

AMENDED IN ASSEMBLY AUGUST 15, 2016

AMENDED IN ASSEMBLY AUGUST 8, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

**SENATE BILL**

**No. 855**

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**Introduced by Committee on Budget and Fiscal Review**

January 7, 2016

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An act to amend Sections 12254 and 12258 of the Revenue and Taxation Code, and to amend Sections 10850.4, 11322.64, and 11461.3 of, and to add Section 10850.45 to, the Welfare and Institutions Code, relating to human services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 855, as amended, Committee on Budget and Fiscal Review. Human services.

(1) Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law establishes a managed care organization provider tax, which is administered by the State Department of Health Care Services. The tax is assessed by the department on licensed health care service plans, managed care plans contracted with the department to provide Medi-Cal services, and alternate health care service plans.

Existing law imposes a gross premiums tax of 2.35% on all insurers, as defined, doing business in this state, as set forth in the California Constitution. Existing law requires certain insurers to make prepayments of the annual tax and requires the amount of each prepayment to be

25% of the amount of the annual insurance tax liability reported on the return of the insurer for the preceding calendar year. Existing law reduces the gross premiums tax rate to 0% for those premiums received on or after July 1, 2016, and on or before June 30, 2019, for the provision of health insurance paid by health insurers providing health insurance that has a corporate affiliate, as defined, that is a health care service plan or health plan that is subject to the managed care organization provider tax described above, as specified.

This bill would provide that for health insurers subject to the 0% gross premiums tax rate prepayments are not required between July 1, 2016, and on or before June 30, 2019, and would additionally provide that for prepayments due on or after June 30, 2019, the amount due is 25% of the amount of what the annual insurance tax liability reported on the return of the health insurer for the preceding calendar year would have been if the provision reducing the gross premiums tax rate to 0% described above had never been operative.

(2) Existing law requires certain documents from the juvenile case file for a child who died as a result of abuse or neglect, as specified, to be released by the custodian of records upon request and subject to redaction of certain identifying personal information upon completion of the child abuse or neglect investigation into the child's death.

This bill would add a description of child protective or other services provided and actions taken by the child welfare agency, and juvenile court if applicable, to the list of documents that are required to be released. The bill would also require the custodian of records to release certain information in all cases in which abuse or neglect results in a child near fatality, as defined. The bill would prohibit the disclosure of certain information in connection with child near fatalities, including, among others, information that would, after consultation with the district attorney, jeopardize a criminal investigation or proceeding. The bill would make related changes.

The bill would also authorize the State Department of Social Services to implement these provisions by means of all-county letters or similar instructions until regulations are adopted, as specified. By creating new duties for local officials, the bill would impose a state-mandated local program.

(3) Existing law establishes the Approved Relative Caregiver Funding Option Program (ARC), in counties that choose to participate, for the purpose of making the amount paid to relative caregivers for the in-home care of children placed with them who are ineligible for AFDC-FC

payments equal to the amount paid on behalf of children who are eligible for AFDC-FC payments. Existing law authorizes a county that is participating in ARC and that has paid certain specified funds to request reimbursement for those funds from the department if, in any calendar year, the entire amount of funding appropriated by the state for ARC has not been fully allocated to or utilized by participating counties.

This bill would instead authorize a county to make that request if, in any fiscal year, the entire amount of funding appropriated by the state for ARC has not been fully allocated to or utilized by participating counties.

(4) The bill also would delete an obsolete reporting requirement of the State Department of Social Services relating to employment of CalWORKs recipients.

(5) 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, with regard to certain mandates, no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(6) This bill would appropriate \$705,000 from the General Fund to the Department of Rehabilitation, for encumbrance or expenditure until June 30, 2017, to be allocated to independent living centers that have been both established and maintained using specified federal funding as their primary base grant.

(7) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12254 of the Revenue and Taxation Code  
2 is amended to read:

3 12254. (a) The amount of each prepayment shall be 25 percent  
4 of the amount of the annual insurance tax liability reported on the  
5 return of the insurer for the preceding calendar year.

1 (b) In establishing the prepayment amount of an insurer that  
2 has acquired the business of another insurer, the amount of tax  
3 liability of the acquiring insurer reported for the preceding calendar  
4 year shall be deemed to include the amount of tax liability of the  
5 acquired insurer reported for that year.

6 (c) Notwithstanding subdivision (a), for a health insurer subject  
7 to Section 12202.2 both of the following shall apply:

8 (1) On or after July 1, 2016, and on or before June 30, 2019, a  
9 prepayment shall not be required.

10 (2) The amount of each prepayment due after June 30, 2019,  
11 shall be 25 percent of the amount of what the annual insurance tax  
12 liability reported on the return of the insurer for the preceding  
13 calendar year would have been if Section 12202.2 had never been  
14 operative.

15 (d) This section shall become operative on July 1, 2013.

16 SEC. 2. Section 12258 of the Revenue and Taxation Code is  
17 amended to read:

18 12258. (a) Any insurer that fails to pay any prepayment within  
19 the time required shall pay a penalty of 10 percent of the amount  
20 of the required prepayment, plus interest at the modified adjusted  
21 rate per month, or fraction thereof, established pursuant to Section  
22 6591.5, from the due date of the prepayment until the date of  
23 payment but not for any period after the due date of the annual  
24 tax. Assessments of prepayment deficiencies may be made in the  
25 manner provided by deficiency assessments of the annual tax.

