rules of court and develop appropriate forms for the implementation of these provisions.

This bill would require the Judicial Council, on or before July 1, 2016, to, in consultation with the State Department of Social Services, the State Department of Health Care Services, and stakeholders, develop updates to the implementation of these provisions with regard to dependent children and related forms. The bill would require the updates to ensure, among other things, that the child and his or her caregiver and court-appointed special advocate, if any, have a meaningful opportunity to provide input on the medications being prescribed, and would require the updates to include a process for periodic oversight by the court of orders regarding the administration of psychotropic medications. The bill would require the Judicial Council, on or before July 1, 2016, to adopt or amend rules of court and forms to implement the updates.

This bill would also require the State Department of Social Services, in consultation with specified parties, to develop and provide a monthly report to each county child welfare services agency, and would require this report to include specified information regarding each child receiving services from the county child welfare services agency and for whom one or more psychotropic medications have been authorized, including, among others things, the psychotropic medications that have been authorized for the child. The bill would also require a county child welfare agency to ~~share, on a monthly basis,~~ *share* with the juvenile court, the child's attorney, and the child's court-appointed special advocate, if one has been appointed, specified information regarding an individual child receiving child welfare services, including, among other things, the psychotropic medications that have been authorized for the child. The bill would require the State Department of Social Services, in consultation with specified parties, to develop, or ensure access to, a system that automatically alerts a child's social worker when psychotropic medication has been prescribed that fits certain descriptions, and would require the social worker to take specified actions upon receipt of an alert from that system. By imposing additional duties on social workers and county child welfare agencies, this bill would impose a state-mandated local program.

Existing law requires certain individuals involved in the care and oversight of dependent children, including group home administrators, foster parents, relative caregivers, nonrelative extended family member caregivers, social workers, judges, and attorneys, to receive training on various topics.

This bill would require the training to include training on the authorization, uses, risks, benefits, administration, oversight, and monitoring of psychotropic medications, and trauma, behavioral health, and other available behavioral health treatments, for those children. The bill would require the State Department of Social Services, in consultation with specified parties, to develop training that may be used for these purposes. By imposing additional training requirements on social workers, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 1522.41 of the Health and Safety Code  
2 is amended to read:

3 1522.41. (a) The director, in consultation and collaboration  
4 with county placement officials, group home provider  
5 organizations, the Director of Health Care Services, and the  
6 Director of Developmental Services, shall develop and establish  
7 a certification program to ensure that administrators of group home  
8 facilities have appropriate training to provide the care and services  
9 for which a license or certificate is issued.

10 (b) (1) In addition to any other requirements or qualifications  
11 required by the department, an administrator of a group home  
12 facility shall successfully complete a department-approved  
13 certification program, pursuant to subdivision (c), prior to  
14 employment. An administrator employed in a group home on the  
15 effective date of this section shall meet the requirements of  
16 paragraph (2) of subdivision (c).

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

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

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

3 (c) (1) The administrator certification programs shall require  
4 a minimum of 40 hours of classroom instruction that provides  
5 training on a uniform core of knowledge in each of the following  
6 areas:

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

10 (B) Business operations.

11 (C) Management and supervision of staff.

12 (D) Psychosocial and educational needs of the facility residents,  
13 including, but not limited to, the authorization, uses, risks, benefits,  
14 administration, oversight, and monitoring of psychotropic  
15 medications, and trauma, behavioral health, and other available  
16 behavioral health treatments, for children receiving child welfare  
17 services, including how to access those treatments.

18 (E) Community and support services.

19 (F) Physical needs for facility residents.

20 (G) Administration, storage, misuse, and interaction of  
21 medication used by facility residents.

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

29 (I) Instruction on cultural competency and sensitivity relating  
30 to, and best practices for, providing adequate care to lesbian, gay,  
31 bisexual, and transgender youth in out-of-home care.

32 (J) Nonviolent emergency intervention and reporting  
33 requirements.

34 (K) Basic instruction on the existing laws and procedures  
35 regarding the safety of foster youth at school and the ensuring of  
36 a harassment- and violence-free school environment contained in  
37 the School Safety and Violence Prevention Act (Article 3.6  
38 (commencing with Section 32228) of Chapter 2 of Part 19 of  
39 Division 1 of Title 1 of the Education Code).

1 (2) The department shall adopt separate program requirements  
2 for initial certification for persons who are employed as group  
3 home administrators on the effective date of this section. A person  
4 employed as an administrator of a group home facility on the  
5 effective date of this section shall obtain a certificate by completing  
6 the training and testing requirements imposed by the department  
7 within 12 months of the effective date of the regulations  
8 implementing this section. After the effective date of this section,  
9 these administrators shall meet the requirements imposed by the  
10 department on all other group home administrators for certificate  
11 renewal.

12 (3) Individuals applying for certification under this section shall  
13 successfully complete an approved certification program, pass a  
14 written test administered by the department within 60 days of  
15 completing the program, and submit to the department the  
16 documentation required by subdivision (d) within 30 days after  
17 being notified of having passed the test. The department may  
18 extend these time deadlines for good cause. The department shall  
19 notify the applicant of his or her test results within 30 days of  
20 administering the test.

21 (d) The department shall not begin the process of issuing a  
22 certificate until receipt of all of the following:

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

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

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

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

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

34 (e) It shall be unlawful for any person not certified under this  
35 section to hold himself or herself out as a certified administrator  
36 of a group home facility. Any person willfully making any false  
37 representation as being a certified administrator or facility manager  
38 is guilty of a misdemeanor.

