

Introduced by Senator Mitchell

February 3, 2016

An act to amend Sections 27756 and 27757 of the Government Code, to amend Sections 1203.016, 1203.1ab, and 1208.2 of the Penal Code, to amend Section 19280 of the Revenue and Taxation Code, and to amend Sections 207.2, 332, 656, 729.9, 871, 900, and 11325.24 of, and to repeal Sections 902, 903, 903.1, 903.15, 903.2, 903.25, 903.4, 903.45, 903.47, 903.5, 903.6, 903.7, and 904 of, the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 941, as introduced, Mitchell. Juveniles.

(1) Existing law provides that the board of supervisors of any county may authorize the correctional administrator to offer a program under which inmates committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in the county jail or other county correctional facility or program. Existing law authorizes the board of supervisors to prescribe a program administrative fee and an application fee for this program.

This bill would make those fees payable only by adult participants of that home detention program.

(2) Existing law provides that upon conviction of certain offenses involving controlled substances, or upon a finding that a minor is subject to the jurisdiction of the juvenile court by reason of committing one of those certain offenses, the court, when recommended by the probation officer, shall require, as a condition of probation, that the defendant or the minor not use or be under the influence of any controlled substance

and submit to drug and substance abuse testing as directed by the probation officer, unless the court makes a finding that this condition would not serve the interests of justice. Existing law requires the court to order the defendant or the minor to pay a reasonable fee, not to exceed the actual cost of the testing, if the defendant or the minor is required to submit to testing and has the financial ability to pay all or part of those costs.

This bill would authorize the court to order a defendant to pay that reasonable fee only if the defendant is an adult. The bill would also delete the authorization to charge the minor that reasonable fee. By increasing county costs associated with drug and substance abuse testing, this bill would impose a state-mandated local program.

(3) Existing law requires specified orders providing for the care and custody of a ward, dependent child, or other minor person to direct that the whole expense of support and maintenance of the minor, up to the amount of \$20 per month, be paid from the county treasury. Existing law authorizes the board of supervisors of each county to establish a maximum amount that the court may order the county to pay for that support and maintenance and authorizes the court to direct that an amount up to that maximum amount be paid.

This bill would delete the \$20 maximum on support and maintenance payments and delete county boards of supervisors authorization to establish a maximum amount that the court may order the county to pay. By increasing county funding obligations, this bill would impose a state-mandated local program.

(4) Existing law generally imposes liability on a parent, spouse, or other person liable for the support of a minor for certain costs, including the reasonable costs of transporting the minor to a juvenile facility and for the costs of the minor's food, shelter, and care at the juvenile facility when the minor has been held in temporary custody, as specified, and certain other circumstances are applicable; the reasonable costs of supporting the minor when he or she is placed, detained in, committed to, any institution or other place pursuant to specified provisions of law or pursuant to an order of the juvenile court; the cost of the legal services rendered to the minor by an attorney pursuant to an order of the juvenile court; and the cost of probation supervision, home supervision, or electronic surveillance of the minor, pursuant to the order of the juvenile court.

This bill would repeal these provisions. The bill would make other conforming changes. By increasing county funding obligations, this bill would impose a state-mandated local program.

(5) Existing law establishes the Foster Children and Parent Training Fund in the State Treasury for purposes of supporting foster parent training programs conducted by community colleges. Existing law makes this fund inoperative after June 30, 2005, unless otherwise specified in the annual Budget Act or in another statute.

This bill would repeal those provisions.

(6) Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states, known in California as the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Under the CalWORKs program, each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria. Existing law requires, with certain exceptions, every individual, as a condition of eligibility for aid under the CalWORKs program, to participate in welfare-to-work activities. Existing law authorizes a recipient to participate in family stabilization if the county determines that his or her family is experiencing an identified situation or crisis that is destabilizing the family and would interfere with participation in welfare-to-work activities and services. Existing law specifies that a situation or crisis that is destabilizing the family may include, but is not limited to, homelessness or imminent risk of homelessness.

This bill would also specify that a situation or crisis that is destabilizing the family includes when a child in the family has been held in temporary custody in a law enforcement facility, as specified.

(7) 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

SECTION 1. Section 27756 of the Government Code is amended to read:

~~27756. Notwithstanding Section 903.4 of the Welfare and Institutions Code, in any~~ In a county where the board of supervisors has designated a county financial evaluation officer, the county financial evaluation officer shall make financial evaluations of parental liability for reimbursements and other court-ordered costs pursuant to ~~Sections 903, 903.1, 903.2, 903.3, and 903.45~~ Section 903.3 of the Welfare and Institutions Code, as directed by the board of supervisors, or as established by order of the juvenile court, and may enforce the court order as any other civil judgment, including any balance remaining unpaid after jurisdiction of the minor has terminated.

SEC. 2. Section 27757 of the Government Code is amended to read:

27757. ~~(a)~~ Except as otherwise ordered by the juvenile court, a county financial evaluation officer, upon satisfactory proof, may reduce, cancel, or remit the costs and charges listed in ~~Sections 903, 903.1, 903.2, 903.3, and 903.45~~ Section 903.3 of the Welfare and Institutions Code, or established by order of the juvenile court.

~~(b)~~ The county financial evaluation officer may, following entry of an order by the juvenile court that a minor person be represented by the public defender or private attorney or be placed under the probation supervision of the probation officer or be placed or detained in, or committed to, a county institution or other place, make an investigation to determine the moneys, the property, or interest in property, if any, the minor person has, and whether he or she has a duly appointed and acting guardian to protect his or her property interests. The county financial evaluation officer may also make an investigation to determine whether the minor person has any relative or relatives responsible under the provisions of this chapter, and may ascertain the financial condition of that relative or those relatives to determine whether they are financially able to pay such charges.

~~(c)~~ In any case where a county has expended money for the support and maintenance of any ward, dependent child or other minor person, or has furnished support and maintenance, and the court has not made an order of reimbursement to the county, in

1 whole or in part, as provided by law, or the court has made and
2 subsequently revoked such an order, if the ward, dependent child
3 or other minor person or parent, guardian, or other person liable
4 for the support of the ward, dependent child or other minor person
5 acquires property, money, or estate subsequent to the date the
6 juvenile court assumed jurisdiction over the ward, dependent child
7 or minor person, or subsequent to the date the order of
8 reimbursement was revoked, the county shall have a claim for said
9 reimbursement against the ward, dependent child or other minor
10 person or parent, guardian or other person responsible for such
11 support and maintenance. Such claim shall be enforced by the
12 county financial evaluation officer or the local child support
13 agency, as the case may be.

14 SEC. 3. Section 1203.016 of the Penal Code is amended to
15 read:

16 1203.016. (a) Notwithstanding any other law, the board of
17 supervisors of any county may authorize the correctional
18 administrator, as defined in subdivision (h), to offer a program
19 under which inmates committed to a county jail or other county
20 correctional facility or granted probation, or inmates participating
21 in a work furlough program, may voluntarily participate or
22 involuntarily be placed in a home detention program during their
23 sentence in lieu of confinement in the county jail or other county
24 correctional facility or program under the auspices of the probation
25 officer.

26 (b) The board of supervisors, in consultation with the
27 correctional administrator, may prescribe reasonable rules and
28 regulations under which a home detention program may operate.
29 As a condition of participation in the home detention program, the
30 inmate shall give his or her consent in writing to participate in the
31 home detention program and shall in writing agree to comply or,
32 for involuntary participation, the inmate shall be informed in
33 writing that he or she shall comply, with the rules and regulations
34 of the program, including, but not limited to, the following rules:

35 (1) The participant shall remain within the interior premises of
36 his or her residence during the hours designated by the correctional
37 administrator.

38 (2) The participant shall admit any person or agent designated
39 by the correctional administrator into his or her residence at any

1 time for purposes of verifying the participant's compliance with
2 the conditions of his or her detention.

3 (3) The participant shall agree to the use of electronic
4 monitoring, which may include global positioning system devices
5 or other supervising devices for the purpose of helping to verify
6 his or her compliance with the rules and regulations of the home
7 detention program. The devices shall not be used to eavesdrop or
8 record any conversation, except a conversation between the
9 participant and the person supervising the participant which is to
10 be used solely for the purposes of voice identification.

11 (4) The participant shall agree that the correctional administrator
12 in charge of the county correctional facility from which the
13 participant was released may, without further order of the court,
14 immediately retake the person into custody to serve the balance
15 of his or her sentence if the electronic monitoring or supervising
16 devices are unable for any reason to properly perform their function
17 at the designated place of home detention, if the person fails to
18 remain within the place of home detention as stipulated in the
19 agreement, if the person willfully fails to pay fees to the provider
20 of electronic home detention services, as stipulated in the
21 agreement, subsequent to the written notification of the participant
22 that the payment has not been received and that return to custody
23 may result, or if the person for any other reason no longer meets
24 the established criteria under this section. A copy of the agreement
25 shall be delivered to the participant and a copy retained by the
26 correctional administrator.

27 (c) Whenever the peace officer supervising a participant has
28 reasonable cause to believe that the participant is not complying
29 with the rules or conditions of the program, or that the electronic
30 monitoring devices are unable to function properly in the
31 designated place of confinement, the peace officer may, under
32 general or specific authorization of the correctional administrator,
33 and without a warrant of arrest, retake the person into custody to
34 complete the remainder of the original sentence.

35 (d) Nothing in this section shall be construed to require the
36 correctional administrator to allow a person to participate in this
37 program if it appears from the record that the person has not
38 satisfactorily complied with reasonable rules and regulations while
39 in custody. A person shall be eligible for participation in a home
40 detention program only if the correctional administrator concludes

1 that the person meets the criteria for release established under this
2 section and that the person's participation is consistent with any
3 reasonable rules and regulations prescribed by the board of
4 supervisors or the administrative policy of the correctional
5 administrator.

