

AMENDED IN ASSEMBLY SEPTEMBER 2, 2005

AMENDED IN ASSEMBLY AUGUST 25, 2005

AMENDED IN ASSEMBLY JUNE 16, 2005

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 500

Introduced by Senator Kuehl

(Principal coauthor: Assembly Member Evans)

February 18, 2005

An act to amend Sections 300, 362.1, 11400, 11401, and 11465 of, and to add Section 16501.25 to, the Welfare and Institutions Code, relating to foster care, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 500, as amended, Kuehl. AFDC-FC: pregnant and parenting foster youth.

Under existing law, a child may come within the jurisdiction of the juvenile court and become a dependent child of the court, in, among others, cases of abuse or neglect, or failure of a parent or guardian to adequately supervise or protect the child. Existing law declares that a parent's or guardian's physical disability is only relevant to a court's determination to the extent that the parent's disability prevents him or her from exercising care or control.

This bill would additionally declare that a child whose parent has been adjudged a dependent child of the court shall not be considered to be at risk of abuse or neglect solely because of the age, dependent status, or foster care status of the parent.

Existing law provides that any order placing a child in foster care, and ordering reunification services, shall provide for visitation

between the parent or guardian and any siblings and child, with certain exceptions.

This bill would provide, if the child is a teen parent who has custody of his or her child and that child is not a dependent of the court, for visitation among the teen parent, the child's noncustodial parent, and appropriate family members unless the court finds by clear and convincing evidence that visitation would be detrimental to the teen parent.

This bill would require a shared responsibility plan to be developed between the teen parent, caregiver, and other county or state representatives, as appropriate, for the care of the child of a teen parent when the child of a teen parent is not under the jurisdiction of the dependency court but is in the full or partial physical custody of the teen parent who is living in an out-of-home placement in a whole family foster home, as defined. The bill would set forth the areas to be covered by the plan, including feeding, clothing, transportation, and child care responsibilities. To the extent this requirement would impose additional duties on counties, this bill would impose a state-mandated local program.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care 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, federal financial participation is available for certain children who have been adjudged dependent children or wards of the court, or who have been detained under a court order.

This bill would additionally authorize federal financial participation for a dependent child of the court whose parent is also a dependent child or ward of the court who is receiving AFDC-FC benefits, if the parent and child are placed in the same foster care facility and are receiving reunification services. By creating a new category for AFDC-FC eligibility, and thereby increasing county administration duties for the AFDC-FC program by expanding AFDC-FC eligibility, the bill would impose a state-mandated local program.

Because General Fund moneys are continuously appropriated for purposes of the AFDC-FC program, by expanding AFDC-FC eligibility, the bill would constitute an appropriation.

This bill would incorporate additional changes in Section 300 of the Welfare and Institutions Code, proposed by SB 116, to be operative only if SB 116 and this bill are both chaptered and become effective January 1, 2006, and this bill is chaptered last.

This bill would incorporate additional changes in Section 11400 of the Welfare and Institutions Code, proposed by SB 679, to be operative only if SB 679 and this bill are both chaptered and become effective January 1, 2006, and this bill is chaptered last.

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.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 300 of the Welfare and Institutions
2 Code, as amended by Section 3 of Chapter 824 of the Statutes of
3 2000, is amended to read:
4 300. Any child who comes within any of the following
5 descriptions is within the jurisdiction of the juvenile court which
6 may adjudge that person to be a dependent child of the court:
7 (a) The child has suffered, or there is a substantial risk that the
8 child will suffer, serious physical harm inflicted nonaccidentally
9 upon the child by the child's parent or guardian. For the purposes
10 of this subdivision, a court may find there is a substantial risk of
11 serious future injury based on the manner in which a less serious
12 injury was inflicted, a history of repeated inflictions of injuries
13 on the child or the child's siblings, or a combination of these and
14 other actions by the parent or guardian which indicate the child is
15 at risk of serious physical harm. For purposes of this subdivision,
16 "serious physical harm" does not include reasonable and
17 age-appropriate spanking to the buttocks where there is no
18 evidence of serious physical injury.

(b) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse. No child shall be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family. Whenever it is alleged that a child comes within the jurisdiction of the court on the basis of the parent's or guardian's willful failure to provide adequate medical treatment or specific decision to provide spiritual treatment through prayer, the court shall give deference to the parent's or guardian's medical treatment, nontreatment, or spiritual treatment through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect the child from suffering serious physical harm or illness. In making its determination, the court shall consider (1) the nature of the treatment proposed by the parent or guardian, (2) the risks to the child posed by the course of treatment or nontreatment proposed by the parent or guardian, (3) the risk, if any, of the course of treatment being proposed by the petitioning agency, and (4) the likely success of the courses of treatment or nontreatment proposed by the parent or guardian and agency. The child shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the child from risk of suffering serious physical harm or illness.

(c) The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care. No child shall be

1 found to be a person described by this subdivision if the willful
2 failure of the parent or guardian to provide adequate mental
3 health treatment is based on a sincerely held religious belief and
4 if a less intrusive judicial intervention is available.

5 (d) The child has been sexually abused, or there is a
6 substantial risk that the child will be sexually abused, as defined
7 in Section 11165.1 of the Penal Code, by his or her parent or
8 guardian or a member of his or her household, or the parent or
9 guardian has failed to adequately protect the child from sexual
10 abuse when the parent or guardian knew or reasonably should
11 have known that the child was in danger of sexual abuse.

12 (e) The child is under the age of five *years* and has suffered
13 severe physical abuse by a parent, or by any person known by the
14 parent, if the parent knew or reasonably should have known that
15 the person was physically abusing the child. For the purposes of
16 this subdivision, “severe physical abuse” means any of the
17 following: any single act of abuse which causes physical trauma
18 of sufficient severity that, if left untreated, would cause
19 permanent physical disfigurement, permanent physical disability,
20 or death; any single act of sexual abuse which causes significant
21 bleeding, deep bruising, or significant external or internal
22 swelling; or more than one act of physical abuse, each of which
23 causes bleeding, deep bruising, significant external or internal
24 swelling, bone fracture, or unconsciousness; or the willful,
25 prolonged failure to provide adequate food. A child may not be
26 removed from the physical custody of his or her parent or
27 guardian on the basis of a finding of severe physical abuse unless
28 the social worker has made an allegation of severe physical abuse
29 pursuant to Section 332.

30 (f) The child’s parent or guardian caused the death of another
31 child through abuse or neglect.

32 (g) The child has been left without any provision for support;
33 physical custody of the child has been voluntarily surrendered
34 pursuant to Section 1255.7 of the Health and Safety Code and the
35 child has not been reclaimed within the 14-day period specified
36 in subdivision (e) of that section; the child’s parent has been
37 incarcerated or institutionalized and cannot arrange for the care
38 of the child; or a relative or other adult custodian with whom the
39 child resides or has been left is unwilling or unable to provide
40 care or support for the child, the whereabouts of the parent are

1 unknown, and reasonable efforts to locate the parent have been
2 unsuccessful.

