



SOLANO COUNTY

Legislative Committee Meeting

Committee
Supervisor Linda J. Seifert (Chair)
Supervisor Erin Hannigan

Staff
Michelle Heppner

June 20, 2016
1:30 p.m.

Solano County Administration Center
Sixth Floor Conference Center, Room 6003
675 Texas Street
Fairfield, CA 94533

AGENDA

- I. **Public Comment** (Items not on the agenda)
- II. **Report on Federal Budget and Legislation and consider making a recommendation for a position on legislation (Waterman & Associates)**
- III. **Update from Solano County Legislative Delegation (Legislative representatives)**
Updates to include attached Bill List (Page 2)
- IV. **Report on State Budget and Legislation and consider making a recommendation for a position on legislation (Paul Yoder)**

Health & Social Services

- [AB 1997](#) ([Stone, Mark](#) D) Foster care. (Page 23)
Current Analysis: 05/31/2016 [Assembly Floor Analysis](#). (Page 223)
- [SB 586](#) ([Hernandez](#) D) Children's services. (Page 227)
Current Analysis: 05/31/2015 [Senate Floor Analyses](#). (Page 256)

Update on State Budget and Proceedings

- V. **Next Meeting: August 1, 2016 at 1:30 p.m.**
- VI. **Adjourn**

Solano State Legislative Delegation Bills

Wolk, Lois

Bill ID/Topic	Location	Summary
SB 7 Wolk D Housing: water meters: multiunit structures.	1/1/2016-A. UNFINISHED BUSINESS 1/1/2016-Set for Hearing.	Existing law generally regulates the hiring of dwelling units and, among other things, imposes certain requirements on landlords and tenants. Among these requirements, existing law requires landlords to provide tenants with certain notices or disclosures pertaining to, among other things, pest control and gas meters. This bill would express the intent of the Legislature to encourage the conservation of water in multifamily residential rental buildings through means either within the landlord's or the tenant's control, and to ensure that the practices involving the submetering of dwelling units for water service are just and reasonable, and include appropriate safeguards for both tenants and landlords. This bill contains other related provisions and other existing laws.
SB 441 Wolk D California Public Records Act: exemptions.	6/9/2016-A. RLS. 6/9/2016-Read third time and amended. Ordered to third reading. Re-referred to Com. on RLS. pursuant to Assembly Rule 77.2.	The California Public Records Act requires that public records be open to inspection at all times during the office hours of a public agency, defined as any state or local agency, and that every person has a right to inspect any public record, except as specifically provided. The act further requires that a reasonably segregable portion of a public record be available for inspection by any person requesting the public record after deletion of the portions that are exempted by law. This bill would prohibit disclosure of any identification number, alphanumeric character, or other unique identifying code used by a public agency to identify a vendor or contractor, or an affiliate of a vendor or contractor. This bill contains other related provisions and other existing laws.
SB 543 Wolk D Veterans: Veterans' Home of California.	6/15/2016-A. APPR. 6/15/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (June 14). Re-referred to Com. on APPR.	Existing law provides for the establishment and operation of the Veterans' Home of California at various sites, including homes in Barstow, Chula Vista, Lancaster, Ventura, and Yountville, and provides for an administrator for each home or homesite. Existing law defines "home" and "administrator" for these purposes. Existing law establishes the Veterans' Home Fund in the State Treasury, which includes the proceeds of certain bonds. Existing law requires, upon appropriation of the Legislature, the Department of Veterans Affairs to use money in the fund for the purpose of designing and constructing veterans' homes in California. This bill would clarify that veterans' homes include the Veterans' Homes of California located in Chula Vista, Fresno, Lancaster, Redding, Ventura, West Los Angeles, and any future Veterans' Home of California that is established. This bill contains other related provisions and other existing laws.
SB 552 Wolk D Public water systems: disadvantaged communities: consolidation or extension of service: administrative and managerial services.	6/16/2016-A. W.,P. & W. 6/16/2016-Action From W.,P. & W.: Read second time and amended.Re-referred to W.,P. & W..	Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, and imposes on the State Water Resources Control Board various responsibilities and duties. The act authorizes the state board to order consolidation with a receiving water system where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. The act authorizes the state board to order

		<p>the extension of service to an area that does not have access to an adequate supply of safe drinking water so long as the extension of service is an interim extension of service in preparation for consolidation. Existing law, for these purposes, defines “disadvantaged community” to mean a disadvantaged community that is in an unincorporated area or is served by a mutual water company. This bill would make a community disadvantaged for these purposes if the community is in a mobilehome park even if it is not in an unincorporated area or served by a mutual water company. The bill would limit the authority of the state board to order consolidation or extension of service to provide that authority only with regard to a disadvantaged community. This bill contains other related provisions and other existing laws.</p>
<p>SB 554 Wolk D</p> <p>Delta levee maintenance.</p>	<p>6/14/2016-A. APPR. 6/14/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 3.) (June 14). Re-referred to Com. on APPR.</p>	<p>Existing law establishes a delta levee maintenance program pursuant to which a local agency may request reimbursement for costs incurred in connection with the maintenance or improvement of project or nonproject levees in the Sacramento-San Joaquin Delta. Existing law declares legislative intent to reimburse eligible local agencies under this program, until July 1, 2018, in an amount not to exceed 75% of those costs that are incurred in excess of \$1,000 per mile of levee. Existing law, until July 1, 2018, authorizes the board to provide funds to an eligible local agency under this program in the form of an advance in an amount that does not exceed 75% of the estimated state share. Existing law, on and after July 1, 2018, declares the intent of the Legislature to reimburse eligible local agencies under this program in an amount not to exceed 50% of those costs that are incurred in any year for the maintenance and improvement of levees. This bill would declare legislative intent to reimburse up to 75% of those costs incurred in any year for the maintenance or improvement of levees in excess of \$1,000 per mile of levee and would authorize the board to advance funds in an amount that does not exceed 75% of the estimated state share to an eligible local agency.</p>
<p>SB 683 Wolk D</p> <p>Alcoholic beverage licenses: nonprofit sales license.</p>	<p>6/14/2016-A. G.O. 6/14/2016-From committee with author's amendments. Read second time and amended. Re-referred to Com. on G.O.</p>	<p>Existing law, the Alcoholic Beverage Control Act, regulates the application for, the issuance of, the suspension of, and the conditions imposed upon, various alcoholic beverage licenses pursuant to which the licensees may exercise specified privileges in the state. Existing law authorizes the specified licenses to nonprofit organizations, as provided. Existing law also provides for various annual fees for the issuance of alcoholic beverage licenses depending upon the type of license issued. This bill would authorize the Department of Alcoholic Beverage Control to issue a special nonprofit sales license to a nonprofit mutual benefit corporation, as described, that would authorize the licensee to, among other things, accept the transfer of, and take title to, up to 20,000 gallons of wine per year produced by the public university, as described, and sell transferred wine to consumers and licensees, as provided. The bill would impose an original fee and an annual renewal fee for the license, which would be deposited in the Alcohol Beverage Control Fund. This bill contains other related provisions.</p>

<p>SB 746 Wolk D</p> <p>Olive Oil Commission of California: voting members: chair of advisory committee.</p>	<p>6/6/2016-A. AGRI. 6/6/2016-From committee with author's amendments. Read second time and amended. Re-referred to Com. on AGRI.</p>	<p>Existing law establishes the Olive Oil Commission of California and provides for the board of directors of the commission comprised of 10 voting members, as specified. Existing law further provides for an advisory committee to advise the commission board of directors, provides for the selection of the chair of the advisory committee by the members of the commission, and specifies that the chair of the advisory committee shall be a nonvoting member of the commission board of directors. This bill would instead establish the chair of the advisory committee to be a member, rather than a nonvoting member, of the commission board of directors. The bill would also require the chair of the advisory committee to designate an alternate advisory committee member to serve in the chair's absence.</p>
<p>SB 885 Wolk D</p> <p>Construction contracts: indemnity.</p>	<p>6/9/2016-A. JUD. 6/9/2016-Referred to Com. on JUD.</p>	<p>Existing law makes specified provisions in construction contracts void and unenforceable, including provisions that purport to indemnify the promisee against liability for damages for death or bodily injury to persons, injury to property, or any other loss arising from the sole negligence or willful misconduct of the promisee or the promisee's agents who are directly responsible to the promisee, or for defects in design furnished by those persons. This bill would specify, with certain exceptions, for construction contracts entered into on or after January 1, 2017, that a design professional, as defined, only has the duty to defend himself or herself from claims or lawsuits that arise out of, or pertain or relate to, negligence, recklessness, or willful misconduct of the design professional. The bill would prohibit these provisions from being construed to affect any duty of a design professional to pay a reasonable allocated share of defense fees and costs with respect to claims and lawsuits alleging negligence, recklessness, or willful misconduct of the design professional, as specified. The bill would prohibit waiver of these provisions and would provide that any clause, covenant, or agreement contained in, collateral to, or affecting a contract that requires a design professional to defend claims or lawsuits against other persons or entities is void and unenforceable. The bill would provide legislative findings and declarations in support of these provisions.</p>
<p>SB 1006 Wolk D</p> <p>Firearm Violence Research Center.</p>	<p>6/1/2016-A. HIGHER ED. 6/14/2016-June 14 set for first hearing canceled at the request of author.</p>	<p>Existing law establishes and funds various research centers and programs in conjunction with the University of California. This bill would enact the California Firearm Violence Research Act. The bill would declare the intent of the Legislature that the Regents of the University of California establish the California Firearm Violence Research Center to research firearm-related violence. The bill would declare legislative intent regarding the principles by which the university would administer the center and award research funds, as prescribed. The bill would require the university to report, on or before December 31, 2017, and every 5 years thereafter, specified information regarding the activities of the center and information pertaining to research grants. The bill would require the center and the grant recipients to provide copies of their research publications to the Legislature and specified agencies. The bill would specify that its provisions would apply to the university only to the extent that the</p>

		regents, by resolution, make any of the provisions of the bill applicable to the university.
<p>SB 1119 Wolk D</p> <p>Surplus state property: Napa County Regional Park and Open Space District.</p>	<p>6/1/2016-S. INACTIVE FILE 6/1/2016-Ordered to inactive file on request of Senator Wolk.</p>	<p>Existing law authorizes the Director of General Services to sell or exchange, at fair market value based upon an appraisal approved by the Department of General Services, all or part of a specified parcel of state property only to the County of Napa upon those terms, conditions, reservations, and exceptions the director determines are in the best interest of the state, by January 1, 2015, and subject to other requirements. Existing law requires reimbursement of the Department of General Services for any cost or expense incurred in the disposition of the property from the proceeds of the disposition of the property. Existing law requires the proceeds from this sale to be deposited in the Deficit Recovery Bond Retirement Sinking Fund Subaccount until the bonds associated with this subaccount are finally paid. This bill would apply the authorization described above to apply to the Napa County Regional Park and Open Space District instead of Napa County and would extend the period within which the sale described above may be made to January 1, 2021. The bill would revise the reference to the Deficit Recovery Bond Retirement Sinking Fund Subaccount, given that the principal and interest on the bonds have been provided and no more bonds are outstanding. Consistent with requirements of the California Constitution, the bill would direct that proceeds be paid into the Special Fund for Economic Uncertainties, which is continuously appropriated. By depositing money in a continuously appropriated fund, the bill would make an appropriation. This bill contains other related provisions.</p>
<p>SB 1120 Wolk D</p> <p>Director of General Services: state medical facilities: leases.</p>	<p>6/13/2016-A. A. & A.R. 6/13/2016-From committee with author's amendments. Read second time and amended. Re-referred to Com. on A. & A.R.</p>	<p>Existing law authorizes the Director of General Services, with the consent of the State Department of State Hospitals to lease specified property located within the Napa State Hospital to a nonprofit corporation for the purpose of conducting its trainable mentally retarded program consistent with specified requirements. This bill would update the names of the programs being offered and would authorize the lease to be renewed for a term not exceeding 50 years. This bill contains other related provisions and other existing laws.</p>
<p>SB 1317 Wolk D</p> <p>Groundwater extraction permit.</p>	<p>6/9/2016-A. W., P. & W. 6/9/2016-Referred to Coms. on W., P., & W. and L. GOV.</p>	<p>The California Constitution requires the reasonable and beneficial use of water and that the conservation of the water resources of the state is to be exercised with a view to the reasonable and beneficial use of the water in the interest of the people and for the public welfare. Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources and designated as subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. This bill, by January 1, 2018, would require a city or county overlying a basin designated as a high- or medium-priority basin to</p>

		<p>establish a process for the issuance of a groundwater extraction permit for the development of a groundwater extraction facility that requires an applicant for a groundwater extraction permit to demonstrate, based on substantial evidence, that extraction of groundwater from a proposed groundwater extraction facility will not contribute to or create an undesirable result, as prescribed. The bill would prohibit a groundwater extraction facility in a high- or medium-priority basin from being developed without a valid groundwater extraction permit, with certain exceptions. The bill would not require a city or county overlying a medium- or high-priority basin to have a process for the issuance of a groundwater extraction permit for the development of a groundwater extraction facility on or after January 31, 2022, or once the department has evaluated a groundwater sustainability plan for the basin the city or county overlies and determined the plan to be adequate and likely to achieve the sustainability goal for the basin, whichever comes first. By increasing the duties of cities and counties, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>
<p>SB 1318 Wolk D</p> <p>Local government: drinking water infrastructure or services: wastewater infrastructure or services.</p>	<p>6/9/2016-A. L. GOV. 6/9/2016-Referred to Coms. on L. GOV. and E.S. & T.M.</p>	<p>The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts. This bill would additionally authorize a local agency formation commission to initiate a proposal by resolution of application for the annexation of a disadvantaged unincorporated community, as specified. This bill contains other related provisions and other existing laws.</p>
<p>SB 1340 Wolk D</p> <p>Water Conservation in Landscaping Act.</p>	<p>6/8/2016-A. W.,P. & W. 6/14/2016-June 14 set for first hearing. Failed passage in committee. (Ayes 6. Noes 8.) Reconsideration granted.</p>	<p>Existing law, the Water Conservation in Landscaping Act, requires the Department of Water Resources to update a specified model water efficient landscape ordinance by regulation and prescribes various requirements for the updated model ordinance. Existing law requires each local agency to adopt either the updated model water efficient landscape ordinance or an ordinance that is at least as effective in conserving water as the updated model ordinance. If the local agency does not make a selection, the model ordinance shall apply within the jurisdiction of the local agency. This bill would provide that no reimbursement is required by this act for a specified reason. This bill contains other existing laws.</p>
<p>SB 1386 Wolk D</p> <p>Resource conservation: working and natural lands.</p>	<p>5/19/2016-A. NAT. RES. 5/19/2016-Referred to Com. on NAT. RES.</p>	<p>The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act requires all state agencies to consider and implement strategies to reduce their greenhouse gas emissions. This bill would declare it to be the policy of the state that the protection and management of natural and working lands, as defined, is a key strategy in meeting the state's greenhouse gas reduction goals, and would require all relevant state agencies, departments, boards, and commissions to consider this policy when revising, adopting, or establishing policies, regulations, expenditures, or grant criteria relating to the protection and management of natural and working lands.</p>

<p>SB 1396 Wolk D</p> <p>Wildlife Conservation Board: Inner Coast Range Program.</p>	<p>6/9/2016-A. W.,P. & W. 6/9/2016-Referred to Com. on W., P., & W.</p>	<p>Existing law, the Wildlife Conservation Law of 1947, establishes the Wildlife Conservation Board in the Department of Fish and Wildlife. Under existing law, the board consists of the president of the Fish and Game Commission, the Director of Fish and Wildlife, and the Director of Finance. Existing law prescribes the board's duties with regard to, among other things, real property acquisitions for property used for wildlife preservation and conservation purposes. This bill would establish the Inner Coast Range Program with specified goal areas and authorization related to the Inner Coast Range Region, as defined. This bill would require the board to establish an advisory board for the program consisting of one representative of each of the counties within the region and would authorize the board to invite certain legislators and representatives of state and federal agencies to participate as members on the advisory board. The bill would create the Inner Coast Range Program Fund in the State Treasury and would provide that moneys in the fund would be available, upon appropriation, for the purposes of the program. This bill contains other related provisions.</p>
<p>SB 1414 Wolk D</p> <p>Energy.</p>	<p>6/14/2016-A. U. & C. 6/14/2016-From committee with author's amendments. Read second time and amended. Re-referred to Com. on U. & C.</p>	<p>Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to prescribe, by regulation, building design and construction standards and energy and water conservation design standards for new residential and nonresidential buildings. Existing law requires the Energy Commission to prescribe, by regulation, standards for minimum levels of operating efficiency to promote the use of energy-efficient and water-efficient appliances whose use requires a significant amount of energy or water on a statewide basis. Existing law requires that the minimum levels of operating efficiency be based on feasible and attainable efficiencies or feasible improved efficiencies that will reduce the energy or water consumption growth rates. Existing law prohibits a new appliance manufactured on or after the effective date of the operating efficiency standards to be sold or offered for sale in the state unless it is certified by the manufacturer to be in compliance with those standards. This bill would require the Energy Commission, by January 1, 2019, to approve a plan that will promote the installation of central air conditioning and heat pumps in compliance with specified regulations. The bill would authorize the Energy Commission to adopt regulations to increase compliance with permitting and inspection requirements for central air conditioning and heat pumps and associated sales and installations, consistent with that plan. This bill contains other related provisions and other existing laws.</p>
<p>SCA 14 Wolk D</p> <p>Legislative procedure.</p>	<p>6/14/2016-S. THIRD READING 6/14/2016-Read second time. Ordered to third reading.</p>	<p>The California Constitution requires that the proceedings of each house of the Legislature and the committees thereof be open and public, except as specified. This measure, the California Legislature Transparency Act, would require the Legislature, commencing January 1, 2018, to make audiovisual recordings of the open and public proceedings of each house of the Legislature and the committees thereof, as prescribed. The measure would require the Legislature to provide these recordings to the Legislative Counsel for purposes of making the recordings promptly available to the</p>

		public and would require that the recordings remain reasonably accessible to the public for not less than 20 years. The measure would require the Legislature to enact laws to implement these provisions, provided that the bills enacting such laws would be required to be published in final form on the Internet for at least 12 days prior to the final vote in each house. This bill contains other related provisions and other existing laws.
<p>SCR 137 Wolk D</p> <p>Police Officer Vilho Ahola Memorial Highway.</p>	<p>6/15/2016-S. APPR. 6/15/2016-From committee: Be adopted and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 11. Noes 0.) (June 14). Re-referred to Com. on APPR.</p>	<p>This measure would designate a specified interchange on State Highway 101 in the County of Sonoma as the Police Officer Vilho Ahola Memorial Interchange. The measure would also request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.</p>

Bonilla, Susan

Bill ID/Topic	Location	Summary	Position
<p>AB 1174 Bonilla D</p> <p>Automotive Repair Act: violations: regulations: reports.</p>	<p>3/7/2016-S. B., P. & E.D. 6/8/2016-In committee: Set, first hearing. Hearing canceled at the request of author.</p>	<p>The Automotive Repair Act provides for the licensure and regulation of automotive repair dealers, among others, by the Chief of the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. The act requires the director, on the director's initiative or in response to a complaint, to investigate a violation of the act, or of any regulation adopted pursuant to the act, by any automotive repair dealer, automotive technician, or employee, partner, officer, or member of any automotive repair dealer. The act authorizes the director to adopt and enforce the rules and regulations that the director determines are reasonably necessary to carry out the purposes of the act and declaring the policy of the bureau, including a system for the issuance of citations pursuant to a specified law. The act, except as specified, makes a violation of any requirement of the act by any person punishable as a misdemeanor. This bill would clarify that the specified law under which the director may adopt and enforce rules and regulations under the Automotive Repair Act authorizes any board, bureau, or commission within the Department of Consumer Affairs to establish, by regulation, a system for the issuance to a licensee of a citation when the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto. This bill contains other related provisions.</p>	
<p>AB 1592 Bonilla D</p> <p>Autonomous vehicles: pilot project.</p>	<p>6/14/2016-S. T. & H. 6/14/2016-Action From T. & H.: Do pass as amended.</p>	<p>Existing law permits the operation of an autonomous vehicle on public roads for testing purposes if, among other requirements, a driver is seated in the driver's seat and is capable of taking immediate manual control of the vehicle in the event of an autonomous technology failure or other emergency. This bill would, notwithstanding the above provision, authorize the Contra Costa Transportation Authority to conduct a pilot project for the testing of autonomous vehicles that do not have an operator and are not equipped with a steering wheel, a brake pedal, or an accelerator if the testing is conducted only at specified locations and the autonomous vehicle operates at speeds of less than 35 miles per hour.</p>	
<p>AB 1665 Bonilla D</p> <p>Transactions and use taxes: County of Alameda, County of Contra Costa, and Contra Costa Transportation Authority.</p>	<p>6/15/2016-S. GOV. & F. 6/15/2016-From committee: Do pass and re-refer to Com. on GOV. & F. with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (June 14). Re-referred to Com. on GOV. & F.</p>	<p>Existing law authorizes the County of Alameda and the County of Contra Costa to impose a transactions and use tax for the support of countywide transportation programs at a rate of no more than 0.5% that, in combination with other specified taxes, exceeds the combined rate of all these taxes that may be imposed, if certain requirements are met, including a requirement that the ordinance proposing the transactions and use tax be submitted to, and approved by, the voters. Existing law repeals this authority on December 31, 2020, if the ordinance is not approved by the voters by that date. This bill would remove this taxing authority from the County of Alameda and the County of Contra Costa and grant this taxing authority to the Contra Costa Transportation Authority. This bill contains other related provisions.</p>	
<p>AB 1692 Bonilla D</p> <p>County employees'</p>	<p>6/14/2016-S. THIRD READING 6/14/2016-Read second time. Ordered to third reading.</p>	<p>The California Public Employees' Pension Reform Act of 2013 (PEPRA) generally requires a public retirement system, as defined, to modify its pension plan or plans to comply with the act and, among other things, prohibits a public employer that offers a defined benefit pension plan from exceeding specified</p>	

retirement: Contra Costa County.		retirement formulas for new members, as defined. The County Employees Retirement Law of 1937 (CERL) authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county and district employees. CERL, among other things, authorizes the Board of Supervisors of Contra Costa County to make a Tier Three retirement plan applicable to certain nonsafety officers and employees for whom the board is the governing body, as specified, and sets forth the terms and conditions of disability retirement allowances for Tier Three members. This bill would authorize the Board of Supervisors of Contra Costa County to apply those terms and conditions to nonsafety officers and employees who are new members subject to the retirement formulas specified in PEPRA and for whom the board is the governing body.	
AB 1697 Bonilla D Alternative and Renewable Fuel and Vehicle Technology Program.	6/9/2016-S. T. & H. 6/9/2016-Referred to Com. on T. & H.	Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission. Existing law requires the program to provide funding measures to certain entities to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. Existing law requires the commission to provide preferences to projects that maximize the goals of the program based on certain criteria, including the project's ability to provide economic benefits for California by promoting California-based technology firms, jobs, and businesses. Existing law specifies that projects eligible for funding include workforce training programs related to various sectors or occupations related to the purposes of the program. This bill would add a project's ability to provide a path for trained workers to transition to jobs in the clean technology and renewable fuels sectors and a project's ability to promote employment of trained workers in those sectors as additional criteria on which preference under the program shall be provided. The bill would revise the eligibility criteria for workforce training programs, as specified.	
AB 1756 Bonilla D Teacher credentialing: integrated programs of professional preparation.	6/9/2016-S. ED. 6/9/2016-Referred to Com. on ED.	(1) Existing law establishes minimum requirements for the issuance of a preliminary multiple or single subject teaching credential by the Commission on Teacher Credentialing. Among other requirements, existing law requires satisfactory completion of a program of professional preparation accredited by the Committee on Accreditation, but specifies that the program shall not include more than 2 years of full-time study, except for certain programs, including for integrated programs of subject matter and professional preparation. Existing law requires an integrated program of professional preparation to enable candidates for teaching credentials to engage in professional preparation, concurrently with subject matter preparation, while completing baccalaureate degrees at regionally accredited postsecondary institutions, and to provide opportunities for candidates to complete intensive field experiences in public elementary and secondary schools early in the undergraduate sequence. This bill would require those intensive field experiences to include student teaching. This bill contains other related provisions and other existing laws.	
AB 1914 Bonilla D	6/15/2016-S. APPR. 6/15/2016-Action From ED.: Do pass as amended.To APPR..	Existing law, known as the Donahoe Higher Education Act, sets forth the missions and functions of the segments of postsecondary education in this state. The California State University, under the administration of the Trustees of the	

<p>Public postsecondary education: academic materials: textbooks: access codes.</p>		<p>California State University, the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and the University of California, under the administration of the Regents of the University of California, constitute the 3 segments of public postsecondary education in this state. Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by appropriate resolution, to make those provisions applicable. This bill would add to this chapter a provision that requires the respective academic senates of campuses of the California State University and the University of California, in collaboration with students and campus administrators, to develop policies regarding required academic materials in order to encourage efforts to reduce redundancy in the delivery of academic materials, including, but not necessarily limited to, textbooks, as defined, and access codes, as defined. The bill would require that the policies adopted pursuant to the bill include, but not necessarily be limited to, guidelines prioritizing the use of ancillary and additional academic platforms and materials, not including textbooks, already available to enrolled students that are determined by faculty to serve the requirements of a course of study at no additional cost to enrolled students on their campuses or to the campus itself, a requirement that the cost of academic materials from the current semester or quarter be provided to faculty as specified, the establishment, in consultation with the campus bookstore, of deadlines by the campus for a faculty member or academic department to notify the campus bookstore of required and recommended textbooks and other instructional materials, as specified, and a determination, in consultation with the campus bookstore, of approved descriptors to post next to academic materials offered for sale at the campus bookstore, as specified. This bill contains other related provisions and other existing laws.</p>	
<p>AB 2149 Bonilla D</p> <p>State Board of Equalization: state agencies: collection of cash payments: medical marijuana-related businesses.</p>	<p>6/9/2016-S. GOV. & F. 6/9/2016-Referred to Com. on GOV. & F.</p>	<p>Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, allows the use of marijuana for medical purposes. The Medical Marijuana Regulation and Safety Act provides for the licensure and regulation of commercial medical marijuana activity by various state entities, as specified. The Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges. This bill would authorize the State Board of Equalization to collect cash payments from medical marijuana-related businesses for other state agencies, including the Department of Consumer Affairs and the Employment Development Department, if that state agency has entered into an agreement with the board. The bill would require the agreement to include specified provisions, including that the board be reimbursed for the administrative costs of the collection, as specified, from the fund for which collection was authorized, upon appropriation by the Legislature. This bill contains other related provisions and other existing laws.</p>	
<p>AB 2672 Bonilla D</p> <p>Medical cannabis.</p>	<p>5/26/2016-S. B., P. & E.D. 5/26/2016-Referred to Com. on B., P. & E.D.</p>	<p>Existing law, the Medical Marijuana Regulation and Safety Act, establishes the licensure of persons engaged in specified activities relating to medical cannabis and other regulatory provisions. That act establishes within the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation. That act also requires a licensing authority to deposit all licensing fees to be deposited into</p>	

		<p>accounts established in the Medical Marijuana Regulation and Safety Act Fund, a fund established in the State Treasury. Existing law imposes certain fines and civil penalties for specified violations of the act and requires moneys collected as a result of these fines and civil penalties to be deposited into the Medical Marijuana Fines and Penalties Account, established within that fund. This bill would rename, on January 1, 2017, the act as the Medical Cannabis Regulation and Safety Act and the bureau as the Bureau of Medical Cannabis Regulation. This bill would rename, on January 1, 2017, the fund as the Medical Cannabis Regulation and Safety Act Fund and the account as the Medical Cannabis Fines and Penalties Account. The bill would make conforming changes to the act and would replace, where appropriate, the term "marijuana" with the term "cannabis." This bill contains other related provisions.</p>	
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Dodd, Bill

Bill ID/Topic	Location	Summary	Position
<p>AB 724 Dodd D</p> <p>Sales and use taxes: exemption: museum displays: Jimmy Doolittle Air and Space Museum Education Foundation.</p>	<p>6/15/2016-S. APPR. 6/15/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (June 15). Re-referred to Com. on APPR.</p>	<p>Existing sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state of, or on the storage, use, or other consumption in this state of, tangible personal property purchased from a retailer for storage, use, or other consumption in this state. Existing law provides various exemptions from those taxes, including an exemption for the sale of, or the storage, use, or other consumption of, tangible personal property purchased by the San Diego Air & Space Museum and the California Science Center if the property is purchased and used exclusively for display purposes within the museum, as provided. This bill would additionally exempt from those taxes tangible personal property purchased by the Jimmy Doolittle Air and Space Museum Education Foundation for those purposes. The bill would also make a nonsubstantive change. This bill contains other related provisions and other existing laws.</p>	
<p>AB 806 Dodd D</p> <p>Community development: economic opportunity.</p>	<p>6/15/2016-S. GOV. & F. 6/15/2016-Action From GOV. & F.: Do pass as amended.</p>	<p>Under existing law, before certain city, county, or city and county property is sold or leased for economic development purposes, approval of the sale or lease by the legislative body by resolution, after a public hearing, is required. Existing law requires that resolution to contain a finding that the sale or lease of the property will assist in the creation of economic opportunity, as defined. This bill would recast these provisions to instead authorize a city, county, or city and county, with the approval of its legislative body by resolution after a public hearing, to acquire, sell, or lease property in furtherance of the creation of an economic opportunity, as defined. The bill would require the resolution to contain a finding that the acquisition, sale, or lease of the property will assist in the creation of economic opportunity and would require the creation of an economic opportunity to be subject to specified public notice and hearing provisions. This bill contains other related provisions and other existing laws.</p>	
<p>AB 1103 Dodd D</p> <p>Solid waste disposal: self-haulers.</p>	<p>6/15/2016-S. APPR. 6/15/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (June 15). Re-referred to Com. on APPR.</p>	<p>The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. Existing law requires exporters, brokers, and transporters of recyclables or compost to submit periodic information to the department on the types, quantities, and destinations of materials that are disposed of, sold, or transferred. This bill would additionally require a self-hauler to submit that information to the department and would require the department to develop regulations that define "self-hauler" to include specified persons and entities.</p>	
<p>AB 1559 Dodd D</p>	<p>6/15/2016-S. APPR. 6/15/2016-Action From GOV. & F.: Do pass as amended.To APPR..</p>	<p>Existing law authorizes the State Board of Equalization for good cause to extend the time, not to exceed one month, for a taxpayer, and to extend the time for more than one month for specified persons if a budget for</p>	

<p>State Board of Equalization: returns and payment: extension: disaster.</p>		<p>the state has not been adopted by a specified date, to submit any return or pay any amount required to be paid under provisions of the Sales and Use Tax Law, the Motor Vehicle Fuel Tax Law, Use Fuel Tax Law, Cigarette and Tobacco Products Tax Law, Alcoholic Beverage Tax Law, Timber Yield Tax, Energy Resources Surcharge Law, Emergency Telephone Users Surcharge Act, Hazardous Substances Tax Law, Integrated Waste Management Fee Law, Oil Spill Response, Prevention, and Administration Fees Law, Underground Storage Tank Maintenance Fee Law, Fee Collection Procedures Law, and Diesel Fuel Tax Law, under specified conditions. This bill would authorize the board, in the case of a natural or economic disaster, to allow an extension for up to 3 months under the same conditions as the extension for good cause. This bill contains other related provisions.</p>	
<p>AB 1670 Dodd D</p> <p>Alcoholic beverages: licenses.</p>	<p>5/5/2016-S. G.O. 6/14/2016-In committee: Hearing postponed by committee.</p>	<p>Existing law, the Alcoholic Beverage Control Act, regulates the application, issuance, and suspension of alcoholic beverage licenses by the Department of Alcoholic Beverage Control. The act provides that a violation of its provisions is a misdemeanor, unless otherwise specified. This bill would additionally authorize the department to issue 5 additional new original on-sale general licenses per year to a bona fide public eating place with a seating capacity of 25 or more diners, for a period of 5 years. The bill would prohibit more than 25 of those licenses from being issued. This bill contains other related provisions and other existing laws.</p>	
<p>AB 1704 Dodd D</p> <p>Water rights.</p>	<p>6/9/2016-S. N.R. & W. 6/9/2016-Referred to Com. on N.R. & W.</p>	<p>Existing law requires applicants for appropriation of water for small domestic, small irrigation, or livestock stockpond use to register with the State Water Resources Control Board, as specified. Existing law requires the registration to include a certification that the registrant has contacted a representative of the Department of Fish and Wildlife and has agreed to comply with conditions set forth by the Department of Fish and Wildlife. This bill would, instead, require the registrant to provide a copy of the registrant's registration form to the Department of Fish and Wildlife and, for registration for small irrigation use, agree to specified general conditions. This bill contains other related provisions and other existing laws.</p>	
<p>AB 1723 Dodd D</p> <p>Debt collection.</p>	<p>5/31/2016-S. JUD. 6/9/2016-In committee: Set, first hearing. Hearing canceled at the request of author.</p>	<p>Existing law requires a debt collector that receives a copy of a police report filed by the debtor alleging that the debtor is the victim of an identity theft crime and a written statement in which the debtor claims to be the victim of identity theft to cease collection activities until completion of a review. Existing law requires the debt collector to review and consider all of the information provided by the debtor and other available information and authorizes the debt collector to recommence debt collection activities only upon making a good faith determination that the information does not establish that the debtor is not responsible for the specific debt in question. This bill, the Identity Theft Resolution Act, would require the debt collector, upon receipt of the police report and written statement described above, if it furnished adverse information about the debtor to a consumer credit reporting agency, to notify the consumer credit reporting agency that the account is disputed,</p>	

		and initiate a review, as specified, within 10 business days. The bill would require the debt collector to send notice of its determination to the debtor no later than 10 business days after concluding the review. The bill would require a debt collector that does not recommence collection activities under these provisions to notify the creditor, no later than 10 business days after making its determination, and if it furnished adverse information to a consumer credit reporting agency, to notify the agency to delete that information no later than 10 business days after making its determination. The bill would also prohibit a creditor from pursuing further collections against the consumer on the debt or selling the debt, if the creditor has received notice that the debt collector has terminated debt collection activities, as described above.	
AB 1750 Dodd D Real property transactions: definitions.	6/16/2016-S. CONSENT CALENDAR 6/16/2016-Action From SECOND READING: Read second time.To CONSENT CALENDAR.	Existing law defines various terms for the purposes of some, but not all, provisions relating to the duty owed to the prospective purchaser in transactions of commercial and residential real estate, including, but not limited to, the terms "agent," "buyer," "real property," "sell," "sale," "sold," and "seller." This bill would specify that those definitions also apply to a provision relating to the duty to inform the prospective purchaser of specified property of common environmental hazards.	
AB 1755 Dodd D The Open and Transparent Water Data Act.	6/13/2016-S. N.R. & W. 6/13/2016-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on N.R. & W.	Existing law imposes on the Department of Water Resources various duties with respect to water in the state. Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants permits and licenses to appropriate water. Existing law regulates water transfers and authorizes a permittee or licensee to change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if certain conditions are met. This bill would enact the Open and Transparent Water Data Act. The act would require the department, by January 1, 2018, to create, operate, and maintain a statewide integrated water data platform that, among other things, would integrate existing water and ecological data information from multiple databases and provide data on completed water transfers and exchanges. This bill contains other existing laws.	
AB 1783 Dodd D School facilities: nonstructural earthquake hazards: assessment.	6/9/2016-S. ED. 6/9/2016-Referred to Com. on ED.	Existing law, the Field Act, generally requires the Department of General Services to supervise the design and construction of, the reconstruction or alteration of, or the addition to, a school building to ensure, among other things, that plans and specifications comply with adopted rules and regulations and building standards, including those relating to seismic safety. Existing law requires the Office of Emergency Services, in cooperation with the State Department of Education, the Department of General Services, and the Alfred E. Alquist Seismic Safety Commission, to develop an educational pamphlet for use by school personnel to identify and mitigate the risks posed by nonstructural earthquake hazards. This bill would require each school district, county office of education, and charter school located in an area of higher seismicity, as defined, on or before January 1, 2018, to develop a plan for the inspection of the contents in each of its school buildings of areas that are	

		<p>accessible to or occupied by pupils to assess whether the contents comply with the guidelines set forth in the pamphlet, to identify school building contents that do not comply with the guidelines, and to develop corrective actions to bring noncompliant contents into compliance. The bill would require, among other things, that the plan be developed in consultation with specified persons, that it designate the responsible person or persons who will perform the assessment and develop the corrective action plans for noncompliant contents, and that it include a cost estimate for the assessment. The bill would require each school district, county office of education, and charter school to complete the assessment on or before January 1, 2020. The bill would require, within 60 days of completing an assessment for each school building, that a checklist of compliant and noncompliant contents be reported to the governing board of the school district, the county board of education, or the governing body of the charter school, as applicable, with a prioritization of noncompliant items that threaten the safety of pupils and school personnel and a set of recommended corrective actions to bring high-priority noncompliant contents into compliance with the published guidelines. By imposing additional duties on local educational agency officials, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p>	
<p>AB 1811 Dodd D</p> <p>Fertilizer: organic input material: registration: inspections.</p>	<p>5/27/2016-S. AGRI. 5/27/2016-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on AGRI.</p>	<p>Existing law generally regulates fertilizing materials, as defined and which includes organic input material, and provides for the licensure of individuals who manufacture or distribute fertilizing materials. Existing law requires organic input material manufacturers to be inspected at least once per year. Existing law, for purposes of those provisions, defines "provisional registration" to mean that under certain circumstances, a label for renewal on an auxiliary soil and plant substance, packaged agricultural mineral, packaged soil amendment, organic input material, or specialty fertilizer, alone or in any combination, may be registered for a limited period of time while labels are being corrected and reprinted. This bill would provide that such a label for renewal may be registered for a limited period of time while labels are being corrected and reprinted or during registration renewal. This bill contains other related provisions and other existing laws.</p>	
<p>AB 1890 Dodd D</p> <p>Discrimination: equal pay: state contracting.</p>	<p>6/9/2016-S. G.O. 6/9/2016-Referred to Com. on G.O.</p>	<p>Existing law subjects an employer who is, or wishes to become, a contractor with the state for public works, or for goods or services, to various nondiscrimination requirements. Existing law authorizes requiring an employer to submit a nondiscrimination program to the Department of Fair Employment and Housing for approval and certification prior to becoming a contractor or subcontractor with the state, as well as requiring the provision of periodic reports of contractor or subcontractor compliance with that program. This bill would enact the Equal Pay for Equal Work Act of 2016. The bill would require an employer with 100 or more employees in the state and a contract with the state of 30 days or more to submit a description of its nondiscrimination program to the department and to submit periodic reports, no more than annually, on a</p>	