39 (f) (1) Certificates issued under this section shall be renewed  
40 every two years and renewal shall be conditional upon the

1 certificate holder submitting documentation of completion of 40  
2 hours of continuing education related to the core of knowledge  
3 specified in subdivision (c). No more than one-half of the required  
4 40 hours of continuing education necessary to renew the certificate  
5 may be satisfied through online courses. All other continuing  
6 education hours shall be completed in a classroom setting. For  
7 purposes of this section, an individual who is a group home facility  
8 administrator and who is required to complete the continuing  
9 education hours required by the regulations of the State Department  
10 of Developmental Services, and approved by the regional center,  
11 may have up to 24 of the required continuing education course  
12 hours credited toward the 40-hour continuing education  
13 requirement of this section. Community college course hours  
14 approved by the regional centers shall be accepted by the  
15 department for certification.

16 (2) Every administrator of a group home facility shall complete  
17 the continuing education requirements of this subdivision.

18 (3) Certificates issued under this section shall expire every two  
19 years on the anniversary date of the initial issuance of the  
20 certificate, except that any administrator receiving his or her initial  
21 certification on or after July 1, 1999, shall make an irrevocable  
22 election to have his or her recertification date for any subsequent  
23 recertification either on the date two years from the date of issuance  
24 of the certificate or on the individual's birthday during the second  
25 calendar year following certification. The department shall send  
26 a renewal notice to the certificate holder 90 days prior to the  
27 expiration date of the certificate. If the certificate is not renewed  
28 prior to its expiration date, reinstatement shall only be permitted  
29 after the certificate holder has paid a delinquency fee equal to three  
30 times the renewal fee and has provided evidence of completion of  
31 the continuing education required.

32 (4) To renew a certificate, the certificate holder shall, on or  
33 before the certificate expiration date, request renewal by submitting  
34 to the department documentation of completion of the required  
35 continuing education courses and pay the renewal fee of one  
36 hundred dollars (\$100), irrespective of receipt of the department's  
37 notification of the renewal. A renewal request postmarked on or  
38 before the expiration of the certificate shall be proof of compliance  
39 with this paragraph.

1 (5) A suspended or revoked certificate shall be subject to  
2 expiration as provided for in this section. If reinstatement of the  
3 certificate is approved by the department, the certificate holder,  
4 as a condition precedent to reinstatement, shall submit proof of  
5 compliance with paragraphs (1) and (2) of subdivision (f), and  
6 shall pay a fee in an amount equal to the renewal fee, plus the  
7 delinquency fee, if any, accrued at the time of its revocation or  
8 suspension. Delinquency fees, if any, accrued subsequent to the  
9 time of its revocation or suspension and prior to an order for  
10 reinstatement, shall be waived for a period of 12 months to allow  
11 the individual sufficient time to complete the required continuing  
12 education units and to submit the required documentation.  
13 Individuals whose certificates will expire within 90 days after the  
14 order for reinstatement may be granted a three-month extension  
15 to renew their certificates during which time the delinquency fees  
16 shall not accrue.

17 (6) A certificate that is not renewed within four years after its  
18 expiration shall not be renewed, restored, reissued, or reinstated  
19 except upon completion of a certification training program, passing  
20 any test that may be required of an applicant for a new certificate  
21 at that time, and paying the appropriate fees provided for in this  
22 section.

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

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

28 (g) Unless otherwise ordered by the department, the certificate  
29 shall be considered forfeited under either of the following  
30 conditions:

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

33 (2) The department has issued an exclusion order against the  
34 administrator pursuant to Section 1558, 1568.092, 1569.58, or  
35 1596.8897, after the department issued the certificate, and the  
36 administrator did not appeal the exclusion order or, after the appeal,  
37 the department issued a decision and order that upheld the  
38 exclusion order.

39 (h) (1) The department, in consultation and collaboration with  
40 county placement officials, provider organizations, the State

1 Department of Health Care Services, and the State Department of  
2 Developmental Services, shall establish, by regulation, the program  
3 content, the testing instrument, the process for approving  
4 certification training programs, and criteria to be used in  
5 authorizing individuals, organizations, or educational institutions  
6 to conduct certification training programs and continuing education  
7 courses. The department may also grant continuing education hours  
8 for continuing courses offered by accredited educational institutions  
9 that are consistent with the requirements in this section. The  
10 department may deny vendor approval to any agency or person in  
11 any of the following circumstances:

12 (A) The applicant has not provided the department with evidence  
13 satisfactory to the department of the ability of the applicant to  
14 satisfy the requirements of vendorization set out in the regulations  
15 adopted by the department pursuant to subdivision (j).

16 (B) The applicant person or agency has a conflict of interest in  
17 that the person or agency places its clients in group home facilities.

18 (C) The applicant public or private agency has a conflict of  
19 interest in that the agency is mandated to place clients in group  
20 homes and to pay directly for the services. The department may  
21 deny vendorization to this type of agency only as long as there are  
22 other vendor programs available to conduct the certification  
23 training programs and conduct education courses.

24 (2) The department may authorize vendors to conduct the  
25 administrator's certification training program pursuant to this  
26 section. The department shall conduct the written test pursuant to  
27 regulations adopted by the department.

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

30 (4) The department may inspect certification training programs  
31 and continuing education courses, including online courses, at no  
32 charge to the department, to determine if content and teaching  
33 methods comply with regulations. If the department determines  
34 that any vendor is not complying with the requirements of this  
35 section, the department shall take appropriate action to bring the  
36 program into compliance, which may include removing the vendor  
37 from the approved list.

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

1 (6) The department may charge a reasonable fee, not to exceed  
2 one hundred fifty dollars (\$150) every two years, to certification  
3 program vendors for review and approval of the initial 40-hour  
4 training program pursuant to subdivision (c). The department may  
5 also charge the vendor a fee, not to exceed one hundred dollars  
6 (\$100) every two years, for the review and approval of the  
7 continuing education courses needed for recertification pursuant  
8 to this subdivision.

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

11 (i) An interactive portion in which the participant receives  
12 feedback, through online communication, based on input from the  
13 participant.