6 (1) The rules and regulations and administrative policy of the
7 program shall be written and reviewed on an annual basis by the
8 county board of supervisors and the correctional administrator.
9 The rules and regulations shall be given to or made available to
10 any participant upon request.

11 (2) The correctional administrator, or his or her designee, shall
12 have the sole discretionary authority to permit program
13 participation as an alternative to physical custody. All persons
14 referred or recommended by the court to participate in the home
15 detention program pursuant to subdivision (e) who are denied
16 participation or all persons removed from program participation
17 shall be notified in writing of the specific reasons for the denial
18 or removal. The notice of denial or removal shall include the
19 participant's appeal rights, as established by program administrative
20 policy.

21 (e) The court may recommend or refer a person to the
22 correctional administrator for consideration for placement in the
23 home detention program. The recommendation or referral of the
24 court shall be given great weight in the determination of acceptance
25 or denial. At the time of sentencing or at any time that the court
26 deems it necessary, the court may restrict or deny the defendant's
27 participation in a home detention program.

28 (f) The correctional administrator may permit home detention
29 program participants to seek and retain employment in the
30 community, attend psychological counseling sessions or
31 educational or vocational training classes, or seek medical and
32 dental assistance. Willful failure of the program participant to
33 return to the place of home detention not later than the expiration
34 of any period of time during which he or she is authorized to be
35 away from the place of home detention pursuant to this section
36 and unauthorized departures from the place of home detention are
37 punishable as provided in Section 4532.

38 (g) The board of supervisors may prescribe a program
39 administrative fee to be paid by each *adult* home detention
40 participant that shall be determined according to his or her ability

1 to pay. Inability to pay all or a portion of the program fees shall
2 not preclude participation in the program, and eligibility shall not
3 be enhanced by reason of ability to pay. All program administration
4 and supervision fees shall be administered in compliance with
5 Section 1208.2.

6 (h) As used in this section, ~~“Correctional~~ “*correctional*
7 administrator” means the sheriff, probation officer, or director of
8 the county department of corrections.

9 (i) Notwithstanding any other law, the police department of a
10 city where an office is located to which persons on an electronic
11 monitoring program report may request the county correctional
12 administrator to provide information concerning those persons.
13 This information shall be limited to the name, address, date of
14 birth, offense committed by the home detainee, and if available,
15 at the discretion of the supervising agency and solely for
16 investigatory purposes, current and historical GPS coordinates of
17 the home detainee. A law enforcement department that does not
18 have the primary responsibility to supervise participants in the
19 electronic monitoring program that receives information pursuant
20 to this subdivision shall not use the information to conduct
21 enforcement actions based on administrative violations of the home
22 detention program. A law enforcement department that has
23 knowledge that the subject in a criminal investigation is a
24 participant in an electronic monitoring program shall make
25 reasonable efforts to notify the supervising agency prior to serving
26 a warrant or taking any law enforcement action against a participant
27 in an electronic monitoring program.

28 (j) It is the intent of the Legislature that home detention
29 programs established under this section maintain the highest public
30 confidence, credibility, and public safety. In the furtherance of
31 these standards, the following shall apply:

32 (1) The correctional administrator, with the approval of the
33 board of supervisors, may administer a home detention program
34 pursuant to written contracts with appropriate public or private
35 agencies or entities to provide specified program services. No
36 public or private agency or entity may operate a home detention
37 program in any county without a written contract with that county’s
38 correctional administrator. However, this does not apply to the use
39 of electronic monitoring by the Department of Corrections and
40 Rehabilitation. No public or private agency or entity entering into

1 a contract may itself employ any person who is in the home
2 detention program.

3 (2) Program acceptance shall not circumvent the normal booking
4 process for sentenced offenders. All home detention program
5 participants shall be supervised.

6 (3) (A) All privately operated home detention programs shall
7 be under the jurisdiction of, and subject to the terms and conditions
8 of the contract entered into with, the correctional administrator.

9 (B) Each contract shall include, but not be limited to, all of the
10 following:

11 (i) A provision whereby the private agency or entity agrees to
12 operate in compliance with any available standards promulgated
13 by state correctional agencies and bodies, including the Corrections
14 Standards Authority, and all statutory provisions and mandates,
15 state and county, as appropriate and applicable to the operation of
16 home detention programs and the supervision of sentenced
17 offenders in a home detention program.

18 (ii) A provision that clearly defines areas of respective
19 responsibility and liability of the county and the private agency or
20 entity.

21 (iii) A provision that requires the private agency or entity to
22 demonstrate evidence of financial responsibility, submitted and
23 approved by the board of supervisors, in amounts and under
24 conditions sufficient to fully indemnify the county for reasonably
25 foreseeable public liability, including legal defense costs, that may
26 arise from, or be proximately caused by, acts or omissions of the
27 contractor. The contract shall provide for annual review by the
28 correctional administrator to ensure compliance with requirements
29 set by the board of supervisors and for adjustment of the financial
30 responsibility requirements if warranted by caseload changes or
31 other factors.

32 (iv) A provision that requires the private agency or entity to
33 provide evidence of financial responsibility, such as certificates
34 of insurance or copies of insurance policies, prior to commencing
35 any operations pursuant to the contract or at any time requested
36 by the board of supervisors or correctional administrator.

37 (v) A provision that permits the correctional administrator to
38 immediately terminate the contract with a private agency or entity
39 at any time that the contractor fails to demonstrate evidence of
40 financial responsibility.

1 (C) All privately operated home detention programs shall
2 comply with all appropriate, applicable ordinances and regulations
3 specified in subdivision (a) of Section 1208.

4 (D) The board of supervisors, the correctional administrator,
5 and the designee of the correctional administrator shall comply
6 with Section 1090 of the Government Code in the consideration,
7 making, and execution of contracts pursuant to this section.

8 (E) The failure of the private agency or entity to comply with
9 statutory provisions and requirements or with the standards
10 established by the contract and with the correctional administrator
11 may be sufficient cause to terminate the contract.

12 (F) Upon the discovery that a private agency or entity with
13 whom there is a contract is not in compliance pursuant to this
14 paragraph, the correctional administrator shall give 60 days' notice
15 to the director of the private agency or entity that the contract may
16 be canceled if the specified deficiencies are not corrected.

17 (G) Shorter notice may be given or the contract may be canceled
18 without notice whenever a serious threat to public safety is present
19 because the private agency or entity has failed to comply with this
20 section.

21 (k) For purposes of this section, "evidence of financial
22 responsibility" may include, but is not limited to, certified copies
23 of any of the following:

24 (1) A current liability insurance policy.

25 (2) A current errors and omissions insurance policy.

26 (3) A surety bond.

27 SEC. 4. Section 1203.1ab of the Penal Code is amended to
28 read:

29 1203.1ab. Upon conviction of any offense involving the
30 unlawful possession, use, sale, or other furnishing of any controlled
31 substance, as defined in Chapter 2 (commencing with Section
32 11053) of Division 10 of the Health and Safety Code, in addition
33 to any or all of the terms of imprisonment, fine, and other
34 reasonable conditions specified in or permitted by Section 1203.1,
35 unless it makes a finding that this condition would not serve the
36 interests of justice, the court, when recommended by the probation
37 officer, shall require as a condition of probation that the defendant
38 shall not use or be under the influence of any controlled substance
39 and shall submit to drug and substance abuse testing as directed
40 by the probation officer. If the defendant *is an adult*, is required

1 to submit to ~~testing~~ *testing*, and has the financial ability to pay all
2 or part of the costs associated with that testing, the court shall order
3 the defendant to pay a reasonable fee, which shall not exceed the
4 actual cost of the testing.

5 SEC. 5. Section 1208.2 of the Penal Code is amended to read:

6 1208.2. (a) (1) This section shall apply to individuals
7 authorized to participate in a work furlough program pursuant to
8 Section 1208, or to individuals authorized to participate in an
9 electronic home detention program pursuant to Section 1203.016
10 or 1203.018, or to individuals authorized to participate in a county
11 parole program pursuant to Article 3.5 (commencing with Section
12 3074) of Chapter 8 of Title 1 of Part 3.

13 (2) As used in this section, as appropriate, “administrator” means
14 the sheriff, probation officer, director of the county department of
15 corrections, or county parole administrator.

16 (b) (1) A board of supervisors which implements programs
17 identified in paragraph (1) of subdivision (a), may prescribe a
18 program administrative fee and an application fee, that together
19 shall not exceed the pro rata cost of the program to which the
20 person is accepted, including equipment, supervision, and other
21 operating costs, except as provided in ~~paragraph (2).~~ *paragraphs*
22 *(2) and (3).*

23 (2) With regard to a privately operated electronic home detention
24 program pursuant to Section 1203.016 or 1203.018, the limitation,
25 described in paragraph (1), in prescribing a program administrative
26 fee and application fee shall not apply.

27 *(3) With regard to an electronic home detention program*
28 *operated pursuant Section 1203.016, whether or not the program*
29 *is privately operated, any administrative fee or application fee*
30 *prescribed by a board of supervisors shall not apply to minors*
31 *participating in the program.*

32 (c) The correctional administrator, or his or her designee, shall
33 not have access to a person’s financial data prior to granting or
34 denying a person’s participation in, or assigning a person to, any
35 of the programs governed by this section.

36 (d) The correctional administrator, or his or her designee, shall
37 not consider a person’s ability or inability to pay all or a portion
38 of the program fee for the purposes of granting or denying a
39 person’s participation in, or assigning a person to, any of the
40 programs governed by this section.

1 (e) For purposes of this section, “ability to pay” means the
2 overall capability of the person to reimburse the costs, or a portion
3 of the costs, of providing supervision and shall include, but shall
4 not be limited to, consideration of all of the following factors:

5 (1) Present financial position.