		<p>schedule to be determined by the department, of its compliance with that program. The bill would authorize the department to require approval and certification of the program. The bill would permit the department to require an employer with fewer than 100 employees in state or a contract of less than 30 days to submit a nondiscrimination report. The bill would require the department to define an employee for these purposes. The bill would require the nondiscrimination program to include policies and procedures designed to ensure equal employment opportunities for all applicants and employees, an analysis of employment selection procedures, and a workforce analysis, as specified. The bill would specify that its provisions are not to be construed to negate certain exemptions established by regulation that predate its enactment or to require the department to reevaluate the validity of these exemptions, as specified. The bill would make a statement of legislative findings.</p>	
<p>AB 1962 Dodd D</p> <p>Criminal proceedings: mental competence.</p>	<p>6/6/2016-S. PUB. S. 6/6/2016-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on PUB. S.</p>	<p>Existing law prohibits a person from being tried or adjudged to punishment while that person is mentally incompetent. Existing law establishes a process by which a defendant's mental competency is evaluated, which includes requiring the court to appoint a psychiatrist or licensed psychologist, and any other expert the court may deem appropriate. This bill would, on or before July 1, 2017, require the State Department of State Hospitals, through the use of a workgroup representing specified groups, to adopt guidelines for education and training standards for a psychiatrist or licensed psychologist to be considered for appointment by the court. The bill would provide that if there is no reasonably available expert who meets the guidelines, the court shall have discretion to appoint an expert who does not meet the guidelines.</p>	
<p>AB 2716 Dodd D</p> <p>Meat processing establishment, custom livestock slaughterhouse, and poultry plants: licensing and inspectors.</p>	<p>5/12/2016-S. AGRI. 5/12/2016-Referred to Com. on AGRI.</p>	<p>The California Meat and Poultry Supplemental Inspection Act requires, until January 1, 2017, each person to be licensed before operating a meat processing establishment or a custom livestock slaughterhouse and sets annual license renewal fees for custom livestock slaughterhouses and meat processing establishments. The act, until January 1, 2017, also establishes application fees for initial and renewal of licenses for livestock meat inspectors and processing inspectors. The act imposes a penalty on applicants for renewal who fail to pay the renewal fee by the expiration date of the meat processing establishment, custom livestock slaughterhouse, livestock meat inspector, or processing inspector license and provides cause for revocation of the license if the applicant fails to pay the renewal fee, plus the penalty, within 90 days of the license's expiration. This bill would extend these licensing and inspector provisions to January 1, 2022, and would delete an obsolete provision. This bill contains other existing laws.</p>	
<p>AJR 42 Dodd D</p> <p>Transport by rail of flammable and combustible liquids.</p>	<p>6/9/2016-A. TRANS. 6/9/2016-Referred to Com. on TRANS.</p>	<p>This measure would urge the United States Department of Transportation, Department of Energy, and the Office of Management and Budget to expedite the rulemaking and implementation processes for federal safety regulations governing the transport by rail of flammable and combustible liquids, including crude oil, and would also urge the</p>	

		President and the Congress of the United States to pass specified federal legislation mandating critical public safety improvements for the transport by rail of those liquids.	
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Frazier, Jim

Bill ID/Topic	Location	Summary	Position
<p>AB 326 Frazier D</p> <p>Public works: prevailing wage rates: wage and penalty assessments.</p>	<p>6/9/2016-S. APPR. 6/9/2016-Read second time and amended. Re-referred to Com. on APPR.</p>	<p>Existing law requires the Labor Commissioner to issue a civil wage and penalty assessment to a contractor or subcontractor, or both, if the Labor Commissioner determines, after investigation, that the contractor or subcontractor, or both, violated the laws regulating public works contracts, including the payment of prevailing wages. Existing law also requires the awarding body, as defined, to withhold from payments due under a contract for public work an amount sufficient to satisfy the civil wage and penalty assessment issued by the Labor Commissioner, and to give notice of the withholding to the affected contractor or subcontractor. This bill would require the department to release the funds deposited in escrow plus interest earned to those persons and entities within 30 days following either the conclusion of all administrative and judicial review or upon the department receiving written notice from the Labor Commissioner or his or her designee of a settlement or other final disposition of an assessment issued, as specified, or from the authorized representative of the awarding body of a settlement or other final disposition of a notice issued, as specified. This bill contains other existing laws.</p>	
<p>AB 933 Frazier D</p> <p>Vehicles: 24/7 Sobriety programs.</p>	<p>6/14/2016-S. RLS. 6/14/2016-Re-referred to Com. on RLS.</p>	<p>Existing law prohibits a person who has 0.08% or more, by weight, of alcohol in his or her blood from driving a vehicle. Existing law also prohibits a person while having 0.08% or more, by weight, of alcohol in his or her blood from driving a vehicle and concurrently doing any act forbidden by law, or neglecting any duty imposed by law in driving the vehicle, when the act or neglect proximately causes bodily injury to a person other than the driver. A violation of either of these prohibitions is a crime. Existing law authorizes a court, in addition to imposing penalties and sanctions for those violations, to require the person to enroll and participate in, and successfully complete, a driving-under-the-influence program, which may include, among other things, education, group counseling, and individual interview sessions. This bill would authorize the court to order a person convicted of a crime described above to enroll and participate in, and successfully complete, a qualified "24/7 Sobriety program," as defined, as a condition of probation, if the program is available and deemed appropriate, and the person committed the crime within 10 years of one or more separate crimes described above that resulted in a conviction. The bill also would authorize a court to order participation in a 24/7 Sobriety program as a condition of release on bond for a person who has been charged with a crime described above. The bill would permit a person whose driving privilege has been suspended or revoked for certain violations, and who subsequently applies to the department for a restricted driving privilege, to be permitted to participate in a 24/7 Sobriety program as a condition of obtaining the restricted driving privilege as an alternative to, or in conjunction with, participation in an</p>	

		ignition interlock device program. The bill would define a "24/7 Sobriety program," in part, as requiring a person in the program to abstain from alcohol and unauthorized controlled substances and be subject to frequent testing for alcohol and controlled substances, as specified. The bill would require a person participating in the program to pay the program costs, commensurate with the person's ability to pay, as specified. This bill contains other existing laws.	
AB 1591 Frazier D Transportation funding.	2/1/2016-A. TRANS. 2/1/2016-Referred to Coms. on TRANS. and REV. & TAX.	Existing law provides various sources of funding for transportation purposes, including funding for the state highway system and the local street and road system. These funding sources include, among others, fuel excise taxes, commercial vehicle weight fees, local transactions and use taxes, and federal funds. Existing law imposes certain registration fees on vehicles, with revenues from these fees deposited in the Motor Vehicle Account and used to fund the Department of Motor Vehicles and the Department of the California Highway Patrol. Existing law provides for the monthly transfer of excess balances in the Motor Vehicle Account to the State Highway Account. This bill would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria to ensure efficient use of the funds available for the program. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund, including revenues attributable to a \$0.225 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill, including an inflation adjustment as provided, an increase of \$38 in the annual vehicle registration fee, and a new \$165 annual vehicle registration fee applicable to zero-emission motor vehicles, as defined. This bill contains other related provisions and other existing laws.	
AB 1813 Frazier D High-Speed Rail Authority: membership.	6/15/2016-S. APPR. 6/15/2016-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (June 14). Re-referred to Com. on APPR.	Existing law creates the High-Speed Rail Authority with specified powers and duties relative to development and implementation of a high-speed train system. The authority is composed of 9 members, including 5 members appointed by the Governor, and 2 members each appointed by the Senate Committee on Rules and the Speaker of the Assembly. This bill would additionally provide for appointment of one Member of the Senate by the Senate Committee on Rules and one Member of the Assembly by the Speaker of the Assembly to serve as ex officio members of the authority. The bill would provide that the ex officio members shall participate in the activities of the authority to the extent that participation is not incompatible with their positions as Members of the Legislature.	
AB 2107 Frazier D Department of Motor Vehicles: electronic vehicle	6/9/2016-S. T. & H. 6/9/2016-Referred to Com. on T. & H.	Existing law authorizes the Department of Motor Vehicles, in order to continue improving the quality of products and services it provides to its customers, to establish contracts for electronic programs that allow qualified private industry partners to join the department in providing services that include processing and payment programs for vehicle	

<p>registration services: interstate carrier partnership.</p>		<p>registration and titling transactions. This bill would authorize the department to enter into an interstate carrier partnership with an interstate carrier partner, if the partner meets specified requirements, and would authorize the department to enter into contractual agreements with 3 specified types of partnerships. The bill would authorize the department to adopt regulations to carry out the purposes of these provisions, including, but not limited to, establishing fees and safeguards for privacy and protecting information authorized for release, and to establish the maximum amount that an interstate carrier partner may charge its customers in providing the services authorized under these provisions.</p>	
<p>AB 2170 Frazier D Trade Corridors Improvement Fund: federal funds.</p>	<p>6/9/2016-S. T. & H. 6/9/2016-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on T. & H.</p>	<p>The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trade Corridors Improvement Fund and provided for allocation by the California Transportation Commission of \$2 billion in bond funds for infrastructure improvements on highway and rail corridors that have a high volume of freight movement, and specified categories of projects eligible to receive these funds. Existing law continues the Trade Corridors Improvement Fund in existence in order to receive revenues from sources other than the bond act for these purposes. This bill would require revenues apportioned to the state from the National Highway Freight Program established by the federal Fixing America's Surface Transportation Act to be allocated for trade corridor improvement projects approved pursuant to these provisions. This bill contains other related provisions and other existing laws.</p>	
<p>AB 2289 Frazier D Department of Transportation: capital improvement projects.</p>	<p>6/15/2016-S. APPR. 6/15/2016-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (June 14). Re-referred to Com. on APPR.</p>	<p>Existing law requires the Department of Transportation to prepare a state highway operation and protection program for the expenditure of transportation funds for major capital improvements that are necessary to preserve and protect the state highway system and that include capital projects relative to maintenance, safety, and rehabilitation of state highways and bridges that do not add a new traffic lane to the system. This bill would add to the program capital projects relative to the operation of those state highways and bridges.</p>	
<p>AB 2411 Frazier D Transportation revenues.</p>	<p>6/9/2016-S. T. & H. 6/9/2016-Referred to Com. on T. & H.</p>	<p>Article XIX of the California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. Existing law requires certain miscellaneous revenues deposited in the State Highway Account that are not restricted as to expenditure by Article XIX of the California Constitution to be transferred to the Transportation Debt Service Fund in the State Transportation Fund, as specified, and requires the Controller to transfer from the fund to the General Fund an amount of those revenues necessary to offset the current year debt service made from the General Fund on general obligation transportation bonds issued pursuant to Proposition 116 of 1990. This bill would, on July 1, 2017, delete the transfer of these miscellaneous revenues to the Transportation Debt Service Fund, thereby eliminating the offsetting</p>	

		transfer to the General Fund for debt service on general obligation transportation bonds issued pursuant to Proposition 116 of 1990. The bill, subject to a specified exception, would, on July 1, 2017, instead require the miscellaneous revenues to be retained in the State Highway Account and to be used solely for transportation expenditures consistent with the restrictions for expenditure of fuel tax revenues in Article XIX of the California Constitution.	
AB 2469 Frazier D Specialized license plates: breast cancer awareness.	5/5/2016-S. T. & H. 5/5/2016-Referred to Com. on T. & H.	Under existing law, the Department of Motor Vehicles issues environmental and other specialized license plates. The issuance of some of those license plates is subject to additional fees. Existing law prohibits the department from establishing a specialized license plate program for a state agency until the department has received not less than 7,500 applications for the plates within 12 months after the date of the department's approval of the agency's initial application to sponsor a specialized license plate program. Existing law requires the State Department of Health Care Services to apply to the department, pursuant to those provisions, to sponsor a breast cancer awareness license plate program, pursuant to which the Department of Motor Vehicles is required to issue specialized license plates, if the State Department of Health Care Services complies with the applicable requirements. This bill would authorize the State Department of Health Care Services to contact the department by July 1, 2016, and indicate its intent to undertake collection of additional applications and fees or deposits for an additional period of 12 months in order to obtain the minimum 7,500 applications for a special license plate the State Department of Health Care Services is seeking to sponsor pursuant to existing law. This bill contains other related provisions.	
AB 2559 Frazier D Visitor centers: guide signs.	5/19/2016-S. T. & H. 5/19/2016-Referred to Com. on T. & H.	Existing law requires the Department of Transportation to adopt rules and regulations that allow the placement, near exits on freeways located in rural areas, of information signs identifying specific roadside businesses that offer fuel, food, lodging, camping services, approved 24-hour pharmacy services, or approved attractions, and that prescribe the standards for those signs. Existing law also authorizes the department, among other things, to place and maintain, or cause to be placed and maintained, signs on state highways directing motorists to communities within the geographical boundaries of a city, county, or city and county if specified conditions are satisfied. This bill would require the department to authorize guide signs for any visitor's center seeking a sign if the visitor center is located within 2 miles from the highway intersection.	
ACR 177 Frazier D Solano County Deputy Sheriff Hale Humphrey Memorial Highway.	6/14/2016-A. APPR. 6/14/2016-From committee: Be adopted, and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (June 13). Re-referred to Com. on APPR.	This measure would designate a specified portion of State Highway Route 12 between Marina Boulevard and Pennsylvania Avenue in the County of Solano as the Solano County Deputy Sheriff Hale Humphrey Memorial Highway. The measure would also request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.	

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1997

Introduced by Assembly Member Mark Stone

February 16, 2016

An act to amend Section 7911.1 of the Family Code, to amend Sections 1501.1, 1502, 1506, 1506.1, 1506.5, 1506.6, 1506.7, 1506.8, 1517, 1520.1, 1522.44, 1523.1, 1525.5, 1536, 1538.8, 1538.9, and 1562.01 of, *to amend and repeal Section 1506.3 of*, and to add ~~Section 1517.1~~ Sections 1517.1, 1517.2, and 1517.3 to, the Health and Safety Code, *to amend Section 11165.7 of the Penal Code, to amend Sections 1541 and 1543 of the Probate Code, and to amend Sections 291, 293, 294, 295, 361.2, 361.5, 366.26, 727, 727.4, 4094.2, 11400, 11402, 11460, 11461, 11462, 11462.04, 11463, 11463.01, 11463.1, 11466, 11466.2, 11466.21, 11466.22, 11466.24, 11466.25, 11466.31, 11466.32, 11469, 16504.5, 16514, 16519.5, and 16519.51 of 16519.55 of, to amend, repeal, and add Section 11462.06 of, to add Sections 11466.01, 16519.61, and 16519.62 to, to add the heading of Article 2 (commencing with Section 16519.5) to Chapter 5 of Part 4 of Division 9 of, to add the heading of Article 3 (commencing with Section 16520) to Chapter 5 of Part 4 of Division 9 of, and to repeal and add Sections 11402.01 and 16519.51 of*, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1997, as amended, Mark Stone. Foster care.

Existing law provides for the early implementation, by counties and foster family agencies, of the resource family approval process, which is a unified, family friendly, and child-centered approval process that replaces the multiple processes for licensing foster family homes, approving relatives and nonrelative extended family members as foster care providers, and approving adoptive families. Existing law requires the State Department of Social Services to implement the resource family approval process in all counties and with all foster family agencies by January 1, 2017.

This bill would also ~~provide~~ *specify* that the resource family approval process replaces *certification of foster homes by foster family agencies and the approval of guardians*. The bill would make conforming statutory changes related to the statewide implementation of the resource family approval process, including prohibiting the department from accepting applications to license foster family homes on and after January 1, 2017. The bill would also *make specified changes relating to resource families including by, among others, requiring that the basic rate paid to resource families be the same whether the family is approved by a foster family agency or a county, and would* revise certain aspects of the resource family approval process, including ~~by~~ *by, among other things*, requiring counties and foster family agencies to conduct annual, announced inspections of resource family homes and to inspect resource family homes as often as necessary to ensure the quality of care provided, ~~and by~~ authorizing counties to grant, deny, or rescind criminal records ~~exemptions~~. *exemptions, and making it a misdemeanor to declare as true, in a resource family application form, any material matter that the applicant knows to be false*. By imposing additional duties on counties, by creating a new ~~crime~~ *crime*, and by expanding the duties of foster family agencies, for which the failure to comply is a crime, this bill would impose a state-mandated local program.

Existing law requires the State Department of Social Services to develop, implement, and maintain a ratesetting system for foster family agencies that have been granted a specified rate exception extension. Existing law makes these provisions inoperative on January 1, 2018.

This bill would instead make those provision inoperative on January 1, 2019. *The bill would require the department to establish rates for foster family agencies that include an interim rate, provisional rate, and probationary rate, and would provide for the implementation of those rates.*

Existing law requires certain foster care providers, in accordance with the federal Single Audit Act, to annually submit a financial audit on its most recent fiscal period to the State Department of Social Services, and ~~would require~~ *requires* the department to provide timely notice to the providers of the date that submission of the financial audits is required. Existing law provides that repeated late financial audits may result in monetary penalties or termination of the provider's rate.

This bill would delete the requirement that the department provide timely notice of the date that submission of the financial audits is required and would instead require those foster care providers to submit a financial audit pursuant to Generally Accepted Government Auditing Standards. The bill would instead provide that repeated late submission of financial audits, repeat findings in financial audits, or failure to comply with corrective action in a management decision letter may result in monetary penalties or a reduction, suspension, or termination of the provider's rate.

Existing law authorizes the juvenile court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a minor or nonminor who is adjudged a ward of the court, and provides that, once the court makes a placement order, it is the sole responsibility of the probation agency to determine the appropriate placement for the ward. Existing law requires, if a placement is with a foster family agency or in a short-term residential treatment center and is for longer than 12 months, the placement to be approved by the chief probation officer or his or her designee.

This bill would require, for youth 13 years of age and older, a placement with a foster family agency or in a short-term residential treatment center to be approved by the chief probation officer or his or her designee, only if the placement is longer than 12 months.

Existing law, the California Community Care Facilities Act, provides for the licensure of short-term residential treatment centers, which are residential facilities licensed by the State Department of Social Services and operated by any public agency or private organization that provides short-term, specialized, and intensive treatment, and 24-hour care and supervision to children. A violation of the act is a crime.

This bill would *require the department to establish rates for short-term residential treatment centers that include an interim rate, provisional rate, and probationary rate, and would provide for the implementation of those rates.* The bill would require a private short-term residential treatment center to be organized and operated on a nonprofit

basis. By expanding the scope of a crime, this bill would impose a state-mandated local program.

Existing law requires the department to, at least annually, compile specified information relating to the use of psychotropic medication for each group home and to establish a methodology to identify those group homes that have levels of psychotropic drug utilization warranting additional review.

This bill would also require the department to compile that information for short-term residential treatment centers and require that methodology to apply to short-term residential treatment centers in a manner determined by the department.

Existing law requires, on and after January 1, 2017, a foster family agency to have national accreditation, as specified, and requires a short-term residential treatment center to have national accreditation, as specified. Existing law also authorizes, in certain circumstances, the department to extend the term of a foster family agency's or short-term residential treatment center's provisional license to 2 years if it determines that additional time is required to secure that accreditation.

This bill would delete that authorization. The bill would specify that a foster family agency licensed before January 1, 2017, has until December 31, 2018, to obtain accreditation, and that a foster family agency licensed on or after January 1, 2017, or a short-term residential treatment center has up to 24 months from the date of licensure to obtain accreditation. The bill would authorize the department to revoke a foster family agency's or a short-term treatment centers license for failure to obtain accreditation within these timeframes.

Existing law generally requires, commencing January 1, 2017, a community treatment facility program to have accreditation from a nationally recognized accrediting entity identified by the State Department of Social Services pursuant to a specified process. Existing law provides that a community treatment facility program that has been granted a specified extension does not have to comply with that requirement until January 1, 2018.

This bill would provide that a community treatment facility program that has been granted that specified extension does not have to comply with the accreditation requirement until January 1, 2019.

Existing federal law, the Adoption and Safe Families Act of 1997, among other provisions, establishes a permanent placement option for older children as an alternative to long-term foster care, referred to in the act as "another planned permanent living arrangement" (APPLA).

Existing law declares the intent of the Legislature to conform state law to the federal act, as specified. Existing law generally provides a minor 16 years of age and older with another planned permanent living arrangement, as prescribed.

This bill would make conforming changes by deleting references to long-term foster care and instead providing for placement in another planned permanent living arrangement.

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 no reimbursement is required by this act for specified reasons.

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

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

1 SECTION 1. Section 7911.1 of the Family Code is amended
2 to read:
3 7911.1. (a) Notwithstanding any other law, the State
4 Department of Social Services or its designee shall investigate any
5 threat to the health and safety of children placed by a California
6 county social services agency or probation department in an
7 out-of-state group home pursuant to the provisions of the Interstate
8 Compact on the Placement of Children. This authority shall include
9 the authority to interview children or staff in private or review
10 their file at the out-of-state facility or wherever the child or files
11 may be at the time of the investigation. Notwithstanding any other
12 law, the State Department of Social Services or its designee shall
13 require certified out-of-state group homes to comply with the
14 reporting requirements applicable to group homes licensed in
15 California pursuant to Title 22 of the California Code of
16 Regulations for each child in care regardless of whether he or she
17 is a California placement, by submitting a copy of the required
18 reports to the Compact Administrator within regulatory timeframes.
19 The Compact Administrator within one business day of receiving
20 a serious events report shall verbally notify the appropriate
21 placement agencies ~~and~~ *and*, within five working days of receiving
22 a written report from the out-of-state group home, forward a copy
23 of the written report to the appropriate placement agencies.

1 (b) Any contract, memorandum of understanding, or agreement
2 entered into pursuant to paragraph (b) of Article 5 of the Interstate
3 Compact on the Placement of Children regarding the placement
4 of a child out of state by a California county social services agency
5 or probation department shall include the language set forth in
6 subdivision (a).

7 (c) (1) The State Department of Social Services or its designee
8 shall perform initial and continuing inspection of out-of-state group
9 homes in order to either certify that the out-of-state group home
10 meets all licensure standards required of group homes operated in
11 California or that the department has granted a waiver to a specific
12 licensing standard upon a finding that there exists no adverse
13 impact to health and safety.

14 (2) On and after January 1, 2017, the licensing standards
15 applicable to out-of-state group homes certified by the department,
16 as described in paragraph ~~(1)~~ (1), shall be those required of
17 short-term residential treatment centers operated in this ~~state~~. *state,*
18 *unless the out-of-state group home is granted an extension pursuant*
19 *to subdivision (d) of Section 11462.04 of the Welfare and*
20 *Institutions Code.*

21 (3) In order to receive certification, the out-of-state group home
22 shall have a current license, or an equivalent approval, in good
23 standing issued by the appropriate authority or authorities of the
24 state in which it is operating.

25 (4) On and after January 1, 2017, an out-of-state group home
26 program shall, in order to receive an AFDC-FC rate, meet the
27 requirements of paragraph (2) of subdivision (c) of Section 11460
28 of the Welfare and Institutions Code.

29 (5) Any failure by an out-of-state group home facility to make
30 children or staff available as required by subdivision (a) for a
31 private interview or make files available for review shall be
32 grounds to deny or discontinue the certification.

33 (6) Certifications made pursuant to this subdivision shall be
34 reviewed annually.

35 (d) A county shall be required to obtain an assessment and
36 placement recommendation by a county multidisciplinary team
37 prior to placement of a child in an out-of-state group home facility.

38 (e) Any failure by an out-of-state group home to obtain or
39 maintain its certification as required by subdivision (c) shall
40 preclude the use of any public funds, whether county, state, or

1 federal, in the payment for the placement of any child in that
2 out-of-state group home, pursuant to the Interstate Compact on
3 the Placement of Children.

4 (f) (1) A multidisciplinary team shall consist of participating
5 members from county social services, county mental health, county
6 probation, county superintendents of schools, and other members
7 as determined by the county.

8 (2) Participants shall have knowledge or experience in the
9 prevention, identification, and treatment of child abuse and neglect
10 cases, and shall be qualified to recommend a broad range of
11 services related to child abuse or neglect.

12 (g) (1) The department may deny, suspend, or discontinue the
13 certification of the out-of-state group home if the department makes
14 a finding that the group home is not operating in compliance with
15 the requirements of subdivision (c).

16 (2) Any judicial proceeding to contest the department's
17 determination as to the status of the out-of-state group home
18 certificate shall be held in California pursuant to Section 1085 of
19 the Code of Civil Procedure.

20 (h) The certification requirements of this section shall not impact
21 placements of emotionally disturbed children made pursuant to an
22 individualized education program developed pursuant to the federal
23 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
24 et seq.) if the placement is not funded with federal or state foster
25 care funds.

26 (i) Only an out-of-state group home authorized by the Compact
27 Administrator to receive state funds for the placement by a county
28 social services agency or probation department of any child in that
29 out-of-state group home from the effective date of this section
30 shall be eligible for public funds pending the department's
31 certification under this section.

32 SEC. 2. Section 1501.1 of the Health and Safety Code is
33 amended to read:

34 1501.1. (a) It is the policy of the state to facilitate the proper
35 placement of every child in residential care facilities where the
36 placement is in the best interests of the child. A county may require
37 placement or licensing agencies, or both placement and licensing
38 agencies, to actively seek out-of-home care facilities capable of
39 meeting the varied needs of the child. Therefore, in placing children
40 in out-of-home care, particular attention should be given to the

1 individual child's needs, the ability of the facility to meet those
2 needs, the needs of other children in the facility, the licensing
3 requirements of the facility as determined by the licensing agency,
4 and the impact of the placement on the family reunification plan.

5 (b) Pursuant to this section, children with varying designations
6 and varying needs, including, on and after January 1, 2012,
7 nonminor dependents, as defined in subdivision (v) of Section
8 11400 of the Welfare and Institutions Code, except as provided
9 by statute, may be placed in the same facility provided the facility
10 is licensed, complies with all licensing requirements relevant to
11 the protection of the child, and has a special permit, if necessary,
12 to meet the needs of each child so placed. A facility may not
13 require, as a condition of placement, that a child be identified as
14 an individual with exceptional needs as defined by Section 56026
15 of the Education Code.

16 (c) Neither the requirement for any license nor any regulation
17 shall restrict the implementation of the provisions of this section.
18 Implementation of this section does not obviate the requirement
19 for a facility to be licensed by the department.

20 (d) Pursuant to this section, children with varying designations
21 and varying needs, including, on and after January 1, 2012,
22 nonminor dependents, as defined in subdivision (v) of Section
23 11400 of the Welfare and Institutions Code, except as provided
24 by statute, may be placed in the same licensed foster family home
25 or with a foster family agency for subsequent placement in a
26 certified family home or with a resource family. Children, including
27 nonminor dependents, with developmental disabilities, mental
28 disorders, or physical disabilities may be placed in licensed foster
29 family homes or certified family homes or with resource families,
30 provided that an appraisal of the child's or nonminor dependent's
31 needs and the ability of the receiving home to meet those needs is
32 made jointly by the placement agency and the licensee in the case
33 of licensed foster family homes or the placement agency and the
34 foster family agency in the case of certified family homes or
35 resource families, and is followed by written confirmation prior
36 to placement. The appraisal shall confirm that the placement poses
37 no threat to any child in the home.

38 (e) (1) For purposes of this chapter, the placing of children by
39 foster family agencies shall be referred to as "subsequent

1 placement” to distinguish the activity from the placing by public
2 agencies.

3 (2) For purposes of this chapter, and unless otherwise specified,
4 references to a “child” shall include a “nonminor dependent” and
5 “nonminor former dependent or ward” as those terms are defined
6 in subdivision (v) and paragraph (1) of subdivision (aa) of Section
7 11400 of the Welfare and Institutions Code.

8 SEC. 3. Section 1502 of the Health and Safety Code is amended
9 to read:

10 1502. As used in this chapter:

11 (a) “Community care facility” means any facility, place, or
12 building that is maintained and operated to provide nonmedical
13 residential care, day treatment, adult day care, or foster family
14 agency services for children, adults, or children and adults,
15 including, but not limited to, the physically handicapped, mentally
16 impaired, incompetent persons, and abused or neglected children,
17 and includes the following:

18 (1) “Residential facility” means any family home, group care
19 facility, or similar facility determined by the department, for
20 24-hour nonmedical care of persons in need of personal services,
21 supervision, or assistance essential for sustaining the activities of
22 daily living or for the protection of the individual.

23 (2) “Adult day program” means any community-based facility
24 or program that provides care to persons 18 years of age or older
25 in need of personal services, supervision, or assistance essential
26 for sustaining the activities of daily living or for the protection of
27 these individuals on less than a 24-hour basis.

28 (3) “Therapeutic day services facility” means any facility that
29 provides nonmedical care, counseling, educational or vocational
30 support, or social rehabilitation services on less than a 24-hour
31 basis to persons under 18 years of age who would otherwise be
32 placed in foster care or who are returning to families from foster
33 care. Program standards for these facilities shall be developed by
34 the department, pursuant to Section 1530, in consultation with
35 therapeutic day services and foster care providers.

36 (4) “Foster family agency” means any public agency or private
37 organization, organized and operated on a nonprofit basis, engaged
38 in ~~any~~ either of the following:

1 (A) Recruiting, certifying, approving, and training of, and
2 providing professional support to, foster parents and resource
3 families.

4 ~~(B) Finding homes for the placement of children for temporary
5 or permanent care who require that level of care.~~

6 ~~(C) Cooperatively matching children with resource families as
7 specified in Section 1517.~~

8 *(B) Coordinating with placing agencies to find homes for
9 children in need of care.*

10 (5) “Foster family home” means any residential facility
11 providing 24-hour care for six or fewer foster children that is
12 owned, leased, or rented and is the residence of the foster parent
13 or parents, including their family, in whose care the foster children
14 have been placed. The placement may be by a public or private
15 child placement agency or by a court order, or by voluntary
16 placement by a parent, parents, or guardian. It also means a foster
17 family home described in Section 1505.2.

18 (6) “Small family home” means any residential facility, in the
19 licensee’s family residence, that provides 24-hour care for six or
20 fewer foster children who have mental disorders or developmental
21 or physical disabilities and who require special care and supervision
22 as a result of their disabilities. A small family home may accept
23 children with special health care needs, pursuant to subdivision
24 (a) of Section 17710 of the Welfare and Institutions Code. In
25 addition to placing children with special health care needs, the
26 department may approve placement of children without special
27 health care needs, up to the licensed capacity.

28 (7) “Social rehabilitation facility” means any residential facility
29 that provides social rehabilitation services for no longer than 18
30 months in a group setting to adults recovering from mental illness
31 who temporarily need assistance, guidance, or counseling. Program
32 components shall be subject to program standards pursuant to
33 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
34 2 of Division 5 of the Welfare and Institutions Code.

35 (8) “Community treatment facility” means any residential
36 facility that provides mental health treatment services to children
37 in a group setting and that has the capacity to provide secure
38 containment. Program components shall be subject to program
39 standards developed and enforced by the State Department of

1 Health Care Services pursuant to Section 4094 of the Welfare and
2 Institutions Code.

3 Nothing in this section shall be construed to prohibit or
4 discourage placement of persons who have mental or physical
5 disabilities into any category of community care facility that meets
6 the needs of the individual placed, if the placement is consistent
7 with the licensing regulations of the department.

8 (9) "Full-service adoption agency" means any licensed entity
9 engaged in the business of providing adoption services, that does
10 all of the following:

11 (A) Assumes care, custody, and control of a child through
12 relinquishment of the child to the agency or involuntary termination
13 of parental rights to the child.

14 (B) Assesses the birth parents, prospective adoptive parents, or
15 child.

16 (C) Places children for adoption.

17 (D) Supervises adoptive placements.

18 Private full-service adoption agencies shall be organized and
19 operated on a nonprofit basis. As a condition of licensure to provide
20 intercountry adoption services, a full-service adoption agency shall
21 be accredited and in good standing according to Part 96 of Title
22 22 of the Code of Federal Regulations, or supervised by an
23 accredited primary provider, or acting as an exempted provider,
24 in compliance with Subpart F (commencing with Section 96.29)
25 of Part 96 of Title 22 of the Code of Federal Regulations.

26 (10) "Noncustodial adoption agency" means any licensed entity
27 engaged in the business of providing adoption services, that does
28 all of the following:

29 (A) Assesses the prospective adoptive parents.

30 (B) Cooperatively matches children freed for adoption, who are
31 under the care, custody, and control of a licensed adoption agency,
32 for adoption, with assessed and approved adoptive applicants.

33 (C) Cooperatively supervises adoptive placements with a
34 full-service adoption agency, but does not disrupt a placement or
35 remove a child from a placement.

36 Private noncustodial adoption agencies shall be organized and
37 operated on a nonprofit basis. As a condition of licensure to provide
38 intercountry adoption services, a noncustodial adoption agency
39 shall be accredited and in good standing according to Part 96 of
40 Title 22 of the Code of Federal Regulations, or supervised by an

1 accredited primary provider, or acting as an exempted provider,
2 in compliance with Subpart F (commencing with Section 96.29)
3 of Part 96 of Title 22 of the Code of Federal Regulations.

4 (11) "Transitional shelter care facility" means any group care
5 facility that provides for 24-hour nonmedical care of persons in
6 need of personal services, supervision, or assistance essential for
7 sustaining the activities of daily living or for the protection of the
8 individual. Program components shall be subject to program
9 standards developed by the State Department of Social Services
10 pursuant to Section 1502.3.

11 (12) "Transitional housing placement provider" means an
12 organization licensed by the department pursuant to Section
13 1559.110 and Section 16522.1 of the Welfare and Institutions Code
14 to provide transitional housing to foster children at least 16 years
15 of age and not more than 18 years of age, and nonminor
16 dependents, as defined in subdivision (v) of Section 11400 of the
17 Welfare and Institutions Code, to promote their transition to
18 adulthood. A transitional housing placement provider shall be
19 privately operated and organized on a nonprofit basis.

20 (13) "Group home" means a residential facility that provides
21 24-hour care and supervision to children, delivered at least in part
22 by staff employed by the licensee in a structured environment. The
23 care and supervision provided by a group home shall be
24 nonmedical, except as otherwise permitted by law.

25 (14) "Runaway and homeless youth shelter" means a group
26 home licensed by the department to operate a program pursuant
27 to Section 1502.35 to provide voluntary, short-term, shelter and
28 personal services to runaway youth or homeless youth, as defined
29 in paragraph (2) of subdivision (a) of Section 1502.35.

30 (15) "Enhanced behavioral supports home" means a facility
31 certified by the State Department of Developmental Services
32 pursuant to Article 3.6 (commencing with Section 4684.80) of
33 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
34 and licensed by the State Department of Social Services as an adult
35 residential facility or a group home that provides 24-hour
36 nonmedical care to individuals with developmental disabilities
37 who require enhanced behavioral supports, staffing, and
38 supervision in a homelike setting. An enhanced behavioral supports
39 home shall have a maximum capacity of four consumers, shall
40 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal

1 Regulations, and shall be eligible for federal Medicaid home- and
2 community-based services funding.

3 (16) “Community crisis home” means a facility certified by the
4 State Department of Developmental Services pursuant to Article
5 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
6 of the Welfare and Institutions Code, and licensed by the State
7 Department of Social Services pursuant to Article 9.7 (commencing
8 with Section 1567.80), as an adult residential facility, providing
9 24-hour nonmedical care to individuals with developmental
10 disabilities receiving regional center service, in need of crisis
11 intervention services, and who would otherwise be at risk of
12 admission to the acute crisis center at Fairview Developmental
13 Center, Sonoma Developmental Center, an acute general hospital,
14 acute psychiatric hospital, an institution for mental disease, as
15 described in Part 5 (commencing with Section 5900) of Division
16 5 of the Welfare and Institutions Code, or an out-of-state
17 placement. A community crisis home shall have a maximum
18 capacity of eight consumers, as defined in subdivision (a) of
19 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
20 42 of the Code of Federal Regulations, and shall be eligible for
21 federal Medicaid home- and community-based services funding.

22 (17) “Crisis nursery” means a facility licensed by the department
23 to operate a program pursuant to Section 1516 to provide short-term
24 care and supervision for children under six years of age who are
25 voluntarily placed for temporary care by a parent or legal guardian
26 due to a family crisis or stressful situation.

27 (18) “Short-term residential treatment center” means a
28 residential facility licensed by the department pursuant to Section
29 1562.01 and operated by any public agency or private organization
30 that provides short-term, specialized, and intensive treatment, and
31 24-hour care and supervision to children. The care and supervision
32 provided by a short-term residential treatment center shall be
33 nonmedical, except as otherwise permitted by law. Private
34 short-term residential treatment centers shall be organized and
35 operated on a nonprofit basis.

36 (b) “Department” or “state department” means the State
37 Department of Social Services.

38 (c) “Director” means the Director of Social Services.

39 *SEC. 4. Section 1506 of the Health and Safety Code is amended*
40 *to read:*

1 1506. (a) (1) ~~Any holder of a valid license issued by the~~
2 ~~department that authorizes the licensee to engage in~~ A foster family
3 ~~agency functions~~ may use only a certified family home *or a*
4 *resource family* that has been certified *or approved* by that agency
5 ~~or or, pursuant to Section 1506.5, a licensed foster family home~~
6 *or a county-approved resource family* approved for this use by the
7 ~~licensing county pursuant to Section 1506.5. county.~~

8 (2) Any home selected and certified *or approved* for the
9 reception and care of children by ~~that licensee shall not, during~~
10 ~~the time it is certified and used only by that agency for these~~
11 ~~placements or care, be a foster family agency is not~~ subject to
12 Section 1508. A certified family home ~~may not be concurrently~~
13 *or a resource family of a foster family agency shall not be* licensed
14 as a ~~foster family home or as any other~~ licensed residential facility.