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

16 (iii) A final screen displaying a printable statement, to be signed  
17 by the participant, certifying that the identified participant  
18 completed the course. The vendor shall obtain a copy of the final  
19 screen statement with the original signature of the participant prior  
20 to the issuance of a certificate of completion. The signed statement  
21 of completion shall be maintained by the vendor for a period of  
22 three years and be available to the department upon demand. Any  
23 person who certifies as true any material matter pursuant to this  
24 clause that he or she knows to be false is guilty of a misdemeanor.

25 (B) Nothing in this subdivision shall prohibit the department  
26 from approving online programs for continuing education that do  
27 not meet the requirements of subparagraph (A) if the vendor  
28 demonstrates to the department's satisfaction that, through  
29 advanced technology, the course and the course delivery meet the  
30 requirements of this section.

31 (i) The department shall establish a registry for holders of  
32 certificates that shall include, at a minimum, information on  
33 employment status and criminal record clearance.

34 (j) Subdivisions (b) to (i), inclusive, shall be implemented upon  
35 regulations being adopted by the department, by January 1, 2000.

36 (k) Notwithstanding any law to the contrary, vendors approved  
37 by the department who exclusively provide either initial or  
38 continuing education courses for certification of administrators of  
39 a group home facility as defined by regulations of the department,  
40 an adult residential facility as defined by regulations of the

1 department, or a residential care facility for the elderly as defined  
2 in subdivision (k) of Section 1569.2, shall be regulated solely by  
3 the department pursuant to this chapter. No other state or local  
4 governmental entity shall be responsible for regulating the activity  
5 of those vendors.

6 SEC. 2. Section 1529.2 of the Health and Safety Code is  
7 amended to read:

8 1529.2. (a) In addition to the foster parent training provided  
9 by community colleges, foster family agencies shall provide a  
10 program of training for their certified foster families.

11 (b) (1) Every licensed foster parent shall complete a minimum  
12 of 12 hours of foster parent training, as prescribed in paragraph  
13 (3), before the placement of any foster children with the foster  
14 parent. In addition, a foster parent shall complete a minimum of  
15 eight hours of foster parent training annually, as prescribed in  
16 paragraph (4). No child shall be placed in a foster family home  
17 unless these requirements are met by the persons in the home who  
18 are serving as the foster parents.

19 (2) (A) Upon the request of the foster parent for a hardship  
20 waiver from the postplacement training requirement or a request  
21 for an extension of the deadline, the county may, at its option, on  
22 a case-by-case basis, waive the postplacement training requirement  
23 or extend any established deadline for a period not to exceed one  
24 year, if the postplacement training requirement presents a severe  
25 and unavoidable obstacle to continuing as a foster parent. Obstacles  
26 for which a county may grant a hardship waiver or extension are:

27 (i) Lack of access to training due to the cost or travel required.  
28 (ii) Family emergency.

29 (B) Before a waiver or extension may be granted, the foster  
30 parent should explore the opportunity of receiving training by  
31 video or written materials.

32 (3) The initial preplacement training shall include, but not be  
33 limited to, training courses that cover all of the following:

34 (A) An overview of the child protective system.  
35 (B) The effects of child abuse and neglect on child development.  
36 (C) Positive discipline and the importance of self-esteem.  
37 (D) Health issues in foster care, including, but not limited to,  
38 the authorization, uses, risks, benefits, administration, oversight,  
39 and monitoring of psychotropic medications, and trauma,  
40 behavioral health, and other available behavioral health treatments,

1 for children receiving child welfare services, including how to  
2 access those treatments.

3 (E) Accessing education and health services available to foster  
4 children.

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

11 (G) Instruction on cultural competency and sensitivity relating  
12 to, and best practices for, providing adequate care to lesbian, gay,  
13 bisexual, and transgender youth in out-of-home care.

14 (H) Basic instruction on the existing laws and procedures  
15 regarding the safety of foster youth at school and the ensuring of  
16 a harassment and violence free school environment contained in  
17 the ~~California Student School Safety and Violence Prevention Act~~  
18 ~~of 2000~~ (Article 3.6 (commencing with Section 32228) of Chapter  
19 2 of Part 19 of Division 1 of Title 1 of the Education Code).

20 (4) The postplacement annual training shall include, but not be  
21 limited to, training courses that cover all of the following:

22 (A) Age-appropriate child development.

23 (B) Health issues in foster care, including, but not limited to,  
24 the authorization, uses, risks, benefits, administration, oversight,  
25 and monitoring of psychotropic medications, and trauma,  
26 behavioral health, and other available behavioral health treatments,  
27 for children receiving child welfare services, including how to  
28 access those treatments.

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

30 (D) Emancipation and independent living skills if a foster parent  
31 is caring for youth.

32 (E) 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 (F) Instruction on cultural competency and sensitivity relating  
39 to, and best practices for, providing adequate care to lesbian, gay,  
40 bisexual, and transgender youth in out-of-home care.

1 (5) Foster parent training may be attained through a variety of  
2 sources, including community colleges, counties, hospitals, foster  
3 parent associations, the California State Foster Parent Association's  
4 ~~Conference~~, *conference*, adult schools, and certified foster parent  
5 instructors.

6 (6) A candidate for placement of foster children shall submit a  
7 certificate of training to document completion of the training  
8 requirements. The certificate shall be submitted with the initial  
9 consideration for placements and provided at the time of the annual  
10 visit by the licensing agency thereafter.

11 (c) Nothing in this section shall preclude a county from requiring  
12 county-provided preplacement or postplacement foster parent  
13 training in excess of the requirements in this section.

14 SEC. 3. Section 304.7 of the Welfare and Institutions Code is  
15 amended to read:

16 304.7. (a) The Judicial Council shall develop and implement  
17 standards for the education and training of all judges who conduct  
18 hearings pursuant to Section 300. The training shall include, but  
19 not be limited to, all of the following:

20 (1) A component relating to Section 300 proceedings for newly  
21 appointed or elected judges and an annual training session in  
22 Section 300 proceedings.