6 (2) Reasonably discernible future financial position. In no event
7 shall the administrator, or his or her designee, consider a period
8 of more than six months from the date of acceptance into the
9 program for purposes of determining reasonably discernible future
10 financial position.

11 (3) Likelihood that the person shall be able to obtain
12 employment within the six-month period from the date of
13 acceptance into the program.

14 (4) Any other factor that may bear upon the person’s financial
15 capability to reimburse the county for the fees fixed pursuant to
16 subdivision (b).

17 (f) The administrator, or his or her designee, may charge a
18 person the fee set by the board of supervisors or any portion of the
19 fee and may determine the method and frequency of payment. Any
20 fee the administrator, or his or her designee, charges pursuant to
21 this section shall not in any case be in excess of the fee set by the
22 board of supervisors and shall be based on the person’s ability to
23 pay. The administrator, or his or her designee, shall have the option
24 to waive the fees for program supervision when deemed necessary,
25 justified, or in the interests of justice. The fees charged for program
26 supervision may be modified or waived at any time based on the
27 changing financial position of the person. All fees paid by persons
28 for program supervision shall be deposited into the general fund
29 of the county.

30 (g) No person shall be denied consideration for, or be removed
31 from, participation in any of the programs to which this section
32 applies because of an inability to pay all or a portion of the program
33 supervision fees. At any time during a person’s sentence, the person
34 may request that the administrator, or his or her designee, modify
35 or suspend the payment of fees on the grounds of a change in
36 circumstances with regard to the person’s ability to pay.

37 (h) If the person and the administrator, or his or her designee,
38 are unable to come to an agreement regarding the person’s ability
39 to pay, or the amount which is to be paid, or the method and
40 frequency with which payment is to be made, the administrator,

1 or his or her designee, shall advise the appropriate court of the fact
2 that the person and administrator, or his or her designee, have not
3 been able to reach agreement and the court shall then resolve the
4 disagreement by determining the person's ability to pay, the amount
5 which is to be paid, and the method and frequency with which
6 payment is to be made.

7 (i) At the time a person is approved for any of the programs to
8 which this section applies, the administrator, or his or her designee,
9 shall furnish the person a written statement of the person's rights
10 in regard to the program for which the person has been approved,
11 including, but not limited to, both of the following:

12 (1) The fact that the person cannot be denied consideration for
13 or removed from participation in the program because of an
14 inability to pay.

15 (2) The fact that if the person is unable to reach agreement with
16 the administrator, or his or her designee, regarding the person's
17 ability to pay, the amount which is to be paid, or the manner and
18 frequency with which payment is to be made, that the matter shall
19 be referred to the court to resolve the differences.

20 (j) In all circumstances where a county board of supervisors has
21 approved a program administrator, as described in Section
22 1203.016, 1203.018, or 1208, to enter into a contract with a private
23 agency or entity to provide specified program services, the program
24 administrator shall ensure that the provisions of this section are
25 contained within any contractual agreement for this purpose. All
26 privately operated home detention programs shall comply with all
27 appropriate, applicable ordinances and regulations specified in
28 subdivision (a) of Section 1208.

29 SEC. 6. Section 19280 of the Revenue and Taxation Code is
30 amended to read:

31 19280. (a) (1) Fines, state or local penalties, bail, forfeitures,
32 restitution fines, restitution orders, or any other amounts imposed
33 by a juvenile or superior court of the State of California upon a
34 person or any other entity that are due and payable in an amount
35 totaling no less than one hundred dollars (\$100), in the aggregate,
36 for criminal offenses, including all offenses involving a violation
37 of the Vehicle Code, ~~and any amounts due pursuant to Section~~
38 ~~903.1 of the Welfare and Institutions Code~~ may, no sooner than
39 90 days after payment of that amount becomes delinquent, be
40 referred by the juvenile or superior court, the county, or the state

1 to the Franchise Tax Board for collection under guidelines
2 prescribed by the Franchise Tax Board. Unless the victim of the
3 crime notifies the Department of Corrections and Rehabilitation
4 or county to the contrary, the Department of Corrections and
5 Rehabilitation or county may refer a restitution order to the
6 Franchise Tax Board, in accordance with subparagraph (B) of
7 paragraph (2), for any person subject to the restitution order who
8 is or has been under the jurisdiction of the Department of
9 Corrections and Rehabilitation or county.

10 (2) For purposes of this subdivision:

11 (A) The amounts referred by the juvenile or superior court, the
12 county, or the state under this section may include an administrative
13 fee and any amounts that a government entity may add to the
14 court-imposed obligation as a result of the underlying offense,
15 trial, or conviction. For purposes of this article, those amounts
16 shall be deemed to be imposed by the court.

17 (B) Restitution orders may be referred to the Franchise Tax
18 Board only by a government entity, as agreed upon by the
19 Franchise Tax Board, provided that all of the following apply:

20 (i) The government entity has the authority to collect on behalf
21 of the state or the victim.

22 (ii) The government entity shall be responsible for distributing
23 the restitution order collections, as appropriate.

24 (iii) The government entity shall ensure, in making the referrals
25 and distributions, that it coordinates with any other related
26 collection activities that may occur by superior courts, counties,
27 or other state agencies.

28 (iv) The government entity shall ensure compliance with laws
29 relating to the reimbursement of the State Restitution Fund.

30 (C) The Franchise Tax Board shall establish criteria for referral
31 that shall include setting forth a minimum dollar amount subject
32 to referral and collection.

33 (b) The Franchise Tax Board, in conjunction with the Judicial
34 Council, shall seek whatever additional resources are needed to
35 accept referrals from all 58 counties or superior courts.

36 (c) Upon written notice to the debtor from the Franchise Tax
37 Board, any amount referred to the Franchise Tax Board under
38 subdivision (a) and any interest thereon, including any interest on
39 the amount referred under subdivision (a) that accrued prior to the
40 date of referral, shall be treated as final and due and payable to the

1 State of California, and shall be collected from the debtor by the
2 Franchise Tax Board in any manner authorized under the law for
3 collection of a delinquent personal income tax liability, including,
4 but not limited to, issuance of an order and levy under Article 4
5 (commencing with Section 706.070) of Chapter 5 of Division 2
6 of Title 9 of Part 2 of the Code of Civil Procedure in the manner
7 provided for earnings withholding orders for taxes.

8 (d) (1) Part 10 (commencing with Section 17001), this part,
9 Part 10.7 (commencing with Section 21001), and Part 11
10 (commencing with Section 23001) shall apply to amounts referred
11 under this article in the same manner and with the same force and
12 effect and to the full extent as if the language of those laws had
13 been incorporated in full into this article, except to the extent that
14 any provision is either inconsistent with this article or is not
15 relevant to this article.

16 (2) Any information, information sources, or enforcement
17 remedies and capabilities available to the court or the state referring
18 to the amount due described in subdivision (a) shall be available
19 to the Franchise Tax Board to be used in conjunction with, or
20 independent of, the information, information sources, or remedies
21 and capabilities available to the Franchise Tax Board for purposes
22 of administering Part 10 (commencing with Section 17001), this
23 part, Part 10.7 (commencing with Section 21001), or Part 11
24 (commencing with Section 23001).

25 (e) The activities required to implement and administer this part
26 shall not interfere with the primary mission of the Franchise Tax
27 Board to administer Part 10 (commencing with Section 17001)
28 and Part 11 (commencing with Section 23001).

29 (f) For amounts referred for collection under subdivision (a),
30 interest shall accrue at the greater of the rate applicable to the
31 amount due being collected or the rate provided under Section
32 19521. When notice of the amount due includes interest and is
33 mailed to the debtor and the amount is paid within 15 days after
34 the date of notice, interest shall not be imposed for the period after
35 the date of notice.

36 (g) A collection under this article is not a payment of income
37 taxes imposed under Part 10 (commencing with Section 17001)
38 or Part 11 (commencing with Section 23001).

39 SEC. 7. Section 207.2 of the Welfare and Institutions Code is
40 amended to read:

1 207.2. (a) A minor who is held in temporary custody in a law
2 enforcement facility that contains a lockup for adults pursuant to
3 subdivision (d) of Section 207.1 may be released to a parent,
4 guardian, or responsible relative by the law enforcement agency
5 operating the facility, or may at the discretion of the law
6 enforcement agency be released into his or her own custody,
7 provided that a minor released into his or her own custody is
8 furnished, upon request, with transportation to his or her home or
9 to the place where the minor was taken into custody.

10 (b) ~~In addition to the liability established by any other provision~~
11 ~~of law, a parent or guardian of a minor who has been held in~~
12 ~~temporary custody in a law enforcement facility pursuant to~~
13 ~~subdivision (d) of Section 207.1 shall be liable for the reasonable~~
14 ~~costs of transporting the minor to a juvenile facility and for the~~
15 ~~costs of the minor's food, shelter, and care at the juvenile facility~~
16 ~~when all of the following circumstances are applicable:~~

17 (1) ~~The parent or guardian has received actual notice by~~
18 ~~telephone or by written communication from the law enforcement~~
19 ~~agency that the minor is scheduled for release and that the parent~~
20 ~~is requested to take delivery of the minor at the law enforcement~~
21 ~~facility, in person or through a responsible relative, by a time~~
22 ~~certain which shall be no later than six hours from the time the~~
23 ~~minor was placed in temporary custody at the law enforcement~~
24 ~~facility. The notice shall inform the parent or guardian of the~~
25 ~~financial liability created by this section.~~

26 (2) ~~It is reasonably possible for the parent or guardian to take~~
27 ~~delivery, in person or through a responsible relative, of the minor~~
28 ~~at the law enforcement facility within the custody time limit~~
29 ~~identified by the law enforcement agency in the request to take~~
30 ~~delivery of the minor.~~

31 (3) ~~The parent or guardian states a refusal to accept release of~~
32 ~~the minor or fails to make a reasonable effort to take timely~~
33 ~~delivery of the minor, in person or through a responsible relative,~~
34 ~~in accordance with the request of the law enforcement agency.~~

35 (e) ~~The liability established by this section, when combined~~
36 ~~with any other liability arising under Section 903, shall not exceed~~
37 ~~one hundred dollars (\$100) for each 24-hour period, beginning~~
38 ~~when notice of release was actually received, in which a notified~~
39 ~~parent or guardian has failed to make a reasonable effort to take~~
40 ~~custody of the minor, in person or through a responsible relative,~~

1 at the law enforcement facility or at a juvenile facility to which
2 the minor is subsequently transferred.