15 (3) A child with a developmental disability who is placed in a
16 certified family home *or with a resource family* by a foster family
17 agency that is operating under agreement with the regional center
18 responsible for that child may remain in the certified family home
19 ~~after the age of 18 years. or with the resource family after 18 years~~
20 *of age.* The determination regarding whether and how long he or
21 she may remain as a resident ~~after the age of 18 years~~ *18 years of*
22 *age* shall be made through the agreement of all parties involved,
23 including the resident, ~~the foster parent, certified parent or resource~~
24 *family,* the foster family agency social worker, the resident's
25 regional center case manager, and the resident's parent, legal
26 guardian, or conservator, as appropriate. This determination shall
27 include a needs and service plan that contains an assessment of
28 the child's needs to ensure continued compatibility with the other
29 children in placement. The needs and service plan shall be
30 completed no more than six months prior to the child's 18th
31 birthday. The assessment shall be documented and maintained in
32 the child's file with the foster family agency.

33 (b) (1) A foster family agency shall certify to the department
34 that the *certified family* home has met the department's licensing
35 standards. A foster family agency may require a *certified* family
36 home to meet additional standards or be compatible with its
37 treatment approach.

38 (2) The foster family agency shall issue a certificate of approval
39 to the certified family home upon its determination that it has met
40 the standards established by the department and before the

1 placement of any child in the home. The certificate shall be valid
 2 for a period not to exceed one year. The annual recertification shall
 3 require a certified family home to complete at least ~~12~~ *eight* hours
 4 of structured applicable training or continuing education. At least
 5 one hour of training during the first six months following initial
 6 certification shall be dedicated to meeting the requirements of
 7 paragraph (1) of subdivision (b) of Section 11174.1 of the Penal
 8 Code.

9 (3) If the agency determines that the home no longer meets the
 10 standards, it shall notify the department and the local placing
 11 agency.

12 (4) *This subdivision shall apply to foster family agencies only*
 13 *until December 31, 2019, in accordance with Section 1517.*

14 (c) As used in this chapter, "certified family home" means ~~a~~ *an*
 15 *individual or family residence* certified by a licensed foster family
 16 agency and issued a certificate of approval by that agency as
 17 meeting licensing standards, and used ~~only~~ *exclusively* by that
 18 foster family agency for placements.

19 (d) (1) Requirements for social work personnel for a foster
 20 family agency shall be a master's degree from an accredited or
 21 state-approved graduate school in social work or social welfare,
 22 or equivalent education and experience, as determined by the
 23 department.

24 (2) Persons who possess a master's degree from an accredited
 25 or state-approved graduate school in any of the following areas,
 26 or equivalent education and experience, as determined by the
 27 department, shall be considered to be qualified to perform social
 28 work activities in a foster family agency:

29 (A) Marriage, family, and child counseling.

30 (B) Child psychology.

31 (C) Child development.

32 (D) Counseling psychology.

33 (E) Social psychology.

34 (F) Clinical psychology.

35 (G) Educational psychology, consistent with the scope of
 36 practice as described in Section 4989.14 of the Business and
 37 Professions Code.

38 (H) Education, with emphasis on counseling.

39 (e) (1) In addition to the degree specifications in subdivision
 40 (d), all of the following coursework and field practice or

1 experience, as defined in departmental regulations, shall be required
2 of all new hires for the position of social work personnel effective
3 January 1, 1995:

4 (A) At least three semester units of field practice at the master's
5 level or six months' full-time equivalent experience in a public or
6 private social service agency setting.

7 (B) At least nine semester units of coursework related to human
8 development or human behavior, or, within the first year of
9 employment, experience working with children and families as a
10 major responsibility of the position under the supervision of a
11 supervising social worker.

12 (C) At least three semester units in working with minority
13 populations or six months of experience in working with minority
14 populations or training in cultural competency and working with
15 minority populations within the first six months of employment
16 as a condition of employment.

17 (D) At least three semester units in child welfare or at least six
18 months of experience in a public or private child welfare social
19 services setting for a nonsupervisory social worker. A supervising
20 social worker shall have two years' experience in a public or private
21 child welfare social services setting.

22 (2) (A) Persons who do not meet the requirements specified in
23 subdivision (d) or (e) may apply for an exception as provided for
24 in subdivisions (f) and (g).

25 (B) Exceptions granted by the department prior to January 1,
26 1995, shall remain in effect.

27 (3) (A) Persons who are hired as social work personnel on or
28 after January 1, 1995, who do not meet the requirements listed in
29 this subdivision shall be required to successfully meet those
30 requirements in order to be employed as social work personnel in
31 a foster family agency.

32 (B) Employees who were hired prior to January 1, 1995, shall
33 not be required to meet the requirements of this subdivision in
34 order to remain employed as social work personnel in a foster
35 family agency.

36 (4) Coursework and field practice or experience completed to
37 fulfill the degree requirements of subdivision (d) may be used to
38 satisfy the requirements of this subdivision.

39 (f) Individuals seeking an exception to the requirements of
40 subdivision (d) or (e) based on completion of equivalent education

1 and experience shall apply to the department by the process
2 established by the department.

3 (g) The department shall be required to complete the process
4 for the exception to minimum education and experience
5 requirements described in subdivisions (d) and (e) within 30 days
6 of receiving the exception application of social work personnel or
7 supervising social worker qualifications from the foster family
8 agency.

9 ~~(h) The department shall review the feasibility of instituting a
10 licensure category to cover foster homes that are established
11 specifically to care for and supervise adults with developmental
12 disabilities, as defined in subdivision (a) of Section 4512 of the
13 Welfare and Institutions Code, to prevent the institutionalization
14 of those individuals.~~

15 (i)

16 (h) For purposes of this section, "social work personnel" means
17 supervising social workers as well as nonsupervisory social
18 workers.

19 ~~SEC. 4.~~

20 *SEC. 5.* Section 1506.1 of the Health and Safety Code is
21 amended to read:

22 1506.1. (a) A foster family agency shall prepare and maintain
23 a current, written plan of operation as required by the department.

24 (b) (1) A foster family agency shall have national accreditation
25 from an entity identified by the department pursuant to the process
26 described in paragraph (8) of subdivision (b) of Section 11463 of
27 the Welfare and Institutions Code.

28 (2) The following applies to a foster family agency licensed
29 before January 1, 2017:

30 (A) The foster family agency shall have until December 31,
31 2018, to obtain accreditation.

32 (B) The foster family agency shall submit documentation of
33 accreditation or application for accreditation to the department in
34 a time and manner as determined by the department.

35 (C) The foster family agency shall provide documentation to
36 the department reporting its accreditation status as of January 1,
37 2018, and July 1, 2018, in a time and manner as determined by the
38 department.

39 (3) The following applies to a foster family agency licensed on
40 or after January 1, 2017:

1 (A) The foster family agency shall have up to 24 months from
2 the date of licensure to obtain accreditation.

3 (B) The foster family agency applicant shall submit
4 documentation of accreditation or application for accreditation
5 with its application for licensure.

6 (C) The foster family agency shall provide documentation to
7 the department reporting its accreditation status at 12 months and
8 at 18 months after the date of licensure.

9 (4) This subdivision does not preclude the department from
10 requesting additional information from the foster family agency
11 regarding its accreditation status.

12 (5) The department may revoke a foster family agency's license
13 pursuant to Article 5 (commencing with Section 1550) for failure
14 to obtain accreditation within the timeframes specified in this
15 subdivision.

16 (c) (1) On and after January 1, 2017, a foster family agency's
17 plan of operation shall demonstrate the foster family agency's
18 ability to support the differing needs of children and their families.

19 (2) On and after January 1, 2017, a foster family agency's plan
20 of operation shall contain a plan for the supervision, evaluation,
21 and training of staff. The training plan shall be appropriate to meet
22 the needs of children, and it shall be consistent with the training
23 provided to resource families as set forth in Section 16519.5 of
24 the Welfare and Institutions Code.

25 (3) In addition to complying with the rules and regulations
26 adopted pursuant to this chapter, on and after January 1, 2017, a
27 foster family agency's plan of operation shall include a program
28 statement. The program statement shall contain a description of
29 all of the following:

30 (A) The core services and supports, as set forth in paragraph
31 (5) of subdivision (b) of Section 11463 of the Welfare and
32 Institutions Code, and as prescribed by the department, to be
33 offered to children and their families, as appropriate or as
34 necessary.

35 (B) The treatment practices that will be used in serving children
36 and families.

37 (C) The procedures for the development, implementation, and
38 periodic updating of the needs and services plan for children placed
39 with the foster family agency or served by the foster family agency,
40 and procedures for collaborating with the child and family team

1 as described in paragraph (4) of subdivision (a) of Section 16501
 2 of the Welfare and Institutions Code, that includes, but is not
 3 limited to, a description of the services to be provided to meet the
 4 treatment needs of children assessed pursuant to subdivision (d)
 5 or (e) of Section 11462.01 of the Welfare and Institutions Code.

6 (D) How the foster family agency will comply with the resource
 7 family approval standards and requirements, as set forth in Section
 8 ~~16519.5~~ *1517 of this code and Article 2 (commencing with Section*
 9 *16519.5) of Chapter 5 of Part 4 of Division 9* of the Welfare and
 10 Institutions Code.

11 (E) A description of the population or populations to be served.

12 (F) Any other information that may be prescribed by the
 13 department for the proper administration of this section.

14 (d) In addition to the rules and regulations adopted pursuant to
 15 this chapter, a county licensed to operate a foster family agency
 16 shall describe, in the plan of operation, its conflict-of-interest
 17 mitigation plan, on and after January 1, 2017, as set forth in
 18 subdivision (g) of Section 11462.02 of the Welfare and Institutions
 19 Code.

20 (e) The foster family agency's plan of operation shall
 21 demonstrate the foster family agency's ability to provide treatment
 22 services to meet the individual needs of children placed in ~~licensed,~~
 23 ~~approved, or certified relative and nonrelative foster families,~~
 24 *certified family homes or with resource families*, as specified in
 25 Section 11402 of the Welfare and Institutions Code.

26 (f) The department shall have the authority to inspect a foster
 27 family agency pursuant to the system of governmental monitoring
 28 and oversight developed by the department on and after January
 29 1, 2017, pursuant to subdivision (c) of Section 11463 of the
 30 Welfare and Institutions Code.

31 (g) The department shall establish procedures for a county
 32 review process, at the county's option, for foster family agencies,
 33 which may include the review of the foster family agency's
 34 program statement, and which shall be established in consultation
 35 with the County Welfare Directors Association of California, Chief
 36 Probation Officers of California, and stakeholders, as appropriate.

37 *SEC. 6. Section 1506.3 of the Health and Safety Code is*
 38 *amended to read:*

39 1506.3. (a) A foster family agency that provides treatment of
 40 children in foster families shall employ one full-time social work

1 supervisor for every eight social workers or fraction thereof in the
2 agency.

3 (b) This section shall remain in effect only until the date when
4 the total foster family agency rate by age group paid to licensed
5 foster family agencies for the placement of children in certified
6 foster family homes is restored to at least the rate in effect on
7 September 30, 2009, and the Director of Social Services issues a
8 declaration to this effect to the Senate Committee on Budget and
9 Fiscal Review, Senate Committee on Human Services, the
10 Assembly Committee on Budget, and the Assembly Committee
11 on Human Services, or their successor committees. Upon the
12 restoration to at least the rate in effect on September 30, 2009, the
13 director shall issue the declaration. On that date, this section shall
14 be repealed.

15 (c) *Notwithstanding subdivision (b), this section shall be*
16 *inoperative on January 1, 2017, except with regard to foster family*
17 *agencies that have been granted an extension pursuant to Section*
18 *11463.1, in which case it shall be inoperative on January 1, 2019,*
19 *and, as of January 1, 2019, is repealed, unless a later enacted*
20 *statute, that becomes operative on or before January 1, 2019,*
21 *deletes or extends the dates on which it becomes ineffective and*
22 *is repealed.*

23 *SEC. 7. Section 1506.5 of the Health and Safety Code is*
24 *amended to read:*

25 1506.5. (a) Foster family agencies shall not use foster family
26 homes licensed by a county *or resource families approved by a*
27 *county* without the approval of the licensing *or approving* county.
28 When approval is granted, a written agreement between the foster
29 family agency and the county shall specify the nature of
30 administrative control and case management responsibility and
31 the nature and number of the children to be served in the home.

32 (b) Before a foster family agency may use a licensed foster
33 family home it shall review and, with the exception of a new
34 fingerprint clearance, qualify the home in accordance with Section
35 1506.

36 (c) When approval is ~~given~~, *granted pursuant to subdivision*
37 *(a)*, and for the duration of the agreement permitting the foster
38 family agency use of ~~its~~ *the* licensed foster family ~~home~~, *home or*
39 *county-approved resource family*, no child shall be placed in that
40 home except through the foster family agency.

1 (d) Nothing in this section shall transfer or eliminate the
2 responsibility of the placing agency for the care, custody, or control
3 of the child. Nothing in this section shall relieve a foster family
4 agency of its responsibilities for or on behalf of a child placed with
5 it.

6 (e) (1) If an application to a foster family agency for a certificate
7 of approval indicates, or the department determines during the
8 application review process, that the applicant previously was issued
9 a license under this chapter or under Chapter 1 (commencing with
10 Section 1200), Chapter 2 (commencing with Section 1250), Chapter
11 3.01 (commencing with Section 1568.01), Chapter 3.2
12 (commencing with Section 1569), Chapter 3.4 (commencing with
13 Section 1596.70), Chapter 3.5 (commencing with Section 1596.90),
14 or Chapter 3.6 (commencing with Section 1597.30) and the prior
15 license was revoked within the preceding two years, the foster
16 family agency shall cease any further review of the application
17 until two years have elapsed from the date of the revocation.

18 (2) If an application to a foster family agency for a certificate
19 of approval indicates, or the department determines during the
20 application review process, that the applicant previously was issued
21 a certificate of approval by a foster family agency that was revoked
22 by the department pursuant to subdivision (b) of Section 1534
23 within the preceding two years, the foster family agency shall cease
24 any further review of the application until two years have elapsed
25 from the date of the revocation.

26 (3) If an application to a foster family agency for a certificate
27 of approval indicates, or the department determines during the
28 application review process, that the applicant was excluded from
29 a facility licensed by the department or from a certified family
30 home pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897,
31 the foster family agency shall cease any further review of the
32 application unless the excluded person has been reinstated pursuant
33 to Section 11522 of the Government Code by the department.

34 (4) The cessation of review shall not constitute a denial of the
35 application for purposes of subdivision (b) of Section 1534 or any
36 other law.

37 (f) (1) If an application to a foster family agency for a certificate
38 of approval indicates, or the department determines during the
39 application review process, that the applicant had previously
40 applied for a license under any of the chapters listed in paragraph

1 (1) of subdivision (e) and the application was denied within the
2 last year, the foster family agency shall cease further review of the
3 application as follows:

4 (A) ~~In cases where~~ When the applicant petitioned for a hearing,
5 the foster family agency shall cease further review of the
6 application until one year has elapsed from the effective date of
7 the decision and order of the department upholding a denial.

8 (B) ~~In cases where~~ When the department informed the applicant
9 of his or her right to petition for a hearing and the applicant did
10 not petition for a hearing, the foster family agency shall cease
11 further review of the application until one year has elapsed from
12 the date of the notification of the denial and the right to petition
13 for a hearing.

14 (2) The foster family agency may continue to review the
15 application if the department has determined that the reasons for
16 the denial of the application were due to circumstances and a
17 condition that either have been corrected or are no longer in
18 existence.

19 (3) The cessation of review shall not constitute a denial of the
20 application for purposes of subdivision (b) of Section 1534 or any
21 other law.

22 (g) (1) If an application to a foster family agency for a
23 certificate of approval indicates, or the department determines
24 during the application review process, that the applicant had
25 previously applied for a certificate of approval with a foster family
26 agency and the department ordered the foster family agency to
27 deny the application pursuant to subdivision (b) of Section 1534,
28 the foster family agency shall cease further review of the
29 application as follows:

30 (A) In cases where the applicant petitioned for a hearing, the
31 foster family agency shall cease further review of the application
32 until one year has elapsed from the effective date of the decision
33 and order of the department upholding a denial.

34 (B) In cases where the department informed the applicant of his
35 or her right to petition for a hearing and the applicant did not
36 petition for a hearing, the foster family agency shall cease further
37 review of the application until one year has elapsed from the date
38 of the notification of the denial and the right to petition for a
39 hearing.

1 (2) The foster family agency may continue to review the
2 application if the department has determined that the reasons for
3 the denial of the application were due to circumstances and
4 conditions that either have been corrected or are no longer in
5 existence.

6 (3) The cessation of review shall not constitute a denial of the
7 application for purposes of subdivision (b) of Section 1534 or any
8 other law.

9 *(h) Subdivisions (e), (f), and (g) shall apply only to certified*
10 *family home applications received on or before December 31,*
11 *2016, in accordance with Section 1517.*

12 *SEC. 8. Section 1506.6 of the Health and Safety Code is*
13 *amended to read:*

14 1506.6. (a) It is the intent of the Legislature that public and
15 private efforts to recruit foster parents not be competitive and that
16 the total number of foster parents be increased. ~~A~~

17 (b) A foster family agency shall not certify a family home ~~which~~
18 *that* is licensed by the department or a county. A licensed foster
19 family home shall forfeit its license, pursuant to subdivision (b)
20 of Section 1524, concurrent with final certification by the foster
21 family agency. The department or a county shall not license a
22 family home that is certified by a foster family agency. A certified
23 family home shall forfeit its certificate concurrent with final
24 licensing by the department or a county.

25 (c) (1) *A licensed foster family home shall forfeit its license,*
26 *pursuant to subdivision (b) of Section 1524, concurrent with*
27 *resource family approval by a foster family agency. A resource*
28 *family shall forfeit its resource family approval, pursuant to Section*
29 *16519.5 of the Welfare and Institutions Code, concurrent with*
30 *resource family approval by a foster family agency.*

31 (2) *A certified family home shall forfeit its certificate of approval*
32 *concurrent with resource family approval by the county. A resource*
33 *family shall forfeit its resource family approval, pursuant to Section*
34 *1517, concurrent with resource family approval by the county.*

35 *SEC. 9. Section 1506.7 of the Health and Safety Code is*
36 *amended to read:*

37 1506.7. (a) A foster family agency shall require the owner or
38 operator of a family home applying for certification to sign an
39 application that shall contain, but shall not be limited to, the
40 following information:

1 (1) Whether the applicant has been certified, and by which foster
2 family agency.

3 (2) Whether the applicant has been decertified, and by which
4 foster family agency.

5 (3) Whether a placement hold has been placed on the applicant
6 by a foster family agency, and by which foster family agency.

7 (4) Whether the applicant has been a foster home licensed by a
8 county or by the state and, if so, by which county or state, or
9 whether the applicant has been approved for relative placement
10 by a county and, if so, by which county.

11 (b) (1) The application form signed by the owner or operator
12 of the family home applying for certification shall contain notice
13 to the applicant for certification that the foster family agency is
14 required to check references of all foster family agencies that have
15 previously certified the applicant and of all state or county licensing
16 offices that have licensed the applicant as a foster parent, and that
17 the signing of the application constitutes the authorization of the
18 applicant for the foster family agency to conduct its check of
19 references.

20 (2) The application form signed by the owner or operator of the
21 family home applying for certification shall be signed with a
22 declaration by the applicant that the information submitted is true,
23 correct, and contains no material omissions of fact to the best
24 knowledge and belief of the applicant. Any person who declares
25 as true any material matter pursuant to this section that he or she
26 knows to be false is guilty of a misdemeanor. The application shall
27 include a statement that submitting false information is a violation
28 of law punishable by incarceration, a fine, or both incarceration
29 and a fine.

30 (c) *This section shall apply only to certified family home*
31 *applications received on or before December 31, 2016, in*
32 *accordance with Section 1517.*

33 *SEC. 10. Section 1506.8 of the Health and Safety Code is*
34 *amended to read:*

35 1506.8. (a) Before certifying a family home, a foster family
36 agency shall contact any foster family agencies by whom an
37 applicant has been previously certified and any state or county
38 licensing offices that have licensed the applicant as a foster parent,
39 and shall conduct a reference check as to the applicant.

1 (b) *This section shall apply only to certified family home*
2 *applications received on or before December 31, 2016, in*
3 *accordance with Section 1517.*

4 ~~SEC. 5.~~

5 *SEC. 11.* Section 1517 of the Health and Safety Code is
6 amended to read:

7 1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5
8 of the Welfare and Institutions Code, the State Department of
9 Social Services, shall implement a unified, family friendly, and
10 child-centered resource family approval process to replace the
11 existing multiple processes for licensing foster family homes,
12 *certifying foster homes by licensed foster family agencies,*
13 approving relatives and nonrelative extended family members as
14 foster care providers, and approving guardians and adoptive
15 families.

16 (2) For purposes of this section, a “resource family” means an
17 individual or family that has successfully met both the home
18 environment assessment and the permanency assessment criteria,
19 as set forth in Section 16519.5 of the Welfare and Institutions
20 Code, necessary for providing care for a related or unrelated child
21 who is under the jurisdiction of the juvenile court, or otherwise in
22 the care of a county child welfare agency or probation department.

23 (3) *For purposes of this chapter, “resource family approval”*
24 *means that the applicant or resource family successfully meets the*
25 *home environment assessment and permanency assessment*
26 *standards adopted pursuant to subdivision (d) of Section 16519.5*
27 *of the Welfare and Institutions Code. This approval is in lieu of a*
28 *certificate of approval issued by a licensed foster family agency*
29 *pursuant to subdivision (b) of Section 1506.*

30 (4) *Approval of a resource family does not guarantee an initial,*
31 *continued, or adoptive placement of a child with a resource family.*
32 *Approval of a resource family does not guarantee the establishment*
33 *of a legal guardianship of a child with a resource family. There*
34 *is no fundamental right to resource family approval.*

35 (5) *Notwithstanding paragraphs (1) to (4), inclusive, a foster*
36 *family agency shall cease any further review of an application if*
37 *the applicant has had a previous application denial within the*
38 *preceding year by the department or county, or if the applicant*
39 *has had a previous rescission, revocation, or exemption denial or*
40 *exemption rescission by the department or county within the*

1 preceding two years. However, a foster family agency may continue
2 to review an application if it has determined that the reasons for
3 the previous denial, rescission, or revocation were due to
4 circumstances and conditions that either have been corrected or
5 are no longer in existence. If an individual was excluded from a
6 resource family home or facility licensed by the department, a
7 foster family agency shall cease review of the individual's
8 application unless the excluded individual has been reinstated
9 pursuant to Section 11522 of the Government Code. The cessation
10 of review shall not constitute a denial of the application for
11 purposes of this section, Section 16519.5 of the Welfare and
12 Institutions Code, or any other law.

13 (6) A resource family shall meet the approval standards set
14 forth in Section 16519.5 of the Welfare and Institutions Code,
15 comply with the written directives or regulations adopted pursuant
16 to Section 16519.5 of the Welfare and Institutions Code, and
17 comply with other applicable laws in order to maintain approval.

18 (7) A resource family may be approved by the department or a
19 county pursuant to Section 16519.5 of the Welfare and Institutions
20 Code or by a foster family agency pursuant to this section.

21 (b) (1) A foster family agency shall comply with the provisions
22 of this section.

23 (2) Notwithstanding any other law, a foster family agency shall
24 require its applicants and resource families to meet the resource
25 family approval standards set forth in Section 16519.5 of the
26 Welfare and Institutions Code, the written directives or regulations
27 adopted thereto, and other applicable laws prior to approval and
28 in order to maintain approval.

29 (3) A foster family agency shall be responsible for all of the
30 following:

31 (A) Complying with the applicable provisions of this chapter,
32 the regulations for foster family agencies, the resource family
33 approval standards and requirements set forth in ~~Section 16519.5~~
34 *Article 2 (commencing with Section 16519.5) of Chapter 5 of Part*
35 *4 of Division 9* of the Welfare and Institutions Code, and the
36 applicable written directives or regulations adopted thereto by the
37 department.

38 (B) Implementing the requirements for the resource family
39 approval and utilizing standardized documentation established by
40 the department.

1 (C) Ensuring staff have the education and experience necessary
2 to complete the home environment and psychosocial assessments
3 competently.

4 (D) Taking the following actions, as applicable:

5 (i) Approving or denying resource family applications.

6 (ii) Rescinding approvals of resource families.

7 (E) Providing to the department a log of resource families that
8 were approved or *had approval* rescinded during the month by the
9 10th day of the following month. ~~For purposes of subdivision (d)~~
10 ~~of Section 1536, a certified family home includes a resource family~~
11 ~~approved by the foster family agency pursuant to this section.~~

12 (F) (i) Updating resource family approval ~~annually~~. *annually*
13 *and as necessary to address any changes that have occurred in*
14 *the resource family's circumstances, including, but not limited to,*
15 *moving to a new home location or commencing operation of a*
16 *family day care home, as defined in Section 1596.78.*

17 (ii) A foster family agency shall conduct an announced
18 inspection of a resource family home during the annual ~~update in~~
19 ~~order~~ *update, and as necessary to address any changes specified*
20 *in clause (i), to ensure that the resource family is conforming to*
21 *all applicable laws and the written directives or regulations adopted*
22 *pursuant to Section 16519.5 of the Welfare and Institutions Code.*

23 (G) Monitoring resource families through all of the following:

24 (i) Ensuring that social workers who identify a condition in the
25 home that may not meet the resource family approval standards
26 while in the course of a routine visit to children subsequently
27 placed with a resource family take appropriate action as needed.

28 (ii) Requiring resource families to ~~comply with~~ *meet the*
29 *approval standards set forth in Section 16519.5 of the Welfare*
30 *and Institutions Code and to comply with the written directives or*
31 *regulations adopted thereto, other applicable laws, and corrective*
32 *action plans as necessary to correct identified deficiencies. If*
33 *corrective action is not completed as specified in the plan, the*
34 *foster family agency or the department may rescind the approval*
35 *of the resource family or take other administrative action in*
36 *accordance with applicable law or the written directives or*
37 *regulations adopted pursuant to Section 16519.5 of the Welfare*
38 *and Institutions Code.*

39 (iii) Requiring resource families to report to the foster family
40 agency any incidents as specified in the written directives or

1 regulations adopted pursuant to Section 16519.5 of the Welfare
2 and Institutions Code.

3 (iv) Inspecting resource family homes as often as necessary to
4 ensure the quality of care provided.

5 (H) Performing corrective action as required by the department.

6 (I) Submitting information and data that the department
7 determines is necessary to study, monitor, and prepare the report
8 specified in paragraph (6) of subdivision (f) of Section 16519.5 of
9 the Welfare and Institutions Code.

10 (J) (i) Ensuring applicants and resource families meet the
11 training requirements, and, if applicable, the specialized training
12 requirements set forth in Section 16519.5 of the Welfare and
13 Institutions Code.

14 (ii) Nothing in this section shall preclude a foster family agency
15 from requiring ~~resource family~~ training in excess of the
16 requirements in this section.

17 (4) A foster family agency may cooperatively match a child
18 who is under the care, custody, and control of a county with a
19 resource family for initial placement.

20 (c) In addition to subdivision (f) of Section 16519.5 of the
21 Welfare and Institutions Code, the State Department of Social
22 Services shall be responsible for all of the following:

23 (1) Requiring foster family agencies to monitor resource
24 families, including, but not limited to, *inspecting resource family*
25 *homes*, developing and monitoring resource family corrective
26 action plans to correct identified ~~deficiencies and to rescind~~
27 *deficiencies, and rescinding* resource family approval if compliance
28 with a corrective action plan is not achieved.

29 (2) Investigating all complaints against a resource family
30 approved by a foster family agency and taking any action it deems
31 necessary. This shall include investigating any incidents reported
32 about a resource family indicating that the approval standard is
33 not being maintained. Complaint investigations shall be conducted
34 in accordance with the written directives or regulations adopted
35 pursuant to Section 16519.5 of the Welfare and Institutions Code.
36 *A foster family agency shall not conduct an internal investigation*
37 *regarding an incident report or complaint against a resource*
38 *family that interferes with an investigation being conducted by the*
39 *department.*

1 (3) Rescinding approvals of a resource family approved by a
2 foster family agency.

3 (4) Excluding a resource family parent or other individual from
4 presence in a resource family home or licensed community care
5 facility, from being a member of the board of directors, an
6 executive director, or an officer of a licensed community care
7 facility, or prohibiting a licensed community care facility from
8 employing the resource family parent or other individual, if
9 appropriate.

10 (5) Issuing a temporary suspension order that suspends the
11 resource family approval prior to a hearing, when urgent action is
12 needed to protect a child from physical or mental abuse,
13 abandonment, or any other substantial threat to health or safety.

14 (6) Providing a resource family parent, applicant, excluded
15 individual, or individual who is the subject of a criminal record
16 exemption decision, requesting review of that decision, *decision*
17 with due process pursuant to the department's statutes, regulations,
18 and written directives. *Section 16519.6 of the Welfare and*
19 *Institutions Code.*

20 (d) The department may enter and inspect the home of a resource
21 family approved by a foster family agency to secure compliance
22 with the resource family approval standards, investigate a
23 complaint or incident, or ensure the quality of care provided.

24 (e) Nothing in this section or in ~~Section 16519.5 and following~~
25 *Article 2 (commencing with Section 16519.5) of Chapter 5 of Part*
26 *4 of Division 9 of the Welfare and Institutions Code* limits the
27 authority of the department to inspect, evaluate, investigate a
28 complaint or incident, or initiate a disciplinary action against a
29 foster family agency pursuant to this chapter or to take any action
30 it may deem necessary for the health and safety of children placed
31 with the foster family agency.

32 (f) ~~For purposes of paragraph (3) of subdivision (b) of Section~~
33 ~~1523.1, a certified family home includes a resource family~~
34 ~~approved by a foster family agency pursuant to this section.~~

35 (g)

36 (f) (1) The applicable certification and oversight processes shall
37 continue to be administered for foster homes certified by a foster
38 family agency prior to January 1, 2017, *or as specified in*
39 *paragraph (2)*, until the certification is revoked or forfeited by
40 operation of law pursuant to this subdivision.

1 (2) ~~A~~ *Notwithstanding paragraph (3)*, a foster family agency
2 shall approve or deny all certified family home applications
3 received on or before December 31, 2016, in accordance with this
4 chapter.

5 (3) On and after January 1, 2017, a foster family agency shall
6 not accept applications to certify foster homes and shall approve
7 resource families in lieu of certifying foster homes.

8 (4) No later than July 1, 2017, each foster family agency shall
9 provide the following information to ~~all~~ *its* certified family homes:

10 (A) A detailed description of the resource family approval
11 program.

12 (B) Notification that, in order to care for a foster child, resource
13 family approval is required by December 31, 2019.

14 (C) Notification that a certificate of approval shall be forfeited
15 by operation of law as ~~provided for~~ *specified* in paragraph (7).

16 (5) By no later than January 1, 2018, the following shall apply
17 to all certified family homes:

18 (A) A certified family home with an approved adoptive home
19 study, completed prior to January 1, 2018, shall be deemed to be
20 an approved resource family.

21 (B) A certified family home that had a child in placement ~~for~~
22 ~~any length of~~ *at any* time between January 1, 2017, and December
23 31, 2017, inclusive, may be approved as a resource family on the
24 date of successful completion of a psychosocial assessment
25 pursuant to subparagraph (B) of paragraph (3) of subdivision (d)
26 of Section 16519.5 of the Welfare and Institutions Code.

27 (6) A foster family agency may provide supportive services to
28 all certified family homes with a child in placement to assist with
29 the resource family transition and to minimize placement
30 disruptions.

31 (7) All certificates of approval shall be forfeited by operation
32 of law on December 31, 2019, except as provided in this paragraph:

33 (A) All certified family homes that did not have a child in
34 placement at any time between January 1, 2017, and December
35 31, 2017, inclusive, shall forfeit the certificate of approval by
36 operation of law on January 1, 2018.

37 (B) For certified family homes with *a* pending resource family
38 ~~applications~~ *application* on December 31, 2019, the certificate of
39 approval shall be forfeited by operation of law ~~on the date of~~ *upon*
40 approval as a resource family. If approval is denied, forfeiture by

1 operation of law shall occur on the date of completion of any
2 proceedings required by law to ensure due process.

3 (C) *A certificate of approval shall be forfeited by operation of*
4 *law upon approval as a resource family.*

5 ~~SEC. 6.~~

6 *SEC. 12.* Section 1517.1 is added to the Health and Safety
7 Code, to read:

8 1517.1. (a) (1) Pursuant to subdivision (a) of Section 16519.5
9 of the Welfare and Institutions Code, the State Department of
10 Social Services shall implement a unified, family friendly, and
11 child-centered resource family approval process to replace the
12 existing multiple processes for licensing foster family homes,
13 *certifying foster homes by licensed foster family agencies,*
14 approving relatives and nonrelative extended family members as
15 foster care providers, and approving guardians and adoptive
16 families.

17 (2) For purposes of this section, a “resource family” means an
18 individual or family that has successfully met both the home
19 environment assessment and the permanency assessment criteria,
20 as set forth in Section 16519.5 of the Welfare and Institutions
21 Code, necessary for providing care for a related or unrelated child
22 who is under the jurisdiction of the juvenile court, or otherwise in
23 the care of a county child welfare agency or probation department.

24 (b) (1) The applicable licensure and oversight processes shall
25 continue to be administered for foster family homes licensed prior
26 to January 1, 2017, *or as specified in paragraph (2),* until the
27 license ~~or approval~~ is revoked or forfeited by operation of law
28 pursuant to this section or Section 1524 of the Health and Safety
29 Code.

30 (2) The department shall approve or deny all foster family home
31 license applications received on or before December 31, 2016, in
32 accordance with this chapter.

33 (3) On and after January 1, 2017, the department shall not accept
34 applications to license foster family homes.

35 (4) By no later than January 1, 2018, the following shall apply
36 to all foster family homes:

37 (A) A foster family home with an approved adoptive home
38 study, completed prior to January 1, 2018, shall be deemed to be
39 an approved resource family.

1 (B) A foster family home that had a child in placement for any
2 length of time between January 1, 2017, and December 31, 2017,
3 inclusive, may be approved as a resource family on the date of
4 successful completion of a psychosocial assessment pursuant to
5 subparagraph (B) of paragraph (3) of subdivision (d) of Section
6 16519.5 of the Welfare and Institutions Code.

7 (5) All foster family home licenses shall be forfeited by
8 operation of law on December 31, 2019, except as provided in this
9 ~~paragraph~~ *paragraph or Section 1524.*

10 (A) All licensed foster family homes that did not have a child
11 in placement at any time between January 1, 2017, and December
12 31, 2017, inclusive, shall forfeit the license by operation of law
13 on January 1, 2018.

14 (B) For foster family home licensees who have pending resource
15 family applications on December 31, 2019, the foster family home
16 license shall be forfeited by operation of law ~~on the date of~~ *upon*
17 approval as a resource family. If approval is denied, forfeiture by
18 operation of law shall occur on the date of completion of any
19 proceedings required by law to ensure due process.

20 (C) *A foster family home license shall be forfeited by operation*
21 *of law upon approval as a resource family.*

22 *SEC. 13. Section 1517.2 is added to the Health and Safety*
23 *Code, to read:*

24 *1517.2. (a) The application form signed by a resource family*
25 *applicant of a foster family agency shall be signed with a*
26 *declaration by the applicant that the information submitted is true,*
27 *correct, and contains no material omissions of fact to the best*
28 *knowledge and belief of the applicant. Any person who declares*
29 *as true any material matter pursuant to this section that he or she*
30 *knows to be false is guilty of a misdemeanor. The application shall*
31 *include a statement that submitting false information is a violation*
32 *of law punishable by incarceration, a fine, or both incarceration*
33 *and a fine.*

34 *(b) Before approving a resource family, a foster family agency*
35 *shall conduct a reference check of the applicant by contacting all*
36 *of the following:*

37 *(1) Any foster family agencies that have certified the applicant.*

38 *(2) Any state or county licensing offices that have licensed the*
39 *applicant as a foster family home.*

1 (3) Any counties that have approved the applicant as a relative
2 or nonrelative extended family member.

3 (4) Any foster family agencies or counties that have approved
4 the applicant as a resource family.

5 (5) Any state licensing offices that have licensed the applicant
6 as a community care facility, child day care center, or family child
7 care home.

8 (c) The department, a county, or a foster family agency may
9 request information from, or divulge information to, the
10 department, a county, or a foster family agency regarding a
11 prospective resource family for the purpose of conducting, and as
12 necessary to conduct, a reference check to determine whether it
13 is safe and appropriate to approve an applicant to be a resource
14 family.

15 SEC. 14. Section 1517.3 is added to the Health and Safety
16 Code, to read:

17 1517.3. (a) A person shall not incur civil liability as a result
18 of providing the department with either of the following:

19 (1) A foster family agency's log of resource families that have
20 been approved or have had approval rescinded.

21 (2) Notification of a foster family agency's determination to
22 rescind the approval of a resource family due to any of the
23 following actions by a resource family parent:

24 (A) Violation of Section 16519.5, the written directives or
25 regulations adopted pursuant to Section 16519.5, or any other
26 applicable law.

27 (B) Aiding, abetting, or permitting the violation of Section
28 16519.5, the written directives or regulations adopted pursuant
29 to Section 16519.5, or any other applicable law.

30 (C) Conduct that poses a risk or threat to the health and safety,
31 protection, or well-being of a child, or the people of the State of
32 California.

33 (D) Conviction at any time before or during his or her approval
34 of a crime described in Section 1522.

35 (E) Knowingly allowing a child to have illegal drugs, alcohol,
36 or any tobacco product, as defined in subdivision (d) of Section
37 22950.5 of the Business and Professions Code.

38 (F) Committing an act of child abuse or neglect or an act of
39 violence against another person.

1 (b) *The department, a county, or a foster family agency shall*
2 *not incur civil liability for providing each other with information*
3 *if the communication is for the purpose of aiding in the evaluation*
4 *of an application for approval of a resource family by a foster*
5 *family agency.*

6 ~~SEC. 7.~~

7 SEC. 15. Section 1520.1 of the Health and Safety Code is
8 amended to read:

9 1520.1. In addition to Section 1520, applicants for a group
10 home or short-term residential treatment center license shall meet
11 the following requirements:

12 (a) (1) During the first 12 months of operation, the facility shall
13 operate with a provisional license. After eight months of operation,
14 the department shall conduct a comprehensive review of the facility
15 for compliance with all applicable laws and regulations and help
16 develop a plan of correction with the provisional licensee, if
17 appropriate. By the end of the 12th month of operation, the
18 department shall determine if the permanent license should be
19 issued.