23 (2) Cultural competency and sensitivity relating to, and best  
24 practices for, providing adequate care to lesbian, gay, bisexual,  
25 and transgender youth.

26 (3) The authorization, uses, risks, benefits, administration,  
27 oversight, and monitoring of psychotropic medications, and trauma,  
28 behavioral health, and other available behavioral health treatments,  
29 for children receiving child welfare services, including how to  
30 access those treatments.

31 (b) A commissioner or referee who is assigned to conduct  
32 hearings held pursuant to Section 300 shall meet the minimum  
33 standards for education and training established pursuant to  
34 subdivision (a), by July 31, 1998.

35 (c) The Judicial Council shall submit an annual report to the  
36 Legislature on compliance by judges, commissioners, and referees  
37 with the education and training standards described in subdivisions  
38 (a) and (b).

39 SEC. 4. Section 317 of the Welfare and Institutions Code is  
40 amended to read:

1 317. (a) (1) When it appears to the court that a parent or  
2 guardian of the child desires counsel but is presently financially  
3 unable to afford and cannot for that reason employ counsel, the  
4 court may appoint counsel as provided in this section.

5 (2) When it appears to the court that a parent or Indian custodian  
6 in an Indian child custody proceeding desires counsel but is  
7 presently unable to afford and cannot for that reason employ  
8 counsel, the provisions of Section 1912(b) of Title 25 of the United  
9 States Code and Section 23.13 of Title 25 of the Code of Federal  
10 Regulations shall apply.

11 (b) When it appears to the court that a parent or guardian of the  
12 child is presently financially unable to afford and cannot for that  
13 reason employ counsel, and the child has been placed in  
14 out-of-home care, or the petitioning agency is recommending that  
15 the child be placed in out-of-home care, the court shall appoint  
16 counsel for the parent or guardian, unless the court finds that the  
17 parent or guardian has made a knowing and intelligent waiver of  
18 counsel as provided in this section.

19 (c) (1) If a child or nonminor dependent is not represented by  
20 counsel, the court shall appoint counsel for the child or nonminor  
21 dependent, unless the court finds that the child or nonminor  
22 dependent would not benefit from the appointment of counsel. The  
23 court shall state on the record its reasons for that finding.

24 (2) A primary responsibility of counsel appointed to represent  
25 a child or nonminor dependent pursuant to this section shall be to  
26 advocate for the protection, safety, and physical and emotional  
27 well-being of the child or nonminor dependent.

28 (3) Counsel may be a district attorney, public defender, or other  
29 member of the bar, provided that he or she does not represent  
30 another party or county agency whose interests conflict with the  
31 child's or nonminor dependent's interests. The fact that the district  
32 attorney represents the child or nonminor dependent in a  
33 proceeding pursuant to Section 300 as well as conducts a criminal  
34 investigation or files a criminal complaint or information arising  
35 from the same or reasonably related set of facts as the proceeding  
36 pursuant to Section 300 is not in and of itself a conflict of interest.

37 (4) The court may fix the compensation for the services of  
38 appointed counsel.

39 (5) (A) The appointed counsel shall have a caseload and training  
40 that ensures adequate representation of the child or nonminor

1 dependent. The Judicial Council shall promulgate rules of court  
2 that establish caseload standards, training requirements, and  
3 guidelines for appointed counsel for children and shall adopt rules  
4 as required by Section 326.5 no later than July 1, 2001.

5 (B) The training requirements imposed pursuant to subparagraph  
6 (A) shall include instruction on both of the following:

7 (i) Cultural competency and sensitivity relating to, and best  
8 practices for, providing adequate care to lesbian, gay, bisexual,  
9 and transgender youth in out-of-home care.

10 (ii) The authorization, uses, risks, benefits, administration,  
11 oversight, and monitoring of psychotropic medications, and trauma,  
12 behavioral health, and other available behavioral health treatments,  
13 for children receiving child welfare services, including how to  
14 access those treatments.

15 (d) Counsel shall represent the parent, guardian, child, or  
16 nonminor dependent at the detention hearing and at all subsequent  
17 proceedings before the juvenile court. Counsel shall continue to  
18 represent the parent, guardian, child, or nonminor dependent unless  
19 relieved by the court upon the substitution of other counsel or for  
20 cause. The representation shall include representing the parent,  
21 guardian, or the child in termination proceedings and in those  
22 proceedings relating to the institution or setting aside of a legal  
23 guardianship. On and after January 1, 2012, in the case of a  
24 nonminor dependent, as described in subdivision (v) of Section  
25 11400, no representation by counsel shall be provided for a parent,  
26 unless the parent is receiving court-ordered family reunification  
27 services.

28 (e) (1) Counsel shall be charged in general with the  
29 representation of the child's interests. To that end, counsel shall  
30 make or cause to have made any further investigations that he or  
31 she deems in good faith to be reasonably necessary to ascertain  
32 the facts, including the interviewing of witnesses, and shall  
33 examine and cross-examine witnesses in both the adjudicatory and  
34 dispositional hearings. Counsel may also introduce and examine  
35 his or her own witnesses, make recommendations to the court  
36 concerning the child's welfare, and participate further in the  
37 proceedings to the degree necessary to adequately represent the  
38 child. When counsel is appointed to represent a nonminor  
39 dependent, counsel is charged with representing the wishes of the  
40 nonminor dependent except when advocating for those wishes

1 conflicts with the protection or safety of the nonminor dependent.  
2 If the court finds that a nonminor dependent is not competent to  
3 direct counsel, the court shall appoint a guardian ad litem for the  
4 nonminor dependent.

5 (2) If the child is four years of age or older, counsel shall  
6 interview the child to determine the child's wishes and assess the  
7 child's well-being, and shall advise the court of the child's wishes.  
8 Counsel shall not advocate for the return of the child if, to the best  
9 of his or her knowledge, return of the child conflicts with the  
10 protection and safety of the child.

