

Assembly Bill No. 2195

Passed the Assembly May 31, 2006

Chief Clerk of the Assembly

Passed the Senate August 16, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 361.45 to the Welfare and Institutions Code, relating to dependent children, and making an appropriation therefor.

LEGISLATIVE COUNSEL’S DIGEST

AB 2195, Bass. Foster caregivers: placement options.

(1) Existing law provides for the placement of dependent children by the juvenile court according to specified procedures. Existing law separately establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state’s share of AFDC-FC costs.

Under existing law, a child who has been taken into temporary custody is detained and an able and willing relative or nonrelative extended family member is available and requests a temporary placement of the child pending the detention hearing, the county welfare department is required to assess the relative’s or nonrelative extended family member’s suitability, and may place the child in the relative’s or nonrelative extended family member’s home upon completion of the assessment. Existing law further requires the county welfare department to evaluate and approve or deny the home for AFDC-FC eligibility.

This bill would establish similar procedures for assessment and approval of a relative’s or nonrelative extended family member’s home when the sudden unavailability of a foster caregiver requires a temporary change in placement on an emergency basis for a child who is under the jurisdiction of the juvenile court, including provision for making these placements eligible for payments under the AFDC-FC program.

(2) By giving county welfare agencies new duties with respect to the placement of dependent children, this bill would impose a state-mandated local program. In addition, by expanding AFDC-FC eligibility, the bill would result in an appropriation.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Appropriation: yes.

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

SECTION 1. Section 361.45 is added to the Welfare and Institutions Code, to read:

361.45. (a) Notwithstanding any other provision of law, when the sudden unavailability of a foster caregiver requires a change in placement on an emergency basis for a child who is under the jurisdiction of the juvenile court pursuant to Section 300, if an able and willing relative, as defined in Section 319, or an able and willing nonrelative extended family member, as defined in Section 362.7, is available and requests temporary placement of the child pending resolution of the emergency situation, the county welfare department shall initiate an assessment of the relative's or nonrelative extended family member's suitability, which shall include an in-home inspection to assess the safety of the home and the ability of the relative or nonrelative extended family member to care for the child's needs, and a consideration of the results of a criminal records check conducted pursuant to Section 16504.5 and a check of allegations of prior child abuse or neglect concerning the relative or nonrelative extended family member and other adults in the home. Upon completion of this assessment, the child may be placed in the assessed home. For purposes of this paragraph, and except for the criminal records check conducted pursuant to Section 16504.5, the standards used to determine suitability shall be the same standards set forth in the regulations for the licensing of foster family homes.

(b) Immediately following the placement of a child in the home of a relative or a nonrelative extended family member, the county welfare department shall evaluate and approve or deny

the home for purposes of AFDC-FC eligibility pursuant to Section 11402. The standards used to evaluate and grant or deny approval of the home of the relative and of the home of a nonrelative extended family member, as described in Section 362.7, shall be the same standards set forth in regulations for the licensing of foster family homes which prescribe standards of safety and sanitation for the physical plant and standards for basic personal care, supervision, and services provided by the caregiver.

(c) If a relative or nonrelative extended family member, and other adults in the home, as indicated, meets all other conditions for approval, except for the receipt of the Federal Bureau of Investigation's criminal history information for the relative or nonrelative extended family member, the county welfare department may approve the home and document that approval, if the relative or nonrelative extended family member, and each adult in the home, has signed and submitted a statement that he or she has never been convicted of a crime in the United States, other than a traffic infraction as defined in paragraph (1) of subdivision (a) of Section 42001 of the Vehicle Code. If, after the approval has been granted, the department determines that the relative or nonrelative extended family member or other adult in the home has a criminal record, the approval may be terminated.

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

Approved _____, 2006

Governor