3 ~~(d) The liability established by this section shall be limited by~~
4 ~~the financial ability of the parents, guardians, or other persons to~~
5 ~~pay. Any parent, guardian, or other person who is assessed under~~
6 ~~this section shall, upon request, be entitled to an evaluation and~~
7 ~~determination of ability to pay under Section 903.45. Any parent,~~
8 ~~guardian, or other person who is assessed under this section shall~~
9 ~~also be entitled, upon petition, to a hearing in the juvenile court~~
10 ~~on the issues of liability and ability to pay.~~

11 SEC. 8. Section 332 of the Welfare and Institutions Code is
12 amended to read:

13 332. A petition to commence proceedings in the juvenile court
14 to declare a child a ward or a dependent child of the court shall be
15 verified and shall contain all of the following:

16 (a) The name of the court to which it is addressed.

17 (b) The title of the proceeding.

18 (c) The code section and the subdivision under which the
19 proceedings are instituted. If it is alleged that the child is a person
20 described by subdivision (e) of Section 300, the petition shall
21 include an allegation pursuant to that section.

22 (d) The name, age, and address, if any, of the child upon whose
23 behalf the petition is brought.

24 (e) The names and residence addresses, if known to the
25 petitioner, of both parents and any guardian of the child. If there
26 is no parent or guardian residing within the state, or if his or her
27 place of residence is not known to the petitioner, the petition shall
28 also contain the name and residence address, if known, of any
29 adult relative residing within the county, or, if there is none, the
30 adult relative residing nearest to the location of the court. If it is
31 known to the petitioner that one of the parents is a victim of
32 domestic violence and that parent is currently living separately
33 from the batterer-parent, the address of the victim-parent shall
34 remain confidential.

35 (f) A concise statement of facts, separately stated, to support
36 the conclusion that the child upon whose behalf the petition is
37 being brought is a person within the definition of each of the
38 sections and subdivisions under which the proceedings are being
39 instituted.

(g) The fact that the child upon whose behalf the petition is brought is detained in custody or is not detained in custody, and if he or she is detained in custody, the date and the precise time the child was taken into custody.

~~(h) A notice to the father, mother, spouse, or other person liable for support of the child, of all of the following: (1) Section 903 makes that person, the estate of that person, and the estate of the child, liable for the cost of the care, support, and maintenance of the child in any county institution or any other place in which the child is placed, detained, or committed pursuant to an order of the juvenile court; (2) Section 903.1 makes that person, the estate of that person, and the estate of the child, liable for the cost to the county of legal services rendered to the child or the parent by a private attorney or a public defender appointed pursuant to the order of the juvenile court; (3) Section 903.2 makes that person, the estate of that person, and the estate of the child, liable for the cost to the county of the supervision of the child by the social worker pursuant to the order of the juvenile court; and (4) the liabilities established by these sections are joint and several.~~

SEC. 9. Section 656 of the Welfare and Institutions Code is amended to read:

656. A petition to commence proceedings in the juvenile court to declare a minor a ward of the court shall be verified and shall contain all of the following:

- (a) The name of the court to which it is addressed.
- (b) The title of the proceeding.
- (c) The code section and subdivision under which the proceedings are instituted.
- (d) The name, age, and address, if any, of the minor upon whose behalf the petition is brought.
- (e) The names and residence addresses, if known to the petitioner, of both of the parents and any guardian of the minor. If there is no parent or guardian residing within the state, or if his or her place of residence is not known to the petitioner, the petition shall also contain the name and residence address, if known, of any adult relative residing within the county, or, if there are none, the adult relative residing nearest to the location of the court.
- (f) A concise statement of facts, separately stated, to support the conclusion that the minor upon whose behalf the petition is being brought is a person within the definition of each of the

1 sections and subdivisions under which the proceedings are being
2 instituted.

3 (g) The fact that the minor upon whose behalf the petition is
4 brought is detained in custody or is not detained in custody, and
5 if he or she is detained in custody, the date and the precise time
6 the minor was taken into custody.

7 ~~(h) A notice to the father, mother, spouse, or other person liable~~
8 ~~for support of the minor child, that: (1) Section 903 may make that~~
9 ~~person, the estate of that person, and the estate of the minor child,~~
10 ~~liable for the cost of the care, support, and maintenance of the~~
11 ~~minor child in any county institution or any other place in which~~
12 ~~the child is placed, detained, or committed pursuant to an order of~~
13 ~~the juvenile court; (2) Section 903.1 may make that person, the~~
14 ~~estate of that person, and the estate of the minor child, liable for~~
15 ~~the cost to the county of legal services rendered to the minor by a~~
16 ~~private attorney or a public defender appointed pursuant to the~~
17 ~~order of the juvenile court; (3) Section 903.2 may make that person,~~
18 ~~the estate of that person, and the estate of the minor child, liable~~
19 ~~for the cost to the county of the probation supervision of the minor~~
20 ~~child by the probation officer pursuant to the order of the juvenile~~
21 ~~court; and (4) the liabilities established by these sections are joint~~
22 ~~and several.~~

23 (i)

24 (h) In a proceeding alleging that the minor comes within Section
25 601, notice to the parent, guardian, or other person having control
26 or charge of the minor that failure to comply with the compulsory
27 school attendance laws is an infraction, which may be charged and
28 prosecuted before the juvenile court judge sitting as a superior
29 court judge. In those cases, the petition shall also include notice
30 that the parent, guardian, or other person having control or charge
31 of the minor has the right to a hearing on the infraction before a
32 judge different than the judge who has heard or is to hear the
33 proceeding pursuant to Section 601. The notice shall explain the
34 provisions of Section 170.6 of the Code of Civil Procedure.

35 (j)

36 (i) If a proceeding is pending against a minor child for a
37 violation of Section 594.2, 640.5, 640.6, or 640.7 of the Penal
38 Code, a notice to the parent or legal guardian of the minor that if
39 the minor is found to have violated either or both of these
40 provisions that (1) any community service which may be required

1 of the minor may be performed in the presence, and under the
2 direct supervision, of the parent or legal guardian pursuant to either
3 or both of these provisions, and (2) if the minor is personally unable
4 to pay any fine levied for the violation of either or both of these
5 provisions, that the parent or legal guardian of the minor shall be
6 liable for payment of the fine pursuant to those sections.

7 ~~(k)~~

8 (j) A notice to the parent or guardian of the minor that if the
9 minor is ordered to make restitution to the victim pursuant to
10 Section 729.6, as operative on or before August 2, 1995, Section
11 731.1, as operative on or before August 2, 1995, or Section 730.6,
12 or to pay fines or penalty assessments, the parent or guardian may
13 be liable for the payment of restitution, fines, or penalty
14 assessments.

15 SEC. 10. Section 729.9 of the Welfare and Institutions Code
16 is amended to read:

17 729.9. If a minor is found to be a person described in Section
18 602 by reason of the commission of an offense involving the
19 unlawful possession, use, sale, or other furnishing of a controlled
20 substance, as defined in Chapter 2 (commencing with Section
21 11053) of Division 10 of the Health and Safety Code, and, unless
22 it makes a finding that this condition would not serve the interests
23 of justice, the court, when recommended by the probation officer,
24 shall require, as a condition of probation, in addition to any other
25 disposition authorized by law, that the minor shall not use or be
26 under the influence of any controlled substance and shall submit
27 to drug and substance abuse testing as directed by the probation
28 officer. ~~If the minor is required to submit to testing and has the~~
29 ~~financial ability to pay all or part of the costs associated with that~~
30 ~~testing, the court shall order the minor to pay a reasonable fee,~~
31 ~~which shall not exceed the actual cost of the testing.~~

32 SEC. 11. Section 871 of the Welfare and Institutions Code is
33 amended to read:

34 871. (a) Any person under the custody of a probation officer
35 or any peace officer in a county juvenile hall, or committed to a
36 county juvenile ranch, camp, forestry camp, or regional facility,
37 who escapes or attempts to escape from the institution or facility
38 in which he or she is confined, who escapes or attempts to escape
39 while being conveyed to or from such an institution or facility, or
40 who escapes or attempts to escape while outside or away from

1 such an institution or facility while under the custody of a probation
2 officer or any peace officer, is guilty of a misdemeanor, punishable
3 by imprisonment in the county jail not exceeding one year.

4 (b) Any person who commits any of the acts described in
5 subdivision (a) by use of force or violence shall be punished by
6 imprisonment in a county jail for not more than one year or by
7 imprisonment in the state prison.

8 (c) The willful failure of a person under the custody of a
9 probation officer or any peace officer in a county juvenile hall, or
10 committed to a county juvenile ranch camp, or forestry camp, to
11 return to the county juvenile hall, ranch, camp, or forestry camp
12 at the prescribed time while outside or away from the county
13 facility on furlough or temporary release constitutes an escape
14 punishable as provided in subdivision (a). However, a willful
15 failure to return at the prescribed time shall not be considered an
16 escape if the failure to return was reasonable under the
17 circumstances.