11 (3) Counsel shall investigate the interests of the child beyond  
12 the scope of the juvenile proceeding, and report to the court other  
13 interests of the child that may need to be protected by the institution  
14 of other administrative or judicial proceedings. Counsel  
15 representing a child in a dependency proceeding is not required to  
16 assume the responsibilities of a social worker, and is not expected  
17 to provide nonlegal services to the child.

18 (4) (A) At least once every year, if the list of educational  
19 liaisons is available on the Internet Web site for the State  
20 Department of Education, both of the following shall apply:

21 (i) Counsel shall provide his or her contact information to the  
22 educational liaison, as described in subdivision (b) of Section  
23 48853.5 of the Education Code, of each local educational agency  
24 serving counsel's foster child clients in the county of jurisdiction.

25 (ii) If counsel is part of a firm or organization representing foster  
26 children, the firm or organization may provide its contact  
27 information in lieu of contact information for the individual  
28 counsel. The firm or organization may designate a person or  
29 persons within the firm or organization to receive communications  
30 from educational liaisons.

31 (B) The child's caregiver or other person holding the right to  
32 make educational decisions for the child may provide the contact  
33 information of the child's attorney to the child's local educational  
34 agency.

35 (C) Counsel for the child and counsel's agent may, but are not  
36 required to, disclose to an individual who is being assessed for the  
37 possibility of placement pursuant to Section 361.3 the fact that the  
38 child is in custody, the alleged reasons that the child is in custody,  
39 and the projected likely date for the child's return home, placement  
40 for adoption, or legal guardianship. Nothing in this paragraph shall

1 be construed to prohibit counsel from making other disclosures  
2 pursuant to this subdivision, as appropriate.

3 (5) Nothing in this subdivision shall be construed to permit  
4 counsel to violate a child's attorney-client privilege.

5 (6) The changes made to this subdivision during the 2011–12  
6 Regular Session of the Legislature by the act adding subparagraph  
7 (C) of paragraph (4) and paragraph (5) are declaratory of existing  
8 law.

9 (7) The court shall take whatever appropriate action is necessary  
10 to fully protect the interests of the child.

11 (f) Either the child or counsel for the child, with the informed  
12 consent of the child if the child is found by the court to be of  
13 sufficient age and maturity to consent, which shall be presumed,  
14 subject to rebuttal by clear and convincing evidence, if the child  
15 is over 12 years of age, may invoke the psychotherapist-client  
16 privilege, physician-patient privilege, and clergyman-penitent  
17 privilege. If the child invokes the privilege, counsel may not waive  
18 it, but if counsel invokes the privilege, the child may waive it.  
19 Counsel shall be the holder of these privileges if the child is found  
20 by the court not to be of sufficient age and maturity to consent.  
21 For the sole purpose of fulfilling his or her obligation to provide  
22 legal representation of the child, counsel shall have access to all  
23 records with regard to the child maintained by a health care facility,  
24 as defined in Section 1545 of the Penal Code, health care providers,  
25 as defined in Section 6146 of the Business and Professions Code,  
26 a physician and surgeon or other health practitioner, as defined in  
27 former Section 11165.8 of the Penal Code, as that section read on  
28 January 1, 2000, or a child care custodian, as defined in former  
29 Section 11165.7 of the Penal Code, as that section read on January  
30 1, 2000. Notwithstanding any other law, counsel shall be given  
31 access to all records relevant to the case that are maintained by  
32 state or local public agencies. All information requested from a  
33 child protective agency regarding a child who is in protective  
34 custody, or from a child's guardian ad litem, shall be provided to  
35 the child's counsel within 30 days of the request.

36 (g) In a county of the third class, if counsel is to be provided to  
37 a child at the county's expense other than by counsel for the  
38 agency, the court shall first use the services of the public defender  
39 before appointing private counsel. Nothing in this subdivision shall  
40 be construed to require the appointment of the public defender in

1 any case in which the public defender has a conflict of interest. In  
2 the interest of justice, a court may depart from that portion of the  
3 procedure requiring appointment of the public defender after  
4 making a finding of good cause and stating the reasons therefor  
5 on the record.

6 (h) In a county of the third class, if counsel is to be appointed  
7 to provide legal counsel for a parent or guardian at the county's  
8 expense, the court shall first use the services of the alternate public  
9 defender before appointing private counsel. Nothing in this  
10 subdivision shall be construed to require the appointment of the  
11 alternate public defender in any case in which the public defender  
12 has a conflict of interest. In the interest of justice, a court may  
13 depart from that portion of the procedure requiring appointment  
14 of the alternate public defender after making a finding of good  
15 cause and stating the reasons therefor on the record.

16 SEC. 5. Section 369.5 of the Welfare and Institutions Code is  
17 amended to read:

18 369.5. (a) (1) If a child is adjudged a dependent child of the  
19 court under Section 300 and the child has been removed from the  
20 physical custody of the parent under Section 361, only a juvenile  
21 court judicial officer shall have authority to make orders regarding  
22 the administration of psychotropic medications for that child. The  
23 juvenile court may issue a specific order delegating this authority  
24 to a parent upon making findings on the record that the parent  
25 poses no danger to the child and has the capacity to authorize  
26 psychotropic medications. Court authorization for the  
27 administration of psychotropic medication shall be based on a  
28 request from a physician, indicating the reasons for the request, a  
29 description of the child's diagnosis and behavior, the expected  
30 results of the medication, and a description of any side effects of  
31 the medication.

32 (2) (A) On or before July 1, 2016, the Judicial Council shall,  
33 in consultation with the State Department of Social Services, the  
34 State Department of Health Care Services, and stakeholders,  
35 including, but not limited to, the County Welfare Directors  
36 ~~Association~~, *Association of California*, associations representing  
37 current and former foster children, county behavioral health  
38 departments, caregivers, and children's attorneys, develop updates  
39 to the implementation of this section and related forms.

