

AMENDED IN ASSEMBLY JUNE 4, 1997
AMENDED IN ASSEMBLY MAY 23, 1997
AMENDED IN ASSEMBLY APRIL 28, 1997
AMENDED IN ASSEMBLY APRIL 10, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1391

Introduced by Assembly Member Goldsmith

February 28, 1997

An act to amend Section 11461 of the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1391, as amended, Goldsmith. Foster care: provider reimbursement.

Existing law provides for the reimbursement of foster care providers under the state's AFDC program, including payment for children placed in a licensed or approved family home with a capacity of 6 or less or in an approved home of a relative or nonrelative legal guardian and provides for the adjustment of these reimbursement rates. Existing law requires the State Department of Social Services to report to the Legislature by December 31, 1990, on the department's specialized care ratesetting system regarding its effectiveness in meeting the special needs of children in foster care.

This bill would revise the adjustments to be made to the reimbursement rates for these foster care providers, and

would require the rates to be increased by ~~25%~~ 5.1% unless the Budget Act of 1997 appropriates amounts sufficient to make a greater percentage increase. The bill would also delete the requirement that the department report to the Legislature regarding the specialized care ratesetting system.

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

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

1 SECTION 1. Section 11461 of the Welfare and
2 Institutions Code is amended to read:

3 11461. (a) For children placed in a licensed or
4 approved family home with a capacity of six or less, or in
5 an approved home of a relative or nonrelated legal
6 guardian, the per child per month rates in the following
7 schedule shall be in effect for the period July 1, 1989,
8 through December 31, 1989:

	Age	Basic rate
11	0-4	\$ 294
12	5-8	319
13	9-11	340
14	12-14	378
15	15-20	412

16
17 (b) (1) Any county that, as of October 1, 1989, has in
18 effect a basic rate that is at the levels set forth in the
19 schedule in subdivision (a), shall continue to receive state
20 participation, as specified in subdivision (c) of Section
21 15200, at these levels.

22 (2) Any county that, as of October 1, 1989, has in effect
23 a basic rate that exceeds a level set forth in the schedule
24 in subdivision (a), shall continue to receive the same level
25 of state participation as it received on October 1, 1989.

26 ~~(c) The amounts in the schedule of basic rates in~~
27 ~~subdivision (a) shall be adjusted as follows:~~

28 ~~(1) Effective January 1, 1990, the amounts in the~~
29 ~~schedule of basic rates in subdivision (a) shall be~~
30 ~~increased by 12 percent.~~



1 ~~(2) Effective May 1, 1990, any county that did not~~
2 ~~increase the basic rate by 12 percent on January 1, 1990,~~
3 ~~shall do all of the following:~~

4 ~~(A) Increase the basic rate in effect December 31,~~
5 ~~1989, for which state participation is received by 12~~
6 ~~percent.~~

7 ~~(B) Increase the basic rate, as adjusted pursuant to~~
8 ~~subparagraph (A) by an additional 5 percent.~~

9 ~~(3) (A) Except as provided in subparagraph (B),~~
10 ~~effective July 1, 1990, for the 1990-91 fiscal year, the~~
11 ~~amounts in the schedule of basic rates in subdivision (a)~~
12 ~~shall be increased by an additional 5 percent.~~

13 ~~(B) The rate increase required by subparagraph (A)~~
14 ~~shall not be applied to rates increased May 1, 1990,~~
15 ~~pursuant to paragraph (2).~~

16 ~~(4)~~

17 ~~(c) (1) Effective January 1, 1998, the amounts in the~~
18 ~~schedule of basic rates in subdivision (a) shall be~~
19 ~~increased by 25 percent.~~

20 ~~(5) increased by 5.1 percent unless the Budget Act of~~
21 ~~1997 appropriates an amount equating to a percentage~~
22 ~~increase greater than 5.1 percent.~~

23 (2) The increase in the basic foster family home rate
24 shall apply only to children placed in a licensed foster
25 family home receiving the basic rate or in an approved
26 home of a relative or nonrelated legal guardian receiving
27 the basic rate. The increased rate shall not be used to
28 compute the monthly amount that may be paid to
29 licensed foster family agencies for the placement of
30 children in certified foster homes.

31 (d) (1) Effective January 1, 1999, until the end of the
32 1998-99 fiscal year, and for each fiscal year thereafter, the
33 schedule of basic rates in subdivision (a) shall be adjusted
34 by the percentage changes in the California Necessities
35 Index, *subject to the availability of funds.*

36 (2) Any county that, as of the 1991-92 fiscal year,
37 receives state participation for a basic rate that exceeds
38 the amount set forth in the schedule of basic rates in
39 subdivision (a) shall receive an increase each year in state
40 participation for that basic rate of one-half of the



1 percentage adjustments specified in paragraph (1) until
2 the difference between the county's adjusted state
3 participation level for its basic rate and the adjusted
4 schedule of basic rates is eliminated.

5 (3) If a county has, after receiving the adjustments
6 specified in paragraph (2), a state participation level for
7 a basic rate that is below the amount set forth in the
8 adjusted schedule of basic rates for that fiscal year, the
9 state participation level for that rate shall be further
10 increased to the amount specified in the adjusted
11 schedule of basic rates.

12 (e) (1) As used in this section, "specialized care
13 increment" means an approved amount paid with state
14 participation on behalf of an AFDC-FC child requiring
15 specialized care to a home listed in subdivision (a) in
16 addition to the basic rate. On the effective date of this
17 section, the department shall continue and maintain the
18 current ratesetting system for specialized care.

19 (2) Any county that, as of the effective date of this
20 section, has in effect specialized care increments that
21 have been approved by the department, shall continue to
22 receive state participation for those payments.

23 (3) Any county that, as of the effective date of this
24 section, has in effect specialized care increments that
25 exceed the amounts that have been approved by the
26 department, shall continue to receive the same level of
27 state participation as it received on the effective date of
28 this section.

29 (4) (A) Except for subparagraph (B), beginning
30 January 1, 1990, specialized care increments shall be
31 adjusted in accordance with the methodology for the
32 schedule of basic rates described in subdivision (c). No
33 county shall receive state participation for any increases
34 in a specialized care increment which exceeds the
35 adjustments made in accordance with this methodology.

36 (B) Notwithstanding subdivision (e) of Section 11460,
37 for the 1993-94 fiscal year, an amount equal to 5 percent
38 of the State Treasury appropriation for family homes shall
39 be added to the total augmentation for the AFDC-FC
40 program in order to provide incentives and assistance to



1 counties in the area of specialized care. This
2 appropriation shall be used, but not limited to,
3 encouraging counties to implement or expand
4 specialized care payment systems, to recruit and train
5 foster parents for the placement of children with
6 specialized care needs, and to develop county systems to
7 encourage the placement of children in family homes. It
8 is the intent of the Legislature that in the use of these
9 funds, federal financial participation shall be claimed
10 whenever possible.

11 (f) (1) As used in this section, “clothing allowance”
12 means the amount paid with state participation in
13 addition to the basic rate for the provision of additional
14 clothing for an AFDC-FC child, including, but not limited
15 to, an initial supply of clothing and school or other
16 uniforms.

17 (2) Any county that, as of the effective date of this
18 section, has in effect clothing allowances, shall continue
19 to receive the same level as it received on the effective
20 date of this section.

21 (3) Beginning January 1, 1990, clothing allowances
22 shall be adjusted annually in accordance with the
23 methodology for the schedule of basic rates described in
24 subdivision (c). No county shall be reimbursed for any
25 increases in clothing allowances which exceed the
26 adjustments made in accordance with this methodology.