26 (b) Notwithstanding any other law, if a Medi-Cal managed care  
27 plan, as defined in subdivision (a) of Section 12009, receives  
28 additional amounts includable in its total operating revenue, as  
29 defined in Section 12241, for the service periods from January 1,  
30 2009, to June 30, 2013, inclusive, those amounts shall continue to  
31 be subject to the tax imposed by Section 12201, as added by  
32 Section 4 of the act adding this section, as added by Section 5 of  
33 Chapter 157 of the Statutes of 2009, as added by Section 31 of  
34 Chapter 717 of the Statutes of 2010, and as added by Section 2 of  
35 Chapter 11 of the First Extraordinary Session of the Statutes of  
36 2011, and 100 percent of the tax continues to be due and shall be  
37 submitted to the Department of Insurance no later than 30 days  
38 after receipt of those amounts.

39 (c) This section shall not apply to an insurer subject to paragraph  
40 (1) of subdivision (c) of Section 12254.

1 (d) This section shall become operative on July 1, 2013.

2 SEC. 3. Section 10850.4 of the Welfare and Institutions Code  
3 is amended to read:

4 10850.4. (a) Within five business days of learning that a child  
5 fatality has occurred in the county and that there is a reasonable  
6 suspicion that the fatality was caused by abuse or neglect, the  
7 custodian of records for the county child welfare agency, upon  
8 request, shall release the following information:

9 (1) The age and gender of the child.

10 (2) The date of death.

11 (3) Whether the child resided in foster care or in the home of  
12 his or her parent or guardian at the time of death.

13 (4) Whether an investigation is being conducted by a law  
14 enforcement agency or the county child welfare agency.

15 (b) All cases in which abuse or neglect, as defined by paragraph  
16 (1) of subdivision (k), leads to a child's death shall be subject to  
17 the disclosures required in subdivision (c). Abuse or neglect is  
18 determined to have led to a child's death if one or more of the  
19 following conditions are met:

20 (1) A county child protective services agency determines that  
21 the abuse or neglect was substantiated.

22 (2) A law enforcement investigation concludes that abuse or  
23 neglect occurred.

24 (3) A coroner or medical examiner concludes that the child who  
25 died had suffered abuse or neglect.

26 (c) Upon completion of the child abuse or neglect investigation  
27 into the child's death, as described in subdivision (b), the following  
28 documents from the juvenile case file shall be released by the  
29 custodian of records upon request, subject to the redactions set  
30 forth in subdivision (e):

31 (1) All of the information in subdivision (a).

32 (2) For cases in which the child's death occurred while living  
33 with a parent or guardian, all previous referrals of abuse or neglect  
34 of the deceased child while living with that parent or guardian  
35 shall be disclosed along with the following documents:

36 (A) The emergency response referral information form and the  
37 emergency response notice of referral disposition form completed  
38 by the county child welfare agency relating to the abuse or neglect  
39 that caused the death of the child.

1 (B) Any cross reports completed by the county child welfare  
2 agency to law enforcement relating to the deceased child.

3 (C) All risk and safety assessments completed by the county  
4 child welfare services agency relating to the deceased child.

5 (D) All health care records of the deceased child, excluding  
6 mental health records, related to the child’s death and previous  
7 injuries reflective of a pattern of abuse or neglect.

8 (E) Copies of police reports about the person against whom the  
9 child abuse or neglect was substantiated.

10 (F) A description of child protective or other services provided  
11 and actions taken by the child welfare agency, and juvenile court  
12 if applicable, relating to the deceased child, addressing any services  
13 and actions that are not otherwise disclosed within other documents  
14 required for release pursuant to this section, including the date and  
15 a written description of any such service or action taken.

16 (3) For cases in which the child’s death occurred while the child  
17 was in foster care, the following documents in addition to those  
18 specified in paragraphs (1) and (2) generated while the child was  
19 living in the foster care placement that was the placement at the  
20 time of the child’s death:

21 (A) Records pertaining to the foster placement’s initial licensing  
22 and renewals and type of license or licenses held, if in the case  
23 file.

24 (B) All reported licensing violations, including notices of action,  
25 if in the case file.

26 (C) Records of the training completed by the foster parents, if  
27 in the case file.

28 (d) (1) The documents and information listed in paragraph (1)  
29 of, and subparagraphs (A) to (E), inclusive, of paragraph (2) of,  
30 subdivision (c) shall be released to the public by the custodian of  
31 records within 10 business days of the request or the disposition  
32 of the investigation, whichever is later.

33 (2) The description listed in subparagraph (F) of paragraph (2)  
34 of subdivision (c) shall be released to the public by the custodian  
35 of records within 10 business days after the release of the  
36 documents pursuant to paragraph (1).

37 (e) (1) Prior to releasing any document pursuant to subdivision  
38 (c), the custodian of records shall redact the following information:

39 (A) The names, addresses, telephone numbers, ethnicity,  
40 religion, or any other identifying information of any person or

1 institution, other than the county or the State Department of Social  
2 Services, that is mentioned in the documents listed in paragraphs  
3 (2) and (3) of subdivision (c).

4 (B) Any information that would, after consultation with the  
5 district attorney, jeopardize a criminal investigation or proceeding.

6 (C) Any information that is privileged, confidential, or not  
7 subject to disclosure pursuant to any other state or federal law.

8 (2) (A) The State Department of Social Services shall  
9 promulgate a regulation listing the laws described in subparagraph  
10 (C) of paragraph (1) and setting forth standards governing  
11 redactions.

12 (B) Notwithstanding the rulemaking provisions of the  
13 Administrative Procedure Act (Chapter 3.5 (commencing with  
14 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
15 Code), until emergency regulations are filed with the Secretary of  
16 State, the State Department of Social Services may implement the  
17 changes made to Section 827 and this section at the 2007–08  
18 Regular Session of the Legislature through all-county letters or  
19 similar instructions from the director. The department shall adopt  
20 emergency regulations, as necessary to implement those changes,  
21 no later than January 1, 2009.