3 (h) The child has been freed for adoption by one or both
4 parents for 12 months by either relinquishment or termination of
5 parental rights or an adoption petition has not been granted.

6 (i) The child has been subjected to an act or acts of cruelty by
7 the parent or guardian or a member of his or her household, or
8 the parent or guardian has failed to adequately protect the child
9 from an act or acts of cruelty when the parent or guardian knew
10 or reasonably should have known that the child was in danger of
11 being subjected to an act or acts of cruelty.

12 (j) The child's sibling has been abused or neglected, as defined
13 in subdivision (a), (b), (d), (e), or (i), and there is a substantial
14 risk that the child will be abused or neglected, as defined in those
15 subdivisions. The court shall consider the circumstances
16 surrounding the abuse or neglect of the sibling, the age and
17 gender of each child, the nature of the abuse or neglect of the
18 sibling, the mental condition of the parent or guardian, and any
19 other factors the court considers probative in determining
20 whether there is a substantial risk to the child.

21 It is the intent of the Legislature that nothing in this section
22 disrupt the family unnecessarily or intrude inappropriately into
23 family life, prohibit the use of reasonable methods of parental
24 discipline, or prescribe a particular method of parenting. Further,
25 nothing in this section is intended to limit the offering of
26 voluntary services to those families in need of assistance but who
27 do not come within the descriptions of this section. To the extent
28 that savings accrue to the state from child welfare services
29 funding obtained as a result of the enactment of the act that
30 enacted this section, those savings shall be used to promote
31 services which support family maintenance and family
32 reunification plans, such as client transportation, out-of-home
33 respite care, parenting training, and the provision of temporary or
34 emergency in-home caretakers and persons teaching and
35 demonstrating homemaking skills. The Legislature further
36 declares that a physical disability, such as blindness or deafness,
37 is no bar to the raising of happy and well-adjusted children and
38 that a court's determination pursuant to this section shall center
39 upon whether a parent's disability prevents him or her from
40 exercising care and control. *The Legislature further declares that*

a child whose parent has been adjudged a dependent child of the court pursuant to this section shall not be considered to be at risk of abuse or neglect solely because of the age, dependent status, or foster care status of the parent.

As used in this section, “guardian” means the legal guardian of the child.

~~(k) This section shall be repealed on January 1, 2006, unless a later enacted statute extends or deletes that date.~~

SECTION 1.

SEC. 1.5. Section 300 of the Welfare and Institutions Code, as added by Section 3.5 of Chapter 824 of the Statutes of 2000, is amended to read:

300. Any child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court:

(a) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child’s parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child’s siblings, or a combination of these and other actions by the parent or guardian which indicate the child is at risk of serious physical harm. For purposes of this subdivision, “serious physical harm” does not include reasonable and age-appropriate spanking to the buttocks where there is no evidence of serious physical injury.

(b) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child’s parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent’s or guardian’s mental illness, developmental disability, or substance abuse. No child shall be found to be a person described by this subdivision solely due to

1 the lack of an emergency shelter for the family. Whenever it is
2 alleged that a child comes within the jurisdiction of the court on
3 the basis of the parent's or guardian's willful failure to provide
4 adequate medical treatment or specific decision to provide
5 spiritual treatment through prayer, the court shall give deference
6 to the parent's or guardian's medical treatment, nontreatment, or
7 spiritual treatment through prayer alone in accordance with the
8 tenets and practices of a recognized church or religious
9 denomination, by an accredited practitioner thereof, and shall not
10 assume jurisdiction unless necessary to protect the child from
11 suffering serious physical harm or illness. In making its
12 determination, the court shall consider (1) the nature of the
13 treatment proposed by the parent or guardian, (2) the risks to the
14 child posed by the course of treatment or nontreatment proposed
15 by the parent or guardian, (3) the risk, if any, of the course of
16 treatment being proposed by the petitioning agency, and (4) the
17 likely success of the courses of treatment or nontreatment
18 proposed by the parent or guardian and agency. The child shall
19 continue to be a dependent child pursuant to this subdivision only
20 so long as is necessary to protect the child from risk of suffering
21 serious physical harm or illness.

22 (c) The child is suffering serious emotional damage, or is at
23 substantial risk of suffering serious emotional damage, evidenced
24 by severe anxiety, depression, withdrawal, or untoward
25 aggressive behavior toward self or others, as a result of the
26 conduct of the parent or guardian or who has no parent or
27 guardian capable of providing appropriate care. No child shall be
28 found to be a person described by this subdivision if the willful
29 failure of the parent or guardian to provide adequate mental
30 health treatment is based on a sincerely held religious belief and
31 if a less intrusive judicial intervention is available.

32 (d) The child has been sexually abused, or there is a
33 substantial risk that the child will be sexually abused, as defined
34 in Section 11165.1 of the Penal Code, by his or her parent or
35 guardian or a member of his or her household, or the parent or
36 guardian has failed to adequately protect the child from sexual
37 abuse when the parent or guardian knew or reasonably should
38 have known that the child was in danger of sexual abuse.

39 (e) The child is under the age of five and has suffered severe
40 physical abuse by a parent, or by any person known by the

parent, if the parent knew or reasonably should have known that the person was physically abusing the child. For the purposes of this subdivision, “severe physical abuse” means any of the following: any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness; or the willful, prolonged failure to provide adequate food. A child may not be removed from the physical custody of his or her parent or guardian on the basis of a finding of severe physical abuse unless the social worker has made an allegation of severe physical abuse pursuant to Section 332.

(f) The child’s parent or guardian caused the death of another child through abuse or neglect.

(g) The child has been left without any provision for support; the child’s parent has been incarcerated or institutionalized and cannot arrange for the care of the child; or a relative or other adult custodian with whom the child resides or has been left is unwilling or unable to provide care or support for the child, the whereabouts of the parent are unknown, and reasonable efforts to locate the parent have been unsuccessful.

(h) The child has been freed for adoption by one or both parents for 12 months by either relinquishment or termination of parental rights or an adoption petition has not been granted.

(i) The child has been subjected to an act or acts of cruelty by the parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the child was in danger of being subjected to an act or acts of cruelty.

(j) The child’s sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the child will be abused or neglected, as defined in those subdivisions. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the

1 sibling, the mental condition of the parent or guardian, and any
2 other factors the court considers probative in determining
3 whether there is a substantial risk to the child.

