

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1099

Introduced by Senator Correa

February 17, 2010

An act to amend Sections 11410 and 15200.5 of, and to add Section 11410.5 to, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1099, as amended, Correa. Foster care funds: subsidized child care for foster parents.

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.

Existing law requires the county to amend its foster care state plan to authorize counties that elect to subsidize child care for foster parents to use specified federal matching funds for that purpose. Under existing law, the county is responsible for 100% of the nonfederal share of payments to foster parents for this purpose.

Existing law, the Child Care and Development Services Act provides child care and development services to children from birth to 13 years of age and their parents through full- and part-time programs. The act requires the Superintendent of Public Instruction to adopt rules and regulations on eligibility, enrollment, and priority of services needed to implement those programs, and gives priority to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, as specified.

This bill would require the State Department of Social Services to amend its foster care state plan to authorize the use of *designated* state

child care and development funds administered by the State Department of Education, *in addition to county funds*, as the nonfederal match for specified child care for children receiving protective services, foster children, and children at risk of abuse and neglect, *pursuant to criteria specified in the bill*. The bill would make conforming changes to the law relating to the payment of the nonfederal share of these costs.

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 11410 of the Welfare and Institutions
2 Code is amended to read:

3 11410. (a) The department shall amend the foster care state
4 plan required under Subtitle IV-E (commencing with Section 470)
5 of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.), to
6 authorize counties that elect to subsidize child care for foster
7 parents to use federal matching funds under Subtitle IV-E for that
8 purpose.

9 (b) When approved by the federal government, counties electing
10 to administer the Foster Parent Child Care Program shall follow
11 the guidelines developed by the State Department of Social
12 Services.

13 (c) Federal funds used by a county pursuant to this section shall
14 be matched either by county funds pursuant to Section 15200.5,
15 or by funds made available pursuant to Section 11410.5, or by a
16 combination of those funds.

17 SEC. 2. Section 11410.5 is added to the Welfare and
18 Institutions Code, to read:

19 11410.5. (a) The department shall amend the foster care state
20 plan required under Subtitle IV-E (commencing with Section 470)
21 of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) to
22 authorize the use of state child care and development funds
23 administered by the *child development division of the State*
24 Department of Education, *that are not being used for any other*
25 *nonfederal match*, as the nonfederal match for Title IV-E child
26 care for children receiving protective services, foster children, and
27 children at risk of abuse and neglect.

1 ***(b) If child development division funds are to be used as the***
2 ***nonfederal match for Title IV-E, the county shall do all of the***
3 ***following:***

4 ***(1) Contract with a local State Department of***
5 ***Education-contracted child care agency that is willing to***
6 ***participate.***

7 ***(2) Claim the full child care costs of federally eligible Title IV-E***
8 ***children, at a rate commensurate with regional child care and***
9 ***development costs.***

10 ***(3) Provide the full federal Title IV-E funding to the local***
11 ***contractor. The local contractor shall use the provided funds as***
12 ***the nonfederal match and enroll and serve children identified by***
13 ***the county as children receiving protective services, foster children,***
14 ***or children at risk of abuse or neglect.***

15 SEC. 3. Section 15200.5 of the Welfare and Institutions Code
16 is amended to read:

17 15200.5. (a) Notwithstanding subdivision (c) of Section 15200,
18 and except as provided in subdivision (b), the county shall be
19 responsible for 100 percent of the nonfederal share of payments
20 to needy children eligible for AFDC-FC under the conditions of
21 Section 11402.5, and for payments made to foster parents pursuant
22 to Section 11410.

23 (b) A county also may use funds made available pursuant to
24 Section 11410.5 for the nonfederal share of payments made to
25 foster parents pursuant to Section 11410.