22 (C) The adoption of regulations pursuant to this paragraph shall  
23 be deemed to be an emergency necessary for the immediate  
24 preservation of the public peace, health, safety, or general welfare.  
25 The emergency regulations authorized by this section shall be  
26 exempt from review by the Office of Administrative Law. The  
27 emergency regulations authorized by this section shall be submitted  
28 for filing with the Secretary of State and shall remain in effect for  
29 no more than 180 days, by which time the final regulations shall  
30 be adopted.

31 (f) Upon receiving a request for the documents listed in  
32 subdivision (c), the custodian of records shall notify and provide  
33 a copy of the request upon counsel for any child who is directly  
34 or indirectly connected to the juvenile case file. If counsel for a  
35 child, including the deceased child or any sibling of the deceased  
36 child, objects to the release of any part of the documents listed in  
37 paragraphs (2) and (3) of subdivision (c), they may petition the  
38 juvenile court for relief to prevent the release of any document or  
39 part of a document requested pursuant to paragraph (2) of  
40 subdivision (a) of Section 827.

1 (g) Juvenile case file records that are not subject to disclosure  
2 pursuant to this section shall only be disclosed upon an order by  
3 the juvenile court pursuant to Section 827.

4 (h) Once documents pursuant to this section have been released  
5 by the custodian of records, the State Department of Social Services  
6 or the county welfare department or agency may comment on the  
7 case within the scope of the release. If the county welfare  
8 department or agency comments publicly about the case within  
9 the scope of the release pursuant to this subdivision, the social  
10 worker on the case may also comment publicly about the case  
11 within the scope of the release.

12 (i) Information released by a custodian of records consistent  
13 with the requirements of this section does not require prior notice  
14 to any other individual.

15 (j) Each county welfare department or agency shall notify the  
16 State Department of Social Services of every child fatality that  
17 occurred within its jurisdiction that was the result of child abuse  
18 or neglect. Based on these notices and any other relevant  
19 information in the State Department of Social Services' possession,  
20 the department shall annually issue a report identifying the child  
21 fatalities and any systemic issues or patterns revealed by the notices  
22 and other relevant information. The State Department of Social  
23 Services, after consultation with interested stakeholders, shall  
24 provide instructions by an all-county letter regarding the procedure  
25 for notification.

26 (k) For purposes of this section, the following definitions apply:

27 (1) "Child abuse or neglect" and "abuse or neglect" have the  
28 same meaning as defined in Section 11165.6 of the Penal Code.

29 (2) "Custodian of records," for the purposes of this section and  
30 paragraph (2) of subdivision (a) of Section 827, means the county  
31 welfare department or agency.

32 (3) "Juvenile case files" or "case files" includes any juvenile  
33 court files, as defined in Rule 5.552 of the California Rules of  
34 Court, and any county child welfare department or agency or State  
35 Department of Social Services records regardless of whether they  
36 are maintained electronically or in paper form.

37 (4) "Substantiated" has the same meaning as that term is used  
38 with respect to a substantiated report as defined in Section  
39 11165.12 of the Penal Code.

1 (l) A person disclosing juvenile case file information as required  
2 by this section shall not be subject to liability in any civil or  
3 criminal proceeding for complying with the requirements of this  
4 section.

5 (m) This section shall apply only to deaths that occur on or after  
6 January 1, 2008.

7 (n) Nothing in this section shall require a custodian of records  
8 to retain documents beyond any date otherwise required by law.

9 (o) Nothing in this section shall be construed as requiring a  
10 custodian of records to obtain documents not in the case file.

11 (p) Nothing in this section authorizes the disclosure of  
12 information that reveals the identity of a person or persons who  
13 provided information related to suspected abuse, neglect, or  
14 maltreatment of the child.

15 (q) Notwithstanding the rulemaking provisions of the  
16 Administrative Procedure Act (Chapter 3.5 (commencing with  
17 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
18 Code), until regulations are filed with the Secretary of State, the  
19 State Department of Social Services may implement this section  
20 through all-county letters or similar instructions following  
21 consultation with stakeholders. This consultation shall commence  
22 no later than October 1, 2016, and shall include, but not be limited  
23 to, child welfare advocates, labor organizations, representatives  
24 of counties, and legislative staff. Rulemaking to implement this  
25 section pursuant to the Administrative Procedure Act shall  
26 commence no later than January 1, 2018.

27 SEC. 4. Section 10850.45 is added to the Welfare and  
28 Institutions Code, to read:

29 10850.45. (a) Within 10 business days of learning that a child  
30 near fatality that has been determined to have been caused by abuse  
31 or ~~neglect~~ *neglect, as described in paragraph (4) of subdivision*  
32 *(l)*, has occurred in the county, the custodian of records for the  
33 county child welfare agency, upon request, shall release all of the  
34 following information:

- 35 (1) The age and gender of the child.
- 36 (2) The date of the near fatality.
- 37 (3) Whether the child resided in foster care or in the home of  
38 his or her parent or guardian at the time of the near fatality.
- 39 (4) Whether an investigation is being conducted by a law  
40 enforcement agency or the county child welfare agency.