18 (d) A minor who, while under the supervision of a probation
19 officer, removes his or her electronic monitor without authority
20 and who, for more than 48 hours, violates the terms and conditions
21 of his or her probation relating to the proper use of the electronic
22 monitor shall be guilty of a misdemeanor. If an electronic monitor
23 is damaged or discarded while in the possession of the minor,
24 restitution for the cost of replacing the unit may be ordered as part
25 of the punishment.

26 (e) The liability established by this section shall be limited by
27 the financial ability of the person or persons ordered to pay
28 restitution under this section, who shall, upon request, be entitled
29 to an evaluation and determination of ability to ~~pay under Section~~
30 ~~903.45.~~ *pay*.

31 (f) For purposes of this section, “regional facility” means any
32 facility used by one or more public entities for the confinement of
33 juveniles for more than 24 hours.

34 SEC. 12. Section 900 of the Welfare and Institutions Code is
35 amended to read:

36 900. (a) If it is necessary that provision be made for the
37 expense of support and maintenance of a ward or dependent child
38 of the juvenile court or of a minor person concerning whom a
39 petition has been filed in accordance with the provisions of this
40 chapter, the order providing for the care and custody of such ward,

1 dependent child or other minor person shall direct that the whole
2 expense of support and maintenance of such ward, dependent child
3 or other minor person, up to the amount of twenty dollars (\$20)
4 per month be paid from the county treasury and may direct that
5 an amount up to any maximum amount per month established by
6 the board of supervisors of the county be so paid. The board of
7 supervisors of each county is hereby authorized to establish, either
8 generally or for individual wards or dependent children or
9 according to classes or groups of wards or dependent children, a
10 maximum amount which the court may order the county to pay
11 for such support and maintenance. *person be paid from the county*
12 *treasury*. All orders made pursuant to the provisions of this section
13 shall state the amounts to be so paid from the county treasury, and
14 such amounts shall constitute legal charges against the county.

15 (b) This section is applicable to a minor who is the subject of a
16 program of supervision undertaken by the probation department
17 pursuant to Section ~~330~~ 301 or 654 and who is temporarily placed
18 out of his home by the probation department, with the approval of
19 the court and the minor's parent or guardian, for a period not to
20 exceed seven days.

21 SEC. 13. Section 902 of the Welfare and Institutions Code is
22 repealed.

23 ~~902. If it is found that the maximum amount established by~~
24 ~~the board of supervisors of the county is insufficient to pay the~~
25 ~~whole expense of support and maintenance of a ward, dependent~~
26 ~~child, or other minor person, the court may order and direct that~~
27 ~~such additional amount as is necessary shall be paid out of the~~
28 ~~earnings, property, or estate of such ward, dependent child, or~~
29 ~~other minor person, or by the parents or guardian of such ward,~~
30 ~~dependent child, or other minor person, or by any other person~~
31 ~~liable for his support and maintenance, to the county officers~~
32 ~~designated by the board of supervisors who shall in turn pay it to~~
33 ~~the person, association, or institution that, under court order, is~~
34 ~~earing for and maintaining such ward, dependent child, or other~~
35 ~~minor person.~~

36 SEC. 14. Section 903 of the Welfare and Institutions Code is
37 repealed.

38 ~~903. (a) The father, mother, spouse, or other person liable for~~
39 ~~the support of a minor, the estate of that person, and the estate of~~
40 ~~the minor, shall be liable for the reasonable costs of support of the~~

1 minor while the minor is placed, or detained in, or committed to,
2 any institution or other place pursuant to Section 625 or pursuant
3 to an order of the juvenile court. However, a county shall not levy
4 charges for the costs of support of a minor detained pursuant to
5 Section 625 unless, at the detention hearing, the juvenile court
6 determines that detention of the minor should be continued, the
7 petition for the offense for which the minor is detained is
8 subsequently sustained, or the minor agrees to a program of
9 supervision pursuant to Section 654. The liability of these persons
10 and estates shall be a joint and several liability.

11 (b) The county shall limit the charges it seeks to impose to the
12 reasonable costs of support of the minor and shall exclude any
13 costs of incarceration, treatment, or supervision for the protection
14 of society and the minor and the rehabilitation of the minor. In the
15 event that court-ordered child support paid to the county pursuant
16 to subdivision (a) exceeds the amount of the costs authorized by
17 this subdivision and subdivision (a), the county shall either hold
18 the excess in trust for the minor's future needs pursuant to Section
19 302.52 of Title 45 of the Code of Federal Regulations or, with the
20 approval of the minor's caseworker or probation officer, pay the
21 excess directly to the minor.

22 (c) It is the intent of the Legislature in enacting this subdivision
23 to protect the fiscal integrity of the county, to protect persons
24 against whom the county seeks to impose liability from excessive
25 charges, to ensure reasonable uniformity throughout the state in
26 the level of liability being imposed, and to ensure that liability is
27 imposed only on persons with the ability to pay. In evaluating a
28 family's financial ability to pay under this section, the county shall
29 take into consideration the family's income, the necessary
30 obligations of the family, and the number of persons dependent
31 upon this income. Except as provided in paragraphs (1), (2), (3),
32 and (4), "costs of support" as used in this section means only actual
33 costs incurred by the county for food and food preparation,
34 clothing, personal supplies, and medical expenses, not to exceed
35 a combined maximum cost of thirty dollars (\$30) per day, except
36 that:

37 (1) The maximum cost of thirty dollars (\$30) per day shall be
38 adjusted every third year beginning January 1, 2012, to reflect the
39 percentage change in the calendar year annual average of the

1 California Consumer Price Index, All Urban Consumers, published
2 by the Department of Industrial Relations, for the three-year period.

3 ~~(2) No cost for medical expenses shall be imposed by the county~~
4 ~~until the county has first exhausted any eligibility the minor may~~
5 ~~have under private insurance coverage, standard or medically~~
6 ~~indigent Medi-Cal coverage, and the Robert W. Crown California~~
7 ~~Children's Services Act (Article 2 (commencing with Section 248)~~
8 ~~of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code).~~

9 ~~(3) In calculating the cost of medical expenses, the county shall~~
10 ~~not charge in excess of 100 percent of the AFDC fee-for-service~~
11 ~~average Medi-Cal payment for that county for that fiscal year as~~
12 ~~calculated by the State Department of Health Services; however,~~
13 ~~if a minor has extraordinary medical or dental costs that are not~~
14 ~~met under any of the coverages listed in paragraph (2), the county~~
15 ~~may impose these additional costs.~~

16 ~~(4) For those placements of a minor subject to this section in~~
17 ~~which an AFDC-FC grant is made, the local child support agency~~
18 ~~shall, subject to Sections 17550 and 17552 of the Family Code,~~
19 ~~seek an order pursuant to Section 17400 of the Family Code and~~
20 ~~the statewide child support guideline in effect in Article 2~~
21 ~~(commencing with Section 4050) of Chapter 2 of Part 2 of Division~~
22 ~~9 of the Family Code. For purposes of determining the correct~~
23 ~~amount of support of a minor subject to this section, the rebuttable~~
24 ~~presumption set forth in Section 4057 of the Family Code is~~
25 ~~applicable. This paragraph shall be implemented consistent with~~
26 ~~subdivision (a) of Section 17415 of the Family Code.~~

27 ~~(d) Notwithstanding subdivision (a), the father, mother, spouse,~~
28 ~~or other person liable for the support of the minor, the estate of~~
29 ~~that person, or the estate of the minor, shall not be liable for the~~
30 ~~costs described in this section if a petition to declare the minor a~~
31 ~~dependent child of the court pursuant to Section 300 is dismissed~~
32 ~~at or before the jurisdictional hearing.~~

33 ~~(e) Notwithstanding subdivision (a), the father, mother, spouse,~~
34 ~~or other person liable for the support of a minor shall not be liable~~
35 ~~for the costs of support of that minor while the minor is temporarily~~
36 ~~placed or detained in any institution or other place pursuant to~~
37 ~~Section 625 or is committed to any institution or other place~~
38 ~~pursuant to an order of the juvenile court, if the minor is placed~~
39 ~~or detained because he or she is found by a court to have committed~~
40 ~~a crime against that person. Nothing in this subdivision shall be~~

1 construed to extinguish a child support obligation between private
2 parties.

3 SEC. 15. Section 903.1 of the Welfare and Institutions Code
4 is repealed.

5 ~~903.1.— (a) The father, mother, spouse, or other person liable~~
6 ~~for the support of a minor, the estate of that person, and the estate~~
7 ~~of the minor, shall be liable for the cost to the county or the court,~~
8 ~~whichever entity incurred the expenses, of legal services rendered~~
9 ~~to the minor by an attorney pursuant to an order of the juvenile~~
10 ~~court. The father, mother, spouse, or other person liable for the~~
11 ~~support of a minor and the estate of that person shall also be liable~~
12 ~~for any cost to the county or the court of legal services rendered~~
13 ~~directly to the father, mother, or spouse, of the minor or any other~~
14 ~~person liable for the support of the minor, in a dependency~~
15 ~~proceeding by an attorney appointed pursuant to an order of the~~
16 ~~juvenile court. The liability of those persons (in this article called~~
17 ~~relatives) and estates shall be a joint and several liability.~~

18 ~~(b) Notwithstanding subdivision (a), the father, mother, spouse,~~
19 ~~or other person liable for the support of the minor, the estate of~~
20 ~~that person, or the estate of the minor, shall not be liable for the~~
21 ~~costs of any of the legal services provided to any person described~~
22 ~~in this section if a petition to declare the minor a dependent child~~
23 ~~of the court pursuant to Section 300 is dismissed at or before the~~
24 ~~jurisdictional hearing.~~