20 (2) If the department determines that the group home or
21 short-term residential treatment center is in substantial compliance
22 with licensing standards, notwithstanding Section 1525.5, the
23 department may extend the provisional license for up to an
24 additional six months for either of the following reasons:

25 (A) The group home or short-term residential treatment center
26 requires additional time to be in full compliance with licensing
27 standards.

28 (B) After 12 months of operation, the group home or short-term
29 residential treatment center is not operating at 50 percent of its
30 licensed capacity.

31 (3) By no later than the first business day of the 17th month of
32 operation, the department shall conduct an additional review of a
33 facility for which a provisional license is extended pursuant to
34 paragraph (2), in order to determine whether a permanent license
35 should be issued.

36 (4) The department may deny a group home or short-term
37 residential treatment center license application at any time during
38 the term of the provisional license to protect the health and safety
39 of clients. If the department denies the application, the group home
40 or short-term residential treatment center shall cease operation

1 immediately. Continued operation of the facility after the
2 department denies the application or the provisional license expires
3 shall constitute unlicensed operation.

4 (5) When the department notifies a city or county planning
5 authority pursuant to subdivision (c) of Section 1520.5, the
6 department shall briefly describe the provisional licensing process
7 and the timelines provided for under that process, as well as provide
8 the name, address, and telephone number of the district office
9 licensing the facility where a complaint or comment about the
10 group home's or short-term residential treatment center's operation
11 may be filed.

12 (b) (1) After the production of the booklet provided for in
13 paragraph (2), every member of the group home's board of
14 directors or governing body and every member of a short-term
15 residential treatment center's board of directors or governing body
16 shall, prior to becoming a member of the board of directors or
17 governing body sign a statement that he or she understands his or
18 her legal duties and obligations as a member of the board of
19 directors or governing body and that the group home's or
20 short-term residential treatment center's operation is governed by
21 laws and regulations that are enforced by the department, as set
22 forth in the booklet. The applicant, provisional licensee, and
23 licensee shall have this statement available for inspection by the
24 department. For members of the board of directors or governing
25 body when the booklet is produced, the licensee shall obtain this
26 statement by the next scheduled meeting of the board of directors
27 or governing body. Compliance with this paragraph shall be a
28 condition of licensure.

29 (2) The department shall distribute to every group home provider
30 and short-term residential treatment center provider, respectively,
31 detailed information designed to educate members of the group
32 home provider's or short-term residential treatment center
33 provider's board of directors or governing body of their roles and
34 responsibilities as members of a public benefit corporation under
35 the laws of this state. The information shall be included in a
36 booklet, may be revised as deemed necessary by the department,
37 and shall include, but not be limited to, all of the following:

38 (A) The financial responsibilities of a member of the board of
39 directors or governing body.

40 (B) Disclosure requirements for self-dealing transactions.

1 (C) Legal requirements pertaining to articles of incorporation,
2 bylaws, length of member terms, voting procedures, board or
3 governing body meetings, quorums, minutes of meetings, and, as
4 provided for in subdivision (f), member duties.

5 (D) A general overview of the laws and regulations governing
6 the group home's or short-term residential treatment center's
7 operation that are enforced by the department.

8 (c) All financial records submitted by a facility to the
9 department, or that are submitted as part of an audit of the facility,
10 including, but not limited to, employee timecards and timesheets,
11 shall be signed and dated by the employee and by the group home
12 representative or short-term residential treatment center
13 representative who is responsible for ensuring the accuracy of the
14 information contained in the record, or when a time clock is used,
15 the payroll register shall be signed and dated, and those financial
16 records shall contain an affirmative statement that the signatories
17 understand that the information contained in the document is
18 correct to the best of their knowledge and that submission of false
19 or misleading information may be prosecuted as a crime.

20 (d) An applicant, provisional licensee, or licensee shall maintain,
21 submit, and sign financial documents to verify the legitimacy and
22 accuracy of these documents. These documents include, but are
23 not limited to, the group home or short-term residential treatment
24 center application, any financial documents and plans of corrections
25 submitted to the department, and timesheets.

26 (e) (1) It is the intent of the Legislature that a group home or
27 short-term residential treatment center have either representatives
28 on its board of directors, as listed in paragraph (2), or a community
29 advisory board, that meets at least annually.

30 (2) The representatives on the board of directors or the
31 community advisory board members should consist of at least the
32 following persons:

33 (A) A member of the facility's board of directors.

34 (B) Members of the community where the facility is located.

35 (C) Neighbors of the facility.

36 (D) Current or former clients of the facility.

37 (E) A representative from a local law enforcement or other city
38 or county representative.

39 (f) Each group home or short-term residential treatment center
40 provider shall schedule and conduct quarterly meetings of its board

1 of directors or governing body. During these quarterly meetings,
2 the board of directors or governing body shall review and discuss
3 licensing reports, financial and program audit reports of its group
4 home or short-term residential treatment center operations, special
5 incident reports, and any administrative action against the licensee
6 or its employees. The minutes shall reflect the board's or governing
7 body's discussion of these documents and the group home's or
8 short-term residential treatment center's operation. The licensee
9 shall make available the minutes of group home's or short-term
10 residential treatment center's board of directors or governing body
11 meetings to the department.

12 *SEC. 16. Section 1522.44 of the Health and Safety Code is*
13 *amended to read:*

14 1522.44. (a) It is the policy of the state that caregivers of
15 children in foster care possess knowledge and skills relating to the
16 reasonable and prudent parent standard, as defined in subdivision
17 (c) of Section 362.05 of the Welfare and Institutions Code.

18 (b) Except for licensed foster family ~~homes and homes~~, certified
19 family homes, *and resource families licensed by foster family*
20 *agencies*, each licensed community care facility that provides care
21 and supervision to children and operates with staff shall designate
22 at least one onsite staff member to apply the reasonable and prudent
23 parent standard to decisions involving the participation of a child
24 who is placed in the facility in age or developmentally appropriate
25 activities in accordance with the requirements of Section 362.05
26 of the Welfare and Institutions Code, Section 671(a)(10) of Title
27 42 of the United States Code, and the regulations adopted by the
28 department pursuant to this chapter.

29 (c) A licensed and certified foster ~~parent~~ *parent, resource family,*
30 or facility staff member, as described in subdivision (b), shall
31 receive training related to the reasonable and prudent parent
32 standard that is consistent with Section 671(a)(24) of Title 42 of
33 the United States Code. This training shall include knowledge and
34 skills relating to the reasonable and prudent parent standard for
35 the participation of the child in age or developmentally appropriate
36 activities, including knowledge and skills relating to the
37 developmental stages of the cognitive, emotional, physical, and
38 behavioral capacities of a child, and knowledge and skills relating
39 to applying the standard to decisions such as whether to allow the
40 child to engage in extracurricular, enrichment, cultural, and social

1 activities, including sports, field trips, and overnight activities
 2 lasting one or more days, and to decisions involving the signing
 3 of permission slips and arranging of transportation for the child to
 4 and from extracurricular, enrichment, and social activities.

5 (d) This section does not apply to runaway and homeless youth
 6 shelters as defined in paragraph (14) of subdivision (a) of Section
 7 1502.

8 *SEC. 17. Section 1523.1 of the Health and Safety Code is*
 9 *amended to read:*

10 1523.1. (a) (1) An application fee adjusted by facility and
 11 capacity shall be charged by the department for the issuance of a
 12 license. After initial licensure, a fee shall be charged by the
 13 department annually on each anniversary of the effective date of
 14 the license. The fees are for the purpose of financing the activities
 15 specified in this chapter. Fees shall be assessed as follows, subject
 16 to paragraph (2):

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	Fee Schedule			
			Initial	
Facility Type	Capacity		Application	Annual
Foster Family and Adoption Agencies			\$3,025	\$1,513
Adult Day Programs	1–15		\$182	\$91
	16–30		\$303	\$152
	31–60		\$605	\$303
	61–75		\$758	\$378
	76–90		\$908	\$454
	91–120		\$1,210	\$605
	121+		\$1,513	\$757
Other Community Care Facilities	1–3		\$454	\$454
	4–6		\$908	\$454
	7–15		\$1,363	\$681
	16–30		\$1,815	\$908
	31–49		\$2,270	\$1,135
	50–74		\$2,725	\$1,363
	75–100		\$3,180	\$1,590
	101–150		\$3,634	\$1,817
151–200		\$4,237	\$2,119	
201–250		\$4,840	\$2,420	

1	251-300	\$5,445	\$2,723
2	301-350	\$6,050	\$3,025
3	351-400	\$6,655	\$3,328
4	401-500	\$7,865	\$3,933
5	501-600	\$9,075	\$4,538
6	601-700	\$10,285	\$5,143
7	701+	\$12,100	\$6,050

8
 9 (2) (A) The Legislature finds that all revenues generated by
 10 fees for licenses computed under this section and used for the
 11 purposes for which they were imposed are not subject to Article
 12 XIII B of the California Constitution.

13 (B) The department, at least every five years, shall analyze
 14 initial application fees and annual fees issued by it to ensure the
 15 appropriate fee amounts are charged. The department shall
 16 recommend to the Legislature that fees established by the
 17 Legislature be adjusted as necessary to ensure that the amounts
 18 are appropriate.

19 (b) (1) In addition to fees set forth in subdivision (a), the
 20 department shall charge the following fees:

21 (A) A fee that represents 50 percent of an established application
 22 fee when an existing licensee moves the facility to a new physical
 23 address.

24 (B) A fee that represents 50 percent of the established
 25 application fee when a corporate licensee changes who has the
 26 authority to select a majority of the board of directors.

27 (C) A fee of twenty-five dollars (\$25) when an existing licensee
 28 seeks to either increase or decrease the licensed capacity of the
 29 facility.

30 (D) An orientation fee of fifty dollars (\$50) for attendance by
 31 any individual at a department-sponsored orientation session.

32 (E) A probation monitoring fee equal to the current annual fee,
 33 in addition to the current annual fee for that category and capacity
 34 for each year a license has been placed on probation as a result of
 35 a stipulation or decision and order pursuant to the administrative
 36 adjudication procedures of the Administrative Procedure Act
 37 (Chapter 4.5 (commencing with Section 11400) and Chapter 5
 38 (commencing with Section 11500) of Part 1 of Division 3 of Title
 39 2 of the Government Code).

1 (F) A late fee that represents an additional 50 percent of the
2 established current annual fee when any licensee fails to pay the
3 current annual licensing fee on or before the due date as indicated
4 by postmark on the payment.

5 (G) A fee to cover any costs incurred by the department for
6 processing payments including, but not limited to, bounced check
7 charges, charges for credit and debit transactions, and postage due
8 charges.

9 (H) A plan of correction fee of two hundred dollars (\$200) when
10 any licensee does not implement a plan of correction on or prior
11 to the date specified in the plan.

12 (2) Foster family homes *and resource family homes approved*
13 *by a foster family agency* shall be exempt from the fees imposed
14 pursuant to this subdivision.

15 (3) Foster family agencies shall be annually assessed
16 eighty-eight dollars (\$88) for each *certified family home and*
17 *resource family certified or approved* by the agency.

18 (4) No local jurisdiction shall impose any business license, fee,
19 or tax for the privilege of operating a facility licensed under this
20 chapter which serves six or fewer persons.

21 (c) (1) The revenues collected from licensing fees pursuant to
22 this section shall be utilized by the department for the purpose of
23 ensuring the health and safety of all individuals provided care and
24 supervision by licensees and to support activities of the licensing
25 program, including, but not limited to, monitoring facilities for
26 compliance with licensing laws and regulations pursuant to this
27 chapter, and other administrative activities in support of the
28 licensing program, when appropriated for these purposes. The
29 revenues collected shall be used in addition to any other funds
30 appropriated in the Budget Act in support of the licensing program.
31 The department shall adjust the fees collected pursuant to this
32 section as necessary to ensure that they do not exceed the costs
33 described in this paragraph.

34 (2) The department shall not utilize any portion of these revenues
35 sooner than 30 days after notification in writing of the purpose
36 and use of this revenue, as approved by the Director of Finance,
37 to the Chairperson of the Joint Legislative Budget Committee, and
38 the chairpersons of the committee in each house that considers
39 appropriations for each fiscal year. The department shall submit

1 a budget change proposal to justify any positions or any other
2 related support costs on an ongoing basis.

3 (d) A facility may use a bona fide business check to pay the
4 license fee required under this section.

5 (e) The failure of an applicant or licensee to pay all applicable
6 and accrued fees and civil penalties shall constitute grounds for
7 denial or forfeiture of a license.

8 ~~SEC. 8.~~

9 *SEC. 18.* Section 1525.5 of the Health and Safety Code is
10 amended to read:

11 1525.5. (a) The department may issue provisional licenses to
12 operate community care facilities for facilities that it determines
13 are in substantial compliance with this chapter and the rules and
14 regulations adopted pursuant to this chapter, provided that no life
15 safety risks are involved, as determined by the department. In
16 determining whether any life safety risks are involved, the
17 department shall require completion of all applicable fire clearances
18 and criminal record clearances as otherwise required by the
19 department's rules and regulations. The provisional license shall
20 expire six months from the date of issuance, or at any earlier time
21 as the department may determine, and may not be renewed.
22 However, the department may extend the term of a provisional
23 license for an additional six months at time of application, if it is
24 determined that more than six months will be required to achieve
25 full compliance with licensing standards due to circumstances
26 beyond the control of the applicant, provided all other requirements
27 for a license have been met.

28 (b) This section shall not apply to foster family homes.

29 *SEC. 19.* Section 1536 of the Health and Safety Code is
30 amended to read:

31 1536. (a) (1) At least annually, the department shall publish
32 and make available to interested persons a list or lists covering all
33 licensed community care facilities, ~~other than foster family homes~~
34 ~~and certified family homes of foster family agencies providing~~
35 ~~24-hour care for six or fewer foster children,~~ *facilities* and the
36 services for which each facility has been licensed or issued a special
37 permit.

38 (2) For a group home, transitional housing placement provider,
39 community treatment facility, runaway and homeless youth shelter,

1 or short-term residential treatment center, the list shall include
2 both of the following:

3 (A) The number of licensing complaints, types of complaint,
4 and outcomes of complaints, including citations, fines, exclusion
5 orders, license suspensions, revocations, and surrenders.

6 (B) The number, types, and outcomes of law enforcement
7 contacts made by the facility staff or children, as reported pursuant
8 to subdivision (a) of Section 1538.7.

9 *(3) This subdivision does not apply to foster family homes or*
10 *the certified family homes or resource families of foster family*
11 *agencies.*

12 (b) Subject to subdivision (c), ~~to encourage the recruitment of~~
13 ~~foster family homes and certified family homes of foster family~~
14 ~~agencies, protect their personal privacy, protect the personal~~
15 ~~privacy of foster family homes and the certified family homes and~~
16 ~~resource families of foster family agencies, and to preserve the~~
17 security and confidentiality of the placements in the homes, the
18 names, addresses, and other identifying information of facilities
19 licensed as foster family homes and certified family homes *and*
20 *resource families* of foster family agencies ~~providing 24-hour care~~
21 ~~for six or fewer children~~ shall be considered personal information
22 for purposes of the Information Practices Act of 1977 (Chapter 1
23 (commencing with Section 1798) of Title 1.8 of Part 4 of Division
24 3 of the Civil Code). This information shall not be disclosed by
25 any state or local agency pursuant to the California Public Records
26 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
27 of Title 1 of the Government Code), except as necessary for
28 administering the licensing program, facilitating the placement of
29 children in these facilities, and providing names and addresses,
30 upon request, only to bona fide professional foster parent
31 organizations and to professional organizations educating foster
32 parents, including the Foster and Kinship Care Education Program
33 of the California Community Colleges.

34 (c) (1) Notwithstanding subdivision (b), the department, a
35 county, or a foster family agency may request information from,
36 or divulge information to, the department, a county, or a foster
37 family agency, regarding a prospective certified parent, foster
38 parent, or relative caregiver for the purpose of, and as necessary
39 to, conduct a reference check to determine whether it is safe and

1 appropriate to license, certify, or approve an applicant to be a
2 certified parent, foster parent, or relative caregiver.

3 (2) *This subdivision shall apply only to applications received*
4 *on or before December 31, 2016, in accordance with Section 1517*
5 *or 1517.1 of this code or Section 16519.5 of the Welfare and*
6 *Institutions Code.*

7 (d) The department may issue a citation and, after the issuance
8 of that citation, may assess a civil penalty of fifty dollars (\$50) per
9 day for each instance of a foster family agency's failure to provide
10 the department with ~~the information required by subdivision (h)~~
11 ~~of Section 88061 of Title 22 of the California Code of Regulations:~~
12 *a log of certified and decertified homes or a log of resource*
13 *families that were approved or had approval rescinded during the*
14 *month by the 10th day of the following month.*

15 (e) The Legislature encourages the department, when funds are
16 available for this purpose, to develop a database that would include
17 all of the following information:

18 (1) Monthly reports by a foster family agency regarding ~~family~~
19 ~~homes:~~ *certified family homes and resource families.*

20 (2) A log of ~~family homes certified and decertified,~~ *certified*
21 *and decertified family homes, approved resource families, and*
22 *resource families for which approval was rescinded,* provided by
23 a foster family agency to the department.

24 (3) Notification by a foster family agency to the department
25 informing the department of a foster family agency's determination
26 to decertify a certified family home *or rescind the approval of a*
27 *resource family* due to any of the following actions by the certified
28 ~~family parent:~~ *parent or resource family:*

29 (A) Violating licensing rules and regulations.

30 (B) Aiding, abetting, or permitting the violation of licensing
31 rules and regulations.

32 (C) Conducting oneself in a way that is inimical to the health,
33 morals, welfare, or safety of a child placed in that certified family
34 ~~home:~~ *home, or for a resource family, engaging in conduct that*
35 *poses a risk or threat to the health and safety, protection, or*
36 *well-being of a child or nonminor dependent.*

37 (D) Being convicted of a crime while a certified family ~~parent:~~
38 *parent or resource family.*

39 (E) Knowingly allowing any child to have illegal drugs or
40 alcohol.

1 (F) Committing an act of child abuse or neglect or an act of
2 violence against another person.

3 (f) At least annually, the department shall post on its Internet
4 Web site a statewide summary of the information gathered pursuant
5 to Sections 1538.8 and 1538.9. The summary shall include only
6 deidentified and aggregate information that does not violate the
7 confidentiality of a child's identity and records.

8 *SEC. 20. Section 1538.8 of the Health and Safety Code is*
9 *amended to read:*

10 1538.8. (a) (1) In order to review and evaluate the use of
11 psychotropic medications in group ~~homes~~, *homes and short-term*
12 *residential treatment centers*, the department shall compile, to the
13 extent feasible and not otherwise prohibited by law and based on
14 information received from the State Department of Health Care
15 Services, at least annually, information concerning each group
16 ~~home~~, *home and short-term residential treatment center*, including,
17 but not limited to, the child welfare psychotropic medication
18 measures developed by the department and the following
19 Healthcare Effectiveness Data and Information Set (HEDIS)
20 measures related to psychotropic medications:

21 (A) Follow-Up Care for Children Prescribed Attention Deficit
22 Hyperactivity Disorder Medication (HEDIS ADD), which measures
23 the number of children 6 to 12 years of age, inclusive, who have
24 a visit with a provider with prescribing authority within 30 days
25 of the new prescription.

26 (B) Use of Multiple Concurrent Antipsychotics in Children and
27 Adolescents (HEDIS APC), which does both of the following:

28 (i) Measures the number of children receiving an antipsychotic
29 medication for at least 60 out of 90 days and the number of children
30 who additionally receive a second antipsychotic medication that
31 overlaps with the first.

32 (ii) Reports a total rate and age stratifications including 6 to 11
33 years of age, inclusive, and 12 to 17 years of age, inclusive.

34 (C) Use of First-Line Psychosocial Care for Children and
35 Adolescents on Antipsychotics (HEDIS APP), which measures
36 whether a child has received psychosocial services 90 days before
37 through 30 days after receiving a new prescription for an
38 antipsychotic medication.

39 (D) Metabolic Monitoring for Children and Adolescents on
40 Antipsychotics (HEDIS APM), which does both of the following:

1 (i) Measures testing for glucose or HbA1c and lipid or
2 cholesterol of a child who has received at least two different
3 antipsychotic prescriptions on different days.

4 (ii) Reports a total rate and age stratifications including 6 to 11
5 years of age, inclusive, and 12 to 17 years of age, inclusive.

6 (2) The department shall post the list of data to be collected
7 pursuant to this subdivision on the department's Internet Web site.

8 (b) The data in subdivision (a) concerning psychotropic
9 medication, mental health services, and placement shall be drawn
10 from existing data maintained by the State Department of Health
11 Care Services and the State Department of Social Services and
12 shared pursuant to a data sharing agreement meeting the
13 requirements of all applicable state and federal laws and
14 regulations.

15 (c) This section does not apply to a runaway and homeless youth
16 shelter, as defined in Section 1502.

17 *SEC. 21. Section 1538.9 of the Health and Safety Code is*
18 *amended to read:*

19 1538.9. (a) (1) (A) The department shall consult with the
20 State Department of Health Care Services and stakeholders to
21 establish a methodology for identifying those group homes
22 providing care under the AFDC-FC program pursuant to Sections
23 11460 and 11462 of the Welfare and Institutions Code that have
24 levels of psychotropic drug utilization warranting additional review.
25 The methodology shall be adopted on or before July 1, 2016.

26 (B) Every three years after adopting the methodology developed
27 under subparagraph (A), or earlier if needed, the department shall
28 consult with the State Department of Health Care Services and
29 stakeholders and revise the methodology, if necessary.

30 (2) If the department, applying the methodology described in
31 paragraph (1), determines that a facility appears to have levels of
32 psychotropic drug utilization warranting additional review, it shall
33 inspect the facility at least once a year.

34 (3) The inspection of the facility shall include, but not be limited
35 to, a review of the following:

36 (A) Plan of operation, policies, procedures, and practices.

37 (B) Child-to-staff ratios.

38 (C) Staff qualifications and training.

39 (D) Implementation of children's needs and services plan.

1 (E) Availability of psychosocial and other alternative treatments
2 to the use of psychotropic medications.

3 (F) Other factors that the department determines contribute to
4 levels of psychotropic drug utilization that warrant additional
5 review.

6 (G) Confidential interviews of children residing in the facility
7 at the time of the inspection.

8 (4) The inspection of the facility may include, but is not limited
9 to, the following:

10 (A) Confidential interviews of children who resided in the
11 facility within the last six months.

12 (B) Confidential discussions with physicians identified as
13 prescribing the medications.

14 (b) Following an inspection conducted pursuant to this section,
15 the department, as it deems appropriate, may do either or both of
16 the following:

17 (1) Share relevant information and observations with county
18 placing agencies, social workers, probation officers, the court,
19 dependency counsel, or the Medical Board of California, as
20 applicable.

21 (2) Share relevant information and observations with the facility
22 and require the facility to submit a plan, within 30 days of receiving
23 the information and observations from the department, to address
24 any identified risks within the control of the facility related to
25 psychotropic medication. The department shall approve the plan
26 and verify implementation of the plan to determine whether those
27 risks have been remedied.

28 (c) (1) Notwithstanding the rulemaking provisions of the
29 Administrative Procedure Act (Chapter 3.5 (commencing with
30 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
31 Code), until emergency regulations are filed with the Secretary of
32 State, the department may implement this section through
33 all-county letters or similar instructions.

34 (2) On or before January 1, 2017, the department shall adopt
35 regulations to implement this section. The initial adoption,
36 amendment, or repeal of a regulation authorized by this subdivision
37 is deemed to address an emergency, for purposes of Sections
38 11346.1 and 11349.6 of the Government Code, and the department
39 is hereby exempted for that purpose from the requirements of
40 subdivision (b) of Section 11346.1 of the Government Code. After

1 the initial adoption, amendment, or repeal of an emergency
2 regulation pursuant to this section, the department may twice
3 request approval from the Office of Administrative Law to readopt
4 the regulation as an emergency regulation pursuant to Section
5 11346.1 of the Government Code. The department shall adopt final
6 regulations on or before January 1, 2018.

7 (d) Nothing in this section does any of the following:

8 (1) Replaces or alters other requirements for responding to
9 complaints and making inspections or visits to group homes,
10 including, but not limited to, those set forth in Sections 1534 and
11 1538.

12 (2) Prevents or precludes the department from taking any other
13 action permitted under any other law, including any regulation
14 adopted pursuant to this chapter.

15 (e) *The methodology developed pursuant to this section shall*
16 *apply to short-term residential treatment centers, as defined in*
17 *Section 1502, in a manner determined by the department.*

18 (e)

19 (f) This section does not apply to a runaway and homeless youth
20 shelter, as defined in Section 1502.

21 ~~SEC. 9.~~

22 *SEC. 22.* Section 1562.01 of the Health and Safety Code is
23 amended to read:

24 1562.01. (a) The department shall license short-term residential
25 treatment centers, as defined in paragraph (18) of subdivision (a)
26 of Section 1502, pursuant to this chapter. A short-term residential
27 treatment center shall comply with all requirements of this chapter
28 that are applicable to group homes and to the requirements of this
29 section.

30 (b) (1) A short-term residential treatment center shall have
31 national accreditation from an entity identified by the department
32 pursuant to the process described in paragraph (6) of subdivision
33 (b) of Section 11462 of the Welfare and Institutions Code.

34 (2) A short-term residential treatment center applicant shall
35 submit documentation of accreditation or application for
36 accreditation with its application for licensure.

37 (3) A short-term residential treatment center shall have up to
38 24 months from the date of licensure to obtain accreditation.

1 (4) A short-term residential treatment center shall provide
2 documentation to the department reporting its accreditation status
3 at 12 months and at 18 months after the date of licensure.

4 (5) This subdivision does not preclude the department from
5 requesting additional information from the short-term residential
6 treatment center regarding its accreditation status.

7 (6) The department may revoke a short-term residential
8 treatment center's license pursuant to Article 5 (commencing with
9 Section 1550) for failure to obtain accreditation within the
10 timeframes specified in this subdivision.

11 (c) A short-term residential treatment center shall obtain and
12 have in good standing a mental health certification, as set forth in
13 Section 4096.5 of the Welfare and Institutions Code.

14 (d) (1) A short-term residential treatment center shall prepare
15 and maintain a current, written plan of operation as required by
16 the department.

17 (2) The plan of operation shall include, but not be limited to,
18 all of the following:

19 (A) A statement of purposes and goals.

20 (B) A plan for the supervision, evaluation, and training of staff.
21 The training plan shall be appropriate to meet the needs of staff
22 and children.

23 (C) A program statement that includes all of the following:

24 (i) Description of the short-term residential treatment center's
25 ability to support the differing needs of children and their families
26 with short-term, specialized, and intensive treatment.

27 (ii) Description of the core services, as set forth in paragraph
28 (1) of subdivision (b) of Section 11462 of the Welfare and
29 Institutions Code, to be offered to children and their families, as
30 appropriate or necessary.

31 (iii) Procedures for the development, implementation, and
32 periodic updating of the needs and services plan for children served
33 by the short-term residential treatment center and procedures for
34 collaborating with the child and family team described in paragraph
35 (4) of subdivision (a) of Section 16501 of the Welfare and
36 Institutions Code, that include, but are not limited to, a description
37 of the services to be provided to meet the treatment needs of the
38 child as assessed, pursuant to subdivision (d) or (e) of Section
39 11462.01 of the Welfare and Institutions Code, the anticipated

1 duration of the treatment, and the timeframe and plan for
2 transitioning the child to a less restrictive family environment.

3 (iv) A description of the population or populations to be served.

4 (v) Any other information that may be prescribed by the
5 department for the proper administration of this section.

6 (e) In addition to the rules and regulations adopted pursuant to
7 this chapter, a county licensed to operate a short-term residential
8 treatment center shall describe, in the plan of operation, its conflict
9 of interest mitigation plan, as set forth in subdivision (g) of Section
10 11462.02 of the Welfare and Institutions Code.

11 (f) The department shall establish procedures for a county review
12 process, at the county's option, for short-term residential treatment
13 centers, which may include the review of the short-term residential
14 treatment center's program statement, and which shall be
15 established in consultation with the County Welfare Directors
16 Association of California, Chief Probation Officers of California,
17 and stakeholders, as appropriate.

18 (g) (1) The department shall adopt regulations to establish
19 requirements for the education, qualification, and training of facility
20 managers and staff who provide care and supervision to children
21 or who have regular, direct contact with children in the course of
22 their responsibilities in short-term residential treatment centers
23 consistent with the intended role of these facilities to provide
24 short-term, specialized, and intensive treatment.

25 (2) Requirements shall include, but not be limited to, all of the
26 following:

27 (A) Staff classifications.

28 (B) Specification of the date by which employees shall be
29 required to meet the education and qualification requirements.

30 (C) Any other requirements that may be prescribed by the
31 department for the proper administration of this section.

32 (h) The department shall adopt regulations to specify training
33 requirements for staff who provide care and supervision to children
34 or who have regular, direct contact with children in the course of
35 their responsibilities. These requirements shall include the
36 following:

37 (1) Timeframes for completion of training, including the
38 following:

39 (A) Training that shall be completed prior to unsupervised care
40 of children.

- 1 (B) Training to be completed within the first 180 days of
2 employment.
- 3 (C) Training to be completed annually.
- 4 (2) Topics to be covered in the training shall include, but are
5 not limited to, the following:
- 6 (A) Child and adolescent development, including sexual
7 orientation, gender identity, and gender expression.
- 8 (B) The effects of trauma, including grief and loss, and child
9 abuse and neglect on child development and behavior and methods
10 to behaviorally support children impacted by that trauma or child
11 abuse and neglect.
- 12 (C) The rights of a child in foster care, including the right to
13 have fair and equal access to all available services, placement,
14 care, treatment, and benefits, and to not be subjected to
15 discrimination or harassment on the basis of actual or perceived
16 race, ethnic group identification, ancestry, national origin, color,
17 religion, sex, sexual orientation, gender identity, mental or physical
18 disability, or HIV status.
- 19 (D) Positive discipline and the importance of self-esteem.
- 20 (E) Core practice model.
- 21 (F) An overview of the child welfare and probation systems.
- 22 (G) Reasonable and prudent parent standard.
- 23 (H) Instruction on cultural competency and sensitivity and
24 related best practices for providing adequate care for children
25 across diverse ethnic and racial backgrounds, as well as children
26 identifying as lesbian, gay, bisexual, or transgender.
- 27 (I) Awareness and identification of commercial sexual
28 exploitation and best practices for providing care and supervision
29 to commercially sexually exploited children.
- 30 (J) The federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
31 et seq.), its historical significance, the rights of children covered
32 by the act, and the best interests of Indian children, including the
33 role of the caregiver in supporting culturally appropriate child
34 centered practices that respect Native American history, culture,
35 retention of tribal membership, and connection to the tribal
36 community and traditions.
- 37 (K) Permanence, well-being, and educational needs of children.
- 38 (L) Basic instruction on existing laws and procedures regarding
39 the safety of foster youth at school; and ensuring a harassment and
40 violence free school environment pursuant to Article 3.6

1 (commencing with Section 32228) of Chapter 2 of Part 19 of
2 Division 1 of Title 1 of the Education Code.

3 (M) Best practices for providing care and supervision to
4 nonminor dependents.

5 (N) Health issues in foster care.

6 (O) Physical and psychosocial needs of children, including
7 behavior management, deescalation techniques, and
8 trauma-informed crisis management planning.

9 (i) (1) Each person employed as a facility manager or staff
10 member of a short-term residential treatment center, who provides
11 direct care and supervision to children and youth residing in the
12 short-term residential treatment center shall be at least 21 years of
13 age.

14 (2) This subdivision shall not apply to a facility manager or staff
15 member employed, before October 1, 2014, at a short-term
16 residential treatment center which was operating under a group
17 home license prior to January 1, 2016.

18 (j) Notwithstanding any other section of this chapter, the
19 department may establish requirements for licensed group homes
20 that are transitioning to short-term residential treatment centers,
21 which may include, but not be limited to, requirements related to
22 application and plan of operation.

23 (k) A short-term residential treatment center shall have a
24 qualified and certified administrator, as set forth in Section
25 1522.41.

26 (l) The department shall have the authority to inspect a
27 short-term residential treatment center pursuant to the system of
28 governmental monitoring and oversight developed by the
29 department pursuant to subdivision (c) of Section 11462 of the
30 Welfare and Institutions Code.

31 *SEC. 23. Section 11165.7 of the Penal Code is amended to*
32 *read:*

33 11165.7. (a) As used in this article, "mandated reporter" is
34 defined as any of the following:

35 (1) A teacher.

36 (2) An instructional aide.

37 (3) A teacher's aide or teacher's assistant employed by a public
38 or private school.

39 (4) A classified employee of a public school.

- 1 (5) An administrative officer or supervisor of child welfare and
2 attendance, or a certificated pupil personnel employee of a public
3 or private school.
- 4 (6) An administrator of a public or private day camp.
- 5 (7) An administrator or employee of a public or private youth
6 center, youth recreation program, or youth organization.
- 7 (8) An administrator or employee of a public or private
8 organization whose duties require direct contact and supervision
9 of children.
- 10 (9) An employee of a county office of education or the State
11 Department of Education whose duties bring the employee into
12 contact with children on a regular basis.
- 13 (10) A licensee, an administrator, or an employee of a licensed
14 community care or child day care facility.
- 15 (11) A Head Start program teacher.
- 16 (12) A licensing worker or licensing evaluator employed by a
17 licensing agency, as defined in Section 11165.11.
- 18 (13) A public assistance worker.
- 19 (14) An employee of a child care institution, including, but not
20 limited to, foster parents, group home personnel, and personnel of
21 residential care facilities.
- 22 (15) A social worker, probation officer, or parole officer.
- 23 (16) An employee of a school district police or security
24 department.
- 25 (17) A person who is an administrator or presenter of, or a
26 counselor in, a child abuse prevention program in a public or
27 private school.
- 28 (18) A district attorney investigator, inspector, or local child
29 support agency caseworker, unless the investigator, inspector, or
30 caseworker is working with an attorney appointed pursuant to
31 Section 317 of the Welfare and Institutions Code to represent a
32 minor.
- 33 (19) A peace officer, as defined in Chapter 4.5 (commencing
34 with Section 830) of Title 3 of Part 2, who is not otherwise
35 described in this section.
- 36 (20) A firefighter, except for volunteer firefighters.
- 37 (21) A physician and surgeon, psychiatrist, psychologist, dentist,
38 resident, intern, podiatrist, chiropractor, licensed nurse, dental
39 hygienist, optometrist, marriage and family therapist, clinical social
40 worker, professional clinical counselor, or any other person who

1 is currently licensed under Division 2 (commencing with Section
2 500) of the Business and Professions Code.

3 (22) An emergency medical technician I or II, paramedic, or
4 other person certified pursuant to Division 2.5 (commencing with
5 Section 1797) of the Health and Safety Code.

6 (23) A psychological assistant registered pursuant to Section
7 2913 of the Business and Professions Code.

8 (24) A marriage and family therapist trainee, as defined in
9 subdivision (c) of Section 4980.03 of the Business and Professions
10 Code.

11 (25) An unlicensed marriage and family therapist intern
12 registered under Section 4980.44 of the Business and Professions
13 Code.

14 (26) A state or county public health employee who treats a minor
15 for venereal disease or any other condition.

16 (27) A coroner.

17 (28) A medical examiner or other person who performs
18 autopsies.

19 (29) A commercial film and photographic print or image
20 processor as specified in subdivision (e) of Section 11166. As used
21 in this article, "commercial film and photographic print or image
22 processor" means a person who develops exposed photographic
23 film into negatives, slides, or prints, or who makes prints from
24 negatives or slides, or who prepares, publishes, produces, develops,
25 duplicates, or prints any representation of information, data, or an
26 image, including, but not limited to, any film, filmstrip, photograph,
27 negative, slide, photocopy, videotape, video laser disc, computer
28 hardware, computer software, computer floppy disk, data storage
29 medium, CD-ROM, computer-generated equipment, or
30 computer-generated image, for compensation. The term includes
31 any employee of that person; it does not include a person who
32 develops film or makes prints or images for a public agency.

33 (30) A child visitation monitor. As used in this article, "child
34 visitation monitor" means a person who, for financial
35 compensation, acts as a monitor of a visit between a child and
36 another person when the monitoring of that visit has been ordered
37 by a court of law.

38 (31) An animal control officer or humane society officer. For
39 the purposes of this article, the following terms have the following
40 meanings:

1 (A) “Animal control officer” means a person employed by a
2 city, county, or city and county for the purpose of enforcing animal
3 control laws or regulations.

4 (B) “Humane society officer” means a person appointed or
5 employed by a public or private entity as a humane officer who is
6 qualified pursuant to Section 14502 or 14503 of the Corporations
7 Code.

8 (32) A clergy member, as specified in subdivision (d) of Section
9 11166. As used in this article, “clergy member” means a priest,
10 minister, rabbi, religious practitioner, or similar functionary of a
11 church, temple, or recognized denomination or organization.

12 (33) Any custodian of records of a clergy member, as specified
13 in this section and subdivision (d) of Section 11166.

14 (34) An employee of any police department, county sheriff’s
15 department, county probation department, or county welfare
16 department.

17 (35) An employee or volunteer of a Court Appointed Special
18 Advocate program, as defined in Rule 5.655 of the California Rules
19 of Court.

20 (36) A custodial officer, as defined in Section 831.5.

21 (37) A person providing services to a minor child under Section
22 12300 or 12300.1 of the Welfare and Institutions Code.

23 (38) An alcohol and drug counselor. As used in this article, an
24 “alcohol and drug counselor” is a person providing counseling,
25 therapy, or other clinical services for a state licensed or certified
26 drug, alcohol, or drug and alcohol treatment program. However,
27 alcohol or drug abuse, or both alcohol and drug abuse, is not, in
28 and of itself, a sufficient basis for reporting child abuse or neglect.

29 (39) A clinical counselor trainee, as defined in subdivision (g)
30 of Section 4999.12 of the Business and Professions Code.

31 (40) A clinical counselor intern registered under Section 4999.42
32 of the Business and Professions Code.