4 It is the intent of the Legislature that nothing in this section
5 disrupt the family unnecessarily or intrude inappropriately into
6 family life, prohibit the use of reasonable methods of parental
7 discipline, or prescribe a particular method of parenting. Further,
8 nothing in this section is intended to limit the offering of
9 voluntary services to those families in need of assistance but who
10 do not come within the descriptions of this section. To the extent
11 that savings accrue to the state from child welfare services
12 funding obtained as a result of the enactment of the act that
13 enacted this section, those savings shall be used to promote
14 services which support family maintenance and family
15 reunification plans, such as client transportation, out-of-home
16 respite care, parenting training, and the provision of temporary or
17 emergency in-home caretakers and persons teaching and
18 demonstrating homemaking skills. The Legislature further
19 declares that a physical disability, such as blindness or deafness,
20 is no bar to the raising of happy and well-adjusted children and
21 that a court's determination pursuant to this section shall center
22 upon whether a parent's disability prevents him or her from
23 exercising care and control. The Legislature further declares that
24 a child whose parent has been adjudged a dependent child of the
25 court pursuant to this section shall not be considered to be at risk
26 of abuse or neglect solely because of the age, dependent status, or
27 foster care status of the parent.

28 As used in this section, "guardian" means the legal guardian of
29 the child.

30 SEC. 2. Section 362.1 of the Welfare and Institutions Code is
31 amended to read:

32 362.1. (a) In order to maintain ties between the parent or
33 guardian and any siblings and the child, and to provide
34 information relevant to deciding if, and when, to return a child to
35 the custody of his or her parent or guardian, or to encourage or
36 suspend sibling interaction, any order placing a child in foster
37 care, and ordering reunification services, shall provide as
38 follows:

1 (1) (A) Subject to subparagraph (B), for visitation between
2 the parent or guardian and the child. Visitation shall be as
3 frequent as possible, consistent with the well-being of the child.

4 (B) No visitation order shall jeopardize the safety of the child.
5 To protect the safety of the child, the court may keep the child's
6 address confidential. If the parent of the child has been convicted
7 of murder in the first degree, as defined in Section 189 of the
8 Penal Code, and the victim of the murder was the other parent of
9 the child, the court shall order visitation between the child and
10 the parent only if that order would be consistent with Section
11 3030 of the Family Code.

12 (2) Pursuant to subdivision (b) of Section 16002, for visitation
13 between the child and any siblings, unless the court finds by clear
14 and convincing evidence that sibling interaction is detrimental to
15 either child.

16 (3) If the child is a teen parent who has custody of his or her
17 child and that child is not a dependent of the court pursuant to
18 this chapter, for visitation among the teen parent, the child's
19 noncustodial parent, and appropriate family members, unless the
20 court finds by clear and convincing evidence that visitation
21 would be detrimental to the teen parent.

22 (b) When reunification services are not ordered pursuant to
23 Section 361.5, the child's plan for legal permanency shall include
24 consideration of the existence of and the relationship with any
25 sibling pursuant to Section 16002, including their impact on
26 placement and visitation.

27 (c) As used in this section, "sibling" means a child related to
28 another person by blood, adoption, or affinity through a common
29 legal or biological parent.

30 SEC. 3. Section 11400 of the Welfare and Institutions Code,
31 as amended by Section 6 of Chapter 664 of the Statutes of 2004,
32 is amended to read:

33 11400. For the purposes of this article, the following
34 definitions shall apply:

35 (a) "Aid to Families with Dependent Children-Foster Care
36 (AFDC-FC)" means the aid provided on behalf of needy children
37 in foster care under the terms of this division.

38 (b) "Case plan" means a written document that, at a minimum,
39 specifies the type of home in which the child shall be placed, the
40 safety of that home, and the appropriateness of that home to meet

1 the child's needs. It shall also include the agency's plan for
2 ensuring that the child receive proper care and protection in a
3 safe environment, and shall set forth the appropriate services to
4 be provided to the child, the child's family, and the foster
5 parents, in order to meet the child's needs while in foster care,
6 and to reunify the child with the child's family. In addition, the
7 plan shall specify the services that will be provided or steps that
8 will be taken to facilitate an alternate permanent plan if
9 reunification is not possible.

10 (c) "Certified family home" means a family residence certified
11 by a licensed foster family agency and issued a certificate of
12 approval by that agency as meeting licensing standards, and used
13 only by that foster family agency for placements.

14 (d) "Family home" means the family residency of a licensee in
15 which 24-hour care and supervision are provided for children.

16 (e) "Small family home" means any residential facility, in the
17 licensee's family residence, which provides 24-hour care for six
18 or fewer foster children who have mental disorders or
19 developmental or physical disabilities and who require special
20 care and supervision as a result of their disabilities.

21 (f) "Foster care" means the 24-hour out-of-home care provided
22 to children whose own families are unable or unwilling to care
23 for them, and who are in need of temporary or long-term
24 substitute parenting.

25 (g) "Foster family agency" means any individual or
26 organization engaged in the recruiting, certifying, and training of,
27 and providing professional support to, foster parents, or in
28 finding homes or other places for placement of children for
29 temporary or permanent care who require that level of care as an
30 alternative to a group home. Private foster family agencies shall
31 be organized and operated on a nonprofit basis.

32 (h) "Group home" means a nondetention privately operated
33 residential home, organized and operated on a nonprofit basis
34 only, of any capacity, that provides services in a group setting to
35 children in need of care and supervision, as required by
36 paragraph (1) of subdivision (a) of Section 1502 of the Health
37 and Safety Code.

38 (i) "Periodic review" means review of a child's status by the
39 juvenile court or by an administrative review panel, that shall
40 include a consideration of the safety of the child, a determination

1 of the continuing need for placement in foster care, evaluation of
2 the goals for the placement and the progress toward meeting
3 these goals, and development of a target date for the child's
4 return home or establishment of alternative permanent
5 placement.

6 (j) "Permanency planning hearing" means a hearing conducted
7 by the juvenile court in which the child's future status, including
8 whether the child shall be returned home or another permanent
9 plan shall be developed, is determined.

10 (k) "Placement and care" refers to the responsibility for the
11 welfare of a child vested in an agency or organization by virtue
12 of the agency or organization having (1) been delegated care,
13 custody, and control of a child by the juvenile court, (2) taken
14 responsibility, pursuant to a relinquishment or termination of
15 parental rights on a child, (3) taken the responsibility of
16 supervising a child detained by the juvenile court pursuant to
17 Section 319 or 636, or (4) signed a voluntary placement
18 agreement for the child's placement; or to the responsibility
19 designated to an individual by virtue of his or her being
20 appointed the child's legal guardian.

21 (l) "Preplacement preventive services" means services that are
22 designed to help children remain with their families by
23 preventing or eliminating the need for removal.

24 (m) "Relative" means an adult who is related to the child by
25 blood, adoption, or affinity within the fifth degree of kinship,
26 including stepparents, stepsiblings, and all relatives whose status
27 is preceded by the words "great," "great-great," or "grand" or the
28 spouse of any of these persons even if the marriage was
29 terminated by death or dissolution.

30 (n) "Nonrelative extended family member" means an adult
31 caregiver who has an established familial or mentoring
32 relationship with the child, as described in Section 362.7.