25 ~~(c) Fees received pursuant to this section shall be transmitted~~
26 ~~to the Administrative Office of the Courts in the same manner as~~
27 ~~prescribed in Section 68085.1 of the Government Code. The~~
28 ~~Administrative Office of the Courts shall deposit the fees received~~
29 ~~pursuant to this section into the Trial Court Trust Fund.~~

30 SEC. 16. Section 903.15 of the Welfare and Institutions Code
31 is repealed.

32 ~~903.15.— (a) The parent of any minor, or other person who is~~
33 ~~liable for the support of the minor, on whose behalf a petition is~~
34 ~~filed pursuant to Section 601 or 602, when the minor is represented~~
35 ~~by appointed counsel, shall be assessed a reasonable registration~~
36 ~~fee not to exceed fifty dollars (\$50) at the time the legal services~~
37 ~~are provided. Notwithstanding this subdivision, no fee shall be~~
38 ~~required of any parent or other person who is financially unable~~
39 ~~to pay the fee.~~

~~(b) At the time of appointment of counsel by the court, or upon commencement of representation by the public defender, if prior to court appointment, the parent or other person who is liable for the support of the minor shall be asked if he or she is financially able to pay the registration fee or any portion thereof. If the parent or other person indicates that he or she is able to pay the fee or a portion thereof, the court or public defender shall make an assessment in accordance with ability to pay. No fee shall be assessed against any parent or other person who asserts that he or she is unable to pay the fee or any portion thereof. No other inquiry concerning the parent's or other person's ability to pay shall be made until proceedings are held pursuant to Section 903.45.~~

~~(c) No minor shall be denied the assistance of appointed counsel due solely to the failure of the parent or other person to pay the registration fee. The registration fee shall be a joint and several liability of the parent or other person who is liable for the support of the minor. An order to pay the registration fee may be enforced in the manner provided for enforcement of civil judgments generally, but may not be enforced by contempt.~~

~~(d) The fact that a parent or other person who is liable for the support of the minor has or has not been assessed a fee pursuant to this section shall have no effect in any later proceedings held pursuant to Section 903.1 or 903.45, except that the parent or other person shall be given credit for any amounts paid as a registration fee toward any assessment imposed pursuant to Section 903.1 or 903.45 for legal services.~~

~~(e) This section shall be operative in a county only upon the adoption of a resolution or ordinance by the board of supervisors electing to establish the registration fee and setting forth the manner in which the funds shall be collected and distributed. Collection procedures, accounting measures, and the distribution of the funds received pursuant to this section shall be within the discretion of the board of supervisors.~~

SEC. 17. Section 903.2 of the Welfare and Institutions Code is repealed.

~~903.2. (a) The juvenile court may require that the father, mother, spouse, or other person liable for the support of a minor, the estate of that person, and the estate of the minor shall be liable for the cost to the county of the probation supervision, home supervision, or electronic surveillance of the minor, pursuant to~~

1 the order of the juvenile court, by the probation officer. The
2 liability of these persons (in this article called relatives) and estates
3 shall be a joint and several liability.

4 (b) Liability shall be imposed on a person pursuant to this
5 section only if he or she has the financial ability to pay. In
6 evaluating a family's financial ability to pay under this section,
7 the county shall take into consideration the family income, the
8 necessary obligations of the family, and the number of persons
9 dependent upon this income.

10 SEC. 18. Section 903.25 of the Welfare and Institutions Code
11 is repealed.

12 903.25. (a) In addition to the liability established by any other
13 provision of law, a parent or guardian of a minor who has been
14 delivered to the custody of the probation department, or who has
15 been placed into a children's receiving home, a foster care home
16 or facility, or securely detained in a juvenile facility operated by
17 a probation department, shall be liable for the reasonable costs of
18 food, shelter, and care of the minor while in the custody of the
19 probation department when all of the following circumstances are
20 applicable:

21 (1) The parent or guardian receives actual notice by telephone
22 or by written communication from the probation officer that the
23 minor is scheduled for release from custody and that the parent or
24 guardian, in person or through a responsible relative, is requested
25 to take delivery of the minor. The notice shall inform the parent
26 or guardian of the financial liability created by this section.

27 (2) It is reasonably possible for the parent or guardian to take
28 delivery of the minor, in person or through a responsible relative,
29 at the place designated by the probation officer within 12 hours
30 from the time notice of release was received, or within 48 hours
31 from the time notice of release is received in any case where a
32 petition to declare the minor a dependent child of the court pursuant
33 to Section 300 was dismissed at or before the jurisdictional hearing.

34 (3) The parent states a refusal to take delivery of the minor or
35 fails to make a reasonable effort to take delivery of the minor, in
36 person or through a responsible relative, within 12 hours from the
37 time of actual receipt of the notice, or within 48 hours from the
38 time of actual receipt of the notice in any case where a petition to
39 declare the minor a dependent child of the court pursuant to Section
40 300 was dismissed at or before the jurisdictional hearing.

~~(b) The liability established by this section, when combined with any liability arising under Section 903, shall not exceed one hundred dollars (\$100) for each 24-hour period, beginning when notice of release was actually received, or beginning 48 hours after notice of release was actually received in any case where a petition to declare the minor a dependent child of the court pursuant to Section 300 was dismissed at or before the jurisdictional hearing, in which a notified parent or guardian has failed to make a reasonable effort to take delivery of the minor, in person or through a responsible relative, in accordance with the request and instructions of the probation officer.~~

~~(c) The liability established by this section shall be limited by the financial ability of the parents, guardians, or other persons to pay. Any parent, guardian, or other person who is assessed under this section shall, upon request, be entitled to an evaluation and determination of ability to pay under the provisions of Section 903.45. Any parent, guardian, or other person who is assessed under this section shall also be entitled, upon petition, to a hearing and determination by the juvenile court on the issues of liability and ability to pay.~~

SEC. 19. Section 903.4 of the Welfare and Institutions Code is repealed.

~~903.4. (a) The Legislature finds that even though Section 903 establishes parental liability for the cost of the care, support, and maintenance of a child in a county institution or other place in which the child is placed, detained, or committed pursuant to an order of the juvenile court, the collection of child support for juveniles who have been placed in out-of-home care as dependents or wards of the juvenile court under Sections 300, 601, and 602 has not been pursued routinely and effectively.~~

~~It is the purpose of this section to substantially increase income to the state and to counties through court-ordered parental reimbursement for the support of juveniles who are in out-of-home placement. In this regard, the Legislature finds that the costs of collection will be offset by the additional income derived from the increased effectiveness of the parental support program.~~

~~(b) In any case in which a child is or has been declared a dependent child or a ward of the court pursuant to a Section 300, 601, or 602, the juvenile court shall order any agency which has expended moneys or incurred costs on behalf of the child pursuant~~

1 to a detention or placement order of the juvenile court, to submit
2 to the local child support agency, within 30 days, in the form of a
3 declaration, a statement of its costs and expenses for the benefit,
4 support, and maintenance of the child.

5 (e) (1) The local child support agency may petition the superior
6 court to issue an order to show cause why an order should not be
7 entered for continuing support and reimbursement of the costs of
8 the support of any minor described in Section 903.

9 Any order entered as a result of the order to show cause shall be
10 enforceable in the same manner as any other support order entered
11 by the courts of this state at the time it becomes due and payable.

12 In any case in which the local child support agency has received
13 a declaration of costs or expenses from any agency, the declaration
14 shall be deemed an application for assistance pursuant to Section
15 17400 of the Family Code.

16 (2) The order to show cause shall inform the parent of all of the
17 following facts:

18 (A) He or she has been sued.

19 (B) If he or she wishes to seek the advice of an attorney in this
20 matter, it should be done promptly so that his or her financial
21 declaration and written response, if any, will be filed on time.

22 (C) He or she has a right to appear personally and present
23 evidence in his or her behalf.

24 (D) His or her failure to appear at the order to show cause
25 hearing, personally or through his or her attorney, may result in
26 an order being entered against him or her for the relief requested
27 in the petition.

28 (E) Any order entered could result in the garnishment of wages,
29 taking of money or property to enforce the order, or being held in
30 contempt of court.

31 (F) Any party has a right to request a modification of any order
32 issued by the superior court in the event of a change in
33 circumstances.

34 (3) Any existing support order shall remain in full force and
35 effect unless the superior court modifies that order pursuant to
36 subdivision (f).

37 (4) The local child support agency shall not be required to
38 petition the court for an order for continuing support and
39 reimbursement if, in the opinion of the local child support agency,
40 it would not be appropriate to secure such an order. The local child

1 support agency shall not be required to continue collection efforts
2 for any order if, in the opinion of the local child support agency,
3 it would not be appropriate or cost effective to enforce the order
4 pursuant to Section 17552 of the Family Code.

5 (d) (1) In any case in which an order to show cause has been
6 issued and served upon a parent for continuing support and
7 reimbursement of costs, a completed income and expense
8 declaration shall be filed with the court by the parent; a copy of it
9 shall be delivered to the local child support agency at least five
10 days prior to the hearing on the order to show cause.

11 (2) Any person authorized by law to receive a parent's financial
12 declaration or information obtained therefrom, who knowingly
13 furnishes the declaration or information to a person not authorized
14 by law to receive it, is guilty of a misdemeanor.

15 (e) If a parent has been personally served with the order to show
16 cause and no appearance is made by the parent, or an attorney in
17 his or her behalf, at the hearing on the order to show cause, the
18 court may enter an order for the principal amount and continuing
19 support in the amount demanded in the petition.

20 If the parent appears at the hearing on the order to show cause,
21 the court may enter an order for the amount the court determines
22 the parent is financially able to pay.

23 (f) The court shall have continuing jurisdiction to modify any
24 order for continuing support entered pursuant to this section.