33 (41) An employee or administrator of a public or private
34 postsecondary educational institution, whose duties bring the
35 administrator or employee into contact with children on a regular
36 basis, or who supervises those whose duties bring the administrator
37 or employee into contact with children on a regular basis, as to
38 child abuse or neglect occurring on that institution’s premises or
39 at an official activity of, or program conducted by, the institution.
40 Nothing in this paragraph shall be construed as altering the

1 lawyer-client privilege as set forth in Article 3 (commencing with
2 Section 950) of Chapter 4 of Division 8 of the Evidence Code.

3 (42) An athletic coach, athletic administrator, or athletic director
4 employed by any public or private school that provides any
5 combination of instruction for kindergarten, or grades 1 to 12,
6 inclusive.

7 (43) (A) A commercial computer technician as specified in
8 subdivision (e) of Section 11166. As used in this article,
9 “commercial computer technician” means a person who works for
10 a company that is in the business of repairing, installing, or
11 otherwise servicing a computer or computer component, including,
12 but not limited to, a computer part, device, memory storage or
13 recording mechanism, auxiliary storage recording or memory
14 capacity, or any other material relating to the operation and
15 maintenance of a computer or computer network system, for a fee.
16 An employer who provides an electronic communications service
17 or a remote computing service to the public shall be deemed to
18 comply with this article if that employer complies with Section
19 2258A of Title 18 of the United States Code.

20 (B) An employer of a commercial computer technician may
21 implement internal procedures for facilitating reporting consistent
22 with this article. These procedures may direct employees who are
23 mandated reporters under this paragraph to report materials
24 described in subdivision (e) of Section 11166 to an employee who
25 is designated by the employer to receive the reports. An employee
26 who is designated to receive reports under this subparagraph shall
27 be a commercial computer technician for purposes of this article.
28 A commercial computer technician who makes a report to the
29 designated employee pursuant to this subparagraph shall be deemed
30 to have complied with the requirements of this article and shall be
31 subject to the protections afforded to mandated reporters, including,
32 but not limited to, those protections afforded by Section 11172.

33 (44) Any athletic coach, including, but not limited to, an
34 assistant coach or a graduate assistant involved in coaching, at
35 public or private postsecondary educational institutions.

36 (45) *An individual certified by a licensed foster family agency*
37 *as a certified family home, as defined in Section 1506 of the Health*
38 *and Safety Code.*

1 (46) *An individual approved as a resource family, as defined*
2 *in Section 1517 of the Health and Safety Code and Section 16519.5*
3 *of the Welfare and Institutions Code.*

4 (b) Except as provided in paragraph (35) of subdivision (a),
5 volunteers of public or private organizations whose duties require
6 direct contact with and supervision of children are not mandated
7 reporters but are encouraged to obtain training in the identification
8 and reporting of child abuse and neglect and are further encouraged
9 to report known or suspected instances of child abuse or neglect
10 to an agency specified in Section 11165.9.

11 (c) Except as provided in subdivision (d), employers are strongly
12 encouraged to provide their employees who are mandated reporters
13 with training in the duties imposed by this article. This training
14 shall include training in child abuse and neglect identification and
15 training in child abuse and neglect reporting. Whether or not
16 employers provide their employees with training in child abuse
17 and neglect identification and reporting, the employers shall
18 provide their employees who are mandated reporters with the
19 statement required pursuant to subdivision (a) of Section 11166.5.

20 (d) Pursuant to Section 44691 of the Education Code, school
21 districts, county offices of education, state special schools and
22 diagnostic centers operated by the State Department of Education,
23 and charter schools shall annually train their employees and persons
24 working on their behalf specified in subdivision (a) in the duties
25 of mandated reporters under the child abuse reporting laws. The
26 training shall include, but not necessarily be limited to, training in
27 child abuse and neglect identification and child abuse and neglect
28 reporting.

29 (e) (1) On and after January 1, 2018, pursuant to Section
30 1596.8662 of the Health and Safety Code, a child care licensee
31 applicant shall take training in the duties of mandated reporters
32 under the child abuse reporting laws as a condition of licensure,
33 and a child care administrator or an employee of a licensed child
34 day care facility shall take training in the duties of mandated
35 reporters during the first 90 days when he or she is employed by
36 the facility.

37 (2) A person specified in paragraph (1) who becomes a licensee,
38 administrator, or employee of a licensed child day care facility
39 shall take renewal mandated reporter training every two years
40 following the date on which he or she completed the initial

1 mandated reporter training. The training shall include, but not
2 necessarily be limited to, training in child abuse and neglect
3 identification and child abuse and neglect reporting.

4 (f) Unless otherwise specifically provided, the absence of
5 training shall not excuse a mandated reporter from the duties
6 imposed by this article.

7 (g) Public and private organizations are encouraged to provide
8 their volunteers whose duties require direct contact with and
9 supervision of children with training in the identification and
10 reporting of child abuse and neglect.

11 *SEC. 24. Section 1541 of the Probate Code is amended to read:*

12 1541. In addition to the other required contents of the petition
13 for appointment of a guardian, the petition shall include both of
14 the following:

15 (a) A statement by the proposed guardian that, upon request by
16 an agency referred to in Section 1543 for information relating to
17 the investigation referred to in that section, the proposed guardian
18 will promptly submit the information required.

19 (b) A disclosure of any petition for adoption by the proposed
20 guardian of the minor who is the subject of the guardianship
21 petition regardless of when or where filed.

22 (c) A statement whether or not the home of the proposed
23 guardian is ~~licensed as a foster family home~~; *a licensed foster*
24 *family home, a certified family home of a licensed foster family*
25 *agency, or a resource family home approved by a county or a*
26 *licensed foster family agency.*

27 *SEC. 25. Section 1543 of the Probate Code is amended to read:*

28 1543. (a) If the petition as filed or as amended states that an
29 adoption petition has been filed, a report with respect to the
30 suitability of the proposed guardian for guardianship shall be filed
31 with the court by the agency investigating the adoption. In other
32 cases, the local agency designated by the board of supervisors to
33 provide public social services shall file a report with the court with
34 respect to the proposed guardian of the same character required to
35 be made with regard to an applicant for foster family home
36 ~~licensure~~; *licensure, or, on and after January 1, 2020, resource*
37 *family approval, as described in Section 16519.5 of the Welfare*
38 *and Institutions Code.*

39 (b) The report filed with the court pursuant to this section is
40 confidential. The report may be considered by the court and shall

1 be made available only to the persons who have been served in
 2 the proceeding and the persons who have appeared in the
 3 proceeding or their attorneys. The report may be received in
 4 evidence upon stipulation of counsel for all ~~such~~ *of those* persons
 5 who are present at the hearing or, if ~~such~~ *a* person is present at the
 6 hearing but is not represented by counsel, upon consent of ~~such~~
 7 *that* person.

8 *SEC. 26. Section 291 of the Welfare and Institutions Code, as*
 9 *amended by Section 5 of Chapter 219 of the Statutes of 2015, is*
 10 *amended to read:*

11 291. After the initial petition hearing, the clerk of the court
 12 shall cause the notice to be served in the following manner:

13 (a) Notice of the hearing shall be given to the following persons:

14 (1) The mother.

15 (2) The father or fathers, presumed and alleged.

16 (3) The legal guardian or guardians.

17 (4) The child, if the child is 10 years of age or older.

18 (5) Any known sibling of the child who is the subject of the
 19 hearing if that sibling either is the subject of a dependency
 20 proceeding or has been adjudged to be a dependent child of the
 21 juvenile court. If the sibling is 10 years of age or older, the sibling,
 22 the sibling's caregiver, and the sibling's attorney. If the sibling is
 23 under 10 years of age, the sibling's caregiver and the sibling's
 24 attorney. However, notice is not required to be given to any sibling
 25 whose matter is calendared in the same court on the same day.

26 (6) Each attorney of record unless counsel of record is present
 27 in court when the hearing is scheduled, then no further notice need
 28 be given.

29 (7) If there is no parent or guardian residing in California, or if
 30 the residence is unknown, then to any adult relative residing within
 31 the county, or, if none, the adult relative residing nearest the court.

32 (8) If the hearing is a dispositional hearing that is also serving
 33 as a permanency hearing pursuant to subdivision (f) of Section
 34 361.5, notice shall be given to the current caregiver for the child,
 35 including foster parents, relative caregivers, preadoptive parents,
 36 ~~and nonrelative extended family members.~~ *members, and resource*
 37 *family.* Any person notified may attend all hearings and may submit
 38 any information he or she deems relevant to the court in writing.

39 (b) No notice is required for a parent whose parental rights have
 40 been terminated.

1 (c) Notice shall be served as follows:

2 (1) If the child is detained, the notice shall be given to the
3 persons required to be noticed as soon as possible, and at least five
4 days before the hearing, unless the hearing is set less than five
5 days and then at least 24 hours prior to the hearing.

6 (2) If the child is not detained, the notice shall be given to those
7 persons required to be noticed at least 10 days prior to the date of
8 the hearing.

9 (d) The notice shall include all of the following:

10 (1) The name and address of the person notified.

11 (2) The nature of the hearing.

12 (3) Each section and subdivision under which the proceeding
13 has been initiated.

14 (4) The date, time, and place of the hearing.

15 (5) The name of the child upon whose behalf the petition has
16 been brought.

17 (6) A statement that:

18 (A) If they fail to appear, the court may proceed without them.

19 (B) The child, parent, guardian, Indian custodian, or adult
20 relative to whom notice is required to be given pursuant to
21 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to
22 have an attorney present at the hearing.

23 (C) If the parent, guardian, Indian custodian, or adult relative
24 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision
25 (a) is indigent and cannot afford an attorney, and desires to be
26 represented by an attorney, the parent, guardian, Indian custodian,
27 or adult relative shall promptly notify the clerk of the juvenile
28 court.

29 (D) If an attorney is appointed to represent the parent, guardian,
30 Indian custodian, or adult relative, the represented person shall be
31 liable for all or a portion of the costs to the extent of his or her
32 ability to pay.

33 (E) The parent, guardian, Indian custodian, or adult relative may
34 be liable for the costs of support of the child in any out-of-home
35 placement.

36 (7) A copy of the petition.

37 (e) Service of the notice of the hearing shall be given in the
38 following manner:

1 (1) If the child is detained and the persons required to be noticed
2 are not present at the initial petition hearing, they shall be noticed
3 by personal service or by certified mail, return receipt requested.

4 (2) If the child is detained and the persons required to be noticed
5 are present at the initial petition hearing, they shall be noticed by
6 personal service or by first-class mail.

7 (3) If the child is not detained, the persons required to be noticed
8 shall be noticed by personal service or by first-class mail, unless
9 the person to be served is known to reside outside the county, in
10 which case service shall be by first-class mail.

11 (4) Except as provided in subdivisions (g), (h), and (i), notice
12 may be served by electronic mail in lieu of notice by first-class
13 mail if the county, or city and county, and the court choose to
14 permit service by electronic mail and the person to be served has
15 consented to service by electronic mail by signing Judicial Council
16 Form EFS-005.

17 (f) Any of the notices required to be given under this section or
18 Sections 290.1 and 290.2 may be waived by a party in person or
19 through his or her attorney, or by a signed written waiver filed on
20 or before the date scheduled for the hearing.

21 (g) If the court knows or has reason to know that an Indian child
22 is involved, notice shall be given in accordance with Section 224.2.

23 (h) Except as provided in subdivision (i), if notice is required
24 to be provided to a child pursuant to paragraph (4) or (5) of
25 subdivision (a), written notice may be served on the child by
26 electronic mail only if all of the following requirements are
27 satisfied:

28 (1) The county, or city and county, and the court choose to
29 permit service by electronic mail.

30 (2) The child is 16 years of age or older.

31 (3) The child has consented to service by electronic mail by
32 signing Judicial Council Form EFS-005.

33 (4) The attorney for the child has consented to service of the
34 minor by electronic mail by signing Judicial Council Form
35 EFS-005.

36 (i) If notice is required to be provided to a child pursuant to
37 paragraph (4) or (5) of subdivision (a), written notice may be served
38 on the child by electronic mail as well as by regular mail if all of
39 the following requirements are satisfied:

1 (1) The county, or city and county, and the court choose to
2 permit service by electronic mail.

3 (2) The child is 14 or 15 years of age.

4 (3) The child has consented to service by electronic mail by
5 signing Judicial Council Form EFS-005.

6 (4) The attorney for the child has consented to service of the
7 minor by electronic mail by signing Judicial Council Form
8 EFS-005.

9 (j) This section shall remain in effect only until January 1, 2019,
10 and as of that date is repealed, unless a later enacted statute, that
11 is enacted before January 1, 2019, deletes or extends that date.

12 *SEC. 27. Section 291 of the Welfare and Institutions Code, as*
13 *added by Section 6 of Chapter 219 of the Statutes of 2015, is*
14 *amended to read:*

15 291. After the initial petition hearing, the clerk of the court
16 shall cause the notice to be served in the following manner:

17 (a) Notice of the hearing shall be given to the following persons:

18 (1) The mother.

19 (2) The father or fathers, presumed and alleged.

20 (3) The legal guardian or guardians.

21 (4) The child, if the child is 10 years of age or older.

22 (5) Any known sibling of the child who is the subject of the
23 hearing if that sibling either is the subject of a dependency
24 proceeding or has been adjudged to be a dependent child of the
25 juvenile court. If the sibling is 10 years of age or older, the sibling,
26 the sibling's caregiver, and the sibling's attorney. If the sibling is
27 under 10 years of age, the sibling's caregiver and the sibling's
28 attorney. However, notice is not required to be given to any sibling
29 whose matter is calendared in the same court on the same day.

30 (6) Each attorney of record unless counsel of record is present
31 in court when the hearing is scheduled, then no further notice need
32 be given.

33 (7) If there is no parent or guardian residing in California, or if
34 the residence is unknown, then to any adult relative residing within
35 the county, or, if none, the adult relative residing nearest the court.

36 (8) If the hearing is a dispositional hearing that is also serving
37 as a permanency hearing pursuant to subdivision (f) of Section
38 361.5, notice shall be given to the current caregiver for the child,
39 including foster parents, relative caregivers, preadoptive parents,
40 ~~and nonrelative extended family members.~~ *members, and resource*

1 *family*. Any person notified may attend all hearings and may submit
2 any information he or she deems relevant to the court in writing.

3 (b) No notice is required for a parent whose parental rights have
4 been terminated.

5 (c) Notice shall be served as follows:

6 (1) If the child is detained, the notice shall be given to the
7 persons required to be noticed as soon as possible, and at least five
8 days before the hearing, unless the hearing is set less than five
9 days and then at least 24 hours prior to the hearing.

10 (2) If the child is not detained, the notice shall be given to those
11 persons required to be noticed at least 10 days prior to the date of
12 the hearing.

13 (d) The notice shall include all of the following:

14 (1) The name and address of the person notified.

15 (2) The nature of the hearing.

16 (3) Each section and subdivision under which the proceeding
17 has been initiated.

18 (4) The date, time, and place of the hearing.

19 (5) The name of the child upon whose behalf the petition has
20 been brought.

21 (6) A statement that:

22 (A) If they fail to appear, the court may proceed without them.

23 (B) The child, parent, guardian, Indian custodian, or adult
24 relative to whom notice is required to be given pursuant to
25 paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to
26 have an attorney present at the hearing.

27 (C) If the parent, guardian, Indian custodian, or adult relative
28 noticed pursuant to paragraph (1), (2), (3), or (7) of subdivision
29 (a) is indigent and cannot afford an attorney, and desires to be
30 represented by an attorney, the parent, guardian, Indian custodian,
31 or adult relative shall promptly notify the clerk of the juvenile
32 court.

33 (D) If an attorney is appointed to represent the parent, guardian,
34 Indian custodian, or adult relative, the represented person shall be
35 liable for all or a portion of the costs to the extent of his or her
36 ability to pay.

37 (E) The parent, guardian, Indian custodian, or adult relative may
38 be liable for the costs of support of the child in any out-of-home
39 placement.

40 (7) A copy of the petition.

1 (e) Service of the notice of the hearing shall be given in the
2 following manner:

3 (1) If the child is detained and the persons required to be noticed
4 are not present at the initial petition hearing, they shall be noticed
5 by personal service or by certified mail, return receipt requested.

6 (2) If the child is detained and the persons required to be noticed
7 are present at the initial petition hearing, they shall be noticed by
8 personal service or by first-class mail.

9 (3) If the child is not detained, the persons required to be noticed
10 shall be noticed by personal service or by first-class mail, unless
11 the person to be served is known to reside outside the county, in
12 which case service shall be by first-class mail.

13 (f) Any of the notices required to be given under this section or
14 Sections 290.1 and 290.2 may be waived by a party in person or
15 through his or her attorney, or by a signed written waiver filed on
16 or before the date scheduled for the hearing.

17 (g) If the court knows or has reason to know that an Indian child
18 is involved, notice shall be given in accordance with Section 224.2.

19 (h) This section shall become operative on January 1, 2019.

20 *SEC. 28. Section 293 of the Welfare and Institutions Code, as*
21 *amended by Section 9 of Chapter 219 of the Statutes of 2015, is*
22 *amended to read:*

23 293. The social worker or probation officer shall give notice
24 of the review hearings held pursuant to Section 366.21, 366.22,
25 or 366.25 in the following manner:

26 (a) Notice of the hearing shall be given to the following persons:

27 (1) The mother.

28 (2) The presumed father or any father receiving services.

29 (3) The legal guardian or guardians.

30 (4) The child, if the child is 10 years of age or older.

31 (5) Any known sibling of the child who is the subject of the
32 hearing if that sibling either is the subject of a dependency
33 proceeding or has been adjudged to be a dependent child of the
34 juvenile court. If the sibling is 10 years of age or older, the sibling,
35 the sibling's caregiver, and the sibling's attorney. If the sibling is
36 under 10 years of age, the sibling's caregiver and the sibling's
37 attorney. However, notice is not required to be given to any sibling
38 whose matter is calendared in the same court on the same day.

39 (6) In the case of a child removed from the physical custody of
40 his or her parent or legal guardian, the current caregiver of the

1 child, including the foster parents, relative caregivers, preadoptive
2 parents, nonrelative extended family members, *resource family*,
3 community care facility, or foster family agency having custody
4 of the child. In a case in which a foster family agency is notified
5 of the hearing pursuant to this section, and the child resides in a
6 foster home certified by the foster family agency, the foster family
7 agency shall provide timely notice of the hearing to the child's
8 caregivers.

9 (7) Each attorney of record if that attorney was not present at
10 the time that the hearing was set by the court.

11 (b) No notice is required for a parent whose parental rights have
12 been terminated. On and after January 1, 2012, in the case of a
13 nonminor dependent, as described in subdivision (v) of Section
14 11400, no notice is required for a parent.

15 (c) The notice of hearing shall be served not earlier than 30
16 days, nor later than 15 days, before the hearing.

17 (d) The notice shall contain a statement regarding the nature of
18 the hearing to be held and any change in the custody or status of
19 the child being recommended by the supervising agency. If the
20 notice is to the child, parent or parents, or legal guardian or
21 guardians, the notice shall also advise them of the right to be
22 present, the right to be represented by counsel, the right to request
23 counsel, and the right to present evidence. The notice shall also
24 state that if the parent or parents or legal guardian or guardians
25 fail to appear, the court may proceed without them.

26 (e) Service of the notice shall be by first-class mail addressed
27 to the last known address of the person to be noticed or by personal
28 service on the person. Service of a copy of the notice shall be by
29 personal service or by certified mail, return receipt requested, or
30 any other form of notice that is equivalent to service by first-class
31 mail. Except as provided in subdivisions (g), (h), and (i), notice
32 may be served by electronic mail in lieu of notice by first-class
33 mail if the county, or city and county, and the court choose to
34 permit service by electronic mail and the person to be served has
35 consented to service by electronic mail by signing Judicial Council
36 Form EFS-005.

37 (f) Notice to the current caregiver of the child, including a foster
38 parent, a relative caregiver, a preadoptive parent, ~~or~~ a nonrelative
39 extended family member, ~~or to~~ a *resource family*, a certified foster
40 parent who has been approved for adoption, or the State

1 Department of Social Services when it is acting as an adoption
2 agency or by a county adoption agency, shall indicate that the
3 person notified may attend all hearings or may submit any
4 information he or she deems relevant to the court in writing.

5 (g) If the social worker or probation officer knows or has reason
6 to know that an Indian child is involved, notice shall be given in
7 accordance with Section 224.2.

8 (h) Except as provided in subdivision (i), if notice is required
9 to be provided to a child pursuant to paragraph (4) or (5) of
10 subdivision (a), written notice may be served on the child by
11 electronic mail only if all of the following requirements are
12 satisfied:

13 (1) The county, or city and county, and the court choose to
14 permit service by electronic mail.

15 (2) The child is 16 years of age or older.

16 (3) The child has consented to service by electronic mail by
17 signing Judicial Council Form EFS-005.

18 (4) The attorney for the child has consented to service of the
19 minor by electronic mail by signing Judicial Council Form
20 EFS-005.

21 (i) If notice is required to be provided to a child pursuant to
22 paragraph (4) or (5) of subdivision (a), written notice may be served
23 on the child by electronic mail as well as by regular mail if all of
24 the following requirements are satisfied:

25 (1) The county, or city and county, and the court choose to
26 permit service by electronic mail.

27 (2) The child is 14 or 15 years of age.

28 (3) The child has consented to service by electronic mail by
29 signing Judicial Council Form EFS-005.

30 (4) The attorney for the child has consented to service of the
31 minor by electronic mail by signing Judicial Council Form
32 EFS-005.

33 (j) This section shall remain in effect only until January 1, 2019,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2019, deletes or extends that date.

36 *SEC. 29. Section 293 of the Welfare and Institutions Code, as*
37 *added by Section 10 of Chapter 219 of the Statutes of 2015, is*
38 *amended to read:*

1 293. The social worker or probation officer shall give notice
2 of the review hearings held pursuant to Section 366.21, 366.22,
3 or 366.25 in the following manner:

4 (a) Notice of the hearing shall be given to the following persons:

5 (1) The mother.

6 (2) The presumed father or any father receiving services.

7 (3) The legal guardian or guardians.

8 (4) The child, if the child is 10 years of age or older.

9 (5) Any known sibling of the child who is the subject of the
10 hearing if that sibling either is the subject of a dependency
11 proceeding or has been adjudged to be a dependent child of the
12 juvenile court. If the sibling is 10 years of age or older, the sibling,
13 the sibling's caregiver, and the sibling's attorney. If the sibling is
14 under 10 years of age, the sibling's caregiver and the sibling's
15 attorney. However, notice is not required to be given to any sibling
16 whose matter is calendared in the same court on the same day.

17 (6) In the case of a child removed from the physical custody of
18 his or her parent or legal guardian, the current caregiver of the
19 child, including the foster parents, relative caregivers, preadoptive
20 parents, nonrelative extended family members, *resource family*,
21 community care facility, or foster family agency having custody
22 of the child. In a case in which a foster family agency is notified
23 of the hearing pursuant to this section, and the child resides in a
24 foster home certified by the foster family agency, the foster family
25 agency shall provide timely notice of the hearing to the child's
26 caregivers.

27 (7) Each attorney of record if that attorney was not present at
28 the time that the hearing was set by the court.

29 (b) No notice is required for a parent whose parental rights have
30 been terminated. On and after January 1, 2012, in the case of a
31 nonminor dependent, as described in subdivision (v) of Section
32 11400, no notice is required for a parent.

33 (c) The notice of hearing shall be served not earlier than 30
34 days, nor later than 15 days, before the hearing.

35 (d) The notice shall contain a statement regarding the nature of
36 the hearing to be held and any change in the custody or status of
37 the child being recommended by the supervising agency. If the
38 notice is to the child, parent or parents, or legal guardian or
39 guardians, the notice shall also advise them of the right to be
40 present, the right to be represented by counsel, the right to request

1 counsel, and the right to present evidence. The notice shall also
2 state that if the parent or parents or legal guardian or guardians
3 fail to appear, the court may proceed without them.

4 (e) Service of the notice shall be by first-class mail addressed
5 to the last known address of the person to be noticed or by personal
6 service on the person. Service of a copy of the notice shall be by
7 personal service or by certified mail, return receipt requested, or
8 any other form of notice that is equivalent to service by first-class
9 mail.

10 (f) Notice to the current caregiver of the child, including a foster
11 parent, a relative caregiver, a preadoptive parent, ~~or~~ a nonrelative
12 extended family member, ~~or to a resource family~~, a certified foster
13 parent who has been approved for adoption, or the State
14 Department of Social Services when it is acting as an adoption
15 agency or by a county adoption agency, shall indicate that the
16 person notified may attend all hearings or may submit any
17 information he or she deems relevant to the court in writing.

18 (g) If the social worker or probation officer knows or has reason
19 to know that an Indian child is involved, notice shall be given in
20 accordance with Section 224.2.

21 (h) This section shall become operative on January 1, 2019.

22 *SEC. 30. Section 294 of the Welfare and Institutions Code, as*
23 *amended by Section 11 of Chapter 219 of the Statutes of 2015, is*
24 *amended to read:*

25 294. The social worker or probation officer shall give notice
26 of a selection and implementation hearing held pursuant to Section
27 366.26 in the following manner:

28 (a) Notice of the hearing shall be given to the following persons:

29 (1) The mother.

30 (2) The fathers, presumed and alleged.

31 (3) The child, if the child is 10 years of age or older.

32 (4) Any known sibling of the child who is the subject of the
33 hearing if that sibling either is the subject of a dependency
34 proceeding or has been adjudged to be a dependent child of the
35 juvenile court. If the sibling is 10 years of age or older, the sibling,
36 the sibling's caregiver, and the sibling's attorney. If the sibling is
37 under 10 years of age, the sibling's caregiver and the sibling's
38 attorney. However, notice is not required to be given to any sibling
39 whose matter is calendared in the same court on the same day.

1 (5) The grandparents of the child, if their address is known and
2 if the parent's whereabouts are unknown.

3 (6) All counsel of record.

4 (7) To any unknown parent by publication, if ordered by the
5 court pursuant to paragraph (2) of subdivision (g).

6 (8) The current caregiver of the child, including foster parents,
7 relative caregivers, preadoptive parents, ~~and~~ nonrelative extended
8 family ~~members~~. *members, or resource family*. Any person notified
9 may attend all hearings and may submit any information he or she
10 deems relevant to the court in writing.

11 (b) The following persons shall not be notified of the hearing:

12 (1) A parent who has relinquished the child to the State
13 Department of Social Services, county adoption agency, or licensed
14 adoption agency for adoption, and the relinquishment has been
15 accepted and filed with notice as required under Section 8700 of
16 the Family Code.

17 (2) An alleged father who has denied paternity and has executed
18 a waiver of the right to notice of further proceedings.

19 (3) A parent whose parental rights have been terminated.

20 (c) (1) Service of the notice shall be completed at least 45 days
21 before the hearing date. Service is deemed complete at the time
22 the notice is personally delivered to the person named in the notice
23 or 10 days after the notice has been placed in the mail or sent by
24 electronic mail, or at the expiration of the time prescribed by the
25 order for publication.

26 (2) Service of notice in cases where publication is ordered shall
27 be completed at least 30 days before the date of the hearing.

28 (d) Regardless of the type of notice required, or the manner in
29 which it is served, once the court has made the initial finding that
30 notice has properly been given to the parent, or to any person
31 entitled to receive notice pursuant to this section, subsequent notice
32 for any continuation of a Section 366.26 hearing may be by
33 first-class mail to any last known address, by an order made
34 pursuant to Section 296, except as provided in paragraphs (2) and
35 (3) of subdivision (h) and subdivision (i), by electronic mail if the
36 county, or city and county, and the court choose to permit service
37 by electronic mail and the person to be served has consented to
38 service by electronic mail by signing Judicial Council Form
39 EFS-005, or by any other means that the court determines is
40 reasonably calculated, under any circumstance, to provide notice

1 of the continued hearing. However, if the recommendation changes
2 from the recommendation contained in the notice previously found
3 to be proper, notice shall be provided to the parent, and to any
4 person entitled to receive notice pursuant to this section, regarding
5 that subsequent hearing.

6 (e) The notice shall contain the following information:

7 (1) The date, time, and place of the hearing.

8 (2) The right to appear.

9 (3) The parents' right to counsel.

10 (4) The nature of the proceedings.

11 (5) The recommendation of the supervising agency.

12 (6) A statement that, at the time of hearing, the court is required
13 to select a permanent plan of adoption, legal guardianship, ~~or~~
14 ~~long-term foster care placement with a fit and willing relative, or~~
15 *another planned permanent living arrangement, as appropriate,*
16 for the child.

17 (f) Notice to the parents may be given in any one of the
18 following manners:

19 (1) If the parent is present at the hearing at which the court
20 schedules a hearing pursuant to Section 366.26, the court shall
21 advise the parent of the date, time, and place of the proceedings,
22 their right to counsel, the nature of the proceedings, and the
23 requirement that at the proceedings the court shall select and
24 implement a plan of adoption, legal guardianship, ~~or long-term~~
25 ~~foster care placement with a fit and willing relative, or another~~
26 *planned permanent living arrangement, as appropriate,* for the
27 child. The court shall direct the parent to appear for the proceedings
28 and then direct that the parent be notified thereafter by first-class
29 mail to the parent's usual place of residence or business only. In
30 lieu of notice by first-class mail, notice may be served by electronic
31 mail if the county, or city and county, and the court choose to
32 permit service by electronic mail and the person to be served has
33 consented to service by electronic mail by signing Judicial Council
34 Form EFS-005.

35 (2) Certified mail, return receipt requested, to the parent's last
36 known mailing address. This notice shall be sufficient if the child
37 welfare agency receives a return receipt signed by the parent.

38 (3) Personal service to the parent named in the notice.

39 (4) Delivery to a competent person who is at least 18 years of
40 age at the parent's usual place of residence or business, and

1 thereafter mailed to the parent named in the notice by first-class
2 mail at the place where the notice was delivered.

3 (5) If the residence of the parent is outside the state, service
4 may be made as described in paragraph (1), (3), or (4) or by
5 certified mail, return receipt requested.

6 (6) If the recommendation of the probation officer or social
7 worker is ~~legal guardianship or long-term foster care~~, *guardianship,*
8 *placement with a fit and willing relative, or another planned*
9 *permanent living arrangement, as appropriate*, or, in the case of
10 an Indian child, tribal customary adoption, service may be made
11 by first-class mail to the parent's usual place of residence or
12 business. In lieu of notice by first-class mail, notice may be served
13 by electronic mail if the county, or city and county, and the court
14 choose to permit service by electronic mail and the person to be
15 served has consented to service by electronic mail by signing
16 Judicial Council Form EFS-005.

17 (7) If a parent's identity is known but his or her whereabouts
18 are unknown and the parent cannot, with reasonable diligence, be
19 served in any manner specified in paragraphs (1) to (6), inclusive,
20 the petitioner shall file an affidavit with the court at least 75 days
21 before the hearing date, stating the name of the parent and
22 describing the efforts made to locate and serve the parent.

23 (A) If the court determines that there has been due diligence in
24 attempting to locate and serve the parent and the probation officer
25 or social worker recommends adoption, service shall be to that
26 parent's attorney of record, if any, by certified mail, return receipt
27 requested. If the parent does not have an attorney of record, the
28 court shall order that service be made by publication of citation
29 requiring the parent to appear at the date, time, and place stated in
30 the citation, and that the citation be published in a newspaper
31 designated as most likely to give notice to the parent. Publication
32 shall be made once a week for four consecutive weeks. Whether
33 notice is to the attorney of record or by publication, the court shall
34 also order that notice be given to the grandparents of the child, if
35 their identities and addresses are known, by first-class mail.

36 (B) If the court determines that there has been due diligence in
37 attempting to locate and serve the parent and the probation officer
38 or social worker recommends ~~legal guardianship or long-term~~
39 ~~foster care~~, *guardianship, placement with a fit and willing relative,*
40 *or another planned permanent living arrangement, as appropriate,*

1 no further notice is required to the parent, but the court shall order
2 that notice be given to the grandparents of the child, if their
3 identities and addresses are known, by first-class mail.

4 (C) In any case where the residence of the parent becomes
5 known, notice shall immediately be served upon the parent as
6 provided for in either paragraph (2), (3), (4), (5), or (6).

7 (g) (1) If the identity of one or both of the parents, or alleged
8 parents, of the child is unknown, or if the name of one or both
9 parents is uncertain, then that fact shall be set forth in the affidavit
10 filed with the court at least 75 days before the hearing date and
11 the court, consistent with the provisions of Sections 7665 and 7666
12 of the Family Code, shall issue an order dispensing with notice to
13 a natural parent or possible natural parent under this section if,
14 after inquiry and a determination that there has been due diligence
15 in attempting to identify the unknown parent, the court is unable
16 to identify the natural parent or possible natural parent and no
17 person has appeared claiming to be the natural parent.

18 (2) After a determination that there has been due diligence in
19 attempting to identify an unknown parent pursuant to paragraph
20 (1) and the probation officer or social worker recommends
21 adoption, the court shall consider whether publication notice would
22 be likely to lead to actual notice to the unknown parent. The court
23 may order publication notice if, on the basis of all information
24 before the court, the court determines that notice by publication
25 is likely to lead to actual notice to the parent. If publication notice
26 to an unknown parent is ordered, the court shall order the published
27 citation to be directed to either the father or mother, or both, of
28 the child, and to all persons claiming to be the father or mother of
29 the child, naming and otherwise describing the child. An order of
30 publication pursuant to this paragraph shall be based on an affidavit
31 describing efforts made to identify the unknown parent or parents.
32 Service made by publication pursuant to this paragraph shall
33 require the unknown parent or parents to appear at the date, time,
34 and place stated in the citation. Publication shall be made once a
35 week for four consecutive weeks.

36 (3) If the court determines that there has been due diligence in
37 attempting to identify one or both of the parents, or alleged parents,
38 of the child and the probation officer or social worker recommends
39 ~~legal guardianship or long-term foster care~~, *guardianship,*
40 *placement with a fit and willing relative, or another planned*

1 *permanent living arrangement, as appropriate*, no further notice
2 to the parent shall be required.

3 (h) (1) Notice to all counsel of record shall be by first-class
4 mail, or by electronic mail if the county, or city and county, and
5 the court choose to permit service by electronic mail and the person
6 to be served has consented to service by electronic mail by signing
7 Judicial Council Form EFS-005.

8 (2) Except as provided in paragraph (3), if notice is required to
9 be provided to a child, written notice may be served on the child
10 by electronic mail only if all of the following requirements are
11 satisfied:

12 (A) The county, or city and county, and the court choose to
13 permit service by electronic mail.

14 (B) The child is 16 years of age or older.

15 (C) The child has consented to service by electronic mail by
16 signing Judicial Council Form EFS-005.

17 (D) The attorney for the child has consented to service of the
18 minor by electronic mail by signing Judicial Council Form
19 EFS-005.

20 (3) If notice is required to be provided to a child, written notice
21 may be served on the child by electronic mail as well as by regular
22 mail if all of the following requirements are satisfied:

23 (A) The county, or city and county, and the court choose to
24 permit service by electronic mail.

25 (B) The child is 14 or 15 years of age.

26 (C) The child has consented to service by electronic mail by
27 signing Judicial Council Form EFS-005.

28 (D) The attorney for the child has consented to service of the
29 minor by electronic mail by signing Judicial Council Form
30 EFS-005.

31 (i) If the court knows or has reason to know that an Indian child
32 is involved, notice shall be given in accordance with Section 224.2.

33 (j) Notwithstanding subdivision (a), if the attorney of record is
34 present at the time the court schedules a hearing pursuant to Section
35 366.26, no further notice is required, except as required by
36 subparagraph (A) of paragraph (7) of subdivision (f).

37 (k) This section shall also apply to children adjudged wards
38 pursuant to Section 727.31.

39 (l) The court shall state the reasons on the record explaining
40 why good cause exists for granting any continuance of a hearing

1 held pursuant to Section 366.26 to fulfill the requirements of this
2 section.

3 (m) Notwithstanding any choice by a county, or city and county,
4 and the court to permit service of written notice of court
5 proceedings by electronic mail, or consent by any person to service
6 of written notice by electronic mail by signing Judicial Council
7 Form EFS-005, notice of any hearing at which the county welfare
8 department is recommending the termination of parental rights
9 may only be served by electronic mail if supplemental and in
10 addition to the other forms of notice provided for in this section.

11 (n) This section shall remain in effect only until January 1, 2019,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2019, deletes or extends that date.

14 *SEC. 31. Section 294 of the Welfare and Institutions Code, as*
15 *added by Section 12 of Chapter 219 of the Statutes of 2015, is*
16 *amended to read:*

17 294. The social worker or probation officer shall give notice
18 of a selection and implementation hearing held pursuant to Section
19 366.26 in the following manner:

20 (a) Notice of the hearing shall be given to the following persons:

21 (1) The mother.

22 (2) The fathers, presumed and alleged.

23 (3) The child, if the child is 10 years of age or older.

24 (4) Any known sibling of the child who is the subject of the
25 hearing if that sibling either is the subject of a dependency
26 proceeding or has been adjudged to be a dependent child of the
27 juvenile court. If the sibling is 10 years of age or older, the sibling,
28 the sibling's caregiver, and the sibling's attorney. If the sibling is
29 under 10 years of age, the sibling's caregiver and the sibling's
30 attorney. However, notice is not required to be given to any sibling
31 whose matter is calendared in the same court on the same day.

32 (5) The grandparents of the child, if their address is known and
33 if the parent's whereabouts are unknown.

34 (6) All counsel of record.

35 (7) To any unknown parent by publication, if ordered by the
36 court pursuant to paragraph (2) of subdivision (g).

37 (8) The current caregiver of the child, including foster parents,
38 relative caregivers, preadoptive parents, ~~and~~ nonrelative extended
39 family ~~members~~. *members, or resource family.* Any person notified

1 may attend all hearings and may submit any information he or she
2 deems relevant to the court in writing.

3 (b) The following persons shall not be notified of the hearing:

4 (1) A parent who has relinquished the child to the State
5 Department of Social Services, county adoption agency, or licensed
6 adoption agency for adoption, and the relinquishment has been
7 accepted and filed with notice as required under Section 8700 of
8 the Family Code.

9 (2) An alleged father who has denied paternity and has executed
10 a waiver of the right to notice of further proceedings.

11 (3) A parent whose parental rights have been terminated.