33 (o) "Voluntary placement" means an out-of-home placement
34 of a child by (1) the county welfare department after the parents
35 or guardians have requested the assistance of the county welfare
36 department and have signed a voluntary placement agreement; or
37 (2) the county welfare department licensed public or private
38 adoption agency, or the department acting as an adoption agency,
39 after the parents have requested the assistance of either the
40 county welfare department, the licensed public or private

1 adoption agency, or the department acting as an adoption agency
2 for the purpose of adoption planning, and have signed a
3 voluntary placement agreement.

4 (p) “Voluntary placement agreement” means a written
5 agreement between either the county welfare department, a
6 licensed public or private adoption agency, or the department
7 acting as an adoption agency, and the parents or guardians of a
8 child that specifies, at a minimum, the following:

9 (1) The legal status of the child.

10 (2) The rights and obligations of the parents or guardians, the
11 child, and the agency in which the child is placed.

12 (q) “Original placement date” means the most recent date on
13 which the court detained a child and ordered an agency to be
14 responsible for supervising the child or the date on which an
15 agency assumed responsibility for a child due to termination of
16 parental rights, relinquishment, or voluntary placement.

17 (r) “Transitional housing placement facility” means either of
18 the following:

19 (1) A community care facility licensed by the State
20 Department of Social Services pursuant to Section 1559.110 of
21 the Health and Safety Code to provide transitional housing
22 opportunities to persons at least 16 years of age, and not more
23 than 18 years of age unless they satisfy the requirements of
24 Section 11403, who are in out-of-home placement under the
25 supervision of the county department of social services or the
26 county probation department, and who are participating in an
27 independent living program.

28 (2) A facility certified to provide transitional housing services
29 pursuant to subdivision (e) of Section 1559.110 of the Health and
30 Safety Code.

31 (s) “Transitional housing placement program” means a
32 program that provides supervised housing opportunities to
33 eligible youth pursuant to Article 4 (commencing with Section
34 16522) of Chapter 5 of Part 4.

35 (t) “Crisis nursery” means a facility licensed to provide
36 short-term, 24-hour nonmedical residential care and supervision
37 for children under six years of age who are either voluntarily
38 placed for temporary care by a parent or legal guardian due to a
39 family crisis or stressful situation for no more than 30 days or,
40 except as provided in subdivision (e) of Section 1516 of the

1 Health and Safety Code, who are temporarily placed by a county
2 child welfare service agency for no more than 14 days.

3 (u) “Whole family foster home” means a family home,
4 approved relative caregiver or nonrelative extended family
5 member’s home, or certified family home that provides foster
6 care for a minor parent and his or her child, and is specifically
7 recruited and trained to assist the minor parent in developing the
8 skills necessary to provide a safe, stable, and permanent home for
9 his or her child. The child of the minor parent need not be the
10 subject of a petition filed pursuant to Section 300 to qualify for
11 placement in a whole family foster home.

12 (v) This section shall remain in effect only until January 1,
13 2008, and as of that date is repealed, unless a later enacted
14 statute, that is enacted before January 1, 2008, deletes or extends
15 that date.

16 *SEC. 3.5. Section 11400 of the Welfare and Institutions Code,*
17 *as amended by Section 6 of Chapter 664 of the Statutes of 2004,*
18 *is amended to read:*

19 11400. For the purposes of this article, the following
20 definitions shall apply:

21 (a) “Aid to Families with Dependent Children-Foster Care
22 (AFDC-FC)” means the aid provided on behalf of needy children
23 in foster care under the terms of this division.

24 (b) “Case plan” means a written document that, at a minimum,
25 specifies the type of home in which the child shall be placed, the
26 safety of that home, and the appropriateness of that home to meet
27 the child’s needs. It shall also include the agency’s plan for
28 ensuring that the child receive proper care and protection in a
29 safe environment, and shall set forth the appropriate services to
30 be provided to the child, the child’s family, and the foster
31 parents, in order to meet the child’s needs while in foster care,
32 and to reunify the child with the child’s family. In addition, the
33 plan shall specify the services that will be provided or steps that
34 will be taken to facilitate an alternate permanent plan if
35 reunification is not possible.

36 (c) “Certified family home” means a family residence certified
37 by a licensed foster family agency and issued a certificate of
38 approval by that agency as meeting licensing standards, and used
39 only by that foster family agency for placements.

1 (d) “Family home” means the family residency of a licensee in
2 which 24-hour care and supervision are provided for children.

3 (e) “Small family home” means any residential facility, in the
4 licensee’s family residence, which provides 24-hour care for six
5 or fewer foster children who have mental disorders or
6 developmental or physical disabilities and who require special
7 care and supervision as a result of their disabilities.

8 (f) “Foster care” means the 24-hour out-of-home care provided
9 to children whose own families are unable or unwilling to care
10 for them, and who are in need of temporary or long-term
11 substitute parenting.

12 (g) “Foster family agency” means any individual or
13 organization engaged in the recruiting, certifying, and training of,
14 and providing professional support to, foster parents, or in
15 finding homes or other places for placement of children for
16 temporary or permanent care who require that level of care as an
17 alternative to a group home. Private foster family agencies shall
18 be organized and operated on a nonprofit basis.

19 (h) “Group home” means a nondetention privately operated
20 residential home, organized and operated on a nonprofit basis
21 only, of any capacity, *or a nondetention licensed residential care*
22 *home operated by the County of San Mateo with a capacity of up*
23 *to 25 beds*, that provides services in a group setting to children in
24 need of care and supervision, as required by paragraph (1) of
25 subdivision (a) of Section 1502 of the Health and Safety Code.

26 (i) “Periodic review” means review of a child’s status by the
27 juvenile court or by an administrative review panel, that shall
28 include a consideration of the safety of the child, a determination
29 of the continuing need for placement in foster care, evaluation of
30 the goals for the placement and the progress toward meeting
31 these goals, and development of a target date for the child’s
32 return home or establishment of alternative permanent
33 placement.

34 (j) “Permanency planning hearing” means a hearing conducted
35 by the juvenile court in which the child’s future status, including
36 whether the child shall be returned home or another permanent
37 plan shall be developed, is determined.

38 (k) “Placement and care” refers to the responsibility for the
39 welfare of a child vested in an agency or organization by virtue
40 of the agency or organization having (1) been delegated care,

1 custody, and control of a child by the juvenile court, (2) taken
2 responsibility, pursuant to a relinquishment or termination of
3 parental rights on a child, (3) taken the responsibility of
4 supervising a child detained by the juvenile court pursuant to
5 Section 319 or 636, or (4) signed a voluntary placement
6 agreement for the child's placement; or to the responsibility
7 designated to an individual by virtue of his or her being
8 appointed the child's legal guardian.

9 (l) "Preplacement preventive services" means services that are
10 designed to help children remain with their families by
11 preventing or eliminating the need for removal.