1     ***(b) All cases in which abuse or neglect leads to a child's near***  
2 ***fatality, as described in paragraph (4) of subdivision (l), shall be***  
3 ***subject to the disclosures required in subdivisions (c) and (d).***

4     ~~(b)~~

5     ***(c) Findings or information disclosed under this subdivision,***  
6 ***upon request, shall consist of a written report that includes all of***  
7 ***the following information:***

8       ***(1) The age and gender of the child.***

9       ***(2) The date the abuse or neglect occurred that resulted in the***  
10 ***near fatality, if known, and the date that a licensed physician***  
11 ***determined the child victim to be in serious or critical medical***  
12 ***condition, if known.***

13       ***(3) Whether the child resided in foster care or in the home of***  
14 ***his or her parent or guardian at the time of the near fatality.***

15       ***(4) The cause of, and circumstances regarding, the near fatality.***

16       ***(5) A description of reports received, child protective or other***  
17 ***services provided, and actions taken by the county child welfare***  
18 ***services agency and juvenile court, if applicable, regarding both***  
19 ***of the following:***

20           ***(A) Suspected or substantiated abuse or neglect of the child near***  
21 ***fatality victim.***

22           ***(B) Suspected or substantiated abuse or neglect of other children***  
23 ***that is related to the abuse or neglect described in subparagraph***  
24 ***(A).***

25       ***(6) The description required by paragraph (5) shall provide a***  
26 ***written narrative that includes, but is not limited to, the following***  
27 ***information:***

28           ***(A) The dates of reports, investigations, services provided, and***  
29 ***actions taken.***

30           ***(B) The investigative disposition for each report.***

31           ***(C) Any comments provided by the involved social worker or***  
32 ***workers for the written narrative regarding the investigations,***  
33 ***services provided, and actions taken.***

34     ~~***(e) Subject to subdivision (e), a custodian of records shall***~~  
35 ~~***disclose the following to the public, upon request:***~~

36     ***(d) Upon completion of the child abuse or neglect investigation***  
37 ***into a child's near fatality, as described in paragraph (4) of***  
38 ***subdivision (l), the following documents from the juvenile case file***  
39 ***shall be released by the custodian of records upon request, subject***  
40 ***to the redactions described in subdivision (f):***

1 (1) For cases in which the child’s near fatality occurred while  
2 living with a parent or guardian, all previous referrals of abuse or  
3 neglect of the child suffering the near fatality while living with  
4 that parent or guardian, along with the following documents:

5 (A) The emergency response referral information form and  
6 emergency response notice of referral disposition form completed  
7 by the county child welfare agency relating to the abuse or neglect  
8 that caused the near fatality of the child.

9 (B) Any cross reports completed by the county child welfare  
10 services agency to law enforcement relating to the child suffering  
11 the near fatality.

12 (C) All risk and safety assessments completed by the county  
13 child welfare services agency relating to the child suffering the  
14 near fatality.

15 (D) Copies of police reports about the person against whom the  
16 child abuse or neglect was substantiated.

17 (2) For cases in which the child’s near fatality occurred while  
18 the child was in foster care, the following documents, in addition  
19 to those specified in paragraph (1), generated while the child was  
20 living in the foster care placement that was the placement at the  
21 time of the child’s near fatality:

22 (A) Records pertaining to the foster parents’ initial licensing  
23 and renewals and type of license or licenses held if in the case file.

24 (B) All reported licensing violations, including notices of action,  
25 if in the case file.

26 (C) Records of the training completed by the foster parents if  
27 in the case file.

28 ~~(d)~~

29 (e) (1) When disclosure is requested pursuant to subdivisions  
30 ~~(b) and (e)~~, (c) and (d), all required findings and information shall  
31 be released to the public by the custodian of records within 30  
32 calendar days of either the request or the disposition of the  
33 investigation, whichever is later.

34 (2) When disclosure is requested pursuant to subdivision ~~(b)~~,  
35 (c), the county shall submit a copy of the description and written  
36 narrative required in subdivision ~~(b)~~ (c) to the State Department  
37 of Social Services within 20 calendar days of the request or the  
38 disposition of the investigation, whichever is later. Within 10  
39 calendar days of receipt, the State Department of Social Services  
40 shall review the description and written narrative submitted by the

1 county against the case file and notify the county of any  
 2 discrepancies or other concerns prior to the county's release of the  
 3 information pursuant to paragraph (1).

4 (e)

5 (f) The information and records subject to disclosure pursuant  
 6 to subdivisions ~~(b) and (e)~~ (c) and (d) shall not include, and the  
 7 custodian of records shall not disclose, any of the following  
 8 information:

9 (1) The name, address, telephone number, ethnicity, religion,  
 10 or any other identifying information of any person or institution,  
 11 other than the county or the State Department of Social Services,  
 12 that is referenced in subdivision ~~(b) or (e)~~ (c) or (d).

13 (2) Any information that would, after consultation with the  
 14 district attorney, jeopardize a criminal investigation or proceeding.

15 (3) Any information that is privileged, confidential, or not  
 16 subject to disclosure pursuant to any other state or federal law.

17 (4) All health care records related to the child or the child's  
 18 family.

19 ~~(5) (A) Any information not relevant to the near fatality. This~~  
 20 ~~includes, but is not limited to, any information regarding any adult~~  
 21 ~~whose activities are not relevant to the near fatality.~~

22 (5) (A) *Any information referenced in the report prepared*  
 23 *pursuant to subdivision (c) or contained in any document listed in*  
 24 *subdivision (d) that is not relevant to the near fatality, consistent*  
 25 *with regulations or all-county letters or similar instructions issued*  
 26 *pursuant to subdivision (r). Subject to subparagraphs (B) and (C),*  
 27 *those regulations or all-county letters or similar instructions shall*  
 28 *provide further guidance regarding persons or conduct that is not*  
 29 *relevant. This includes, but is not limited to, any information*  
 30 *referenced in the report prepared pursuant to subdivision (c) or*  
 31 *contained in any document listed in subdivision (d) regarding any*  
 32 *adult whose activities are not part of an event or events or do not*  
 33 *have a material bearing on the circumstances that led to the near*  
 34 *fatality, pursuant to subparagraph (B).*

35 (B) Information regarding the agency's handling of the case  
 36 that may indicate a pattern of events or have a *material* bearing  
 37 on the circumstances that led to the near fatality is relevant for  
 38 purposes of subparagraph (A).