12 (c) (1) Service of the notice shall be completed at least 45 days
13 before the hearing date. Service is deemed complete at the time
14 the notice is personally delivered to the person named in the notice
15 or 10 days after the notice has been placed in the mail, or at the
16 expiration of the time prescribed by the order for publication.

17 (2) Service of notice in cases where publication is ordered shall
18 be completed at least 30 days before the date of the hearing.

19 (d) Regardless of the type of notice required, or the manner in
20 which it is served, once the court has made the initial finding that
21 notice has properly been given to the parent, or to any person
22 entitled to receive notice pursuant to this section, subsequent notice
23 for any continuation of a Section 366.26 hearing may be by
24 first-class mail to any last known address, by an order made
25 pursuant to Section 296, or by any other means that the court
26 determines is reasonably calculated, under any circumstance, to
27 provide notice of the continued hearing. However, if the
28 recommendation changes from the recommendation contained in
29 the notice previously found to be proper, notice shall be provided
30 to the parent, and to any person entitled to receive notice pursuant
31 to this section, regarding that subsequent hearing.

32 (e) The notice shall contain the following information:

33 (1) The date, time, and place of the hearing.

34 (2) The right to appear.

35 (3) The parents' right to counsel.

36 (4) The nature of the proceedings.

37 (5) The recommendation of the supervising agency.

38 (6) A statement that, at the time of hearing, the court is required
39 to select a permanent plan of adoption, legal guardianship, ~~or~~
40 ~~long-term foster care~~ *placement with a fit and willing relative, or*

1 *another planned permanent living arrangement, as appropriate,*
2 *for the child.*

3 (f) Notice to the parents may be given in any one of the
4 following manners:

5 (1) If the parent is present at the hearing at which the court
6 schedules a hearing pursuant to Section 366.26, the court shall
7 advise the parent of the date, time, and place of the proceedings,
8 their right to counsel, the nature of the proceedings, and the
9 requirement that at the proceedings the court shall select and
10 implement a plan of adoption, legal guardianship, ~~or long-term~~
11 ~~foster care placement with a fit and willing relative, or another~~
12 *planned permanent living arrangement, as appropriate,* for the
13 child. The court shall direct the parent to appear for the proceedings
14 and then direct that the parent be notified thereafter by first-class
15 mail to the parent's usual place of residence or business only.

16 (2) Certified mail, return receipt requested, to the parent's last
17 known mailing address. This notice shall be sufficient if the child
18 welfare agency receives a return receipt signed by the parent.

19 (3) Personal service to the parent named in the notice.

20 (4) Delivery to a competent person who is at least 18 years of
21 age at the parent's usual place of residence or business, and
22 thereafter mailed to the parent named in the notice by first-class
23 mail at the place where the notice was delivered.

24 (5) If the residence of the parent is outside the state, service
25 may be made as described in paragraph (1), (3), or (4) or by
26 certified mail, return receipt requested.

27 (6) If the recommendation of the probation officer or social
28 worker is legal ~~guardianship or long-term foster care,~~ *guardianship,*
29 *placement with a fit and willing relative, or another planned*
30 *permanent living arrangement, as appropriate,* or, in the case of
31 an Indian child, tribal customary adoption, service may be made
32 by first-class mail to the parent's usual place of residence or
33 business.

34 (7) If a parent's identity is known but his or her whereabouts
35 are unknown and the parent cannot, with reasonable diligence, be
36 served in any manner specified in paragraphs (1) to (6), inclusive,
37 the petitioner shall file an affidavit with the court at least 75 days
38 before the hearing date, stating the name of the parent and
39 describing the efforts made to locate and serve the parent.

1 (A) If the court determines that there has been due diligence in
2 attempting to locate and serve the parent and the probation officer
3 or social worker recommends adoption, service shall be to that
4 parent's attorney of record, if any, by certified mail, return receipt
5 requested. If the parent does not have an attorney of record, the
6 court shall order that service be made by publication of citation
7 requiring the parent to appear at the date, time, and place stated in
8 the citation, and that the citation be published in a newspaper
9 designated as most likely to give notice to the parent. Publication
10 shall be made once a week for four consecutive weeks. Whether
11 notice is to the attorney of record or by publication, the court shall
12 also order that notice be given to the grandparents of the child, if
13 their identities and addresses are known, by first-class mail.

14 (B) If the court determines that there has been due diligence in
15 attempting to locate and serve the parent and the probation officer
16 or social worker recommends ~~legal guardianship or long-term~~
17 ~~foster care, guardianship, placement with a fit and willing relative,~~
18 ~~or another planned permanent living arrangement, as appropriate,~~
19 no further notice is required to the parent, but the court shall order
20 that notice be given to the grandparents of the child, if their
21 identities and addresses are known, by first-class mail.

22 (C) In any case where the residence of the parent becomes
23 known, notice shall immediately be served upon the parent as
24 provided for in either paragraph (2), (3), (4), (5), or (6).

25 (g) (1) If the identity of one or both of the parents, or alleged
26 parents, of the child is unknown, or if the name of one or both
27 parents is uncertain, then that fact shall be set forth in the affidavit
28 filed with the court at least 75 days before the hearing date and
29 the court, consistent with the provisions of Sections 7665 and 7666
30 of the Family Code, shall issue an order dispensing with notice to
31 a natural parent or possible natural parent under this section if,
32 after inquiry and a determination that there has been due diligence
33 in attempting to identify the unknown parent, the court is unable
34 to identify the natural parent or possible natural parent and no
35 person has appeared claiming to be the natural parent.

36 (2) After a determination that there has been due diligence in
37 attempting to identify an unknown parent pursuant to paragraph
38 (1) and the probation officer or social worker recommends
39 adoption, the court shall consider whether publication notice would
40 be likely to lead to actual notice to the unknown parent. The court

1 may order publication notice if, on the basis of all information
2 before the court, the court determines that notice by publication
3 is likely to lead to actual notice to the parent. If publication notice
4 to an unknown parent is ordered, the court shall order the published
5 citation to be directed to either the father or mother, or both, of
6 the child, and to all persons claiming to be the father or mother of
7 the child, naming and otherwise describing the child. An order of
8 publication pursuant to this paragraph shall be based on an affidavit
9 describing efforts made to identify the unknown parent or parents.
10 Service made by publication pursuant to this paragraph shall
11 require the unknown parent or parents to appear at the date, time,
12 and place stated in the citation. Publication shall be made once a
13 week for four consecutive weeks.

14 (3) If the court determines that there has been due diligence in
15 attempting to identify one or both of the parents, or alleged parents,
16 of the child and the probation officer or social worker recommends
17 ~~legal guardianship or long-term foster care,~~ *guardianship,*
18 *placement with a fit and willing relative, or another planned*
19 *permanent living arrangement, as appropriate,* no further notice
20 to the parent shall be required.

21 (h) Notice to the child and all counsel of record shall be by
22 first-class mail.

23 (i) If the court knows or has reason to know that an Indian child
24 is involved, notice shall be given in accordance with Section 224.2.

25 (j) Notwithstanding subdivision (a), if the attorney of record is
26 present at the time the court schedules a hearing pursuant to Section
27 366.26, no further notice is required, except as required by
28 subparagraph (A) of paragraph (7) of subdivision (f).

29 (k) This section shall also apply to children adjudged wards
30 pursuant to Section 727.31.

31 (l) The court shall state the reasons on the record explaining
32 why good cause exists for granting any continuance of a hearing
33 held pursuant to Section 366.26 to fulfill the requirements of this
34 section.

35 (m) This section shall become operative on January 1, 2019.

36 *SEC. 32. Section 295 of the Welfare and Institutions Code, as*
37 *amended by Section 13 of Chapter 219 of the Statutes of 2015, is*
38 *amended to read:*

39 295. The social worker or probation officer shall give notice
40 of review hearings held pursuant to Sections 366.3 and 366.31 and

1 for termination of jurisdiction hearings held pursuant to Section
2 391 in the following manner:

3 (a) Notice of the hearing shall be given to the following persons:

4 (1) The mother.

5 (2) The presumed father.

6 (3) The legal guardian or guardians.

7 (4) The child, if the child is 10 years of age or older, or a
8 nonminor dependent.

9 (5) Any known sibling of the child or nonminor dependent who
10 is the subject of the hearing if that sibling either is the subject of
11 a dependency proceeding or has been adjudged to be a dependent
12 child of the juvenile court. If the sibling is 10 years of age or older,
13 the sibling, the sibling's caregiver, and the sibling's attorney. If
14 the sibling is under 10 years of age, the sibling's caregiver and the
15 sibling's attorney. However, notice is not required to be given to
16 any sibling whose matter is calendared in the same court on the
17 same day.

18 (6) The current caregiver of the child, including the foster
19 parents, relative caregivers, preadoptive parents, nonrelative
20 extended family members, *resource family*, community care
21 facility, or foster family agency having physical custody of the
22 child if a child is removed from the physical custody of the parents
23 or legal guardian. The person notified may attend all hearings and
24 may submit any information he or she deems relevant to the court
25 in writing.

26 (7) The current caregiver of a nonminor dependent, as described
27 in subdivision (v) of Section 11400. The person notified may attend
28 all hearings and may submit for filing an original and eight copies
29 of written information he or she deems relevant to the court. The
30 court clerk shall provide the current parties and attorneys of record
31 with a copy of the written information immediately upon receipt
32 and complete, file, and distribute a proof of service.

33 (8) The attorney of record if that attorney of record was not
34 present at the time that the hearing was set by the court.

35 (9) The alleged father or fathers, but only if the recommendation
36 is to set a new hearing pursuant to Section 366.26.

37 (b) No notice shall be required for a parent whose parental rights
38 have been terminated or for the parent of a nonminor dependent,
39 as described in subdivision (v) of Section 11400, unless the parent

1 is receiving court-ordered family reunification services pursuant
2 to Section 361.6.

3 (c) The notice of the review hearing shall be served no earlier
4 than 30 days, nor later than 15 days, before the hearing.

5 (d) The notice of the review hearing shall contain a statement
6 regarding the nature of the hearing to be held, any recommended
7 change in the custody or status of the child, and any
8 recommendation that the court set a new hearing pursuant to
9 Section 366.26 in order to select a more permanent plan.

10 (e) Service of notice shall be by first-class mail addressed to
11 the last known address of the person to be provided notice. Except
12 as provided in subdivisions (g), (h), and (i), notice may be served
13 by electronic mail in lieu of notice by first-class mail if the county,
14 or city and county, and the court choose to permit service by
15 electronic mail and the person to be served has consented to service
16 by electronic mail by signing Judicial Council Form EFS-005. In
17 the case of an Indian child, notice shall be by registered mail, return
18 receipt requested.

19 (f) If the child is ordered into a permanent plan of legal
20 guardianship, and subsequently a petition to terminate or modify
21 the guardianship is filed, the probation officer or social worker
22 shall serve notice of the petition not less than 15 court days prior
23 to the hearing on all persons listed in subdivision (a) and on the
24 court that established legal guardianship if it is in another county.

25 (g) If the social worker or probation officer knows or has reason
26 to know that an Indian child is involved, notice shall be given in
27 accordance with Section 224.2.

28 (h) Except as provided in subdivision (i), if notice is required
29 to be provided to a child pursuant to paragraph (4) or (5) of
30 subdivision (a), written notice may be served on the child by
31 electronic mail only if all of the following requirements are
32 satisfied:

33 (1) The county, or city and county, and the court choose to
34 permit service by electronic mail.

35 (2) The child is 16 years of age or older.

36 (3) The child has consented to service by electronic mail by
37 signing Judicial Council Form EFS-005.

38 (4) The attorney for the child has consented to service of the
39 minor by electronic mail by signing Judicial Council Form
40 EFS-005.

1 (i) If notice is required to be provided to a child pursuant to
2 paragraph (4) or (5) of subdivision (a), written notice may be served
3 on the child by electronic mail as well as by regular mail if all of
4 the following requirements are satisfied:

5 (1) The county, or city and county, and the court choose to
6 permit service by electronic mail.

7 (2) The child is 14 or 15 years of age.

8 (3) The child has consented to service by electronic mail by
9 signing Judicial Council Form EFS-005.

10 (4) The attorney for the child has consented to service of the
11 minor by electronic mail by signing Judicial Council Form
12 EFS-005.

13 (j) This section shall remain in effect only until January 1, 2019,
14 and as of that date is repealed, unless a later enacted statute, that
15 is enacted before January 1, 2019, deletes or extends that date.

16 *SEC. 33. Section 295 of the Welfare and Institutions Code, as*
17 *added by Section 14 of Chapter 219 of the Statutes of 2015, is*
18 *amended to read:*

19 295. The social worker or probation officer shall give notice
20 of review hearings held pursuant to Sections 366.3 and 366.31 and
21 for termination of jurisdiction hearings held pursuant to Section
22 391 in the following manner:

23 (a) Notice of the hearing shall be given to the following persons:

24 (1) The mother.

25 (2) The presumed father.

26 (3) The legal guardian or guardians.

27 (4) The child, if the child is 10 years of age or older, or a
28 nonminor dependent.

29 (5) Any known sibling of the child or nonminor dependent who
30 is the subject of the hearing if that sibling either is the subject of
31 a dependency proceeding or has been adjudged to be a dependent
32 child of the juvenile court. If the sibling is 10 years of age or older,
33 the sibling, the sibling's caregiver, and the sibling's attorney. If
34 the sibling is under 10 years of age, the sibling's caregiver and the
35 sibling's attorney. However, notice is not required to be given to
36 any sibling whose matter is calendared in the same court on the
37 same day.

38 (6) The current caregiver of the child, including the foster
39 parents, relative caregivers, preadoptive parents, nonrelative
40 extended family members, *resource family*, community care

1 facility, or foster family agency having physical custody of the
2 child if a child is removed from the physical custody of the parents
3 or legal guardian. The person notified may attend all hearings and
4 may submit any information he or she deems relevant to the court
5 in writing.

6 (7) The current caregiver of a nonminor dependent, as described
7 in subdivision (v) of Section 11400. The person notified may attend
8 all hearings and may submit for filing an original and eight copies
9 of written information he or she deems relevant to the court. The
10 court clerk shall provide the current parties and attorneys of record
11 with a copy of the written information immediately upon receipt
12 and complete, file, and distribute a proof of service.

13 (8) The attorney of record if that attorney of record was not
14 present at the time that the hearing was set by the court.

15 (9) The alleged father or fathers, but only if the recommendation
16 is to set a new hearing pursuant to Section 366.26.

17 (b) No notice shall be required for a parent whose parental rights
18 have been terminated or for the parent of a nonminor dependent,
19 as described in subdivision (v) of Section 11400, unless the parent
20 is receiving court-ordered family reunification services pursuant
21 to Section 361.6.

22 (c) The notice of the review hearing shall be served no earlier
23 than 30 days, nor later than 15 days, before the hearing.

24 (d) The notice of the review hearing shall contain a statement
25 regarding the nature of the hearing to be held, any recommended
26 change in the custody or status of the child, and any
27 recommendation that the court set a new hearing pursuant to
28 Section 366.26 in order to select a more permanent plan.

29 (e) Service of notice shall be by first-class mail addressed to
30 the last known address of the person to be provided notice. In the
31 case of an Indian child, notice shall be by registered mail, return
32 receipt requested.

33 (f) If the child is ordered into a permanent plan of legal
34 guardianship, and subsequently a petition to terminate or modify
35 the guardianship is filed, the probation officer or social worker
36 shall serve notice of the petition not less than 15 court days prior
37 to the hearing on all persons listed in subdivision (a) and on the
38 court that established legal guardianship if it is in another county.

1 (g) If the social worker or probation officer knows or has reason
2 to know that an Indian child is involved, notice shall be given in
3 accordance with Section 224.2.

4 (h) This section shall become operative on January 1, 2019.

5 ~~SEC. 10.~~

6 *SEC. 34.* Section 361.2 of the Welfare and Institutions Code,
7 as added by Section 48 of Chapter 773 of the Statutes of 2015, is
8 amended to read:

9 361.2. (a) When a court orders removal of a child pursuant to
10 Section 361, the court shall first determine whether there is a parent
11 of the child, with whom the child was not residing at the time that
12 the events or conditions arose that brought the child within the
13 provisions of Section 300, who desires to assume custody of the
14 child. If that parent requests custody, the court shall place the child
15 with the parent unless it finds that placement with that parent would
16 be detrimental to the safety, protection, or physical or emotional
17 well-being of the child. The fact that the parent is enrolled in a
18 certified substance abuse treatment facility that allows a dependent
19 child to reside with his or her parent shall not be, for that reason
20 alone, prima facie evidence that placement with that parent would
21 be detrimental.

22 (b) If the court places the child with that parent it may do any
23 of the following:

24 (1) Order that the parent become legal and physical custodian
25 of the child. The court may also provide reasonable visitation by
26 the noncustodial parent. The court shall then terminate its
27 jurisdiction over the child. The custody order shall continue unless
28 modified by a subsequent order of the superior court. The order
29 of the juvenile court shall be filed in any domestic relation
30 proceeding between the parents.

31 (2) Order that the parent assume custody subject to the
32 jurisdiction of the juvenile court and require that a home visit be
33 conducted within three months. In determining whether to take
34 the action described in this paragraph, the court shall consider any
35 concerns that have been raised by the child's current caregiver
36 regarding the parent. After the social worker conducts the home
37 visit and files his or her report with the court, the court may then
38 take the action described in paragraph (1), (3), or this paragraph.
39 However, nothing in this paragraph shall be interpreted to imply
40 that the court is required to take the action described in this

1 paragraph as a prerequisite to the court taking the action described
2 in either paragraph (1) or (3).

3 (3) Order that the parent assume custody subject to the
4 supervision of the juvenile court. In that case the court may order
5 that reunification services be provided to the parent or guardian
6 from whom the child is being removed, or the court may order that
7 services be provided solely to the parent who is assuming physical
8 custody in order to allow that parent to retain later custody without
9 court supervision, or that services be provided to both parents, in
10 which case the court shall determine, at review hearings held
11 pursuant to Section 366, which parent, if either, shall have custody
12 of the child.

13 (c) The court shall make a finding either in writing or on the
14 record of the basis for its determination under subdivisions (a) and
15 (b).

16 (d) Part 6 (commencing with Section 7950) of Division 12 of
17 the Family Code shall apply to the placement of a child pursuant
18 to paragraphs (1) and (2) of subdivision (e).

19 (e) When the court orders removal pursuant to Section 361, the
20 court shall order the care, custody, control, and conduct of the
21 child to be under the supervision of the social worker who may
22 place the child in any of the following:

23 (1) The home of a noncustodial parent as described in
24 subdivision (a), regardless of the parent's immigration status.

25 (2) The approved home of a relative, regardless of the relative's
26 immigration status.

27 (3) The approved home of a nonrelative extended family
28 member as defined in Section 362.7.

29 (4) The approved home of a resource family as defined in
30 Section 16519.5.

31 (5) A foster home considering first a foster home in which the
32 child has been placed before an interruption in foster care, if that
33 placement is in the best interest of the child and space is available.

34 (6) A home or facility in accordance with the federal Indian
35 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

36 (7) A suitable licensed community care facility, except a
37 runaway and homeless youth shelter licensed by the State
38 Department of Social Services pursuant to Section 1502.35 of the
39 Health and Safety Code.

1 (8) With a foster family agency, as defined in subdivision (g)
2 of Section 11400 and paragraph (4) of subdivision (a) of Section
3 1502 of the Health and Safety Code, to be placed in a suitable
4 family home certified or approved by the ~~agency~~: *agency, with*
5 *prior approval of the county placing agency.*

6 (9) A child of any age who is placed in a community care facility
7 licensed as a group home for children or a short-term residential
8 treatment center, as defined in subdivision (ad) of Section 11400
9 and paragraph (18) of subdivision (a) of Section 1502 of the Health
10 and Safety Code, shall have a case plan that indicates that
11 placement is for purposes of providing short term, specialized, and
12 intensive treatment for the child, the case plan specifies the need
13 for, nature of, and anticipated duration of this treatment, pursuant
14 to paragraph (2) of subdivision (c) of Section 16501.1, and the
15 case plan includes transitioning the child to a less restrictive
16 environment and the projected timeline by which the child will be
17 transitioned to a less restrictive environment. If the placement is
18 longer than six months, the placement shall be documented
19 consistent with paragraph (3) of subdivision (a) of Section 16501.1
20 and shall be approved by the deputy director or director of the
21 county child welfare department.

22 (A) A child under six years of age shall not be placed in a
23 community care facility licensed as a group home for children, or
24 a short-term residential treatment center, except under the following
25 circumstances:

26 (i) When the facility meets the applicable regulations adopted
27 under Section 1530.8 of the Health and Safety Code and standards
28 developed pursuant to Section 11467.1 of this code, and the deputy
29 director or director of the county child welfare department has
30 approved the case plan.

31 (ii) The short term, specialized, and intensive treatment period
32 shall not exceed 120 days, unless the county has made progress
33 toward or is actively working toward implementing the case plan
34 that identifies the services or supports necessary to transition the
35 child to a family setting, circumstances beyond the county's control
36 have prevented the county from obtaining those services or
37 supports within the timeline documented in the case plan, and the
38 need for additional time pursuant to the case plan is documented
39 by the caseworker and approved by a deputy director or director
40 of the county child welfare department.

1 (iii) To the extent that placements pursuant to this paragraph
2 are extended beyond an initial 120 days, the requirements of
3 clauses (i) and (ii) shall apply to each extension. In addition, the
4 deputy director or director of the county child welfare department
5 shall approve the continued placement no less frequently than
6 every 60 days.

7 (iv) In addition, when a case plan indicates that placement is
8 for purposes of providing family reunification services, the facility
9 shall offer family reunification services that meet the needs of the
10 individual child and his or her family, permit parents to have
11 reasonable access to their children 24 hours a day, encourage
12 extensive parental involvement in meeting the daily needs of their
13 children, and employ staff trained to provide family reunification
14 services. In addition, one of the following conditions exists:

15 (I) The child's parent is also under the jurisdiction of the court
16 and resides in the facility.

17 (II) The child's parent is participating in a treatment program
18 affiliated with the facility and the child's placement in the facility
19 facilitates the coordination and provision of reunification services.

20 (III) Placement in the facility is the only alternative that permits
21 the parent to have daily 24-hour access to the child in accordance
22 with the case plan, to participate fully in meeting all of the daily
23 needs of the child, including feeding and personal hygiene, and to
24 have access to necessary reunification services.

25 (B) A child who is 6 to 12 years of age, inclusive, may be placed
26 in a community care facility licensed as a group home for children
27 or a short-term residential treatment center under the following
28 conditions.

29 (i) The short-term, specialized, and intensive treatment period
30 shall not exceed six months, unless the county has made progress
31 or is actively working toward implementing the case plan that
32 identifies the services or supports necessary to transition the child
33 to a family setting, circumstances beyond the county's control
34 have prevented the county from obtaining those services or
35 supports within the timeline documented in the case plan, and the
36 need for additional time pursuant to the case plan is documented
37 by the caseworker and approved by a deputy director or director
38 of the county child welfare department.

39 (ii) To the extent that placements pursuant to this paragraph are
40 extended beyond an initial six months, the requirements of this

1 subparagraph shall apply to each extension. In addition, the deputy
2 director or director of the county child welfare department shall
3 approve the continued placement no less frequently than every 60
4 days.

5 (10) Any child placed in a short-term residential treatment center
6 shall be either of the following:

7 (A) A child who has been assessed as meeting one of the
8 placement requirements set forth in subdivisions (d) and (e) of
9 Section 11462.01.

10 (B) A child under 6 years of age who is placed with his or her
11 minor parent or for the purpose of reunification pursuant to clause
12 (iv) of subparagraph (A) of paragraph (9).

13 (11) Nothing in this subdivision shall be construed to allow a
14 social worker to place any dependent child outside the United
15 States, except as specified in subdivision (f).

16 (f) (1) A child under the supervision of a social worker pursuant
17 to subdivision (e) shall not be placed outside the United States
18 prior to a judicial finding that the placement is in the best interest
19 of the child, except as required by federal law or treaty.

20 (2) The party or agency requesting placement of the child outside
21 the United States shall carry the burden of proof and shall show,
22 by clear and convincing evidence, that placement outside the
23 United States is in the best interest of the child.

24 (3) In determining the best interest of the child, the court shall
25 consider, but not be limited to, the following factors:

26 (A) Placement with a relative.

27 (B) Placement of siblings in the same home.

28 (C) Amount and nature of any contact between the child and
29 the potential guardian or caretaker.

30 (D) Physical and medical needs of the dependent child.

31 (E) Psychological and emotional needs of the dependent child.

32 (F) Social, cultural, and educational needs of the dependent
33 child.

34 (G) Specific desires of any dependent child who is 12 years of
35 age or older.

36 (4) If the court finds that a placement outside the United States
37 is, by clear and convincing evidence, in the best interest of the
38 child, the court may issue an order authorizing the social worker
39 to make a placement outside the United States. A child subject to

1 this subdivision shall not leave the United States prior to the
2 issuance of the order described in this paragraph.

3 (5) For purposes of this subdivision, "outside the United States"
4 shall not include the lands of any federally recognized American
5 Indian tribe or Alaskan Natives.

6 (6) This subdivision shall not apply to the placement of a
7 dependent child with a parent pursuant to subdivision (a).

8 (g) (1) If the child is taken from the physical custody of the
9 child's parent or guardian and unless the child is placed with
10 relatives, the child shall be placed in foster care in the county of
11 residence of the child's parent or guardian in order to facilitate
12 reunification of the family.

13 (2) In the event that there are no appropriate placements
14 available in the parent's or guardian's county of residence, a
15 placement may be made in an appropriate place in another county,
16 preferably a county located adjacent to the parent's or guardian's
17 community of residence.

18 (3) Nothing in this section shall be interpreted as requiring
19 multiple disruptions of the child's placement corresponding to
20 frequent changes of residence by the parent or guardian. In
21 determining whether the child should be moved, the social worker
22 shall take into consideration the potential harmful effects of
23 disrupting the placement of the child and the parent's or guardian's
24 reason for the move.

25 (4) When it has been determined that it is necessary for a child
26 to be placed in a county other than the child's parent's or guardian's
27 county of residence, the specific reason the out-of-county
28 placement is necessary shall be documented in the child's case
29 plan. If the reason the out-of-county placement is necessary is the
30 lack of resources in the sending county to meet the specific needs
31 of the child, those specific resource needs shall be documented in
32 the case plan.

33 (5) When it has been determined that a child is to be placed out
34 of county either in a group home or with a foster family agency
35 for subsequent placement in a certified foster family home, and
36 the sending county is to maintain responsibility for supervision
37 and visitation of the child, the sending county shall develop a plan
38 of supervision and visitation that specifies the supervision and
39 visitation activities to be performed and specifies that the sending
40 county is responsible for performing those activities. In addition

1 to the plan of supervision and visitation, the sending county shall
2 document information regarding any known or suspected dangerous
3 behavior of the child that indicates the child may pose a safety
4 concern in the receiving county. Upon implementation of the Child
5 Welfare Services Case Management System, the plan of
6 supervision and visitation, as well as information regarding any
7 known or suspected dangerous behavior of the child, shall be made
8 available to the receiving county upon placement of the child in
9 the receiving county. If placement occurs on a weekend or holiday,
10 the information shall be made available to the receiving county on
11 or before the end of the next business day.

12 (6) When it has been determined that a child is to be placed out
13 of county and the sending county plans that the receiving county
14 shall be responsible for the supervision and visitation of the child,
15 the sending county shall develop a formal agreement between the
16 sending and receiving counties. The formal agreement shall specify
17 the supervision and visitation to be provided the child, and shall
18 specify that the receiving county is responsible for providing the
19 supervision and visitation. The formal agreement shall be approved
20 and signed by the sending and receiving counties prior to placement
21 of the child in the receiving county. In addition, upon completion
22 of the case plan, the sending county shall provide a copy of the
23 completed case plan to the receiving county. The case plan shall
24 include information regarding any known or suspected dangerous
25 behavior of the child that indicates the child may pose a safety
26 concern to the receiving county.

27 (h) Whenever the social worker must change the placement of
28 the child and is unable to find a suitable placement within the
29 county and must place the child outside the county, the placement
30 shall not be made until he or she has served written notice on the
31 parent or guardian at least 14 days prior to the placement, unless
32 the child's health or well-being is endangered by delaying the
33 action or would be endangered if prior notice were given. The
34 notice shall state the reasons that require placement outside the
35 county. The parent or guardian may object to the placement not
36 later than seven days after receipt of the notice and, upon objection,
37 the court shall hold a hearing not later than five days after the
38 objection and prior to the placement. The court shall order
39 out-of-county placement if it finds that the child's particular needs
40 require placement outside the county.

1 (i) If the court has ordered removal of the child from the physical
2 custody of his or her parents pursuant to Section 361, the court
3 shall consider whether the family ties and best interest of the child
4 will be served by granting visitation rights to the child's
5 grandparents. The court shall clearly specify those rights to the
6 social worker.

7 (j) If the court has ordered removal of the child from the physical
8 custody of his or her parents pursuant to Section 361, the court
9 shall consider whether there are any siblings under the court's
10 jurisdiction, or any nondependent siblings in the physical custody
11 of a parent subject to the court's jurisdiction, the nature of the
12 relationship between the child and his or her siblings, the
13 appropriateness of developing or maintaining the sibling
14 relationships pursuant to Section 16002, and the impact of the
15 sibling relationships on the child's placement and planning for
16 legal permanence.

17 (k) (1) An agency shall ensure placement of a child in a home
18 that, to the fullest extent possible, best meets the day-to-day needs
19 of the child. A home that best meets the day-to-day needs of the
20 child shall satisfy all of the following criteria:

21 (A) The child's caregiver is able to meet the day-to-day health,
22 safety, and well-being needs of the child.

23 (B) The child's caregiver is permitted to maintain the least
24 restrictive family setting that promotes normal childhood
25 experiences and that serves the day-to-day needs of the child.

26 (C) The child is permitted to engage in reasonable,
27 age-appropriate day-to-day activities that promote normal
28 childhood experiences for the foster child.

29 (2) The foster child's caregiver shall use a reasonable and
30 prudent parent standard, as defined in paragraph (2) of subdivision
31 (a) of Section 362.04, to determine day-to-day activities that are
32 age appropriate to meet the needs of the child. Nothing in this
33 section shall be construed to permit a child's caregiver to permit
34 the child to engage in day-to-day activities that carry an
35 unreasonable risk of harm, or subject the child to abuse or neglect.

36 (l) This section shall become operative on January 1, 2017.

37 *SEC. 35. Section 361.5 of the Welfare and Institutions Code*
38 *is amended to read:*

39 361.5. (a) Except as provided in subdivision (b), or when the
40 parent has voluntarily relinquished the child and the relinquishment

1 has been filed with the State Department of Social Services, or
2 upon the establishment of an order of guardianship pursuant to
3 Section 360, or when a court adjudicates a petition under Section
4 329 to modify the court's jurisdiction from delinquency jurisdiction
5 to dependency jurisdiction pursuant to subparagraph (A) of
6 paragraph (2) of subdivision (b) of Section 607.2 and the parents
7 or guardian of the ward have had reunification services terminated
8 under the delinquency jurisdiction, whenever a child is removed
9 from a parent's or guardian's custody, the juvenile court shall order
10 the social worker to provide child welfare services to the child and
11 the child's mother and statutorily presumed father or guardians.
12 Upon a finding and declaration of paternity by the juvenile court
13 or proof of a prior declaration of paternity by any court of
14 competent jurisdiction, the juvenile court may order services for
15 the child and the biological father, if the court determines that the
16 services will benefit the child.

17 (1) Family reunification services, when provided, shall be
18 provided as follows:

19 (A) Except as otherwise provided in subparagraph (C), for a
20 child who, on the date of initial removal from the physical custody
21 of his or her parent or guardian, was three years of age or older,
22 court-ordered services shall be provided beginning with the
23 dispositional hearing and ending 12 months after the date the child
24 entered foster care as provided in Section 361.49, unless the child
25 is returned to the home of the parent or guardian.

26 (B) For a child who, on the date of initial removal from the
27 physical custody of his or her parent or guardian, was under three
28 years of age, court-ordered services shall be provided for a period
29 of six months from the dispositional hearing as provided in
30 subdivision (e) of Section 366.21, but no longer than 12 months
31 from the date the child entered foster care as provided in Section
32 361.49 unless the child is returned to the home of the parent or
33 guardian.

34 (C) For the purpose of placing and maintaining a sibling group
35 together in a permanent home should reunification efforts fail, for
36 a child in a sibling group whose members were removed from
37 parental custody at the same time, and in which one member of
38 the sibling group was under three years of age on the date of initial
39 removal from the physical custody of his or her parent or guardian,
40 court-ordered services for some or all of the sibling group may be

1 limited as set forth in subparagraph (B). For the purposes of this
2 paragraph, “a sibling group” shall mean two or more children who
3 are related to each other as full or half siblings.

4 (2) Any motion to terminate court-ordered reunification services
5 prior to the hearing set pursuant to subdivision (f) of Section 366.21
6 for a child described by subparagraph (A) of paragraph (1), or
7 prior to the hearing set pursuant to subdivision (e) of Section
8 366.21 for a child described by subparagraph (B) or (C) of
9 paragraph (1), shall be made pursuant to the requirements set forth
10 in subdivision (c) of Section 388. A motion to terminate
11 court-ordered reunification services shall not be required at the
12 hearing set pursuant to subdivision (e) of Section 366.21 if the
13 court finds by clear and convincing evidence one of the following:

14 (A) That the child was removed initially under subdivision (g)
15 of Section 300 and the whereabouts of the parent are still unknown.

16 (B) That the parent has failed to contact and visit the child.

17 (C) That the parent has been convicted of a felony indicating
18 parental unfitness.

19 (3) Notwithstanding subparagraphs (A), (B), and (C) of
20 paragraph (1), court-ordered services may be extended up to a
21 maximum time period not to exceed 18 months after the date the
22 child was originally removed from physical custody of his or her
23 parent or guardian if it can be shown, at the hearing held pursuant
24 to subdivision (f) of Section 366.21, that the permanent plan for
25 the child is that he or she will be returned and safely maintained
26 in the home within the extended time period. The court shall extend
27 the time period only if it finds that there is a substantial probability
28 that the child will be returned to the physical custody of his or her
29 parent or guardian within the extended time period or that
30 reasonable services have not been provided to the parent or
31 guardian. In determining whether court-ordered services may be
32 extended, the court shall consider the special circumstances of an
33 incarcerated or institutionalized parent or parents, parent or parents
34 court-ordered to a residential substance abuse treatment program,
35 or a parent who has been arrested and issued an immigration hold,
36 detained by the United States Department of Homeland Security,
37 or deported to his or her country of origin, including, but not
38 limited to, barriers to the parent’s or guardian’s access to services
39 and ability to maintain contact with his or her child. The court
40 shall also consider, among other factors, good faith efforts that the

1 parent or guardian has made to maintain contact with the child. If
2 the court extends the time period, the court shall specify the factual
3 basis for its conclusion that there is a substantial probability that
4 the child will be returned to the physical custody of his or her
5 parent or guardian within the extended time period. The court also
6 shall make findings pursuant to subdivision (a) of Section 366 and
7 subdivision (e) of Section 358.1.

8 When counseling or other treatment services are ordered, the
9 parent or guardian shall be ordered to participate in those services,
10 unless the parent's or guardian's participation is deemed by the
11 court to be inappropriate or potentially detrimental to the child, or
12 unless a parent or guardian is incarcerated or detained by the United
13 States Department of Homeland Security and the corrections
14 facility in which he or she is incarcerated does not provide access
15 to the treatment services ordered by the court, or has been deported
16 to his or her country of origin and services ordered by the court
17 are not accessible in that country. Physical custody of the child by
18 the parents or guardians during the applicable time period under
19 subparagraph (A), (B), or (C) of paragraph (1) shall not serve to
20 interrupt the running of the time period. If at the end of the
21 applicable time period, a child cannot be safely returned to the
22 care and custody of a parent or guardian without court supervision,
23 but the child clearly desires contact with the parent or guardian,
24 the court shall take the child's desire into account in devising a
25 permanency plan.

26 In cases where the child was under three years of age on the date
27 of the initial removal from the physical custody of his or her parent
28 or guardian or is a member of a sibling group as described in
29 subparagraph (C) of paragraph (1), the court shall inform the parent
30 or guardian that the failure of the parent or guardian to participate
31 regularly in any court-ordered treatment programs or to cooperate
32 or avail himself or herself of services provided as part of the child
33 welfare services case plan may result in a termination of efforts
34 to reunify the family after six months. The court shall inform the
35 parent or guardian of the factors used in subdivision (e) of Section
36 366.21 to determine whether to limit services to six months for
37 some or all members of a sibling group as described in
38 subparagraph (C) of paragraph (1).

39 (4) Notwithstanding paragraph (3), court-ordered services may
40 be extended up to a maximum time period not to exceed 24 months

1 after the date the child was originally removed from physical
2 custody of his or her parent or guardian if it is shown, at the hearing
3 held pursuant to subdivision (b) of Section 366.22, that the
4 permanent plan for the child is that he or she will be returned and
5 safely maintained in the home within the extended time period.
6 The court shall extend the time period only if it finds that it is in
7 the child's best interest to have the time period extended and that
8 there is a substantial probability that the child will be returned to
9 the physical custody of his or her parent or guardian who is
10 described in subdivision (b) of Section 366.22 within the extended
11 time period, or that reasonable services have not been provided to
12 the parent or guardian. If the court extends the time period, the
13 court shall specify the factual basis for its conclusion that there is
14 a substantial probability that the child will be returned to the
15 physical custody of his or her parent or guardian within the
16 extended time period. The court also shall make findings pursuant
17 to subdivision (a) of Section 366 and subdivision (e) of Section
18 358.1.

19 When counseling or other treatment services are ordered, the
20 parent or guardian shall be ordered to participate in those services,
21 in order for substantial probability to be found. Physical custody
22 of the child by the parents or guardians during the applicable time
23 period under subparagraph (A), (B), or (C) of paragraph (1) shall
24 not serve to interrupt the running of the time period. If at the end
25 of the applicable time period, the child cannot be safely returned
26 to the care and custody of a parent or guardian without court
27 supervision, but the child clearly desires contact with the parent
28 or guardian, the court shall take the child's desire into account in
29 devising a permanency plan.