12 (m) "Relative" means an adult who is related to the child by
13 blood, adoption, or affinity within the fifth degree of kinship,
14 including stepparents, stepsiblings, and all relatives whose status
15 is preceded by the words "great," "great-great," or "grand" or the
16 spouse of any of these persons even if the marriage was
17 terminated by death or dissolution.

18 (n) "Nonrelative extended family member" means an adult
19 caregiver who has an established familial or mentoring
20 relationship with the child, as described in Section 362.7.

21 (o) "Voluntary placement" means an out-of-home placement
22 of a child by (1) the county welfare department after the parents
23 or guardians have requested the assistance of the county welfare
24 department and have signed a voluntary placement agreement; or
25 (2) the county welfare department licensed public or private
26 adoption agency, or the department acting as an adoption agency,
27 after the parents have requested the assistance of either the
28 county welfare department, the licensed public or private
29 adoption agency, or the department acting as an adoption agency
30 for the purpose of adoption planning, and have signed a
31 voluntary placement agreement.

32 (p) "Voluntary placement agreement" means a written
33 agreement between either the county welfare department, a
34 licensed public or private adoption agency, or the department
35 acting as an adoption agency, and the parents or guardians of a
36 child that specifies, at a minimum, the following:

37 (1) The legal status of the child.

38 (2) The rights and obligations of the parents or guardians, the
39 child, and the agency in which the child is placed.

1 (q) “Original placement date” means the most recent date on
2 which the court detained a child and ordered an agency to be
3 responsible for supervising the child or the date on which an
4 agency assumed responsibility for a child due to termination of
5 parental rights, relinquishment, or voluntary placement.

6 (r) “Transitional housing placement facility” means either of
7 the following:

8 (1) A community care facility licensed by the State
9 Department of Social Services pursuant to Section 1559.110 of
10 the Health and Safety Code to provide transitional housing
11 opportunities to persons at least 16 years of age, and not more
12 than 18 years of age unless they satisfy the requirements of
13 Section 11403, who are in out-of-home placement under the
14 supervision of the county department of social services or the
15 county probation department, and who are participating in an
16 independent living program.

17 (2) A facility certified to provide transitional housing services
18 pursuant to subdivision (e) of Section 1559.110 of the Health and
19 Safety Code.

20 (s) “Transitional housing placement program” means a
21 program that provides supervised housing opportunities to
22 eligible youth pursuant to Article 4 (commencing with Section
23 16522) of Chapter 5 of Part 4.

24 (t) “Crisis nursery” means a facility licensed to provide
25 short-term, 24-hour nonmedical residential care and supervision
26 for children under six years of age who are either voluntarily
27 placed for temporary care by a parent or legal guardian due to a
28 family crisis or stressful situation for no more than 30 days or,
29 except as provided in subdivision (e) of Section 1516 of the
30 Health and Safety Code, who are temporarily placed by a county
31 child welfare service agency for no more than 14 days.

32 (u) *“Whole family foster home” means a family home,*
33 *approved relative caregiver or nonrelative extended family*
34 *member’s home, or certified family home that provides foster*
35 *care for a minor parent and his or her child, and is specifically*
36 *recruited and trained to assist the minor parent in developing the*
37 *skills necessary to provide a safe, stable, and permanent home*
38 *for his or her child. The child of the minor parent need not be the*
39 *subject of a petition filed pursuant to Section 300 to qualify for*
40 *placement in a whole family foster home.*

1 (v) This section shall remain in effect only until January 1,
2 2008, and as of that date is repealed, unless a later enacted
3 statute, that is enacted before January 1, 2008, deletes or extends
4 that date.

5 SEC. 4. Section 11400 of the Welfare and Institutions Code,
6 as added by Section 7 of Chapter 664 of the Statutes of 2004, is
7 amended to read:

8 11400. For the purposes of this article, the following
9 definitions shall apply:

10 (a) "Aid to Families with Dependent Children-Foster Care
11 (AFDC-FC)" means the aid provided on behalf of needy children
12 in foster care under the terms of this division.

13 (b) "Case plan" means a written document that, at a minimum,
14 specifies the type of home in which the child shall be placed, the
15 safety of that home, and the appropriateness of that home to meet
16 the child's needs. It shall also include the agency's plan for
17 ensuring that the child receive proper care and protection in a
18 safe environment, and shall set forth the appropriate services to
19 be provided to the child, the child's family, and the foster
20 parents, in order to meet the child's needs while in foster care,
21 and to reunify the child with the child's family. In addition, the
22 plan shall specify the services that will be provided or steps that
23 will be taken to facilitate an alternate permanent plan if
24 reunification is not possible.

25 (c) "Certified family home" means a family residence certified
26 by a licensed foster family agency and issued a certificate of
27 approval by that agency as meeting licensing standards, and used
28 only by that foster family agency for placements.

29 (d) "Family home" means the family residency of a licensee in
30 which 24-hour care and supervision are provided for children.

31 (e) "Small family home" means any residential facility, in the
32 licensee's family residence, which provides 24-hour care for six
33 or fewer foster children who have mental disorders or
34 developmental or physical disabilities and who require special
35 care and supervision as a result of their disabilities.

36 (f) "Foster care" means the 24-hour out-of-home care provided
37 to children whose own families are unable or unwilling to care
38 for them, and who are in need of temporary or long-term
39 substitute parenting.

1 (g) “Foster family agency” means any individual or
2 organization engaged in the recruiting, certifying, and training of,
3 and providing professional support to, foster parents, or in
4 finding homes or other places for placement of children for
5 temporary or permanent care who require that level of care as an
6 alternative to a group home. Private foster family agencies shall
7 be organized and operated on a nonprofit basis.

8 (h) “Group home” means a nondetention privately operated
9 residential home, organized and operated on a nonprofit basis
10 only, of any capacity, that provides services in a group setting to
11 children in need of care and supervision, as required by
12 paragraph (1) of subdivision (a) of Section 1502 of the Health
13 and Safety Code.

14 (i) “Periodic review” means review of a child’s status by the
15 juvenile court or by an administrative review panel, that shall
16 include a consideration of the safety of the child, a determination
17 of the continuing need for placement in foster care, evaluation of
18 the goals for the placement and the progress toward meeting
19 these goals, and development of a target date for the child’s
20 return home or establishment of alternative permanent
21 placement.

22 (j) “Permanency planning hearing” means a hearing conducted
23 by the juvenile court in which the child’s future status, including
24 whether the child shall be returned home or another permanent
25 plan shall be developed, is determined.

26 (k) “Placement and care” refers to the responsibility for the
27 welfare of a child vested in an agency or organization by virtue
28 of the agency or organization having (1) been delegated care,
29 custody, and control of a child by the juvenile court, (2) taken
30 responsibility, pursuant to a relinquishment or termination of
31 parental rights on a child, (3) taken the responsibility of
32 supervising a child detained by the juvenile court pursuant to
33 Section 319 or 636, or (4) signed a voluntary placement
34 agreement for the child’s placement; or to the responsibility
35 designated to an individual by virtue of his or her being
36 appointed the child’s legal guardian.