39 (C) Any *record of any action or observation* of any individual  
 40 ~~responding in the case in their~~ *acting in his or her* professional

1 capacity is relevant for purposes of ~~subparagraph (A)~~.  
2 *subparagraphs (A) and (B)*.

3 ~~(f)~~

4 (g) Upon receiving a request for the information described in  
5 subdivisions ~~(b) and (e)~~, *(c) and (d)*, the custodian of records shall  
6 notify and provide a copy of the request to the counsel for any  
7 child who is directly or indirectly connected to the juvenile case  
8 file. If the counsel for a child, including the child near fatality  
9 victim or any sibling of the child victim, objects to the release of  
10 any part of the information listed in subdivisions ~~(b) and (e)~~, *(c)*  
11 *and (d)*, counsel may petition the juvenile court for relief to prevent  
12 the release of any document or part of a document requested  
13 pursuant to paragraph (2) of subdivision (a) of Section 827.

14 ~~(g)~~

15 (h) Juvenile case file records that are not subject to disclosure  
16 pursuant to this section shall only be disclosed upon an order by  
17 the juvenile court pursuant to Section 827.

18 ~~(h)~~

19 (i) Once documents have been released by the custodian of  
20 records pursuant to this section, the State Department of Social  
21 Services or the county welfare department or agency may comment  
22 on the case within the scope of the release. If the county welfare  
23 department or agency comments publicly about the case within  
24 the scope of the release pursuant to this subdivision, the social  
25 worker on the case may also comment publicly about the case  
26 within the scope of the release.

27 ~~(i)~~

28 (j) Information released by a custodian of records consistent  
29 with the requirements of this section does not require prior notice  
30 to any other individual.

31 ~~(j)~~

32 (k) Each county child welfare services agency shall notify the  
33 State Department of Social Services of every child near fatality  
34 that occurred within its jurisdiction that was the result of child  
35 abuse or neglect. Based on these notices and any other relevant  
36 information in the State Department of Social Services' possession,  
37 the department shall annually issue a report identifying the child  
38 near fatalities and any systemic issues or patterns revealed by the  
39 notices and other relevant information.

40 ~~(k)~~

1 (l) For purposes of this section, the following definitions apply:

2 (1) “Child abuse or neglect” and “abuse or neglect” have the  
3 same meaning as defined in Section 11165.6 of the Penal Code.

4 “Child abuse or neglect” and “abuse or neglect” shall not include  
5 near fatalities caused by the following persons, unless neglect by  
6 a parent, guardian, or foster care provider contributed to the  
7 circumstances of the near fatality:

8 (A) An alleged perpetrator who was unknown to the child or  
9 family prior to the abuse that caused the near fatality.

10 (B) A minor, unless acting in the role of a caretaker, who is  
11 alleged to have caused the near fatality.

12 (2) “Custodian of records” means the county welfare department  
13 or agency.

14 (3) “Juvenile case files” or “case files” includes any juvenile  
15 court files, as defined in Rule 5.552 of the California Rules of  
16 Court, and any county child welfare department or agency or State  
17 Department of Social Services records regardless of whether they  
18 are maintained electronically or in paper form.

19 (4) (A) “Near fatality” has the same meaning as defined in  
20 Section 5106a of Title 42 of the United States Code under the  
21 federal Child Abuse Prevention and Treatment Act.

22 (B) Abuse or neglect is deemed to have resulted in a child’s  
23 near fatality if either of the following conditions is met:

24 (i) A law enforcement investigation concludes that child abuse  
25 or neglect occurred.

26 (ii) A county child welfare services agency determines that the  
27 child abuse or neglect was substantiated.

28 (5) “Substantiated” has the same meaning as that term is used  
29 with respect to a substantiated report as defined in Section  
30 11165.12 of the Penal Code.

31 ~~(t)~~

32 (m) A person disclosing juvenile case file information as  
33 required by this section shall not be subject to liability in any civil  
34 or criminal proceeding for complying with the requirements of  
35 this section.

36 ~~(n)~~

37 (n) This section shall apply only to near fatalities that occur on  
38 or after January 1, 2017.

39 ~~(n)~~

1 (o) This section does not require a custodian of records to retain  
2 documents beyond any date otherwise required by law.

3 ~~(o)~~

4 (p) This section does not require a custodian of records to obtain  
5 documents not in the case file.

6 ~~(p)~~

7 (q) This section does not authorize the disclosure of information  
8 that reveals the identity of a person or persons who provided  
9 information related to suspected abuse, neglect, or maltreatment  
10 of a child.

11 ~~(q)~~

12 (r) Notwithstanding the rulemaking provisions of the  
13 Administrative Procedure Act (Chapter 3.5 (commencing with  
14 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
15 Code), until regulations are filed with the Secretary of State, the  
16 State Department of Social Services may implement this section  
17 through all-county letters or similar instructions following  
18 consultation with stakeholders. This consultation shall commence  
19 no later than October 1, 2016, and shall include, but not be limited  
20 to, *the following stakeholders*: child welfare advocates,  
21 *representatives of organizations that have filed requests pursuant*  
22 *to Section 10850.4, advocates for foster youth*, labor organizations,  
23 representatives of counties, and legislative staff. Rulemaking to  
24 implement this section pursuant to the Administrative Procedure  
25 Act shall commence no later than January 1, ~~2018~~, 2018, and shall  
26 *be concluded as soon as practicable*.