25 (g) As used in this section, "parent" includes any person
26 specified in Section 903, the estate of any such person, and the
27 estate of the minor person. "Parent" does not include a minor or
28 nonminor dependent whose minor child receives aid under Section
29 11401.4.

30 (h) The local child support agency may contract with another
31 county agency for the performance of any of the duties required
32 by this section.

33 SEC. 20. Section 903.45 of the Welfare and Institutions Code
34 is repealed.

35 903.45. (a) The board of supervisors may designate a county
36 financial evaluation officer pursuant to Section 27750 of the
37 Government Code to make financial evaluations of liability for
38 reimbursement pursuant to Sections 207.2, 903, 903.1, 903.2,
39 903.25, 903.3, and 903.5, and other reimbursable costs allowed
40 by law, as set forth in this section.

1 (b) ~~In a county where a board of supervisors has designated a~~
2 ~~county financial evaluation officer, the juvenile court shall, at the~~
3 ~~close of the disposition hearing, order any person liable for the~~
4 ~~cost of support, pursuant to Section 903, the cost of legal services~~
5 ~~as provided for in Section 903.1, probation costs as provided for~~
6 ~~in Section 903.2, or any other reimbursable costs allowed under~~
7 ~~this code, to appear before the county financial evaluation officer~~
8 ~~for a financial evaluation of his or her ability to pay those costs.~~
9 ~~If the responsible person is not present at the disposition hearing,~~
10 ~~the court shall cite him or her to appear for a financial evaluation.~~
11 ~~In the case of a parent, guardian, or other person assessed for the~~
12 ~~costs of transport, food, shelter, or care of a minor under Section~~
13 ~~207.2 or 903.25, the juvenile court shall, upon request of the county~~
14 ~~probation department, order the appearance of the parent, guardian,~~
15 ~~or other person before the county financial evaluation officer for~~
16 ~~a financial evaluation of his or her ability to pay the costs assessed.~~

17 ~~If the county financial evaluation officer determines that a person~~
18 ~~so responsible has the ability to pay all or part of the costs, the~~
19 ~~county financial evaluation officer shall petition the court for an~~
20 ~~order requiring the person to pay that sum to the county or court,~~
21 ~~depending on which entity incurred the expense. If the parent or~~
22 ~~guardian is liable for costs for legal services pursuant to Section~~
23 ~~903.1, the parent or guardian has been reunified with the child~~
24 ~~pursuant to a court order, and the county financial evaluation officer~~
25 ~~determines that repayment of the costs would harm the ability of~~
26 ~~the parent or guardian to support the child, then the county financial~~
27 ~~evaluation officer shall not petition the court for an order of~~
28 ~~repayment, and the court shall not make that order. In addition, if~~
29 ~~the parent or guardian is currently receiving reunification services,~~
30 ~~and the court finds, or the county financial officer determines, that~~
31 ~~repayment by the parent or guardian will pose a barrier to~~
32 ~~reunification with the child because it will limit the ability of the~~
33 ~~parent or guardian to comply with the requirements of the~~
34 ~~reunification plan or compromise the parent's or guardian's current~~
35 ~~or future ability to meet the financial needs of the child, or in any~~
36 ~~case in which the court finds that the repayment would be unjust~~
37 ~~under the circumstances of the case, then the county financial~~
38 ~~evaluation officer shall not petition the court for an order of~~
39 ~~repayment, and the court shall not order repayment by the parent~~
40 ~~or guardian. In evaluating a person's ability to pay under this~~

1 section, the county financial evaluation officer and the court shall
2 take into consideration the family's income, the necessary
3 obligations of the family, and the number of persons dependent
4 upon this income. A person appearing for a financial evaluation
5 has the right to dispute the county financial evaluation officer's
6 determination, in which case he or she is entitled to a hearing
7 before the juvenile court. The county financial evaluation officer,
8 at the time of the financial evaluation, shall advise the person of
9 his or her right to a hearing and of his or her rights pursuant to
10 subdivision (c).

11 At the hearing, a person responsible for costs is entitled to have,
12 but shall not be limited to, the opportunity to be heard in person,
13 to present witnesses and other documentary evidence, to confront
14 and cross-examine adverse witnesses, to disclosure of the evidence
15 against him or her, and to receive a written statement of the
16 findings of the court. The person has the right to be represented
17 by counsel, and, if the person is unable to afford counsel, the right
18 to appointed counsel. If the court determines that the person has
19 the ability to pay all or part of the costs, including the costs of any
20 counsel appointed to represent the person at the hearing, the court
21 shall set the amount to be reimbursed and order him or her to pay
22 that sum to the county or court, depending on which entity incurred
23 the expense, in a manner in which the court believes reasonable
24 and compatible with the person's financial ability.

25 If the person, after having been ordered to appear before the
26 county financial evaluation officer, has been given proper notice
27 and fails to appear as ordered, the county financial evaluation
28 officer shall recommend to the court that the person be ordered to
29 pay the full amount of the costs. Proper notice to the person shall
30 contain all of the following:

31 (1) That the person has a right to a statement of the costs as
32 soon as it is available.

33 (2) The person's procedural rights under Section 27755 of the
34 Government Code.

35 (3) The time limit within which the person's appearance is
36 required.

37 (4) A warning that if the person fails to appear before the county
38 financial evaluation officer, the officer will recommend that the
39 court order the person to pay the costs in full.

1 If the county financial evaluation officer determines that the
2 person has the ability to pay all or a portion of these costs, with or
3 without terms, and the person concurs in this determination and
4 agrees to the terms of payment, the county financial evaluation
5 officer, upon his or her written evaluation and the person's written
6 agreement, shall petition the court for an order requiring the person
7 to pay that sum to the county or the court in a manner that is
8 reasonable and compatible with the person's financial ability. This
9 order may be granted without further notice to the person, provided
10 a copy of the order is served on the person by mail.

11 However, if the county financial evaluation officer cannot reach
12 an agreement with the person with respect to either the liability
13 for the costs, the amount of the costs, the person's ability to pay
14 the costs, or the terms of payment, the matter shall be deemed in
15 dispute and referred by the county financial evaluation officer back
16 to the court for a hearing.

17 (e) At any time prior to the satisfaction of a judgment entered
18 pursuant to this section, a person against whom the judgment was
19 entered may petition the rendering court to modify or vacate the
20 judgment on the basis of a change in circumstances relating to his
21 or her ability to pay the judgment.

22 (d) Execution may be issued on the order in the same manner
23 as on a judgment in a civil action, including any balance remaining
24 unpaid at the termination of the court's jurisdiction over the minor.

25 SEC. 21. Section 903.47 of the Welfare and Institutions Code
26 is repealed.

27 903.47. (a) The Judicial Council shall establish a program to
28 collect reimbursements from the person liable for the costs of
29 counsel appointed to represent parents or minors pursuant to
30 Section 903.1 in dependency proceedings.

31 (1) As part of the program, the Judicial Council shall:

32 (A) Adopt a statewide standard for determining the ability to
33 pay reimbursements for counsel, which shall at a minimum include
34 the family's income, their necessary obligations, the number of
35 individuals dependent on this income, and the cost-effectiveness
36 of the program.

37 (B) Adopt policies and procedures allowing a court to recover
38 from the money collected the costs associated with implementing
39 the reimbursements program. The policies and procedures shall at
40 a minimum limit the amount of money a court may recover to a

1 reasonable proportion of the reimbursements collected and provide
2 the terms and conditions under which a court may use a third party
3 to collect reimbursements. For the purposes of this subparagraph,
4 “costs associated with implementing the reimbursements program”
5 means the court costs of assessing a parent’s ability to pay for
6 court-appointed counsel and the costs to collect delinquent
7 reimbursements.

8 (2) ~~The money collected shall be deposited as required by~~
9 ~~Section 68085.1 of the Government Code. Except as otherwise~~
10 ~~authorized by law, the money collected under this program shall~~
11 ~~be utilized to reduce caseloads, for attorneys appointed by the~~
12 ~~court, to the caseload standard approved by the Judicial Council.~~
13 ~~Priority shall be given to those courts with the highest attorney~~
14 ~~caseloads that also demonstrate the ability to immediately improve~~
15 ~~outcomes for parents and children as a result of lower attorney~~
16 ~~caseloads.~~

17 (b) ~~The court may do either of the following:~~

18 (1) ~~Designate a court financial evaluation officer to make~~
19 ~~financial evaluations of liability for reimbursement pursuant to~~
20 ~~Section 903.1.~~

21 (2) ~~With the consent of the county and pursuant to the terms~~
22 ~~and conditions agreed upon by the court and county, designate a~~
23 ~~county financial evaluation officer to make financial evaluations~~
24 ~~of liability for reimbursement pursuant to Section 903.1.~~

25 (c) ~~In handling reimbursement of payments pursuant to Section~~
26 ~~903.1, the court financial evaluation officer and the county financial~~
27 ~~evaluation officer shall follow the procedures set forth for county~~
28 ~~financial evaluation officers in subdivisions (b), (c), and (d) of~~
29 ~~Section 903.45.~~

30 SEC. 22. Section 903.5 of the Welfare and Institutions Code
31 is repealed.

32 903.5. ~~In addition to the requirements of Section 903.4, and~~
33 ~~notwithstanding any other provision of law, the parent or other~~
34 ~~person legally liable for the support of a minor, who voluntarily~~
35 ~~places the minor in 24-hour out-of-home care, shall be liable for~~
36 ~~the cost of the minor’s care, support, and maintenance when the~~
37 ~~minor receives Aid to Families with Dependent Children-Foster~~
38 ~~Care (AFDC-FC), Supplemental Security Income-State~~
39 ~~Supplementary Program (SSI-SSP), or county-only funds. As used~~
40 ~~in this section, “parent” includes any person specified in Section~~

1 903. As used in this section, “parent” does not include a minor or
2 nonminor dependent whose minor child receives aid under Section
3 11401.4. Whenever the county welfare department or the placing
4 agency determines that a court order would be advisable and
5 effective, pursuant to Section 17552 of the Family Code, the
6 department or the agency shall notify the local child support
7 agency, or the financial evaluation officer designated pursuant to
8 Section 903.45, who shall proceed pursuant to Section 903.4 or
9 903.45.