37 (l) “Preplacement preventive services” means services that are
38 designed to help children remain with their families by
39 preventing or eliminating the need for removal.

1 (m) “Relative” means an adult who is related to the child by
2 blood, adoption, or affinity within the fifth degree of kinship,
3 including stepparents, stepsiblings, and all relatives whose status
4 is preceded by the words “great,” “great-great,” or “grand” or the
5 spouse of any of these persons even if the marriage was
6 terminated by death or dissolution.

7 (n) “Nonrelative extended family member” means an adult
8 caregiver who has an established familial or mentoring
9 relationship with the child, as described in Section 362.7.

10 (o) “Voluntary placement” means an out-of-home placement
11 of a child by (1) the county welfare department after the parents
12 or guardians have requested the assistance of the county welfare
13 department and have signed a voluntary placement agreement; or
14 (2) the county welfare department licensed public or private
15 adoption agency, or the department acting as an adoption agency,
16 after the parents have requested the assistance of either the
17 county welfare department, the licensed public or private
18 adoption agency, or the department acting as an adoption agency
19 for the purpose of adoption planning, and have signed a
20 voluntary placement agreement.

21 (p) “Voluntary placement agreement” means a written
22 agreement between either the county welfare department, a
23 licensed public or private adoption agency, or the department
24 acting as an adoption agency, and the parents or guardians of a
25 child that specifies, at a minimum, the following:

26 (1) The legal status of the child.

27 (2) The rights and obligations of the parents or guardians, the
28 child, and the agency in which the child is placed.

29 (q) “Original placement date” means the most recent date on
30 which the court detained a child and ordered an agency to be
31 responsible for supervising the child or the date on which an
32 agency assumed responsibility for a child due to termination of
33 parental rights, relinquishment, or voluntary placement.

34 (r) “Transitional housing placement facility” means either of
35 the following:

36 (1) A community care facility licensed by the State
37 Department of Social Services pursuant to Section 1559.110 of
38 the Health and Safety Code to provide transitional housing
39 opportunities to persons at least 16 years of age, and not more
40 than 18 years of age unless they satisfy the requirements of

1 Section 11403, who are in out-of-home placement under the
2 supervision of the county department of social services or the
3 county probation department, and who are participating in an
4 independent living program.

5 (2) A facility certified to provide transitional housing services
6 pursuant to subdivision (e) of Section 1559.110 of the Health and
7 Safety Code.

8 (s) “Transitional housing placement program” means a
9 program that provides supervised housing opportunities to
10 eligible youth pursuant to Article 4 (commencing with Section
11 16522) of Chapter 5 of Part 4.

12 (t) “Whole family foster home” means a family home,
13 approved relative caregiver or nonrelative extended family
14 member’s home, or certified family home that provides foster
15 care for a minor parent and his or her child, and is specifically
16 recruited and trained to assist the minor parent in developing the
17 skills necessary to provide a safe, stable, and permanent home for
18 his or her child. The child of the minor parent need not be the
19 subject of a petition filed pursuant to Section 300 to qualify for
20 placement in a whole family foster home.

21 (u) This section shall become operative on January 1, 2008.

22 *SEC. 4.5. Section 11400 of the Welfare and Institutions Code,*
23 *as added by Section 7 of Chapter 664 of the Statutes of 2004, is*
24 *amended to read:*

25 11400. For the purposes of this article, the following
26 definitions shall apply:

27 (a) “Aid to Families with Dependent Children-Foster Care
28 (AFDC-FC)” means the aid provided on behalf of needy children
29 in foster care under the terms of this division.

30 (b) “Case plan” means a written document that, at a minimum,
31 specifies the type of home in which the child shall be placed, the
32 safety of that home, and the appropriateness of that home to meet
33 the child’s needs. It shall also include the agency’s plan for
34 ensuring that the child receive proper care and protection in a
35 safe environment, and shall set forth the appropriate services to
36 be provided to the child, the child’s family, and the foster
37 parents, in order to meet the child’s needs while in foster care,
38 and to reunify the child with the child’s family. In addition, the
39 plan shall specify the services that will be provided or steps that

1 will be taken to facilitate an alternate permanent plan if
2 reunification is not possible.

3 (c) “Certified family home” means a family residence certified
4 by a licensed foster family agency and issued a certificate of
5 approval by that agency as meeting licensing standards, and used
6 only by that foster family agency for placements.

7 (d) “Family home” means the family residency of a licensee in
8 which 24-hour care and supervision are provided for children.

9 (e) “Small family home” means any residential facility, in the
10 licensee’s family residence, which provides 24-hour care for six
11 or fewer foster children who have mental disorders or
12 developmental or physical disabilities and who require special
13 care and supervision as a result of their disabilities.

14 (f) “Foster care” means the 24-hour out-of-home care provided
15 to children whose own families are unable or unwilling to care
16 for them, and who are in need of temporary or long-term
17 substitute parenting.

18 (g) “Foster family agency” means any individual or
19 organization engaged in the recruiting, certifying, and training of,
20 and providing professional support to, foster parents, or in
21 finding homes or other places for placement of children for
22 temporary or permanent care who require that level of care as an
23 alternative to a group home. Private foster family agencies shall
24 be organized and operated on a nonprofit basis.

25 (h) “Group home” means a nondetention privately operated
26 residential home, organized and operated on a nonprofit basis
27 only, of any capacity, *or a nondetention licensed residential care*
28 *home operated by the County of San Mateo with a capacity of up*
29 *to 25 beds*, that provides services in a group setting to children in
30 need of care and supervision, as required by paragraph (1) of
31 subdivision (a) of Section 1502 of the Health and Safety Code.

32 (i) “Periodic review” means review of a child’s status by the
33 juvenile court or by an administrative review panel, that shall
34 include a consideration of the safety of the child, a determination
35 of the continuing need for placement in foster care, evaluation of
36 the goals for the placement and the progress toward meeting
37 these goals, and development of a target date for the child’s
38 return home or establishment of alternative permanent
39 placement.

1 (j) “Permanency planning hearing” means a hearing conducted
2 by the juvenile court in which the child’s future status, including
3 whether the child shall be returned home or another permanent
4 plan shall be developed, is determined.

5 (k) “Placement and care” refers to the responsibility for the
6 welfare of a child vested in an agency or organization by virtue
7 of the agency or organization having (1) been delegated care,
8 custody, and control of a child by the juvenile court, (2) taken
9 responsibility, pursuant to a relinquishment or termination of
10 parental rights on a child, (3) taken the responsibility of
11 supervising a child detained by the juvenile court pursuant to
12 Section 319 or 636, or (4) signed a voluntary placement
13 agreement for the child’s placement; or to the responsibility
14 designated to an individual by virtue of his or her being
15 appointed the child’s legal guardian.