30 Except in cases where, pursuant to subdivision (b), the court
31 does not order reunification services, the court shall inform the
32 parent or parents of Section 366.26 and shall specify that the
33 parent's or parents' parental rights may be terminated.

34 (b) Reunification services need not be provided to a parent or
35 guardian described in this subdivision when the court finds, by
36 clear and convincing evidence, any of the following:

37 (1) That the whereabouts of the parent or guardian is unknown.
38 A finding pursuant to this paragraph shall be supported by an
39 affidavit or by proof that a reasonably diligent search has failed

1 to locate the parent or guardian. The posting or publication of
2 notices is not required in that search.

3 (2) That the parent or guardian is suffering from a mental
4 disability that is described in Chapter 2 (commencing with Section
5 7820) of Part 4 of Division 12 of the Family Code and that renders
6 him or her incapable of utilizing those services.

7 (3) That the child or a sibling of the child has been previously
8 adjudicated a dependent pursuant to any subdivision of Section
9 300 as a result of physical or sexual abuse, that following that
10 adjudication the child had been removed from the custody of his
11 or her parent or guardian pursuant to Section 361, that the child
12 has been returned to the custody of the parent or guardian from
13 whom the child had been taken originally, and that the child is
14 being removed pursuant to Section 361, due to additional physical
15 or sexual abuse.

16 (4) That the parent or guardian of the child has caused the death
17 of another child through abuse or neglect.

18 (5) That the child was brought within the jurisdiction of the
19 court under subdivision (e) of Section 300 because of the conduct
20 of that parent or guardian.

21 (6) That the child has been adjudicated a dependent pursuant
22 to any subdivision of Section 300 as a result of severe sexual abuse
23 or the infliction of severe physical harm to the child, a sibling, or
24 a half sibling by a parent or guardian, as defined in this subdivision,
25 and the court makes a factual finding that it would not benefit the
26 child to pursue reunification services with the offending parent or
27 guardian.

28 A finding of severe sexual abuse, for the purposes of this
29 subdivision, may be based on, but is not limited to, sexual
30 intercourse, or stimulation involving genital-genital, oral-genital,
31 anal-genital, or oral-anal contact, whether between the parent or
32 guardian and the child or a sibling or half sibling of the child, or
33 between the child or a sibling or half sibling of the child and
34 another person or animal with the actual or implied consent of the
35 parent or guardian; or the penetration or manipulation of the
36 child's, sibling's, or half sibling's genital organs or rectum by any
37 animate or inanimate object for the sexual gratification of the
38 parent or guardian, or for the sexual gratification of another person
39 with the actual or implied consent of the parent or guardian.

1 A finding of the infliction of severe physical harm, for the
2 purposes of this subdivision, may be based on, but is not limited
3 to, deliberate and serious injury inflicted to or on a child's body
4 or the body of a sibling or half sibling of the child by an act or
5 omission of the parent or guardian, or of another individual or
6 animal with the consent of the parent or guardian; deliberate and
7 torturous confinement of the child, sibling, or half sibling in a
8 closed space; or any other torturous act or omission that would be
9 reasonably understood to cause serious emotional damage.

10 (7) That the parent is not receiving reunification services for a
11 sibling or a half sibling of the child pursuant to paragraph (3), (5),
12 or (6).

13 (8) That the child was conceived by means of the commission
14 of an offense listed in Section 288 or 288.5 of the Penal Code, or
15 by an act committed outside of this state that, if committed in this
16 state, would constitute one of those offenses. This paragraph only
17 applies to the parent who committed the offense or act.

18 (9) That the child has been found to be a child described in
19 subdivision (g) of Section 300; that the parent or guardian of the
20 child willfully abandoned the child, and the court finds that the
21 abandonment itself constituted a serious danger to the child; or
22 that the parent or other person having custody of the child
23 voluntarily surrendered physical custody of the child pursuant to
24 Section 1255.7 of the Health and Safety Code. For the purposes
25 of this paragraph, "serious danger" means that without the
26 intervention of another person or agency, the child would have
27 sustained severe or permanent disability, injury, illness, or death.
28 For purposes of this paragraph, "willful abandonment" shall not
29 be construed as actions taken in good faith by the parent without
30 the intent of placing the child in serious danger.

31 (10) That the court ordered termination of reunification services
32 for any siblings or half siblings of the child because the parent or
33 guardian failed to reunify with the sibling or half sibling after the
34 sibling or half sibling had been removed from that parent or
35 guardian pursuant to Section 361 and that parent or guardian is
36 the same parent or guardian described in subdivision (a) and that,
37 according to the findings of the court, this parent or guardian has
38 not subsequently made a reasonable effort to treat the problems
39 that led to removal of the sibling or half sibling of that child from
40 that parent or guardian.

1 (11) That the parental rights of a parent over any sibling or half
2 sibling of the child had been permanently severed, and this parent
3 is the same parent described in subdivision (a), and that, according
4 to the findings of the court, this parent has not subsequently made
5 a reasonable effort to treat the problems that led to removal of the
6 sibling or half sibling of that child from the parent.

7 (12) That the parent or guardian of the child has been convicted
8 of a violent felony, as defined in subdivision (c) of Section 667.5
9 of the Penal Code.

10 (13) That the parent or guardian of the child has a history of
11 extensive, abusive, and chronic use of drugs or alcohol and has
12 resisted prior court-ordered treatment for this problem during a
13 three-year period immediately prior to the filing of the petition
14 that brought that child to the court's attention, or has failed or
15 refused to comply with a program of drug or alcohol treatment
16 described in the case plan required by Section 358.1 on at least
17 two prior occasions, even though the programs identified were
18 available and accessible.

19 (14) That the parent or guardian of the child has advised the
20 court that he or she is not interested in receiving family
21 maintenance or family reunification services or having the child
22 returned to or placed in his or her custody and does not wish to
23 receive family maintenance or reunification services.

24 The parent or guardian shall be represented by counsel and shall
25 execute a waiver of services form to be adopted by the Judicial
26 Council. The court shall advise the parent or guardian of any right
27 to services and of the possible consequences of a waiver of
28 services, including the termination of parental rights and placement
29 of the child for adoption. The court shall not accept the waiver of
30 services unless it states on the record its finding that the parent or
31 guardian has knowingly and intelligently waived the right to
32 services.

33 (15) That the parent or guardian has on one or more occasions
34 willfully abducted the child or child's sibling or half sibling from
35 his or her placement and refused to disclose the child's or child's
36 sibling's or half sibling's whereabouts, refused to return physical
37 custody of the child or child's sibling or half sibling to his or her
38 placement, or refused to return physical custody of the child or
39 child's sibling or half sibling to the social worker.

1 (16) That the parent or guardian has been required by the court
2 to be registered on a sex offender registry under the federal Adam
3 Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.
4 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the
5 Child Abuse Prevention and Treatment Act of 2006 (42 U.S.C.
6 Sec. 5106a(2)(B)(xvi)(VI)).

7 (c) In deciding whether to order reunification in any case in
8 which this section applies, the court shall hold a dispositional
9 hearing. The social worker shall prepare a report that discusses
10 whether reunification services shall be provided. When it is alleged,
11 pursuant to paragraph (2) of subdivision (b), that the parent is
12 incapable of utilizing services due to mental disability, the court
13 shall order reunification services unless competent evidence from
14 mental health professionals establishes that, even with the provision
15 of services, the parent is unlikely to be capable of adequately caring
16 for the child within the time limits specified in subdivision (a).

17 The court shall not order reunification for a parent or guardian
18 described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12),
19 (13), (14), (15), or (16) of subdivision (b) unless the court finds,
20 by clear and convincing evidence, that reunification is in the best
21 interest of the child.

22 In addition, the court shall not order reunification in any situation
23 described in paragraph (5) of subdivision (b) unless it finds that,
24 based on competent testimony, those services are likely to prevent
25 reabuse or continued neglect of the child or that failure to try
26 reunification will be detrimental to the child because the child is
27 closely and positively attached to that parent. The social worker
28 shall investigate the circumstances leading to the removal of the
29 child and advise the court whether there are circumstances that
30 indicate that reunification is likely to be successful or unsuccessful
31 and whether failure to order reunification is likely to be detrimental
32 to the child.

33 The failure of the parent to respond to previous services, the fact
34 that the child was abused while the parent was under the influence
35 of drugs or alcohol, a past history of violent behavior, or testimony
36 by a competent professional that the parent's behavior is unlikely
37 to be changed by services are among the factors indicating that
38 reunification services are unlikely to be successful. The fact that
39 a parent or guardian is no longer living with an individual who
40 severely abused the child may be considered in deciding that

1 reunification services are likely to be successful, provided that the
2 court shall consider any pattern of behavior on the part of the parent
3 that has exposed the child to repeated abuse.

4 (d) If reunification services are not ordered pursuant to
5 paragraph (1) of subdivision (b) and the whereabouts of a parent
6 become known within six months of the out-of-home placement
7 of the child, the court shall order the social worker to provide
8 family reunification services in accordance with this subdivision.

9 (e) (1) If the parent or guardian is incarcerated, institutionalized,
10 or detained by the United States Department of Homeland Security,
11 or has been deported to his or her country of origin, the court shall
12 order reasonable services unless the court determines, by clear and
13 convincing evidence, those services would be detrimental to the
14 child. In determining detriment, the court shall consider the age
15 of the child, the degree of parent-child bonding, the length of the
16 sentence, the length and nature of the treatment, the nature of the
17 crime or illness, the degree of detriment to the child if services are
18 not offered and, for children 10 years of age or older, the child's
19 attitude toward the implementation of family reunification services,
20 the likelihood of the parent's discharge from incarceration,
21 institutionalization, or detention within the reunification time
22 limitations described in subdivision (a), and any other appropriate
23 factors. In determining the content of reasonable services, the court
24 shall consider the particular barriers to an incarcerated,
25 institutionalized, detained, or deported parent's access to those
26 court-mandated services and ability to maintain contact with his
27 or her child, and shall document this information in the child's
28 case plan. Reunification services are subject to the applicable time
29 limitations imposed in subdivision (a). Services may include, but
30 shall not be limited to, all of the following:

31 (A) Maintaining contact between the parent and child through
32 collect telephone calls.

33 (B) Transportation services, where appropriate.

34 (C) Visitation services, where appropriate.

35 (D) Reasonable services to extended family members or foster
36 parents providing care for the child if the services are not
37 detrimental to the child.

38 An incarcerated or detained parent may be required to attend
39 counseling, parenting classes, or vocational training programs as
40 part of the reunification service plan if actual access to these

1 services is provided. The social worker shall document in the
2 child's case plan the particular barriers to an incarcerated,
3 institutionalized, or detained parent's access to those
4 court-mandated services and ability to maintain contact with his
5 or her child.

6 (E) Reasonable efforts to assist parents who have been deported
7 to contact child welfare authorities in their country of origin, to
8 identify any available services that would substantially comply
9 with case plan requirements, to document the parents' participation
10 in those services, and to accept reports from local child welfare
11 authorities as to the parents' living situation, progress, and
12 participation in services.

13 (2) The presiding judge of the juvenile court of each county
14 may convene representatives of the county welfare department,
15 the sheriff's department, and other appropriate entities for the
16 purpose of developing and entering into protocols for ensuring the
17 notification, transportation, and presence of an incarcerated or
18 institutionalized parent at all court hearings involving proceedings
19 affecting the child pursuant to Section 2625 of the Penal Code.
20 The county welfare department shall utilize the prisoner locator
21 system developed by the Department of Corrections and
22 Rehabilitation to facilitate timely and effective notice of hearings
23 for incarcerated parents.

24 (3) Notwithstanding any other ~~provision~~ of law, if the
25 incarcerated parent is a woman seeking to participate in the
26 community treatment program operated by the Department of
27 Corrections and Rehabilitation pursuant to Chapter 4.8
28 (commencing with Section 1174) of Title 7 of Part 2 of, Chapter
29 4 (commencing with Section 3410) of Title 2 of Part 3 of, the Penal
30 Code, the court shall determine whether the parent's participation
31 in a program is in the child's best interest and whether it is suitable
32 to meet the needs of the parent and child.

33 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
34 (8), (9), (10), (11), (12), (13), (14), (15), or (16) of subdivision (b)
35 or paragraph (1) of subdivision (e), does not order reunification
36 services, it shall, at the dispositional hearing, that shall include a
37 permanency hearing, determine if a hearing under Section 366.26
38 shall be set in order to determine whether adoption, guardianship,
39 ~~or long-term foster care~~, *placement with a fit and willing relative,*
40 *or another planned permanent living arrangement*, or in the case

1 of an Indian child, in consultation with the child's tribe, tribal
2 customary adoption, is the most appropriate plan for the child, and
3 shall consider in-state and out-of-state placement options. If the
4 court so determines, it shall conduct the hearing pursuant to Section
5 366.26 within 120 days after the dispositional hearing. However,
6 the court shall not schedule a hearing so long as the other parent
7 is being provided reunification services pursuant to subdivision
8 (a). The court may continue to permit the parent to visit the child
9 unless it finds that visitation would be detrimental to the child.

10 (g) (1) Whenever a court orders that a hearing shall be held
11 pursuant to Section 366.26, including, when, in consultation with
12 the child's tribe, tribal customary adoption is recommended, it
13 shall direct the agency supervising the child and the county
14 adoption agency, or the State Department of Social Services when
15 it is acting as an adoption agency, to prepare an assessment that
16 shall include:

17 (A) Current search efforts for an absent parent or parents and
18 notification of a noncustodial parent in the manner provided for
19 in Section 291.

20 (B) A review of the amount of and nature of any contact between
21 the child and his or her parents and other members of his or her
22 extended family since the time of placement. Although the
23 extended family of each child shall be reviewed on a case-by-case
24 basis, "extended family" for the purpose of this subparagraph shall
25 include, but not be limited to, the child's siblings, grandparents,
26 aunts, and uncles.

27 (C) An evaluation of the child's medical, developmental,
28 scholastic, mental, and emotional status.

29 (D) A preliminary assessment of the eligibility and commitment
30 of any identified prospective adoptive parent or guardian, including
31 a prospective tribal customary adoptive parent, particularly the
32 caretaker, to include a social history, including screening for
33 criminal records and prior referrals for child abuse or neglect, the
34 capability to meet the child's needs, and the understanding of the
35 legal and financial rights and responsibilities of adoption and
36 guardianship. If a proposed guardian is a relative of the minor, the
37 assessment shall also consider, but need not be limited to, all of
38 the factors specified in subdivision (a) of Section 361.3 and in
39 Section 361.4. As used in this subparagraph, "relative" means an
40 adult who is related to the minor by blood, adoption, or affinity

1 within the fifth degree of kinship, including stepparents,
2 stepsiblings, and all relatives whose status is preceded by the words
3 “great,” “great-great,” or “grand,” or the spouse of any of those
4 persons even if the marriage was terminated by death or
5 dissolution. If the proposed permanent plan is guardianship with
6 an approved relative caregiver for a minor eligible for aid under
7 the Kin-GAP Program, as provided for in Article 4.7 (commencing
8 with Section 11385) of Chapter 2 of Part 3 of Division 9, “relative”
9 as used in this section has the same meaning as “relative” as
10 defined in subdivision (c) of Section 11391.

11 (E) The relationship of the child to any identified prospective
12 adoptive parent or guardian, including a prospective tribal
13 customary parent, the duration and character of the relationship,
14 the degree of attachment of the child to the prospective relative
15 guardian or adoptive parent, the relative’s or adoptive parent’s
16 strong commitment to caring permanently for the child, the
17 motivation for seeking adoption or guardianship, a statement from
18 the child concerning placement and the adoption or guardianship,
19 and whether the child over 12 years of age has been consulted
20 about the proposed relative guardianship arrangements, unless the
21 child’s age or physical, emotional, or other condition precludes
22 his or her meaningful response, and if so, a description of the
23 condition.

24 (F) An analysis of the likelihood that the child will be adopted
25 if parental rights are terminated.

26 (G) In the case of an Indian child, in addition to subparagraphs
27 (A) to (F), inclusive, an assessment of the likelihood that the child
28 will be adopted, when, in consultation with the child’s tribe, a
29 customary adoption, as defined in Section 366.24, is recommended.
30 If tribal customary adoption is recommended, the assessment shall
31 include an analysis of both of the following:

32 (i) Whether tribal customary adoption would or would not be
33 detrimental to the Indian child and the reasons for reaching that
34 conclusion.

35 (ii) Whether the Indian child cannot or should not be returned
36 to the home of the Indian parent or Indian custodian and the reasons
37 for reaching that conclusion.

38 (2) (A) A relative caregiver’s preference for legal guardianship
39 over adoption, if it is due to circumstances that do not include an
40 unwillingness to accept legal or financial responsibility for the

1 child, shall not constitute the sole basis for recommending removal
2 of the child from the relative caregiver for purposes of adoptive
3 placement.

4 (B) Regardless of his or her immigration status, a relative
5 caregiver shall be given information regarding the permanency
6 options of guardianship and adoption, including the long-term
7 benefits and consequences of each option, prior to establishing
8 legal guardianship or pursuing adoption. If the proposed permanent
9 plan is guardianship with an approved relative caregiver for a
10 minor eligible for aid under the Kin-GAP Program, as provided
11 for in Article 4.7 (commencing with Section 11385) of Chapter 2
12 of Part 3 of Division 9, the relative caregiver shall be informed
13 about the terms and conditions of the negotiated agreement
14 pursuant to Section 11387 and shall agree to its execution prior to
15 the hearing held pursuant to Section 366.26. A copy of the executed
16 negotiated agreement shall be attached to the assessment.

17 (h) If, at any hearing held pursuant to Section 366.26, a
18 guardianship is established for the minor with an approved relative
19 caregiver and juvenile court dependency is subsequently dismissed,
20 the minor shall be eligible for aid under the Kin-GAP Program as
21 provided for in Article 4.5 (commencing with Section 11360) or
22 Article 4.7 (commencing with Section 11385) of Chapter 2 of Part
23 3 of Division 9, as applicable.

24 (i) In determining whether reunification services will benefit
25 the child pursuant to paragraph (6) or (7) of subdivision (b), the
26 court shall consider any information it deems relevant, including
27 the following factors:

28 (1) The specific act or omission comprising the severe sexual
29 abuse or the severe physical harm inflicted on the child or the
30 child's sibling or half sibling.

31 (2) The circumstances under which the abuse or harm was
32 inflicted on the child or the child's sibling or half sibling.

33 (3) The severity of the emotional trauma suffered by the child
34 or the child's sibling or half sibling.

35 (4) Any history of abuse of other children by the offending
36 parent or guardian.

37 (5) The likelihood that the child may be safely returned to the
38 care of the offending parent or guardian within 12 months with no
39 continuing supervision.

1 (6) Whether or not the child desires to be reunified with the
2 offending parent or guardian.

3 (j) When the court determines that reunification services will
4 not be ordered, it shall order that the child's caregiver receive the
5 child's birth certificate in accordance with Sections 16010.4 and
6 16010.5. Additionally, when the court determines that reunification
7 services will not be ordered, it shall order, when appropriate, that
8 a child who is 16 years of age or older receive his or her birth
9 certificate.

10 (k) The court shall read into the record the basis for a finding
11 of severe sexual abuse or the infliction of severe physical harm
12 under paragraph (6) of subdivision (b), and shall also specify the
13 factual findings used to determine that the provision of
14 reunification services to the offending parent or guardian would
15 not benefit the child.

16 ~~SEC. 11.~~

17 *SEC. 36.* Section 366.26 of the Welfare and Institutions Code
18 is amended to read:

19 366.26. (a) This section applies to children who are adjudged
20 dependent children of the juvenile court pursuant to subdivision
21 (d) of Section 360. The procedures specified herein are the
22 exclusive procedures for conducting these hearings; Part 2
23 (commencing with Section 3020) of Division 8 of the Family Code
24 is not applicable to these proceedings. Section 8616.5 of the Family
25 Code is applicable and available to all dependent children meeting
26 the requirements of that section, if the postadoption contact
27 agreement has been entered into voluntarily. For children who are
28 adjudged dependent children of the juvenile court pursuant to
29 subdivision (d) of Section 360, this section and Sections 8604,
30 8605, 8606, and 8700 of the Family Code and Chapter 5
31 (commencing with Section 7660) of Part 3 of Division 12 of the
32 Family Code specify the exclusive procedures for permanently
33 terminating parental rights with regard to, or establishing legal
34 guardianship of, the child while the child is a dependent child of
35 the juvenile court.

36 (b) At the hearing, which shall be held in juvenile court for all
37 children who are dependents of the juvenile court, the court, in
38 order to provide stable, permanent homes for these children, shall
39 review the report as specified in Section 361.5, 366.21, 366.22, or
40 366.25, shall indicate that the court has read and considered it,

1 shall receive other evidence that the parties may present, and then
2 shall make findings and orders in the following order of preference:

3 (1) Terminate the rights of the parent or parents and order that
4 the child be placed for adoption and, upon the filing of a petition
5 for adoption in the juvenile court, order that a hearing be set. The
6 court shall proceed with the adoption after the appellate rights of
7 the natural parents have been exhausted.

8 (2) Order, without termination of parental rights, the plan of
9 tribal customary adoption, as described in Section 366.24, through
10 tribal custom, traditions, or law of the Indian child's tribe, and
11 upon the court affording the tribal customary adoption order full
12 faith and credit at the continued selection and implementation
13 hearing, order that a hearing be set pursuant to paragraph (2) of
14 subdivision (e).

15 (3) Appoint a relative or relatives with whom the child is
16 currently residing as legal guardian or guardians for the child, and
17 order that letters of guardianship issue.

18 (4) On making a finding under paragraph (3) of subdivision (c),
19 identify adoption or tribal customary adoption as the permanent
20 placement goal and order that efforts be made to locate an
21 appropriate adoptive family for the child within a period not to
22 exceed 180 days.

23 (5) Appoint a nonrelative legal guardian for the child and order
24 that letters of guardianship issue.

25 (6) Order that the child be permanently placed with a fit and
26 willing relative, subject to the periodic review of the juvenile court
27 under Section 366.3.

28 (7) Order that the child remain in foster care, subject to the
29 conditions described in paragraph (4) of subdivision (c) and the
30 periodic review of the juvenile court under Section 366.3.

31 In choosing among the above alternatives the court shall proceed
32 pursuant to subdivision (c).

33 (c) (1) If the court determines, based on the assessment provided
34 as ordered under subdivision (i) of Section 366.21, subdivision (b)
35 of Section 366.22, or subdivision (b) of Section 366.25, and any
36 other relevant evidence, by a clear and convincing standard, that
37 it is likely the child will be adopted, the court shall terminate
38 parental rights and order the child placed for adoption. The fact
39 that the child is not yet placed in a preadoptive home nor with a
40 relative or foster family who is prepared to adopt the child, shall

1 not constitute a basis for the court to conclude that it is not likely
2 the child will be adopted. A finding under subdivision (b) or
3 paragraph (1) of subdivision (e) of Section 361.5 that reunification
4 services shall not be offered, under subdivision (e) of Section
5 366.21 that the whereabouts of a parent have been unknown for
6 six months or that the parent has failed to visit or contact the child
7 for six months, or that the parent has been convicted of a felony
8 indicating parental unfitness, or, under Section 366.21 or 366.22,
9 that the court has continued to remove the child from the custody
10 of the parent or guardian and has terminated reunification services,
11 shall constitute a sufficient basis for termination of parental rights.
12 Under these circumstances, the court shall terminate parental rights
13 unless either of the following applies:

14 (A) The child is living with a relative who is unable or unwilling
15 to adopt the child because of circumstances that do not include an
16 unwillingness to accept legal or financial responsibility for the
17 child, but who is willing and capable of providing the child with
18 a stable and permanent environment through legal guardianship,
19 and the removal of the child from the custody of his or her relative
20 would be detrimental to the emotional well-being of the child. For
21 purposes of an Indian child, "relative" shall include an "extended
22 family member," as defined in the federal Indian Child Welfare
23 Act of 1978 (25 U.S.C. Sec. 1903(2)).

24 (B) The court finds a compelling reason for determining that
25 termination would be detrimental to the child due to one or more
26 of the following circumstances:

27 (i) The parents have maintained regular visitation and contact
28 with the child and the child would benefit from continuing the
29 relationship.

30 (ii) A child 12 years of age or older objects to termination of
31 parental rights.

32 (iii) The child is placed in a residential treatment facility,
33 adoption is unlikely or undesirable, and continuation of parental
34 rights will not prevent finding the child a permanent family
35 placement if the parents cannot resume custody when residential
36 care is no longer needed.

37 (iv) The child is living with a foster parent or Indian custodian
38 who is unable or unwilling to adopt the child because of
39 exceptional circumstances, that do not include an unwillingness
40 to accept legal or financial responsibility for the child, but who is

1 willing and capable of providing the child with a stable and
2 permanent environment and the removal of the child from the
3 physical custody of his or her foster parent or Indian custodian
4 would be detrimental to the emotional well-being of the child. This
5 clause does not apply to any child who is either (I) under six years
6 of age or (II) a member of a sibling group where at least one child
7 is under six years of age and the siblings are, or should be,
8 permanently placed together.

9 (v) There would be substantial interference with a child's sibling
10 relationship, taking into consideration the nature and extent of the
11 relationship, including, but not limited to, whether the child was
12 raised with a sibling in the same home, whether the child shared
13 significant common experiences or has existing close and strong
14 bonds with a sibling, and whether ongoing contact is in the child's
15 best interest, including the child's long-term emotional interest,
16 as compared to the benefit of legal permanence through adoption.

17 (vi) The child is an Indian child and there is a compelling reason
18 for determining that termination of parental rights would not be
19 in the best interest of the child, including, but not limited to:

20 (I) Termination of parental rights would substantially interfere
21 with the child's connection to his or her tribal community or the
22 child's tribal membership rights.

23 (II) The child's tribe has identified guardianship, foster care
24 with a fit and willing relative, tribal customary adoption, or another
25 planned permanent living arrangement for the child.

26 (III) The child is a nonminor dependent, and the nonminor and
27 the nonminor's tribe have identified tribal customary adoption for
28 the nonminor.

29 (C) For purposes of subparagraph (B), in the case of tribal
30 customary adoptions, Section 366.24 shall apply.

31 (D) If the court finds that termination of parental rights would
32 be detrimental to the child pursuant to clause (i), (ii), (iii), (iv),
33 (v), or (vi), it shall state its reasons in writing or on the record.

34 (2) The court shall not terminate parental rights if:

35 (A) At each hearing at which the court was required to consider
36 reasonable efforts or services, the court has found that reasonable
37 efforts were not made or that reasonable services were not offered
38 or provided.

39 (B) In the case of an Indian child:

1 (i) At the hearing terminating parental rights, the court has found
2 that active efforts were not made as required in Section 361.7.

3 (ii) The court does not make a determination at the hearing
4 terminating parental rights, supported by evidence beyond a
5 reasonable doubt, including testimony of one or more “qualified
6 expert witnesses” as defined in Section 224.6, that the continued
7 custody of the child by the parent is likely to result in serious
8 emotional or physical damage to the child.

9 (iii) The court has ordered tribal customary adoption pursuant
10 to Section 366.24.

11 (3) If the court finds that termination of parental rights would
12 not be detrimental to the child pursuant to paragraph (1) and that
13 the child has a probability for adoption but is difficult to place for
14 adoption and there is no identified or available prospective adoptive
15 parent, the court may identify adoption as the permanent placement
16 goal ~~and~~ *and*, without terminating parental rights, order that efforts
17 be made to locate an appropriate adoptive family for the child,
18 within the state or out of the state, within a period not to exceed
19 180 days. During this 180-day period, the public agency
20 responsible for seeking adoptive parents for each child shall, to
21 the extent possible, ask each child who is 10 years of age or ~~older~~,
22 *older* to identify any individuals, other than the child’s siblings,
23 who are important to the child, in order to identify potential
24 adoptive parents. The public agency may ask any other child to
25 provide that information, as appropriate. During the 180-day
26 period, the public agency shall, to the extent possible, contact other
27 private and public adoption agencies regarding the availability of
28 the child for adoption. During the 180-day period, the public
29 agency shall conduct the search for adoptive parents in the same
30 manner as prescribed for children in Sections 8708 and 8709 of
31 the Family Code. At the expiration of this period, another hearing
32 shall be held and the court shall proceed pursuant to paragraph
33 (1), (2), (3), (5), or (6) of subdivision (b). For purposes of this
34 section, a child may only be found to be difficult to place for
35 adoption if there is no identified or available prospective adoptive
36 parent for the child because of the child’s membership in a sibling
37 group, or the presence of a diagnosed medical, physical, or mental
38 handicap, or the child is seven years of age or ~~more~~ *older*.

39 (4) (A) If the court finds that adoption of the child or
40 termination of parental rights is not in the best interest of the child,

1 because one of the conditions in clause (i), (ii), (iii), (iv), (v), or
2 (vi) of subparagraph (B) of paragraph (1) or in paragraph (2)
3 applies, the court shall order that the present caretakers or other
4 appropriate persons shall become legal guardians of the child, or,
5 in the case of an Indian child, consider a tribal customary adoption
6 pursuant to Section 366.24. Legal guardianship shall be considered
7 before continuing the child in foster care under any other permanent
8 plan, if it is in the best interests of the child and if a suitable
9 guardian can be found. If the child continues in foster care, the
10 court shall make factual findings identifying any barriers to
11 achieving adoption, tribal customary adoption in the case of an
12 Indian child, legal guardianship, or placement with a fit and willing
13 relative as of the date of the hearing. A child who is 10 years of
14 age or older, shall be asked to identify any individuals, other than
15 the child's siblings, who are important to the child, in order to
16 identify potential guardians or, in the case of an Indian child,
17 prospective tribal customary adoptive parents. The agency may
18 ask any other child to provide that information, as appropriate.

19 (B) (i) If the child is living with an approved relative who is
20 willing and capable of providing a stable and permanent
21 environment, but not willing to become a legal guardian as of the
22 hearing date, the court shall order a permanent plan of placement
23 with a fit and willing relative, and the child shall not be removed
24 from the home if the court finds the removal would be seriously
25 detrimental to the emotional well-being of the child because the
26 child has substantial psychological ties to the relative caretaker.

27 (ii) If the child is living with a nonrelative caregiver who is
28 willing and capable of providing a stable and permanent
29 environment, but not willing to become a legal guardian as of the
30 hearing date, the court shall order that the child remain in foster
31 care with a permanent plan of return home, adoption, legal
32 guardianship, or placement with a fit and willing relative, as
33 appropriate. If the child is 16 years of age or older, or a nonminor
34 dependent, and no other permanent plan is appropriate at the time
35 of the hearing, the court may order another planned permanent
36 living arrangement, as described in paragraph (2) of subdivision
37 (i) of Section 16501. Regardless of the age of the child, the child
38 shall not be removed from the home if the court finds the removal
39 would be seriously detrimental to the emotional well-being of the

1 child because the child has substantial psychological ties to the
2 caregiver.

3 (iii) If the child is living in a group home or, on or after January
4 1, 2017, a short-term residential treatment center, the court shall
5 order that the child remain in foster care with a permanent plan of
6 return home, adoption, tribal customary adoption in the case of an
7 Indian child, legal guardianship, or placement with a fit and willing
8 relative, as appropriate. If the child is 16 years of age or older, or
9 a nonminor dependent, and no other permanent plan is appropriate
10 at the time of the hearing, the court may order another planned
11 permanent living arrangement, as described in paragraph (2) of
12 subdivision (i) of Section 16501.

13 (C) The court shall also make an order for visitation with the
14 parents or guardians unless the court finds by a preponderance of
15 the evidence that the visitation would be detrimental to the physical
16 or emotional well-being of the child.

17 (5) If the court finds that the child should not be placed for
18 adoption, that legal guardianship shall not be established, that
19 placement with a fit and willing relative is not appropriate as of
20 the hearing date, and that there are no suitable foster parents except
21 ~~exclusive-use homes~~ *certified family homes or resource families*
22 *of a foster family agency* available to provide the child with a stable
23 and permanent environment, the court may order the care, custody,
24 and control of the child transferred from the county welfare
25 department to a licensed foster family agency. The court shall
26 consider the written recommendation of the county welfare director
27 regarding the suitability of the transfer. The transfer shall be subject
28 to further court orders.

29 The licensed foster family agency shall place the child in a
30 suitable licensed or ~~exclusive-use~~ *certified family* home that has
31 been certified by the agency as meeting licensing ~~standards~~
32 *standards or with a resource family approved by the agency*. The
33 licensed foster family agency shall be responsible for supporting
34 the child and providing appropriate services to the child, including
35 those services ordered by the court. Responsibility for the support
36 of the child shall not, in and of itself, create liability on the part of
37 the foster family agency to third persons injured by the child. Those
38 children whose care, custody, and control are transferred to a foster
39 family agency shall not be eligible for foster care maintenance

1 payments or child welfare services, except for emergency response
2 services pursuant to Section 16504.

3 (d) The proceeding for the appointment of a guardian for a child
4 who is a dependent of the juvenile court shall be in the juvenile
5 court. If the court finds pursuant to this section that legal
6 guardianship is the appropriate permanent plan, it shall appoint
7 the legal guardian and issue letters of guardianship. The assessment
8 prepared pursuant to subdivision (g) of Section 361.5, subdivision
9 (i) of Section 366.21, subdivision (b) of Section 366.22, and
10 subdivision (b) of Section 366.25 shall be read and considered by
11 the court prior to the appointment, and this shall be reflected in
12 the minutes of the court. The person preparing the assessment may
13 be called and examined by any party to the proceeding.

14 (e) (1) The proceeding for the adoption of a child who is a
15 dependent of the juvenile court shall be in the juvenile court if the
16 court finds pursuant to this section that adoption is the appropriate
17 permanent plan and the petition for adoption is filed in the juvenile
18 court. Upon the filing of a petition for adoption, the juvenile court
19 shall order that an adoption hearing be set. The court shall proceed
20 with the adoption after the appellate rights of the natural parents
21 have been exhausted. The full report required by Section 8715 of
22 the Family Code shall be read and considered by the court prior
23 to the adoption and this shall be reflected in the minutes of the
24 court. The person preparing the report may be called and examined
25 by any party to the proceeding. It is the intent of the Legislature,
26 pursuant to this subdivision, to give potential adoptive parents the
27 option of filing in the juvenile court the petition for the adoption
28 of a child who is a dependent of the juvenile court. Nothing in this
29 section is intended to prevent the filing of a petition for adoption
30 in any other court as permitted by law, instead of in the juvenile
31 court.

32 (2) In the case of an Indian child, if the Indian child's tribe has
33 elected a permanent plan of tribal customary adoption, the court,
34 upon receiving the tribal customary adoption order will afford the
35 tribal customary adoption order full faith and credit to the same
36 extent that the court would afford full faith and credit to the public
37 acts, records, judicial proceedings, and judgments of any other
38 entity. Upon a determination that the tribal customary adoption
39 order may be afforded full faith and credit, consistent with Section
40 224.5, the court shall thereafter order a hearing to finalize the

1 adoption be set upon the filing of the adoption petition. The
2 prospective tribal customary adoptive parents and the child who
3 is the subject of the tribal customary adoption petition shall appear
4 before the court for the finalization hearing. The court shall
5 thereafter issue an order of adoption pursuant to Section 366.24.

6 (3) If a child who is the subject of a finalized tribal customary
7 adoption shows evidence of a developmental disability or mental
8 illness as a result of conditions existing before the tribal customary
9 adoption to the extent that the child cannot be relinquished to a
10 licensed adoption agency on the grounds that the child is considered
11 unadoptable, and of which condition the tribal customary adoptive
12 parent or parents had no knowledge or notice before the entry of
13 the tribal customary adoption order, a petition setting forth those
14 facts may be filed by the tribal customary adoptive parent or
15 parents with the juvenile court that granted the tribal customary
16 adoption petition. If these facts are proved to the satisfaction of
17 the juvenile court, it may make an order setting aside the tribal
18 customary adoption order. The set-aside petition shall be filed
19 within five years of the issuance of the tribal customary adoption
20 order. The court clerk shall immediately notify the child's tribe
21 and the department in Sacramento of the petition within 60 days
22 after the notice of filing of the petition. The department shall file
23 a full report with the court and shall appear before the court for
24 the purpose of representing the child. Whenever a final decree of
25 tribal customary adoption has been vacated or set aside, the child
26 shall be returned to the custody of the county in which the
27 proceeding for tribal customary adoption was finalized. The
28 biological parent or parents of the child may petition for return of
29 custody. The disposition of the child after the court has entered an
30 order to set aside a tribal customary adoption shall include
31 consultation with the child's tribe.

32 (f) At the beginning of any proceeding pursuant to this section,
33 if the child or the parents are not being represented by previously
34 retained or appointed counsel, the court shall proceed as follows:

35 (1) In accordance with subdivision (c) of Section 317, if a child
36 before the court is without counsel, the court shall appoint counsel
37 unless the court finds that the child would not benefit from the
38 appointment of counsel. The court shall state on the record its
39 reasons for that finding.

1 (2) If a parent appears without counsel and is unable to afford
2 counsel, the court shall appoint counsel for the parent, unless this
3 representation is knowingly and intelligently waived. The same
4 counsel shall not be appointed to represent both the child and his
5 or her parent. The public defender or private counsel may be
6 appointed as counsel for the parent.

7 (3) Private counsel appointed under this section shall receive a
8 reasonable sum for compensation and expenses, the amount of
9 which shall be determined by the court. The amount shall be paid
10 by the real parties in interest, other than the child, in any
11 proportions the court deems just. However, if the court finds that
12 any of the real parties in interest are unable to afford counsel, the
13 amount shall be paid out of the general fund of the county.

14 (g) The court may continue the proceeding for a period of time
15 not to exceed 30 days as necessary to appoint counsel, and to
16 enable counsel to become acquainted with the case.

17 (h) (1) At all proceedings under this section, the court shall
18 consider the wishes of the child and shall act in the best interests
19 of the child.

20 (2) In accordance with Section 349, the child shall be present
21 in court if the child or the child's counsel so requests or the court
22 so orders. If the child is 10 years of age or older and is not present
23 at a hearing held pursuant to this section, the court shall determine
24 whether the minor was properly notified of his or her right to attend
25 the hearing and inquire as to the reason why the child is not present.