1 (B) The implementation updates developed pursuant to  
2 subparagraph (A) shall ensure all of the following:

3 (i) The child and his or her caregiver and court-appointed special  
4 advocate, if any, have a meaningful opportunity to provide input  
5 on the medications being prescribed.

6 (ii) Information regarding the child's overall behavioral health  
7 assessment and treatment plan is provided to the court.

8 (iii) Information regarding the rationale for the proposed  
9 medication, provided in the context of past and current treatment  
10 efforts, is provided to the court. This information shall include,  
11 but not be limited to, information on other pharmacological and  
12 nonpharmacological treatments that have been utilized and the  
13 child's response to those treatments, a discussion of symptoms not  
14 alleviated or ameliorated by other current or past treatment efforts,  
15 and an explanation of how the psychotropic medication being  
16 prescribed is expected to improve the child's symptoms.

17 (iv) Guidance is provided to the court on how to evaluate the  
18 request for authorization, including how to proceed if information,  
19 otherwise required to be included in a request for authorization  
20 under this section, is not included in a request for authorization  
21 submitted to the court.

22 (C) The implementation updates developed pursuant to  
23 subparagraph (A) shall include a process for periodic oversight by  
24 the court of orders regarding the administration of psychotropic  
25 medications that includes the caregiver's and child's observations  
26 relating to the effectiveness of the medication and side effects,  
27 information on medication management appointments and other  
28 followup appointments with medical practitioners, and information  
29 on the delivery of other behavioral health treatments that are a part  
30 of the child's overall treatment plan. The periodic oversight shall  
31 be facilitated by the county social worker, public health nurse, or  
32 other appropriate county staff. This oversight process ~~may~~ *shall*  
33 be conducted in conjunction with other *regularly scheduled* court  
34 hearings and reports provided to the court by the county child  
35 welfare agency.

36 (D) On or before July 1, 2016, the Judicial Council shall adopt  
37 or amend rules of court and forms to implement the updates  
38 developed pursuant to this paragraph.

39 (b) (1) In counties in which the county child welfare agency  
40 completes the request for authorization for the administration of

1 psychotropic medication, the agency is encouraged to complete  
2 the request within three business days of receipt from the physician  
3 of the information necessary to fully complete the request.

4 (2) Nothing in this subdivision is intended to change current  
5 local practice or local court rules with respect to the preparation  
6 and submission of requests for authorization for the administration  
7 of psychotropic medication.

8 (c) Within seven court days from receipt by the court of a  
9 completed request, the juvenile court judicial officer shall either  
10 approve or deny in writing a request for authorization for the  
11 administration of psychotropic medication to the child, or shall,  
12 upon a request by the parent, the legal guardian, or the child's  
13 attorney, or upon its own motion, set the matter for hearing.

14 (d) Psychotropic medication or psychotropic drugs are those  
15 medications administered for the purpose of affecting the central  
16 nervous system to treat psychiatric disorders or illnesses. These  
17 medications include, but are not limited to, anxiolytic agents,  
18 antidepressants, mood stabilizers, antipsychotic medications,  
19 anti-Parkinson agents, hypnotics, medications for dementia, and  
20 psychostimulants.

21 (e) Nothing in this section is intended to supersede local court  
22 rules regarding a minor's right to participate in mental health  
23 decisions.

24 (f) This section does not apply to nonminor dependents, as  
25 defined in subdivision (v) of Section 11400.

26 SEC. 6. Section 16003 of the Welfare and Institutions Code is  
27 amended to read:

28 16003. (a) In order to promote the successful implementation  
29 of the statutory preference for foster care placement with a relative  
30 caretaker as set forth in Section 7950 of the Family Code, each  
31 community college district with a foster care education program  
32 shall make available orientation and training to the relative or  
33 nonrelative extended family member caregiver into whose care  
34 the county has placed a foster child pursuant to Section 1529.2 of  
35 the Health and Safety Code, including, but not limited to, courses  
36 that cover the following:

37 (1) The role, rights, and responsibilities of a relative or  
38 nonrelative extended family member caregiver caring for a child  
39 in foster care, including the right of a foster child to have fair and  
40 equal access to all available services, placement, care, treatment,

1 and benefits, and to not be subjected to discrimination or  
2 harassment on the basis of actual or perceived race, ethnic group  
3 identification, ancestry, national origin, color, religion, sex, sexual  
4 orientation, gender identity, mental or physical disability, or HIV  
5 status.

6 (2) An overview of the child protective system.

7 (3) The effects of child abuse and neglect on child development.

8 (4) Positive discipline and the importance of self-esteem.

9 (5) Health issues in foster care, including, but not limited to,  
10 the authorization, uses, risks, benefits, administration, oversight,  
11 and monitoring of psychotropic medications, and trauma,  
12 behavioral health, and other available behavioral health treatments,  
13 for children receiving child welfare services, including how to  
14 access those treatments.

15 (6) Accessing education and health services that are available  
16 to foster children.

17 (7) Relationship and safety issues regarding contact with one  
18 or both of the birth parents.

19 (8) Permanency options for relative or nonrelative extended  
20 family member caregivers, including legal guardianship, the  
21 Kinship Guardianship Assistance Payment Program, and kin  
22 adoption.

23 (9) Information on resources available for those who meet  
24 eligibility criteria, including out-of-home care payments, the  
25 Medi-Cal program, in-home supportive services, and other similar  
26 resources.

27 (10) Instruction on cultural competency and sensitivity relating  
28 to, and best practices for, providing adequate care to lesbian, gay,  
29 bisexual, and transgender youth in out-of-home care.

30 (11) 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 the ~~California Student School Safety and Violence Prevention Act~~  
34 ~~of 2000~~ (Article 3.6 (commencing with Section 32228) of Chapter  
35 2 of Part 19 of Division 1 of Title 1 of the Education Code).