16 (l) “Preplacement preventive services” means services that are
17 designed to help children remain with their families by
18 preventing or eliminating the need for removal.

19 (m) “Relative” means an adult who is related to the child by
20 blood, adoption, or affinity within the fifth degree of kinship,
21 including stepparents, stepsiblings, and all relatives whose status
22 is preceded by the words “great,” “great-great,” or “grand” or the
23 spouse of any of these persons even if the marriage was
24 terminated by death or dissolution.

25 (n) “Nonrelative extended family member” means an adult
26 caregiver who has an established familial or mentoring
27 relationship with the child, as described in Section 362.7.

28 (o) “Voluntary placement” means an out-of-home placement
29 of a child by (1) the county welfare department after the parents
30 or guardians have requested the assistance of the county welfare
31 department and have signed a voluntary placement agreement; or
32 (2) the county welfare department licensed public or private
33 adoption agency, or the department acting as an adoption agency,
34 after the parents have requested the assistance of either the
35 county welfare department, the licensed public or private
36 adoption agency, or the department acting as an adoption agency
37 for the purpose of adoption planning, and have signed a
38 voluntary placement agreement.

39 (p) “Voluntary placement agreement” means a written
40 agreement between either the county welfare department, a

1 licensed public or private adoption agency, or the department
2 acting as an adoption agency, and the parents or guardians of a
3 child that specifies, at a minimum, the following:

4 (1) The legal status of the child.

5 (2) The rights and obligations of the parents or guardians, the
6 child, and the agency in which the child is placed.

7 (q) “Original placement date” means the most recent date on
8 which the court detained a child and ordered an agency to be
9 responsible for supervising the child or the date on which an
10 agency assumed responsibility for a child due to termination of
11 parental rights, relinquishment, or voluntary placement.

12 (r) “Transitional housing placement facility” means either of
13 the following:

14 (1) A community care facility licensed by the State
15 Department of Social Services pursuant to Section 1559.110 of
16 the Health and Safety Code to provide transitional housing
17 opportunities to persons at least 16 years of age, and not more
18 than 18 years of age unless they satisfy the requirements of
19 Section 11403, who are in out-of-home placement under the
20 supervision of the county department of social services or the
21 county probation department, and who are participating in an
22 independent living program.

23 (2) A facility certified to provide transitional housing services
24 pursuant to subdivision (e) of Section 1559.110 of the Health and
25 Safety Code.

26 (s) “Transitional housing placement program” means a
27 program that provides supervised housing opportunities to
28 eligible youth pursuant to Article 4 (commencing with Section
29 16522) of Chapter 5 of Part 4.

30 (t) *“Whole family foster home” means a family home,*
31 *approved relative caregiver or nonrelative extended family*
32 *member’s home, or certified family home that provides foster*
33 *care for a minor parent and his or her child, and is specifically*
34 *recruited and trained to assist the minor parent in developing the*
35 *skills necessary to provide a safe, stable, and permanent home*
36 *for his or her child. The child of the minor parent need not be the*
37 *subject of a petition filed pursuant to Section 300 to qualify for*
38 *placement in a whole family foster home.*

39 (u) This section shall become operative on January 1, 2008.

SEC. 5. Section 11401 of the Welfare and Institutions Code is amended to read:

11401. Aid in the form of AFDC-FC shall be provided under this chapter on behalf of any child under the age of 18 years, except as provided in Section 11403, who meets the conditions of subdivision (a), (b), (c), (d), (e), (f), or (g):

(a) The child has been relinquished, for purposes of adoption, to a licensed adoption agency, or the department, or the parental rights of either or both of his or her parents have been terminated after an action under the Family Code has been brought by a licensed adoption agency or the department, provided that the licensed adoption agency or the department, if responsible for placement and care, provides to those children all services as required by the department to children in foster care.

(b) The child has been removed from the physical custody of his or her parent, relative, or guardian as a result of a voluntary placement agreement or a judicial determination that continuance in the home would be contrary to the child's welfare and that, if the child was placed in foster care, reasonable efforts were made, consistent with Chapter 5 (commencing with Section 16500) of Part 4, to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return to his or her home, and any of the following applies:

(1) The child has been adjudged a dependent child of the court on the grounds that he or she is a person described by Section 300.

(2) The child has been adjudged a ward of the court on the grounds that he or she is a person described by Sections 601 and 602.

(3) The child has been detained under a court order, pursuant to Section 319 or 636, that remains in effect.

(4) The child's dependency jurisdiction has resumed pursuant to Section 387.

(c) The child has been voluntarily placed by his or her parent or guardian pursuant to Section 11401.1.

(d) The child is living in the home of a nonrelated legal guardian.

(e) The child has been placed in foster care under the federal Indian Child Welfare Act. Sections 11402, 11404, and 11405 shall not be construed as limiting payments to Indian children, as

1 defined in the federal Indian Child Welfare Act, placed in
2 accordance with that act.

3 (f) To be eligible for federal financial participation, either of
4 the following conditions shall be satisfied:

5 (1) (A) The child meets the conditions of subdivision (b).

6 (B) The child has been deprived of parental support or care for
7 any of the reasons set forth in Section 11250.

8 (C) The child has been removed from the home of a relative as
9 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal
10 Regulations, as amended.

11 (D) The requirements of Sections 671 and 672 of Title 42 of
12 the United States Code, as amended, have been met.

13 (2) (A) The child meets the requirements of subdivision (g).

14 (B) The requirements of Sections 671 and 672 of Title 42 of
15 the United States Code, as amended, have been met.

16 (C) This paragraph shall be implemented only if federal
17 financial participation is available for the children described in
18 this paragraph.

19 (g) The child meets all of the following conditions:

20 (1) The child has been adjudged to be a dependent child or
21 ward of the court on the ~~ground~~ grounds that he or she is a
22 person described in Section 300 ~~or Section 602~~.

23 (2) The child's parent also has been adjudged to be a
24 dependent child of the court on the grounds that he or she is a
25 person described by Section 300 *or Section 602* and is receiving
26 benefits under this chapter.

27 (3) The child is placed in the same licensed or approved foster
28 care facility in which his or her parent is placed and the child's
29 parent is receiving reunification services with respect to that
30 child.

31 SEC. 6. Section 11465 of the Welfare and Institutions Code is
32 amended to read:

33 11465. (a) When a child is living with a parent who receives
34 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
35 behalf of the parent shall include an amount for care and
36 supervision of the child.

37 (b) For each category of eligible licensed community care
38 facility, as defined in Section 1502 of the Health and Safety
39 Code, the department shall adopt regulations setting forth a

1 uniform rate to cover the cost of care and supervision of the child
2 in each category of eligible licensed community care facility.

3 (c) (1) On and after July 1, 1998, the uniform rate to cover the
4 cost of care and supervision of a child pursuant to this section
5 shall be increased by 6 percent, rounded to the nearest dollar. The
6 resultant amounts shall constitute the new uniform rate.