10 SEC. 23. Section 903.6 of the Welfare and Institutions Code
11 is repealed.

12 903.6. Funds collected pursuant to Sections 903, 903.4, and
13 903.5 shall be distributed in the following manner:

14 (a) If the program through which the minor is placed is a
15 county-funded program, the county shall retain 100 percent of the
16 funds collected. For the purposes of this subdivision, programs
17 funded in whole or part with county justices system subvention
18 program funds shall be considered to be 100 percent county funded.

19 (b) If the program through which the minor is placed is funded
20 partially with state or federal funds, the amounts collected shall
21 be distributed by the State Department of Social Services pursuant
22 to Section 11457 and incentives shall be paid pursuant to Sections
23 15200.1, 15200.2, and 15200.3.

24 SEC. 24. Section 903.7 of the Welfare and Institutions Code
25 is repealed.

26 903.7. (a) There is in the State Treasury the Foster Children
27 and Parent Training Fund. The moneys contained in the fund shall
28 be used exclusively for the purposes set forth in this section.

29 (b) For each fiscal year beginning with the 1981-82 fiscal year,
30 except as provided in Sections 15200.1, 15200.2, 15200.3, 15200.8,
31 and 15200.81, and Section 17704 of the Family Code, the
32 Department of Child Support Services shall determine the amount
33 equivalent to the net state share of foster care collections
34 attributable to the enforcement of parental fiscal liability pursuant
35 to Sections 903, 903.4, and 903.5. On July 1, 1982, and every three
36 months thereafter, the department shall notify the Chancellor of
37 the Community Colleges, the Department of Finance, and the
38 Superintendent of Public Instruction of the above-specified amount.
39 The Department of Child Support Services shall authorize the
40 quarterly transfer of any portion of this amount for any particular

1 fiscal year exceeding three million seven hundred fifty thousand
2 dollars (\$3,750,000) of the net state share of foster care collections
3 to the Treasurer for deposit in the Foster Children and Parent
4 Training Fund, except that, commencing with the 2002-03 fiscal
5 year, a total of not more than three million dollars (\$3,000,000)
6 may be transferred to the fund in any fiscal year.

7 (e) (1) If sufficient moneys are available in the Foster Children
8 and Parent Training Fund, up to three million dollars (\$3,000,000)
9 shall be allocated for the support of foster parent training programs
10 conducted in community colleges. The maximum amount
11 authorized to be allocated pursuant to this subdivision shall be
12 adjusted annually by a cost-of-living increase each year based on
13 the percentage given to discretionary education programs. Funds
14 for the training program shall be provided in a separate budget
15 item in that portion of the Budget Act pertaining to the Chancellor
16 of the California Community Colleges, to be deposited in a separate
17 bank account by the Chancellor of the California Community
18 Colleges.

19 (2) The chancellor shall use these funds exclusively for foster
20 parent training, as specified by the chancellor in consultation with
21 the California State Foster Parents Association and the State
22 Department of Social Services.

23 (3) The plans for each foster parent training program shall
24 include the provision of training to facilitate the development of
25 foster family homes and small family homes to care for no more
26 than six children who have special mental, emotional,
27 developmental, or physical needs.

28 (4) The State Department of Social Services shall facilitate the
29 participation of county welfare departments in the foster parent
30 training program. The California State Foster Parents Association,
31 or the local chapters thereof, and the State Department of Social
32 Services shall identify training participants and shall advise the
33 chancellor on the form, content, and methodology of the training
34 program. Funds shall be paid monthly to the foster parent training
35 program until the maximum amount of funds authorized to be
36 expended for that program is expended. No more than 10 percent
37 or seventy-five thousand dollars (\$75,000) of these moneys,
38 whichever is greater, shall be used for administrative purposes; of
39 the 10 percent or seventy-five thousand dollars (\$75,000), no more
40 than ten thousand dollars (\$10,000) shall be expended to reimburse

1 the State Department of Social Services for its services pursuant
2 to this paragraph.

3 ~~(d) Beginning with the 1983-84 fiscal year, and each fiscal year~~
4 ~~thereafter, after all allocations for foster parent training in~~
5 ~~community colleges have been made, any moneys remaining in~~
6 ~~the Foster Children and Parent Training Fund may be allocated~~
7 ~~for foster children services programs pursuant to Chapter 11.3~~
8 ~~(commencing with Section 42920) of Part 24 of the Education~~
9 ~~Code.~~

10 ~~(e) (1) The Controller shall transfer moneys from the Foster~~
11 ~~Children and Parent Training Fund to the Chancellor of the~~
12 ~~California Community Colleges and the Superintendent of Public~~
13 ~~Instruction as necessary to fulfill the requirements of subdivisions~~
14 ~~(e) and (d).~~

15 ~~(2) After the maximum amount authorized in any fiscal year~~
16 ~~has been transferred to the Chancellor of the California Community~~
17 ~~Colleges and the Superintendent of Public Instruction, the~~
18 ~~Controller shall transfer any remaining funds to the General Fund~~
19 ~~for expenditure for any public purpose.~~

20 ~~(f) This section shall be operative until June 30, 2005, and~~
21 ~~thereafter is operative only if specified in the annual Budget Act~~
22 ~~or in another statute.~~

23 SEC. 25. Section 904 of the Welfare and Institutions Code is
24 repealed.

25 904. ~~The monthly or daily charge, not to exceed cost, for care,~~
26 ~~support, and maintenance of minor persons placed or detained in~~
27 ~~or committed to any institution by order of a juvenile court, the~~
28 ~~cost of delinquency-related legal services referred to by Section~~
29 ~~903.1, the cost of probation supervision referred to by Section~~
30 ~~903.2, and the cost of sealing records in county or local agency~~
31 ~~custody referred to by Section 903.3 shall be determined by the~~
32 ~~board of supervisors. The cost of dependency-related legal services~~
33 ~~referred to by Section 903.1 and the cost of sealing records in court~~
34 ~~custody referred to by Section 903.3 shall be determined by the~~
35 ~~court. Any determination made by a court under this section shall~~
36 ~~be valid only if either (1) made under procedures adopted by the~~
37 ~~Judicial Council or (2) approved by the Judicial Council.~~

38 SEC. 26. Section 11325.24 of the Welfare and Institutions
39 Code is amended to read:

1 11325.24. (a) If, in the course of appraisal pursuant to Section
2 11325.2 or at any point during an individual's participation in
3 welfare-to-work activities in accordance with paragraph (1) of
4 subdivision (a) of Section 11322.85, it is determined that a recipient
5 meets the criteria described in subdivision (b), the recipient is
6 eligible to participate in family stabilization.

7 (b) (1) A recipient is eligible to participate in family
8 stabilization if the county determines that his or her family is
9 experiencing an identified situation or crisis that is destabilizing
10 the family and would interfere with participation in welfare-to-work
11 activities and services.

12 (2) A situation or a crisis that is destabilizing the family in
13 accordance with paragraph (1) may include, but shall not be limited
14 to:

15 (A) Homelessness or imminent risk of homelessness.

16 (B) A lack of safety due to domestic violence.

17 (C) Untreated or undertreated behavioral needs, including mental
18 health or substance abuse-related needs.

19 (D) *A child in the family has been held in temporary custody in*
20 *a law enforcement facility pursuant to subdivision (d) of Section*
21 *207.1.*

22 (c) Family stabilization shall include intensive case management
23 and services designed to support the family in overcoming the
24 situation or crisis, which may include, but are not limited to,
25 welfare-to-work activities.

26 (d) Funds allocated for family stabilization in accordance with
27 this section shall be in addition to, and independent of, the county
28 allocations made pursuant to Section 15204.2.

29 (e) Funds allocated for family stabilization in accordance with
30 this section, or the county allocations made pursuant to Section
31 15204.2, may be used to provide housing and other needed services
32 to a family during any month that a family is participating in family
33 stabilization.

34 (f) Each county shall submit to the department a plan, as defined
35 by the department, regarding how it intends to implement the
36 provisions of this section and shall report information to the
37 department, including, but not limited to, the number of recipients
38 served pursuant to this section, information regarding the services
39 provided, outcomes for the families served, and any lack of
40 availability of services. The department shall provide an update

1 regarding this information to the Legislature during the 2014–15
2 budget process.

3 (g) It is the intent of the Legislature that family stabilization be
4 a voluntary component intended to provide needed services and
5 constructive interventions for parents and to assist in barrier
6 removal for families facing very difficult needs. Participants in
7 family stabilization are encouraged to participate, but the
8 Legislature does not intend that parents be sanctioned as part of
9 their experience in this program component. The Legislature further
10 intends that recipients refusing or unable to follow their family
11 stabilization plans without good cause be returned to the traditional
12 welfare-to-work program.

13 SEC. 27. With regard to certain costs, to the extent that this
14 act has an overall effect of increasing the costs already borne by
15 a local agency for programs or levels of service mandated by the
16 2011 Realignment Legislation within the meaning of Section 36
17 of Article XIII of the California Constitution, it shall apply to local
18 agencies only to the extent that the state provides annual funding
19 for the cost increase. Any new program or higher level of service
20 provided by a local agency pursuant to this act above the level for
21 which funding has been provided shall not require a subvention
22 of funds by the state nor otherwise be subject to Section 6 of Article
23 XIII B of the California Constitution.

24 However, if the Commission on State Mandates determines that
25 this act contains other costs mandated by the state, reimbursement
26 to local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.