

Introduced by Senator LaraFebruary 26, 2015

An act to add Section 1502.2 to the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 524, as introduced, Lara. Alternative treatment facilities for youth.

Existing law, the California Community Care Facilities Act (the act), provides for the licensure and regulation of community care and residential facilities by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

This bill would define "private alternative treatment and education facility for youth," for purposes of the act. The bill would prohibit a person, firm, partnership, association, organization, or corporation from operating, establishing, managing, conducting, or maintaining this type of treatment and education facility unless the facility is licensed by the department and components of the program are accredited by an approved organization, as specified. By adding private alternative treatment and education facilities for youth to the act, this bill would create a new crime, thereby imposing 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. The Legislature finds and declares all of the
2 following:

3 (a) Since the 1990s, hundreds of nontraditional treatment
4 programs that are intended to be less restrictive treatment options
5 for children with significant behavioral issues have been established
6 nationwide, with thousands of allegations of abuse, including death.

7 (b) There are currently facilities operating within California that
8 are not licensed by the State Department of Social Services.

9 (c) These facilities are often owned and operated by nonprofit
10 organizations described in Section 501(c)(3) of the Internal
11 Revenue Code.

12 (d) These facilities advertise services for youth with behavioral
13 issues to families who may feel they have no other options.

14 (e) Former students have formed national and local organizations
15 to expose the trauma and abuse they experienced at these facilities.

16 (f) Students at these facilities are previous victims of trauma,
17 have experienced parental rejection based on actual or perceived
18 sexual orientation or gender identity, and have mental health and
19 substance use issues.

20 (g) It is the role of the Legislature to ensure proper licensing
21 and regulation of residential facilities for the protection and care
22 of all citizens.

23 SEC. 2. Section 1502.2 is added to the Health and Safety Code,
24 to read:

25 1502.2. (a) “Private alternative treatment and education facility
26 for youth” means any residential facility or program operated by
27 a private entity with a focus on serving children with emotional,
28 behavioral, or mental health issues or disorders, and that provides
29 any of the following:

30 (1) A program with wilderness or outdoor experience,
31 expedition, or intervention.

32 (2) A boot camp experience or other experience designed to
33 simulate characteristics of basic military training or correctional
34 regimes.

35 (3) A therapeutic boarding school.

36 (4) A behavior modification program.

37 (b) A person, firm, partnership, association, organization, or
38 corporation shall not operate, establish, manage, conduct, or

1 maintain a private alternative treatment and education facility for
2 youth, unless the facility is licensed by the department and all
3 components of the program are accredited by an independent
4 nonprofit accrediting organization approved by the department.

5 (c) A private alternative treatment and education facility for
6 youth shall, at a minimum, afford each student, resident, or
7 participant the rights guaranteed in Section 84072 of Title 22 of
8 the California Code of Regulations.

9 (d) A resolution, bylaw, rule, ordinance, or any other act or
10 authority permitting or authorizing the operation of a private
11 alternative treatment and education facility for youth that does not
12 comply with this section is void and unenforceable.

13 SEC. 3. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.