7 (2) (A) On and after July 1, 1999, the uniform rate to cover
8 the cost of care and supervision of a child pursuant to this section
9 shall be adjusted by an amount equal to the California
10 Necessities Index computed pursuant to Section 11453, rounded
11 to the nearest dollar. The resultant amounts shall constitute the
12 new uniform rate, subject to further adjustment pursuant to
13 ~~paragraph~~ *subparagraph* (B).

14 (B) In addition to the adjustment specified in subparagraph
15 (A), on and after January 1, 2000, the uniform rate to cover the
16 cost of care and supervision of a child pursuant to this section
17 shall be increased by 2.36 percent, rounded to the nearest dollar.
18 The resultant amounts shall constitute the new uniform rate.

19 (3) Subject to the availability of funds, for the 2000-01 fiscal
20 year and annually thereafter, these rates shall be adjusted for cost
21 of living pursuant to procedures in Section 11453.

22 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
23 payment made pursuant to this section for care and supervision
24 of a child who is living with a teen parent in a whole family
25 foster home, as defined in subdivision (u) of Section 11400, shall
26 equal the basic rate for children placed in a licensed or approved
27 home as specified in subdivisions (a) to (d), inclusive, of Section
28 11461.

29 (2) The caregiver shall provide the county child welfare
30 agency or probation department with a copy of the shared
31 responsibility plan developed pursuant to Section 16501.25 and
32 shall advise the county child welfare agency or probation
33 department of any subsequent changes to the plan. Once the plan
34 has been completed and provided to the appropriate agencies, the
35 payment made pursuant to this section shall be increased by an
36 additional two hundred dollars (\$200) per month to reflect the
37 ~~increased mentoring to be provided to the teen parent~~ *care and*
38 *supervision* while he or she is placed in the whole family foster
39 home.

1 (3) In any year in which the payment provided pursuant to this
2 section is adjusted for the cost of living as provided in paragraph
3 (1) of subdivision (c), the payments provided for in this
4 subdivision shall also be increased by the same procedures.

5 SEC. 7. Section 16501.25 is added to the Welfare and
6 Institutions Code, to read:

7 16501.25. (a) For the purposes of this section, “teen parent”
8 means a child who has been adjudged to be a dependent child or
9 ward of the court on the grounds that he or she is a person
10 described under Section 300 or Section 602, living in
11 out-of-home placement in a whole family foster home, as defined
12 in subdivision (u) of Section 11400, who is a parent.

13 (b) (1) When the child of a teen parent is not subject to the
14 jurisdiction of the dependency court but is in the full or partial
15 physical custody of the teen parent, a written shared
16 responsibility plan shall be developed. The plan shall be
17 developed between the teen parent, caregiver, and a
18 representative of the county child welfare agency or probation
19 department, and in the case of a certified home, a representative
20 of the agency providing direct and immediate supervision to the
21 caregiver. Additional input may be provided by any individuals
22 identified by the teen parent, the other parent of the child, if
23 appropriate, and other extended family members. The plan shall
24 be developed as soon as is practicably possible. However, if one
25 or more of the above stakeholders are not available to participate
26 in the creation of the plan within the first 30 days of the teen
27 parent’s placement, the teen parent and caregiver may enter into
28 a plan for the purposes of fulfilling the requirements of paragraph
29 (2) of subdivision (d) of Section 11465, which may be modified
30 at a later time when the other individuals become available.

31 (2) The plan shall be designed to preserve and strengthen the
32 teen parent family unit, as described in Section 16002.5, to assist
33 the teen parent in meeting the goals outlined in Section 16002.5,
34 to facilitate a supportive home environment for the teen parent
35 and the child, and to ultimately enable the teen parent to
36 independently provide a safe, stable, and permanent home for the
37 child. The plan shall in no way limit the teen parent’s legal right
38 to make decisions regarding the care, custody, and control of the
39 child.

(3) The plan shall be written for the express purpose of aiding the teen parent and the caregiver to reach agreements aimed at reducing conflict and misunderstandings. The plan shall outline, with as much specificity as is practicable, the duties, rights, and responsibilities of both the teen parent and the caregiver with regard to the child, and identify supportive services to be offered to the teen parent by the caregiver or, in the case of a certified home, the agency providing direct and immediate supervision to the caregiver, or both. The plan shall be updated, as needed, to account for the changing needs of infants and toddlers, and in accordance with the teen parent's changing school, employment, or other outside responsibilities. The plan shall not conflict with the teen parent's case plan. Areas to be addressed by the plan include, but are not limited to, all of the following:

(A) Feeding.

(B) Clothing.

(C) Hygiene.

(D) Purchase of necessary items, including, but not limited to, safety items, food, clothing, and developmentally appropriate toys and books. This includes both one-time purchases and items needed on an ongoing basis.

(E) Health care.

(F) Transportation to health care appointments, child care, and school, as appropriate.

(G) Provision of child care and babysitting.

(H) Discipline.

(I) Sleeping arrangements.

(J) Visits among the child, his or her noncustodial parent, and other appropriate family members, including the responsibilities of the teen parent, the caregiver, and the foster family agency, as appropriate, for facilitating the visitation. The shared responsibility plan shall not conflict with the teen parent's case plan and any visitation orders made by the court.

(c) Upon completion of the shared responsibility plan and any subsequent updates to the plan, a copy shall be provided to the teen parent and his or her attorney, the caregiver, the county child welfare agency or probation department and, in the case of a certified home, the agency providing direct and immediate supervision to the caregiver.

SEC. 8. 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.

SEC. 9. (a) Section 1 of this bill incorporates amendments to Section 300 of the Welfare and Institutions Code proposed by both this bill and SB 116. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2006, (2) SB 116 bill amends Section 300 of the Welfare and Institutions Code, as amended by Section 3 of Chapter 824 of the Statutes of 2000, and (3) this bill is enacted after SB 116, in which case Section 1.5 of this bill shall not become operative.

(b) Section 1.5 of this bill shall only become operative if (1) this bill is enacted and becomes effective on or before January 1, 2006, and (2) SB 116 is not enacted, in which case Section 1 of this bill shall not become operative.

SEC. 10. Section 3.5 of this bill incorporates amendments to Section 11400 of the Welfare and Institutions Code proposed by both this bill and SB 679. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2006, (2) each bill amends Section 11400 of the Welfare and Institutions Code, as amended by Section 6 of Chapter 664 of the Statutes of 2004, and (3) this bill is enacted after SB 679, in which case Section 3 of this bill shall not become operative.

SEC. 11. Section 4.5 of this bill incorporates amendments to Section 11400 of the Welfare and Institutions Code proposed by both this bill and SB 679. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2006, (2) each bill amends Section 11400 of the Welfare and Institutions Code, as amended by Section 7 of Chapter 664 of the Statutes of 2004, and (3) this bill is enacted after SB 679, in which case Section 4 of this bill shall not become operative.