27 SEC. 5. Section 11322.64 of the Welfare and Institutions Code,  
28 as added by Section 9 of Chapter 25 of the Statutes of 2016, is  
29 amended to read:

30 11322.64. (a) (1) The department, in consultation with the  
31 County Welfare Directors Association of California, shall develop  
32 an allocation methodology to distribute additional funding for  
33 expanded subsidized employment programs for CalWORKs  
34 recipients, or individuals described in Section 11320.15 who have  
35 exceeded the time limits specified in subdivision (a) of Section  
36 11454.

37 (2) Funds allocated pursuant to this section may be utilized to  
38 cover all expenditures related to the operational costs of the  
39 expanded subsidized employment program, including the cost of

1 overseeing the program, developing work sites, and providing  
2 training to participants, as well as wage and nonwage costs.

3 (3) The department, in consultation with the County Welfare  
4 Directors Association of California, shall determine the amount  
5 or proportion of funding allocated pursuant to this section that may  
6 be utilized for operational costs, consistent with the number of  
7 employment slots anticipated to be created and the funding  
8 provided.

9 (b) Funds allocated for expanded subsidized employment shall  
10 be in addition to, and independent of, the county allocations made  
11 pursuant to Section 15204.2.

12 (c) (1) A county that accepts additional funding for expanded  
13 subsidized employment in accordance with this section shall  
14 continue to expend no less than the aggregate amount of funding  
15 received by the county pursuant to Section 15204.2 that the county  
16 expended on subsidized employment in the 2012–13 fiscal year  
17 pursuant to Section 11322.63, as that section read on June 30,  
18 2016.

19 (2) This subdivision shall not apply for any fiscal year in which  
20 the total CalWORKs caseload is projected by the department to  
21 increase by more than 5 percent of the total actual CalWORKs  
22 caseload in the 2012–13 fiscal year.

23 (d) Each county shall submit to the department a plan regarding  
24 how it intends to utilize the funds allocated pursuant to this section.

25 (e) (1) Participation in subsidized employment pursuant to this  
26 section shall be limited to a maximum of six months for each  
27 participant.

28 (2) Notwithstanding paragraph (1), a county may extend  
29 participation beyond the six-month limitation described in  
30 paragraph (1) for up to an additional three months at a time, to a  
31 maximum of no more than 12 total months. Extensions may be  
32 granted pursuant to this paragraph if the county determines that  
33 the additional time will increase the likelihood of either of the  
34 following:

35 (A) The participant obtaining unsubsidized employment with  
36 the participating employer.

37 (B) The participant obtaining specific skills and experiences  
38 relevant for unsubsidized employment in a particular field.

1 (f) A county may continue to provide subsidized employment  
2 funded under this section to individuals who become ineligible for  
3 CalWORKs benefits in accordance with Section 11323.25.

4 (g) Upon application for CalWORKs assistance after a  
5 participant's subsidized employment ends, if an assistance unit is  
6 otherwise eligible within three calendar months of the date that  
7 subsidized employment ended, the income exemption requirements  
8 contained in Section 11451.5 and the work requirements contained  
9 in subdivision (c) of Section 11201 shall apply. If aid is restored  
10 after the expiration of that three-month period, the income  
11 exemption requirements contained in Section 11450.12 and the  
12 work requirements contained in subdivision (b) of Section 11201  
13 shall apply.

14 (h) This section shall become operative on July 1, 2016.

15 SEC. 6. Section 11461.3 of the Welfare and Institutions Code  
16 is amended to read:

17 11461.3. (a) The Approved Relative Caregiver Funding Option  
18 Program is hereby established for the purpose of making the  
19 amount paid to approved relative caregivers for the in-home care  
20 of children placed with them who are ineligible for AFDC-FC  
21 payments equal to the amount paid on behalf of children who are  
22 eligible for AFDC-FC payments. This is an optional program for  
23 counties choosing to participate, and in so doing, participating  
24 counties agree to the terms of this section as a condition of their  
25 participation. It is the intent of the Legislature that the funding  
26 described in paragraph (1) of subdivision (g) for the Approved  
27 Relative Caregiver Funding Option Program be appropriated, and  
28 available for use from January through December of each year,  
29 unless otherwise specified.

30 (b) Subject to subdivision (e), effective January 1, 2015,  
31 participating counties shall pay an approved relative caregiver a  
32 per child per month rate in return for the care and supervision, as  
33 defined in subdivision (b) of Section 11460, of a child that is placed  
34 with the relative caregiver that is equal to the basic rate paid to  
35 foster care providers pursuant to subdivision (g) of Section 11461,  
36 if both of the following conditions are met:

37 (1) The county with payment responsibility has notified the  
38 department in writing by October 1 of the year before participation  
39 begins of its decision to participate in the Approved Relative  
40 Caregiver Funding Option Program.

1 (2) The related child placed in the home meets all of the  
2 following requirements:

3 (A) The child resides in California.

4 (B) The child is described by subdivision (b), (c), or (e) of  
5 Section 11401 and the county welfare department or the county  
6 probation department is responsible for the placement and care of  
7 the child.

8 (C) The child is not eligible for AFDC-FC while placed with  
9 the approved relative caregiver because the child is not eligible  
10 for federal financial participation in the AFDC-FC payment.

11 (c) Any income or benefits received by an eligible child or the  
12 approved relative caregiver on behalf of the eligible child that  
13 would be offset against the basic rate paid to a foster care provider  
14 pursuant to subdivision (g) of Section 11461, shall be offset from  
15 any funds that are not CalWORKs funds paid to the approved  
16 relative caregiver pursuant to this section.

17 (d) Participating counties shall recoup an overpayment in the  
18 Approved Relative Caregiver Funding Option Program received  
19 by an approved relative caregiver using the standards and processes  
20 for overpayment recoupment that are applicable to overpayments  
21 to an approved home of a relative, as specified in Section 11466.24.  
22 Recouped overpayments shall not be subject to remittance to the  
23 federal government. Any overpaid funds that are collected by the  
24 participating counties shall be remitted to the state after subtracting  
25 both of the following:

26 (1) An amount not to exceed the county share of the CalWORKs  
27 portion of the Approved Relative Caregiver Funding Option  
28 Program payment, if any.