36 (b) In addition to training made available pursuant to subdivision  
37 (a), each community college district with a foster care education  
38 program shall make training available to a relative or nonrelative  
39 extended family member caregiver that includes, but need not be  
40 limited to, courses that cover all of the following:

- 1 (1) Age-appropriate child development.
- 2 (2) Health issues in foster care, including, but not limited to,  
3 the authorization, uses, risks, benefits, administration, oversight,  
4 and monitoring of psychotropic medications, and trauma,  
5 behavioral health, and other available behavioral health treatments,  
6 for children receiving child welfare services, including how to  
7 access to those treatments.
- 8 (3) Positive discipline and the importance of self-esteem.
- 9 (4) Emancipation and independent living.
- 10 (5) Accessing education and health services available to foster  
11 children.
- 12 (6) Relationship and safety issues regarding contact with one  
13 or both of the birth parents.
- 14 (7) Permanency options for relative or nonrelative extended  
15 family member caregivers, including legal guardianship, the  
16 Kinship Guardianship Assistance Payment Program, and kin  
17 adoption.
- 18 (8) Basic instruction on the existing laws and procedures  
19 regarding the safety of foster youth at school and the ensuring of  
20 a harassment and violence free school environment contained in  
21 ~~the California Student School Safety and Violence Prevention Act~~  
22 ~~of 2000~~ (Article 3.6 (commencing with Section 32228) of Chapter  
23 2 of Part 19 of Division 1 of Title 1 of the Education Code).
- 24 (c) In addition to the requirements of subdivisions (a) and (b),  
25 each community college district with a foster care education  
26 program, in providing the orientation program, shall develop  
27 appropriate program parameters in collaboration with the counties.
- 28 (d) Each community college district with a foster care education  
29 program shall make every attempt to make the training and  
30 orientation programs for relative or nonrelative extended family  
31 member caregivers highly accessible in the communities in which  
32 they reside.
- 33 (e) When a child is placed with a relative or nonrelative extended  
34 family member caregiver, the county shall inform the caregiver  
35 of the availability of training and orientation programs and it is  
36 the intent of the Legislature that the county shall forward the names  
37 and addresses of relative or nonrelative extended family member  
38 caregivers to the appropriate community colleges providing the  
39 training and orientation programs.

1 (f) This section shall not be construed to preclude counties from  
2 developing or expanding existing training and orientation programs  
3 for foster care providers to include relative or nonrelative extended  
4 family member caregivers.

5 SEC. 7. Section 16206 of the Welfare and Institutions Code is  
6 amended to read:

7 16206. (a) The purpose of the program is to develop and  
8 implement statewide coordinated training programs designed  
9 specifically to meet the needs of county child protective services  
10 social workers assigned emergency response, family maintenance,  
11 family reunification, permanent placement, and adoption  
12 responsibilities. It is the intent of the Legislature that the program  
13 include training for other agencies under contract with county  
14 welfare departments to provide child welfare services. In addition,  
15 the program shall provide training programs for persons defined  
16 as a mandated reporter pursuant to the Child Abuse and Neglect  
17 Reporting Act, ~~Article Act~~ (*Article 2.5* (commencing with Section  
18 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code. ~~Code~~).  
19 The program shall provide the services required in this section to  
20 the extent possible within the total allocation. If allocations are  
21 insufficient, the department, in consultation with the grantee or  
22 grantees and the Child Welfare Training Advisory Board, shall  
23 prioritize the efforts of the program, giving primary attention to  
24 the most urgently needed services. County child protective services  
25 social workers assigned emergency response responsibilities shall  
26 receive first priority for training pursuant to this section.

27 (b) The training program shall provide practice-relevant training  
28 for mandated child abuse reporters and all members of the child  
29 welfare delivery system that will address critical issues affecting  
30 the well-being of children, and shall develop curriculum materials  
31 and training resources for use in meeting staff development needs  
32 of mandated child abuse reporters and child welfare personnel in  
33 public and private agency settings.

34 (c) The training provided pursuant to this section shall include  
35 all of the following:

- 36 (1) Crisis intervention.
- 37 (2) Investigative techniques.
- 38 (3) Rules of evidence.
- 39 (4) Indicators of abuse and neglect.

1 (5) Assessment criteria, including the application of guidelines  
2 for assessment of relatives for placement according to the criteria  
3 described in Section 361.3.

4 (6) Intervention strategies.

5 (7) Legal requirements of child protection, including  
6 requirements of child abuse reporting laws.

7 (8) Case management.

8 (9) Use of community resources.

9 (10) Information regarding the dynamics and effects of domestic  
10 violence upon families and children, including indicators and  
11 dynamics of teen dating violence.

12 (11) Posttraumatic stress disorder and the causes, symptoms,  
13 and treatment of posttraumatic stress disorder in children.

14 (12) The importance of maintaining relationships with  
15 individuals who are important to a child in out-of-home placement,  
16 including methods to identify those individuals, consistent with  
17 the child's best interests, including, but not limited to, asking the  
18 child about individuals who are important, and ways to maintain  
19 and support those relationships.

20 (13) The legal duties of a child protective services social worker,  
21 in order to protect the legal rights and safety of children and  
22 families from the initial time of contact during investigation  
23 through treatment.

24 (14) The authorization, uses, risks, benefits, administration,  
25 oversight, and monitoring of psychotropic medications, and trauma,  
26 behavioral health, and other available behavioral health treatments,  
27 for children receiving child welfare services, including how to  
28 access those treatments.

29 (d) The training provided pursuant to this section may also  
30 include any or all of the following:

31 (1) Child development and parenting.

32 (2) Intake, interviewing, and initial assessment.

33 (3) Casework and treatment.

34 (4) Medical aspects of child abuse and neglect.

35 (e) The training program in each county shall assess the  
36 program's performance at least annually and forward it to the State  
37 Department of Social Services for an evaluation. The assessment  
38 shall include, at a minimum, all of the following:

39 (1) Workforce data, including education, qualifications, and  
40 demographics.