29 (2) Any other county funds that were included in the Approved  
30 Relative Caregiver Funding Option Program payment.

31 (e) A county's election to participate in the Approved Relative  
32 Caregiver Funding Option Program shall affirmatively indicate  
33 that the county understands and agrees to all of the following  
34 conditions:

35 (1) Commencing October 1, 2014, the county shall notify the  
36 department in writing of its decision to participate in the Approved  
37 Relative Caregiver Funding Option Program. Failure to make  
38 timely notification, without good cause as determined by the  
39 department, shall preclude the county from participating in the  
40 program for the upcoming calendar year. Annually thereafter, any

1 county not already participating who elects to do so shall notify  
2 the department in writing no later than October 1 of its decision  
3 to participate for the upcoming calendar year.

4 (2) The county shall confirm that it will make per child per  
5 month payments to all approved relative caregivers on behalf of  
6 eligible children in the amount specified in subdivision (b) for the  
7 duration of the participation of the county in this program.

8 (3) The county shall confirm that it will be solely responsible  
9 to pay any additional costs needed to make all payments pursuant  
10 to subdivision (b) if the state and federal funds allocated to the  
11 Approved Relative Caregiver Funding Option Program pursuant  
12 to paragraph (1) of ~~subdivision (g)~~ *subdivision (g)* are insufficient  
13 to make all eligible payments.

14 (f) (1) A county deciding to opt out of the Approved Relative  
15 Caregiver Funding Option Program shall provide at least 120 days'  
16 prior written notice of that decision to the department. Additionally,  
17 the county shall provide at least 90 days' prior written notice to  
18 the approved relative caregiver or caregivers informing them that  
19 his or her per child per month payment will be reduced and the  
20 date that the reduction will occur.

21 (2) The department shall presume that all counties have opted  
22 out of the Approved Relative Caregiver Funding Option Program  
23 if the funding appropriated for the current 12-month period is  
24 reduced below the amount specified in subparagraph (B),  
25 subparagraph (C), or subparagraph (D) of paragraph (2) of  
26 subdivision (g) for that 12-month period, unless a county notifies  
27 the department in writing of its intent to opt in within 60 days of  
28 enactment of the State Budget. The counties shall provide at least  
29 90 days' prior written notice to the approved relative caregiver or  
30 caregivers informing them that his or her per child per month  
31 payment will be reduced, and the date that reduction will occur.

32 (3) Any reduction in payments received by an approved relative  
33 caregiver on behalf of a child under this section that results from  
34 a decision by a county, including the presumed opt-out pursuant  
35 to paragraph (2), to not participate in the Approved Relative  
36 Caregiver Funding Option Program shall be exempt from state  
37 hearing jurisdiction under Section 10950.

38 (g) (1) The following funding shall be used for the Approved  
39 Relative Caregiver Funding Option Program:

- 1 (A) The applicable regional per-child CalWORKs grant, in
- 2 accordance with subdivision (a) of Section 11253.4.
- 3 (B) General Fund resources, as appropriated in paragraph (2).
- 4 (C) County funds only to the extent required under paragraph
- 5 (3) of subdivision (e).
- 6 (D) Funding described in subparagraphs (A) and (B) is intended
- 7 to fully fund the base caseload of approved relative caregivers,
- 8 which is defined as the number of approved relative caregivers
- 9 caring for a child who is not eligible to receive AFDC-FC
- 10 payments, as of July 1, 2014.
- 11 (2) The following amount is hereby appropriated from the
- 12 General Fund as follows:
- 13 (A) The sum of fifteen million dollars (\$15,000,000), for the
- 14 period of January 1, 2015, to June 30, 2015, inclusive.
- 15 (B) For the period of July 1, 2015, to June 30, 2016, inclusive,
- 16 there shall be appropriated an amount equal to the sum of all of
- 17 the following:
- 18 (i) Two times the amount appropriated pursuant to subparagraph
- 19 (A), inclusive of any increase pursuant to paragraph (3).
- 20 (ii) The amount necessary to increase or decrease the
- 21 CalWORKs funding associated with the base caseload described
- 22 in subparagraph (D) of paragraph (1) to reflect any change from
- 23 the prior fiscal year in the applicable regional per-child CalWORKs
- 24 grant described in subparagraph (A) of paragraph (1).
- 25 (iii) The additional amount necessary to fully fund the base
- 26 caseload described in subparagraph (D) of paragraph (1), reflective
- 27 of the annual California Necessities Index increase to the basic
- 28 rate paid to foster care providers.
- 29 (C) For every 12-month period thereafter, commencing with
- 30 the period of July 1, 2016, to June 30, 2017, inclusive, the sum of
- 31 all of the following shall be appropriated for purposes of this
- 32 section:
- 33 (i) The total General Fund amount provided pursuant to this
- 34 paragraph for the previous 12-month period.
- 35 (ii) The amount necessary to increase or decrease the
- 36 CalWORKs funding associated with the base caseload described
- 37 in subparagraph (D) of paragraph (1) to reflect any change from
- 38 the prior fiscal year in the applicable regional per-child CalWORKs
- 39 grant described in subparagraph (A) of paragraph (1).

1 (iii) The additional amount necessary to fully fund the base  
2 caseload described in subparagraph (D) of paragraph (1), reflective  
3 of the annual California Necessities Index increase to the basic  
4 rate paid to foster care providers.

5 (D) Notwithstanding clauses (ii) and (iii) of subparagraph (B)  
6 and clauses (ii) and (iii) of subparagraph (C), the total General  
7 Fund appropriation made pursuant to subparagraph (B) shall not  
8 be less than the greater of the following amounts:

9 (i) Thirty million dollars (\$30,000,000).

10 (ii) Two times the amount appropriated pursuant to subparagraph  
11 (A), inclusive of any increase pursuant to paragraph (3).

12 (3) To the extent that the appropriation made by subparagraph  
13 (A) of paragraph (2) is insufficient to fully fund the base caseload  
14 of approved relative caregivers as of July 1, 2014, as described in  
15 subparagraph (D) of paragraph (1), for the period of January 1,  
16 2015, to June 30, 2015, inclusive, as jointly determined by the  
17 department and the County Welfare Directors' Association and  
18 approved by the Department of Finance on or before October 1,  
19 2015, the amount specified in subparagraph (A) of paragraph (2)  
20 shall be increased by the amount necessary to fully fund that base  
21 caseload.

22 (4) Funds available pursuant to paragraph (2) shall be allocated  
23 to participating counties proportionate to the number of their  
24 approved relative caregiver placements, using a methodology and  
25 timing developed by the department, following consultation with  
26 county human services agencies and their representatives.

27 (5) Notwithstanding subdivision (e), if in any fiscal year the  
28 entire amount of funding appropriated by the state for the Approved  
29 Relative Caregiver Funding Option Program has not been fully  
30 allocated to or utilized by participating counties, a participating  
31 county that has paid any funds pursuant to subparagraph (C) of  
32 paragraph (1) of subdivision (g) may request reimbursement for  
33 those funds from the department. The authority of the department  
34 to approve the requests shall be limited by the amount of available  
35 unallocated funds.

36 (h) An approved relative caregiver receiving payments on behalf  
37 of a child pursuant to this section shall not be eligible to receive  
38 additional CalWORKs payments on behalf of the same child under  
39 Section 11450.

1 (i) To the extent permitted by federal law, payments received  
2 by the approved relative caregiver from the Approved Relative  
3 Caregiver Funding Option Program shall not be considered income  
4 for the purpose of determining other public benefits.

5 (j) Prior to referral of any individual or recipient, or that person's  
6 case, to the local child support agency for child support services  
7 pursuant to Section 17415 of the Family Code, the county human  
8 services agency shall determine if an applicant or recipient has  
9 good cause for noncooperation, as set forth in Section 11477.04.  
10 If the applicant or recipient claims good cause exception at any  
11 subsequent time to the county human services agency or the local  
12 child support agency, the local child support agency shall suspend  
13 child support services until the county social services agency  
14 determines the good cause claim, as set forth in Section 11477.04.  
15 If good cause is determined to exist, the local child support agency  
16 shall suspend child support services until the applicant or recipient  
17 requests their resumption, and shall take other measures that are  
18 necessary to protect the applicant or recipient and the children. If  
19 the applicant or recipient is the parent of the child for whom aid  
20 is sought and the parent is found to have not cooperated without  
21 good cause as provided in Section 11477.04, the applicant's or  
22 recipient's family grant shall be reduced by 25 percent for the time  
23 the failure to cooperate lasts.

24 (k) Consistent with Section 17552 of the Family Code, if aid is  
25 paid under this chapter on behalf of a child who is under the  
26 jurisdiction of the juvenile court and whose parent or guardian is  
27 receiving reunification services, the county human services agency  
28 shall determine, prior to referral of the case to the local child  
29 support agency for child support services, whether the referral is  
30 in the best interest of the child, taking into account both of the  
31 following:

32 (1) Whether the payment of support by the parent will pose a  
33 barrier to the proposed reunification in that the payment of support  
34 will compromise the parent's ability to meet the requirements of  
35 the parent's reunification plan.

36 (2) Whether the payment of support by the parent will pose a  
37 barrier to the proposed reunification in that the payment of support  
38 will compromise the parent's current or future ability to meet the  
39 financial needs of the child.

1 (l) Effective January 1, 2017, if a relative has been approved as  
2 a resource family pursuant to Section 16519.5, the approved  
3 relative shall be paid an amount equal to the resource family basic  
4 rate at the child's assessed level of care as set forth in subdivision  
5 (g) of Section 11461 and Section 11463.

6 SEC. 7. (a) To the extent that this act has an overall effect of  
7 increasing the costs already borne by a local agency for programs  
8 or levels of service mandated by the 2011 Realignment Legislation,  
9 Section 36 of Article XIII of the California Constitution shall  
10 govern this act's application to local agencies and the state's  
11 funding of those programs or levels of service.

12 (b) However, if the Commission on State Mandates determines  
13 that this act contains other costs mandated by the state for programs  
14 or levels of service not described in subdivision (a), reimbursement  
15 to local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.

18 SEC. 8. There is hereby appropriated seven hundred five  
19 thousand dollars (\$705,000) from the General Fund to the  
20 Department of Rehabilitation for encumbrance or expenditure until  
21 June 30, 2017. Notwithstanding subdivision (b) of Section 19806  
22 of the Welfare and Institutions Code, these funds shall be allocated  
23 to those independent living centers that have been both established  
24 and maintained using federal funding under Part C of Chapter 1  
25 of Title VII of the federal Rehabilitation Act of 1973 (29 U.S.C.  
26 Sec. 796f et seq.), as amended, as their primary base grant, as  
27 determined by the Department of Rehabilitation.

28 SEC. 9. This act is a bill providing for appropriations related  
29 to the Budget Bill within the meaning of subdivision (e) of Section  
30 12 of Article IV of the California Constitution, has been identified  
31 as related to the budget in the Budget Bill, and shall take effect  
32 immediately.

O