- 1 (2) The number of persons trained.
- 2 (3) The type of training provided.
- 3 (4) The degree to which the training is perceived by participants
- 4 as useful in practice.

5 (5) Any additional information or data deemed necessary by  
 6 the department for reporting, oversight, and monitoring purposes.

7 (f) The training program shall provide practice-relevant training  
 8 to county child protective services social workers who screen  
 9 referrals for child abuse or neglect and for all workers assigned to  
 10 provide emergency response, family maintenance, family  
 11 reunification, and permanent placement services. The training shall  
 12 be developed in consultation with the Child Welfare Training  
 13 Advisory Board and domestic violence victims’ advocates and  
 14 other public and private agencies that provide programs for victims  
 15 of domestic violence or programs of intervention for perpetrators.

16 SEC. 8. Section 16501.4 is added to the Welfare and  
 17 Institutions Code, to read:

18 16501.4. In order to ensure the oversight of psychotropic  
 19 medications that are prescribed for children receiving child welfare  
 20 services, all of the following shall occur:

21 (a) In consultation with the State Department of Health Care  
 22 Services, the County Welfare Directors ~~Association~~, *Association*  
 23 *of California*, and other stakeholders, the State Department of  
 24 Social Services shall develop and provide an individualized  
 25 monthly report to each county child welfare services agency. At  
 26 a minimum, that report shall include all of the following  
 27 information regarding each child receiving child welfare services  
 28 from the county child welfare services agency and for whom one  
 29 or more psychotropic medications have been authorized:

30 (1) Psychotropic medications that have been authorized for the  
 31 child pursuant to Section 369.5.

32 (2) Data for medications that have been dispensed to the child,  
 33 including both psychotropic and nonpsychotropic medication.

34 (3) Durational information relating to the child’s authorized  
 35 ~~psychotropic medication~~, *psychotropic medication*, including, but  
 36 not limited to, the length of time a medication has been authorized  
 37 and the length of time for which a medication has been dispensed  
 38 by a pharmacy.

39 (4) Claims paid for behavioral health services provided to the  
 40 child, other than claims paid for psychotropic medication.

1 (5) The dosage of psychotropic medications that have been  
2 authorized for the child and that have been dispensed.

3 (b) (1) ~~On a monthly basis, a~~ A county child welfare services  
4 agency shall use the form developed pursuant to paragraph (2) to  
5 share with the juvenile court, the child’s attorney, and the  
6 court-appointed special advocate, if one has been appointed, the  
7 information described in subdivision (a) regarding an individual  
8 child receiving child welfare services and for whom one or more  
9 psychotropic medications have been authorized.

10 (A) *In the case of the juvenile court, the information described*  
11 *in subdivision (a) shall be shared in conjunction with reports*  
12 *prepared for each regularly scheduled court hearing.*

13 (B) *In the case of the child’s attorney and court-appointed*  
14 *special advocate, the information described in subdivision (a) shall*  
15 *be shared initially for each child upon the authorization of*  
16 *psychotropic medication, and subsequently when that information*  
17 *changes.*

18 (2) In consultation with the State Department of Health Care  
19 Services, the County Welfare Directors Association, and other  
20 stakeholders, the State Department of Social Services shall develop  
21 a form to be utilized in sharing the information required by  
22 paragraph (1).

23 (c) (1) In consultation with the State Department of Health Care  
24 Services, the County Welfare Directors ~~Association,~~ *Association*  
25 *of California,* and other stakeholders, the State Department of  
26 Social Services shall either develop, or ensure access to, a system  
27 that automatically alerts the social worker of a child receiving child  
28 welfare services when psychotropic medication has been prescribed  
29 that fits any of the following descriptions:

30 (A) The psychotropic medication has been prescribed in  
31 combination with another psychotropic medication and the  
32 combination is unusual or has the potential for a dangerous  
33 interaction.

34 (B) The psychotropic medication is prescribed in a dosage that  
35 is unusual for a child of that age.

36 (C) The psychotropic medication has the potential for a  
37 dangerous interaction with other prescribed psychotropic or  
38 nonpsychotropic medications.

39 (D) The psychotropic medication is not typically indicated for  
40 a child of that age.

1 (2) If a child’s social worker receives an alert from the system  
2 described in paragraph (1), upon receipt of the alert, the social  
3 worker shall indicate to ~~the court~~, the child’s attorney, the child’s  
4 caregiver, and the child’s court-appointed special advocate, if one  
5 has been appointed, that the alert has been received. The social  
6 worker shall also include a discussion of the alert and the  
7 resolution, if any, of the issue raised by the alert in the next court  
8 report filed in the child’s case.

9 (d) In consultation with the State Department of Health Care  
10 Services, the Judicial Council, the County Welfare Directors  
11 ~~Association~~, *Association of California*, and other stakeholders, the  
12 State Department of Social Services shall develop training that  
13 may be provided to county child welfare social workers, courts,  
14 children’s attorneys, children’s caregivers, court-appointed special  
15 advocates, and other relevant staff who work with children  
16 receiving child welfare services that addresses the authorization,  
17 uses, risks, benefits, administration, oversight, and monitoring of  
18 psychotropic medications, and trauma, behavioral health, and other  
19 available behavioral health treatments, for children receiving child  
20 welfare services, including how to access those treatments.

21 SEC. 9. To the extent that this act has an overall effect of  
22 increasing the costs already borne by a local agency for programs  
23 or levels of service mandated by the 2011 Realignment Legislation  
24 within the meaning of Section 36 of Article XIII of the California  
25 Constitution, it shall apply to local agencies only to the extent that  
26 the state provides annual funding for the cost increase. Any new  
27 program or higher level of service provided by a local agency  
28 pursuant to this act above the level for which funding has been  
29 provided shall not require a subvention of funds by the state nor  
30 otherwise be subject to Section 6 of Article XIII B of the California  
31 Constitution.