26 (3) (A) The testimony of the child may be taken in chambers
27 and outside the presence of the child's parent or parents, if the
28 child's parent or parents are represented by counsel, the counsel
29 is present, and any of the following circumstances ~~exists~~: *exist*:

30 (i) The court determines that testimony in chambers is necessary
31 to ensure truthful testimony.

32 (ii) The child is likely to be intimidated by a formal courtroom
33 setting.

34 (iii) The child is afraid to testify in front of his or her parent or
35 parents.

36 (B) After testimony in chambers, the parent or parents of the
37 child may elect to have the court reporter read back the testimony
38 or have the testimony summarized by counsel for the parent or
39 parents.

1 (C) The testimony of a child also may be taken in chambers and
2 outside the presence of the guardian or guardians of a child under
3 the circumstances specified in this subdivision.

4 (i) (1) Any order of the court permanently terminating parental
5 rights under this section shall be conclusive and binding upon the
6 child, upon the parent or parents ~~and~~ and, upon all other persons
7 who have been served with citation by publication or otherwise
8 as provided in this chapter. After making the order, the juvenile
9 court shall have no power to set aside, change, or modify it, except
10 as provided in paragraph (2), but nothing in this section shall be
11 construed to limit the right to appeal the order.

12 (2) A tribal customary adoption order evidencing that the Indian
13 child has been the subject of a tribal customary adoption shall be
14 afforded full faith and credit and shall have the same force and
15 effect as an order of adoption authorized by this section. The rights
16 and obligations of the parties as to the matters determined by the
17 Indian child's tribe shall be binding on all parties. A court shall
18 not order compliance with the order absent a finding that the party
19 seeking the enforcement participated, or attempted to participate,
20 in good faith, in family mediation services of the court or dispute
21 resolution through the tribe regarding the conflict, prior to the
22 filing of the enforcement action.

23 (3) A child who has not been adopted after the passage of at
24 least three years from the date the court terminated parental rights
25 and for whom the court has determined that adoption is no longer
26 the permanent plan may petition the juvenile court to reinstate
27 parental rights pursuant to the procedure prescribed by Section
28 388. The child may file the petition prior to the expiration of this
29 three-year period if the State Department of Social Services, county
30 adoption agency, or licensed adoption agency that is responsible
31 for custody and supervision of the child as described in subdivision
32 (j) and the child stipulate that the child is no longer likely to be
33 adopted. A child over 12 years of age shall sign the petition in the
34 absence of a showing of good cause as to why the child could not
35 do so. If it appears that the best interests of the child may be
36 promoted by reinstatement of parental rights, the court shall order
37 that a hearing be held and shall give prior notice, or cause prior
38 notice to be given, to the social worker or probation officer and to
39 the child's attorney of record, or, if there is no attorney of record
40 for the child, to the child, and the child's tribe, if applicable, by

1 means prescribed by subdivision (c) of Section 297. The court
2 shall order the child or the social worker or probation officer to
3 give prior notice of the hearing to the child's former parent or
4 parents whose parental rights were terminated in the manner
5 prescribed by subdivision (f) of Section 294 where the
6 recommendation is adoption. The juvenile court shall grant the
7 petition if it finds by clear and convincing evidence that the child
8 is no longer likely to be adopted and that reinstatement of parental
9 rights is in the child's best interest. If the court reinstates parental
10 rights over a child who is under 12 years of age and for whom the
11 new permanent plan will not be reunification with a parent or legal
12 guardian, the court shall specify the factual basis for its findings
13 that it is in the best interest of the child to reinstate parental rights.
14 This subdivision is intended to be retroactive and applies to any
15 child who is under the jurisdiction of the juvenile court at the time
16 of the hearing regardless of the date parental rights were terminated.

17 (j) If the court, by order or judgment, declares the child free
18 from the custody and control of both parents, or one parent if the
19 other does not have custody and control, or declares the child
20 eligible for tribal customary adoption, the court shall at the same
21 time order the child referred to the State Department of Social
22 Services, county adoption agency, or licensed adoption agency for
23 adoptive placement by the agency. However, except in the case
24 of a tribal customary adoption where there is no termination of
25 parental rights, a petition for adoption may not be granted until
26 the appellate rights of the natural parents have been exhausted.
27 The State Department of Social Services, county adoption agency,
28 or licensed adoption agency shall be responsible for the custody
29 and supervision of the child and shall be entitled to the exclusive
30 care and control of the child at all times until a petition for adoption
31 or tribal customary adoption is granted, except as specified in
32 subdivision (n). With the consent of the agency, the court may
33 appoint a guardian of the child, who shall serve until the child is
34 adopted.

35 (k) Notwithstanding any other law, the application of any person
36 who, as a relative caretaker or foster parent, has cared for a
37 dependent child for whom the court has approved a permanent
38 plan for adoption, or who has been freed for adoption, shall be
39 given preference with respect to that child over all other
40 applications for adoptive placement if the agency making the

1 placement determines that the child has substantial emotional ties
2 to the relative caretaker or foster parent and removal from the
3 relative caretaker or foster parent would be seriously detrimental
4 to the child's emotional well-being.

5 As used in this subdivision, "preference" means that the
6 application shall be processed and, if satisfactory, the family study
7 shall be completed before the processing of the application of any
8 other person for the adoptive placement of the child.

9 (l) (1) An order by the court that a hearing pursuant to this
10 section be held is not appealable at any time unless all of the
11 following apply:

12 (A) A petition for extraordinary writ review was filed in a timely
13 manner.

14 (B) The petition substantively addressed the specific issues to
15 be challenged and supported that challenge by an adequate record.

16 (C) The petition for extraordinary writ review was summarily
17 denied or otherwise not decided on the merits.

18 (2) Failure to file a petition for extraordinary writ review within
19 the period specified by rule, to substantively address the specific
20 issues challenged, or to support that challenge by an adequate
21 record shall preclude subsequent review by appeal of the findings
22 and orders made pursuant to this section.

23 (3) The Judicial Council shall adopt rules of court, effective
24 January 1, 1995, to ensure all of the following:

25 (A) A trial court, after issuance of an order directing a hearing
26 pursuant to this section be held, shall advise all parties of the
27 requirement of filing a petition for extraordinary writ review as
28 set forth in this subdivision in order to preserve any right to appeal
29 in these issues. This notice shall be made orally to a party if the
30 party is present at the time of the making of the order or by
31 first-class mail by the clerk of the court to the last known address
32 of a party not present at the time of the making of the order.

33 (B) The prompt transmittal of the records from the trial court
34 to the appellate court.

35 (C) That adequate time requirements for counsel and court
36 personnel exist to implement the objective of this subdivision.

37 (D) That the parent or guardian, or their trial counsel or other
38 counsel, is charged with the responsibility of filing a petition for
39 extraordinary writ relief pursuant to this subdivision.

40 (4) The intent of this subdivision is to do both of the following:

1 (A) Make every reasonable attempt to achieve a substantive and
2 meritorious review by the appellate court within the time specified
3 in Sections 366.21, 366.22, and 366.25 for holding a hearing
4 pursuant to this section.

5 (B) Encourage the appellate court to determine all writ petitions
6 filed pursuant to this subdivision on their merits.

7 (5) This subdivision shall only apply to cases in which an order
8 to set a hearing pursuant to this section is issued on or after January
9 1, 1995.

10 (m) Except for subdivision (j), this section shall also apply to
11 minors adjudged wards pursuant to Section 727.31.

12 (n) (1) Notwithstanding Section 8704 of the Family Code or
13 any other law, the court, at a hearing held pursuant to this section
14 or anytime thereafter, may designate a current caretaker as a
15 prospective adoptive parent if the child has lived with the caretaker
16 for at least six months, the caretaker currently expresses a
17 commitment to adopt the child, and the caretaker has taken at least
18 one step to facilitate the adoption process. In determining whether
19 to make that designation, the court may take into consideration
20 whether the caretaker is listed in the preliminary assessment
21 prepared by the county department in accordance with subdivision
22 (i) of Section 366.21 as an appropriate person to be considered as
23 an adoptive parent for the child and the recommendation of the
24 State Department of Social Services, county adoption agency, or
25 licensed adoption agency.

26 (2) For purposes of this subdivision, steps to facilitate the
27 adoption process include, but are not limited to, the following:

28 (A) *Applying for an adoption homestudy.*

29 (B) *Cooperating with an adoption homestudy.*

30 ~~(A)~~

31 (C) Being designated by the court or the adoption agency as the
32 adoptive family.

33 ~~(B)~~

34 (D) Requesting de facto parent status.

35 ~~(C)~~

36 (E) Signing an adoptive placement agreement.

37 ~~(D)~~

38 (F) Engaging in discussions regarding a postadoption contact
39 agreement.

40 ~~(E)~~

1 (G) Working to overcome any impediments that have been
2 identified by the State Department of Social Services, county
3 adoption agency, or licensed adoption agency.

4 ~~(F)~~

5 (H) Attending classes required of prospective adoptive parents.

6 (3) Prior to a change in placement and as soon as possible after
7 a decision is made to remove a child from the home of a designated
8 prospective adoptive parent, the agency shall notify the court, the
9 designated prospective adoptive parent or the current caretaker, if
10 that caretaker would have met the threshold criteria to be
11 designated as a prospective adoptive parent pursuant to paragraph
12 (1) on the date of service of this notice, the child's attorney, and
13 the child, if the child is 10 years of age or older, of the proposal
14 in the manner described in Section 16010.6.

15 (A) Within five court days or seven calendar days, whichever
16 is longer, of the date of notification, the child, the child's attorney,
17 or the designated prospective adoptive parent may file a petition
18 with the court objecting to the proposal to remove the child, or the
19 court, upon its own motion, may set a hearing regarding the
20 proposal. The court may, for good cause, extend the filing period.
21 A caretaker who would have met the threshold criteria to be
22 designated as a prospective adoptive parent pursuant to paragraph
23 (1) on the date of service of the notice of proposed removal of the
24 child may file, together with the petition under this subparagraph,
25 a petition for an order designating the caretaker as a prospective
26 adoptive parent for purposes of this subdivision.

27 (B) A hearing ordered pursuant to this paragraph shall be held
28 as soon as possible and not later than five court days after the
29 petition is filed with the court or the court sets a hearing upon its
30 own motion, unless the court for good cause is unable to set the
31 matter for hearing five court days after the petition is filed, in
32 which case the court shall set the matter for hearing as soon as
33 possible. At the hearing, the court shall determine whether the
34 caretaker has met the threshold criteria to be designated as a
35 prospective adoptive parent pursuant to paragraph (1), and whether
36 the proposed removal of the child from the home of the designated
37 prospective adoptive parent is in the child's best interest, and the
38 child may not be removed from the home of the designated
39 prospective adoptive parent unless the court finds that removal is
40 in the child's best interest. If the court determines that the caretaker

1 did not meet the threshold criteria to be designated as a prospective
2 adoptive parent on the date of service of the notice of proposed
3 removal of the child, the petition objecting to the proposed removal
4 filed by the caretaker shall be dismissed. If the caretaker was
5 designated as a prospective adoptive parent prior to this hearing,
6 the court shall inquire into any progress made by the caretaker
7 towards the adoption of the child since the caretaker was designated
8 as a prospective adoptive parent.

9 (C) A determination by the court that the caretaker is a
10 designated prospective adoptive parent pursuant to paragraph (1)
11 or subparagraph (B) does not make the caretaker a party to the
12 dependency proceeding nor does it confer on the caretaker any
13 standing to object to any other action of the department, county
14 adoption agency, or licensed adoption agency, unless the caretaker
15 has been declared a de facto parent by the court prior to the notice
16 of removal served pursuant to paragraph (3).

17 (D) If a petition objecting to the proposal to remove the child
18 is not filed, and the court, upon its own motion, does not set a
19 hearing, the child may be removed from the home of the designated
20 prospective adoptive parent without a hearing.

21 (4) Notwithstanding paragraph (3), if the State Department of
22 Social Services, county adoption agency, or licensed adoption
23 agency determines that the child must be removed from the home
24 of the caretaker who is or may be a designated prospective adoptive
25 parent immediately, due to a risk of physical or emotional harm,
26 the agency may remove the child from that home and is not
27 required to provide notice prior to the removal. However, as soon
28 as possible and not longer than two court days after the removal,
29 the agency shall notify the court, the caretaker who is or may be
30 a designated prospective adoptive parent, the child's attorney, and
31 the child, if the child is 10 years of age or older, of the removal.
32 Within five court days or seven calendar days, whichever is longer,
33 of the date of notification of the removal, the child, the child's
34 attorney, or the caretaker who is or may be a designated prospective
35 adoptive parent may petition for, or the court on its own motion
36 may set, a noticed hearing pursuant to paragraph (3). The court
37 may, for good cause, extend the filing period.

38 (5) Except as provided in subdivision (b) of Section 366.28, an
39 order by the court issued after a hearing pursuant to this subdivision
40 shall not be appealable.

1 (6) Nothing in this section shall preclude a county child
2 protective services agency from fully investigating and responding
3 to alleged abuse or neglect of a child pursuant to Section 11165.5
4 of the Penal Code.

5 (7) The Judicial Council shall prepare forms to facilitate the
6 filing of the petitions described in this subdivision, which shall
7 become effective on January 1, 2006.

8 ~~SEC. 12.~~

9 *SEC. 37.* Section 727 of the Welfare and Institutions Code is
10 amended to read:

11 727. (a) (1) If a minor or nonminor is adjudged a ward of the
12 court on the ground that he or she is a person described by Section
13 601 or 602, the court may make any reasonable orders for the care,
14 supervision, custody, conduct, maintenance, and support of the
15 minor or nonminor, including medical treatment, subject to further
16 order of the court.

17 (2) In the discretion of the court, a ward may be ordered to be
18 on probation without supervision of the probation officer. The
19 court, in so ordering, may impose on the ward any and all
20 reasonable conditions of behavior as may be appropriate under
21 this disposition. A minor or nonminor who has been adjudged a
22 ward of the court on the basis of the commission of any of the
23 offenses described in subdivision (b) or paragraph (2) of
24 subdivision (d) of Section 707, Section 459 of the Penal Code, or
25 subdivision (a) of Section 11350 of the Health and Safety Code,
26 shall not be eligible for probation without supervision of the
27 probation officer. A minor or nonminor who has been adjudged a
28 ward of the court on the basis of the commission of any offense
29 involving the sale or possession for sale of a controlled substance,
30 except misdemeanor offenses involving marijuana, as specified in
31 Chapter 2 (commencing with Section 11053) of Division 10 of the
32 Health and Safety Code, or of an offense in violation of Section
33 32625 of the Penal Code, shall be eligible for probation without
34 supervision of the probation officer only when the court determines
35 that the interests of justice would best be served and states reasons
36 on the record for that determination.

37 (3) In all other cases, the court shall order the care, custody, and
38 control of the minor or nonminor to be under the supervision of
39 the probation officer.

1 (4) It is the sole responsibility pursuant to 42 U.S.C. Section
2 672(a)(2)(B) of the probation agency to determine the appropriate
3 placement for the ward once the court issues a placement order.
4 In determination of the appropriate placement for the ward, the
5 probation officer shall consider any recommendations of the child
6 and family. The probation agency may place the minor or nonminor
7 in any of the following:

8 (A) The approved home of a relative or the approved home of
9 a nonrelative, extended family member, as defined in Section
10 362.7. If a decision has been made to place the minor in the home
11 of a relative, the court may authorize the relative to give legal
12 consent for the minor's medical, surgical, and dental care and
13 education as if the relative caregiver were the custodial parent of
14 the minor.

15 (B) A foster home, the approved home of a resource family as
16 defined in Section 16519.5, or a home or facility in accordance
17 with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901
18 et seq.).

19 (C) A suitable licensed community care facility, as identified
20 by the probation officer, except a runaway and homeless youth
21 shelter licensed by the State Department of Social Services
22 pursuant to Section 1502.35 of the Health and Safety Code.

23 (D) A foster family agency, as defined in subdivision (g) of
24 Section 11400 and paragraph (4) of subdivision (a) of Section 1502
25 of the Health and Safety Code, in a suitable ~~program in a family~~
26 ~~home, which has been certified by the agency as meeting licensing~~
27 ~~standards. Commencing January 1, 2017, the requirements of~~
28 ~~Section 11462.01 shall be met. *certified family home or with a*~~
29 ~~*resource family.*~~

30 (E) Commencing January 1, 2017, a minor or nonminor
31 dependent may be placed in a short-term residential treatment
32 center as defined in subdivision (ad) of Section 11400 and
33 paragraph (18) of subdivision (a) of Section 1502 of the Health
34 and Safety Code, ~~or a foster family agency, as defined in paragraph~~
35 ~~(4) of subdivision (a) of Section 1502 of the Health and Safety~~
36 ~~Code. The placing agency shall also comply with requirements set~~
37 ~~forth in paragraph (9) of subdivision (e) of Section 361.2, which~~
38 ~~includes, but is not limited to, authorization, limitation on length~~
39 ~~of stay, extensions, and additional requirements related to minors.~~
40 For youth 13 years of age and older, the placement shall be

1 approved by the chief probation officer of the county probation
2 department, or his or her designee, only if the placement is longer
3 than 12 months.

4 (F) (i) Every minor adjudged a ward of the juvenile court shall
5 be entitled to participate in age-appropriate extracurricular,
6 enrichment, and social activities. A state or local regulation or
7 policy shall not prevent, or create barriers to, participation in those
8 activities. Each state and local entity shall ensure that private
9 agencies that provide foster care services to wards have policies
10 consistent with this section and that those agencies promote and
11 protect the ability of wards to participate in age-appropriate
12 extracurricular, enrichment, and social activities. A group home
13 administrator, a facility manager, or his or her responsible designee,
14 and a caregiver, as defined in paragraph (1) of subdivision (a) of
15 Section 362.04, shall use a reasonable and prudent parent standard,
16 as defined in paragraph (2) of subdivision (a) of Section 362.04,
17 in determining whether to give permission for a minor residing in
18 foster care to participate in extracurricular, enrichment, and social
19 activities. A group home administrator, a facility manager, or his
20 or her responsible designee, and a caregiver shall take reasonable
21 steps to determine the appropriateness of the activity taking into
22 consideration the minor's age, maturity, and developmental level.

23 (ii) A group home administrator or a facility manager, or his or
24 her responsible designee, is encouraged to consult with social work
25 or treatment staff members who are most familiar with the minor
26 at the group home in applying and using the reasonable and prudent
27 parent standard.

28 (G) For nonminors, an approved supervised independent living
29 setting as defined in Section 11400, including a residential housing
30 unit certified by a licensed transitional housing placement provider.

31 (5) The minor or nonminor shall be released from juvenile
32 detention upon an order being entered under paragraph (3), unless
33 the court determines that a delay in the release from detention is
34 reasonable pursuant to Section 737.

35 (b) (1) To facilitate coordination and cooperation among
36 agencies, the court may, at any time after a petition has been filed,
37 after giving notice and an opportunity to be heard, join in the
38 juvenile court proceedings any agency that the court determines
39 has failed to meet a legal obligation to provide services to a minor,
40 for whom a petition has been filed under Section 601 or 602, to a

1 nonminor, as described in Section 303, or to a nonminor dependent,
2 as defined in subdivision (v) of Section 11400. In any proceeding
3 in which an agency is joined, the court shall not impose duties
4 upon the agency beyond those mandated by law. The purpose of
5 joinder under this section is to ensure the delivery and coordination
6 of legally mandated services to the minor. The joinder shall not
7 be maintained for any other purpose. Nothing in this section shall
8 prohibit agencies that have received notice of the hearing on joinder
9 from meeting prior to the hearing to coordinate services.

10 (2) The court has no authority to order services unless it has
11 been determined through the administrative process of an agency
12 that has been joined as a party, that the minor, nonminor, or
13 nonminor dependent is eligible for those services. With respect to
14 mental health assessment, treatment, and case management services
15 pursuant to an individualized education program developed
16 pursuant to Article 2 (commencing with Section 56320) of Chapter
17 4 of Part 30 of Division 4 of Title 2 of the Education Code, the
18 court's determination shall be limited to whether the agency has
19 complied with that chapter.

20 (3) For the purposes of this subdivision, "agency" means any
21 governmental agency or any private service provider or individual
22 that receives federal, state, or local governmental funding or
23 reimbursement for providing services directly to a child, nonminor,
24 or nonminor dependent.

25 (c) If a minor has been adjudged a ward of the court on the
26 ground that he or she is a person described in Section 601 or 602,
27 and the court finds that notice has been given in accordance with
28 Section 661, and if the court orders that a parent or guardian shall
29 retain custody of that minor either subject to or without the
30 supervision of the probation officer, the parent or guardian may
31 be required to participate with that minor in a counseling or
32 education program, including, but not limited to, parent education
33 and parenting programs operated by community colleges, school
34 districts, or other appropriate agencies designated by the court.

35 (d) The juvenile court may direct any reasonable orders to the
36 parents and guardians of the minor who is the subject of any
37 proceedings under this chapter as the court deems necessary and
38 proper to carry out subdivisions (a), (b), and (c), including orders
39 to appear before a county financial evaluation officer, to ensure
40 the minor's regular school attendance, and to make reasonable

1 efforts to obtain appropriate educational services necessary to meet
2 the needs of the minor.

3 If counseling or other treatment services are ordered for the
4 minor, the parent, guardian, or foster parent shall be ordered to
5 participate in those services, unless participation by the parent,
6 guardian, or foster parent is deemed by the court to be inappropriate
7 or potentially detrimental to the minor.

8 *SEC. 38. Section 727.4 of the Welfare and Institutions Code*
9 *is amended to read:*

10 727.4. (a) (1) Notice of any hearing pursuant to Section 727,
11 727.2, or 727.3 shall be mailed by the probation officer to the
12 minor, the minor's parent or guardian, any adult provider of care
13 to the minor including, but not limited to, foster parents, relative
14 caregivers, preadoptive parents, *resource family*, community care
15 facility, or foster family agency, and to the counsel of record if the
16 counsel of record was not present at the time that the hearing was
17 set by the court, by first-class mail addressed to the last known
18 address of the person to be notified, or shall be personally served
19 on those persons, not earlier than 30 days nor later than 15 days
20 preceding the date of the hearing. The notice shall contain a
21 statement regarding the nature of the status review or permanency
22 planning hearing and any change in the custody or status of the
23 minor being recommended by the probation department. The notice
24 shall also include a statement informing the foster parents, relative
25 caregivers, or preadoptive parents that he or she may attend all
26 hearings or may submit any information he or she deems relevant
27 to the court in writing. The foster parents, relative caregiver, and
28 preadoptive parents are entitled to notice and opportunity to be
29 heard but need not be made parties to the proceedings. Proof of
30 notice shall be filed with the court.

31 (2) If the court or probation officer knows or has reason to know
32 that the minor is or may be an Indian child, any notice sent under
33 this section shall comply with the requirements of Section 224.2.

34 (b) At least 10 calendar days prior to each status review and
35 permanency planning hearing, after the hearing during which the
36 court orders that the care, custody and control of the minor to be
37 under the supervision of the probation officer for placement
38 pursuant to subdivision (a) of Section 727, the probation officer
39 shall file a social study report with the court, pursuant to the
40 requirements listed in Section 706.5.

1 (c) The probation department shall inform the minor, the minor's
2 parent or guardian, and all counsel of record that a copy of the
3 social study prepared for the hearing will be available 10 days
4 prior to the hearing and may be obtained from the probation officer.

5 (d) As used in Article 15 (commencing with Section 625) to
6 Article 18 (commencing with Section 725), inclusive:

7 (1) "Foster care" means residential care provided in any of the
8 settings described in Section 11402.

9 (2) "At risk of entering foster care" means that conditions within
10 a minor's family may necessitate his or her entry into foster care
11 unless those conditions are resolved.

12 (3) "Preadoptive parent" means a licensed foster parent who
13 has been approved for adoption by the State Department of Social
14 Services when it is acting as an adoption agency or by a licensed
15 adoption agency.

16 (4) "Date of entry into foster care" means the date that is 60
17 days after the date on which the minor was removed from his or
18 her home, unless one of the exceptions below applies:

19 (A) If the minor is detained pending foster care placement, and
20 remains detained for more than 60 days, then the date of entry into
21 foster care means the date the court adjudges the minor a ward and
22 orders the minor placed in foster care under the supervision of the
23 probation officer.

24 (B) If, before the minor is placed in foster care, the minor is
25 committed to a ranch, camp, school, or other institution pending
26 placement, and remains in that facility for more than 60 days, then
27 the "date of entry into foster care" is the date the minor is
28 physically placed in foster care.

29 (C) If at the time the wardship petition was filed, the minor was
30 a dependent of the juvenile court and in out-of-home placement,
31 then the "date of entry into foster care" is the earlier of the date
32 the juvenile court made a finding of abuse or neglect, or 60 days
33 after the date on which the child was removed from his or her
34 home.

35 (5) "Reasonable efforts" means:

36 (A) Efforts made to prevent or eliminate the need for removing
37 the minor from the minor's home.

38 (B) Efforts to make it possible for the minor to return home,
39 including, but not limited to, case management, counseling,
40 parenting training, mentoring programs, vocational training,

1 educational services, substance abuse treatment, transportation,
2 and therapeutic day services.

3 (C) Efforts to complete whatever steps are necessary to finalize
4 a permanent plan for the minor.

5 (D) In child custody proceedings involving an Indian child,
6 “reasonable efforts” shall also include “active efforts” as defined
7 in Section 361.7.

8 (6) “Relative” means an adult who is related to the minor by
9 blood, adoption, or affinity within the fifth degree of kinship
10 including stepparents, stepsiblings, and all relatives whose status
11 is preceded by the words “great,” “great-great,” “grand,” or the
12 spouse of any of these persons even if the marriage was terminated
13 by death or dissolution. “Relative” shall also include an “extended
14 family member” as defined in the Indian Child Welfare Act (25
15 U.S.C. Sec. 1903(2)).

16 (7) “Hearing” means a noticed proceeding with findings and
17 orders that are made on a case-by-case basis, heard by either of
18 the following:

19 (A) A judicial officer, in a courtroom, recorded by a court
20 reporter.

21 (B) An administrative panel, provided that the hearing is a status
22 review hearing and that the administrative panel meets the
23 following conditions:

24 (i) The administrative review shall be open to participation by
25 the minor and parents or legal guardians and all those persons
26 entitled to notice under subdivision (a).

27 (ii) The minor and his or her parents or legal guardians receive
28 proper notice as required in subdivision (a).

29 (iii) The administrative review panel is composed of persons
30 appointed by the presiding judge of the juvenile court, the
31 membership of which shall include at least one person who is not
32 responsible for the case management of, or delivery of services
33 to, the minor or the parents who are the subjects of the review.

34 (iv) The findings of the administrative review panel shall be
35 submitted to the juvenile court for the court’s approval and shall
36 become part of the official court record.

37 ~~SEC. 13.~~

38 *SEC. 39.* Section 4094.2 of the Welfare and Institutions Code
39 is amended to read:

1 4094.2. (a) For the purpose of establishing payment rates for
2 community treatment facility programs, the private nonprofit
3 agencies selected to operate these programs shall prepare a budget
4 that covers the total costs of providing residential care and
5 supervision and mental health services for their proposed programs.
6 These costs shall include categories that are allowable under
7 California's Foster Care program and existing programs for mental
8 health services. They shall not include educational, nonmental
9 health medical, and dental costs.

10 (b) Each agency operating a community treatment facility
11 program shall negotiate a final budget with the local mental health
12 department in the county in which its facility is located (the host
13 county) and other local agencies, as appropriate. This budget
14 agreement shall specify the types and level of care and services to
15 be provided by the community treatment facility program and a
16 payment rate that fully covers the costs included in the negotiated
17 budget. All counties that place children in a community treatment
18 facility program shall make payments using the budget agreement
19 negotiated by the community treatment facility provider and the
20 host county.

21 (c) A foster care rate shall be established for each community
22 treatment facility program by the State Department of Social
23 Services.

24 (1) These rates shall be established using the existing foster care
25 ratesetting system for group homes, or the rate for a short-term
26 residential treatment center as defined in subdivision (ad) of
27 Section 11400, with modifications designed as necessary. It is
28 anticipated that all community treatment facility programs will
29 offer the level of care and services required to receive the highest
30 foster care rate provided for under the current ratesetting system.

31 (2) Except as otherwise provided in paragraph (3), commencing
32 January 1, 2017, the program shall have accreditation from a
33 nationally recognized accrediting entity identified by the State
34 Department of Social Services pursuant to the process described
35 in paragraph (4) of subdivision (b) of Section 11462.

36 (3) With respect to a program that has been granted an extension
37 pursuant to the exception process described in subdivision (d) of
38 Section 11462.04, the requirement described in paragraph (2) shall
39 apply to that program commencing January 1, 2019.

1 (d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the
2 2003–04 fiscal year, and the 2004–05 fiscal year, community
3 treatment facility programs shall also be paid a community
4 treatment facility supplemental rate of up to two thousand five
5 hundred dollars (\$2,500) per child per month on behalf of children
6 eligible under the foster care program and children placed out of
7 home pursuant to an individualized education program developed
8 under Section 7572.5 of the Government Code. Subject to the
9 availability of funds, the supplemental rate shall be shared by the
10 state and the counties. Counties shall be responsible for paying a
11 county share of cost equal to 60 percent of the community
12 treatment rate for children placed by counties in community
13 treatment facilities and the state shall be responsible for 40 percent
14 of the community treatment facility supplemental rate. The
15 community treatment facility supplemental rate is intended to
16 supplement, and not to supplant, the payments for which children
17 placed in community treatment facilities are eligible to receive
18 under the foster care program and the existing programs for mental
19 health services.

20 (e) For initial ratesetting purposes for community treatment
21 facility funding, the cost of mental health services shall be
22 determined by deducting the foster care rate and the community
23 treatment facility supplemental rate from the total allowable cost
24 of the community treatment facility program. Payments to certified
25 providers for mental health services shall be based on eligible
26 services provided to children who are Medi-Cal beneficiaries, up
27 to the approved federal rate for these services.

28 (f) The State Department of Health Care Services shall provide
29 the community treatment facility supplemental rates to the counties
30 for advanced payment to the community treatment facility
31 providers in the same manner as the regular foster care payment
32 and within the same required payment time limits.

33 (g) In order to facilitate the study of the costs of community
34 treatment facilities, licensed community treatment facilities shall
35 provide all documents regarding facility operations, treatment, and
36 placements requested by the department.

37 (h) It is the intent of the Legislature that the State Department
38 of Health Care Services and the State Department of Social
39 Services work to maximize federal financial participation in
40 funding for children placed in community treatment facilities

1 through funds available pursuant to Titles IV-E and XIX of the
2 federal Social Security Act (Title 42 U.S.C. Sec. 670 et seq. and
3 Sec. 1396 et seq.) and other appropriate federal programs.

4 (i) The State Department of Health Care Services and the State
5 Department of Social Services may adopt emergency regulations
6 necessary to implement joint protocols for the oversight of
7 community treatment facilities, to modify existing licensing
8 regulations governing reporting requirements and other procedural
9 and administrative mandates to take into account the seriousness
10 and frequency of behaviors that are likely to be exhibited by
11 seriously emotionally disturbed children placed in community
12 treatment facility programs, to modify the existing foster care
13 ratesetting regulations, and to pay the community treatment facility
14 supplemental rate. The adoption of these regulations shall be
15 deemed to be an emergency and necessary for the immediate
16 preservation of the public peace, health and safety, and general
17 welfare. The regulations shall become effective immediately upon
18 filing with the Secretary of State. The regulations shall not remain
19 in effect more than 180 days unless the adopting agency complies
20 with all the provisions of Chapter 3.5 (commencing with Section
21 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
22 as required by subdivision (e) of Section 11346.1 of the
23 Government Code.

24 *SEC. 40. Section 11400 of the Welfare and Institutions Code*
25 *is amended to read:*

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

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

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

1 the services that will be provided or steps that will be taken to
2 facilitate an alternate permanent plan if reunification is not possible.

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

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

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

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

19 (g) “Foster family agency” means a licensed community care
20 facility, as defined in paragraph (4) of subdivision (a) of Section
21 1502 of the Health and Safety Code. Private foster family agencies
22 shall be organized and operated on a nonprofit basis.

23 (h) “Group home” means a nondetention privately operated
24 residential home, organized and operated on a nonprofit basis only,
25 of any capacity, or a nondetention licensed residential care home
26 operated by the County of San Mateo with a capacity of up to 25
27 beds, that accepts children in need of care and supervision in a
28 group home, as defined by paragraph (13) of subdivision (a) of
29 Section 1502 of the Health and Safety Code.

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

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

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

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

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

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

23 (o) "Voluntary placement" means an out-of-home placement
24 of a child by (1) the county welfare department, probation
25 department, or Indian tribe that has entered into an agreement
26 pursuant to Section 10553.1, after the parents or guardians have
27 requested the assistance of the county welfare department and have
28 signed a voluntary placement agreement; or (2) the county welfare
29 department licensed public or private adoption agency, or the
30 department acting as an adoption agency, after the parents have
31 requested the assistance of either the county welfare department,
32 the licensed public or private adoption agency, or the department
33 acting as an adoption agency for the purpose of adoption planning,
34 and have signed a voluntary placement agreement.

35 (p) "Voluntary placement agreement" means a written agreement
36 between either the county welfare department, probation
37 department, or Indian tribe that has entered into an agreement
38 pursuant to Section 10553.1, licensed public or private adoption
39 agency, or the department acting as an adoption agency, and the

1 parents or guardians of a child that specifies, at a minimum, the
2 following:

3 (1) The legal status of the child.

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

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

11 (r) (1) “Transitional housing placement provider” means an
12 organization licensed by the State Department of Social Services
13 pursuant to Section 1559.110 of the Health and Safety Code, to
14 provide transitional housing to foster children at least 16 years of
15 age and not more than 18 years of age, and nonminor dependents,
16 as defined in subdivision (v). A transitional housing placement
17 provider shall be privately operated and organized on a nonprofit
18 basis.

19 (2) Prior to licensure, a provider shall obtain certification from
20 the applicable county, in accordance with Section 16522.1.

21 (s) “Transitional Housing Program-Plus” means a provider
22 certified by the applicable county, in accordance with subdivision
23 (c) of Section 16522, to provide transitional housing services to
24 former foster youth who have exited the foster care system on or
25 after their 18th birthday.

26 (t) “Whole family foster home” means a new or existing family
27 home, approved relative caregiver or nonrelative extended family
28 member’s home, the home of a nonrelated legal guardian whose
29 guardianship was established pursuant to Section 360 or 366.26,
30 certified family home, or a host family home placement of a
31 transitional housing placement provider, that provides foster care
32 for a minor or nonminor dependent parent and his or her child,
33 and is specifically recruited and trained to assist the minor or
34 nonminor dependent parent in developing the skills necessary to
35 provide a safe, stable, and permanent home for his or her child.
36 The child of the minor or nonminor dependent parent need not be
37 the subject of a petition filed pursuant to Section 300 to qualify
38 for placement in a whole family foster home.

39 (u) “Mutual agreement” means any of the following:

1 (1) A written voluntary agreement of consent for continued
2 placement and care in a supervised setting between a minor or, on
3 and after January 1, 2012, a nonminor dependent, and the county
4 welfare services or probation department or tribal agency
5 responsible for the foster care placement, that documents the
6 nonminor's continued willingness to remain in supervised
7 out-of-home placement under the placement and care of the
8 responsible county, tribe, consortium of tribes, or tribal
9 organization that has entered into an agreement with the state
10 pursuant to Section 10553.1, remain under the jurisdiction of the
11 juvenile court as a nonminor dependent, and report any change of
12 circumstances relevant to continued eligibility for foster care
13 payments, and that documents the nonminor's and social worker's
14 or probation officer's agreement to work together to facilitate
15 implementation of the mutually developed supervised placement
16 agreement and transitional independent living case plan.

17 (2) An agreement, as described in paragraph (1), between a
18 nonminor former dependent or ward in receipt of Kin-GAP
19 payments under Article 4.5 (commencing with Section 11360) or
20 Article 4.7 (commencing with Section 11385), and the agency
21 responsible for the Kin-GAP benefits, provided that the nonminor
22 former dependent or ward satisfies the conditions described in
23 Section 11403.01, or one or more of the conditions described in
24 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
25 11403. For purposes of this paragraph and paragraph (3),
26 "nonminor former dependent or ward" has the same meaning as
27 described in subdivision (aa).

28 (3) An agreement, as described in paragraph (1), between a
29 nonminor former dependent or ward in receipt of AFDC-FC
30 payments under subdivision (e) or (f) of Section 11405 and the
31 agency responsible for the AFDC-FC benefits, provided that the
32 nonminor former dependent or ward described in subdivision (e)
33 of Section 11405 satisfies one or more of the conditions described
34 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
35 11403, and the nonminor described in subdivision (f) of Section
36 11405 satisfies the secondary school or equivalent training or
37 certificate program conditions described in that subdivision.

38 (v) "Nonminor dependent" means, on and after January 1, 2012,
39 a foster child, as described in Section 675(8)(B) of Title 42 of the
40 United States Code under the federal Social Security Act who is

1 a current dependent child or ward of the juvenile court, or who is
2 a nonminor under the transition jurisdiction of the juvenile court,
3 as described in Section 450, and who satisfies all of the following
4 criteria:

5 (1) He or she has attained 18 years of age while under an order
6 of foster care placement by the juvenile court, and is not more than
7 19 years of age on or after January 1, 2012, not more than 20 years
8 of age on or after January 1, 2013, or not more than 21 years of
9 age on or after January 1, 2014, and as described in Section
10 10103.5.

11 (2) He or she is in foster care under the placement and care
12 responsibility of the county welfare department, county probation
13 department, Indian tribe, consortium of tribes, or tribal organization
14 that entered into an agreement pursuant to Section 10553.1.

15 (3) He or she has a transitional independent living case plan
16 pursuant to Section 475(8) of the federal Social Security Act (42
17 U.S.C. Sec. 675(8)), as contained in the federal Fostering
18 Connections to Success and Increasing Adoptions Act of 2008
19 (Public Law 110-351), as described in Section 11403.

20 (w) "Supervised independent living placement" means, on and
21 after January 1, 2012, an independent supervised setting, as
22 specified in a nonminor dependent's transitional independent living
23 case plan, in which the youth is living independently, pursuant to
24 Section 472(c)(2) of the federal Social Security Act (42 U.S.C.
25 Sec. 672(c)(2)).

26 (x) "Supervised independent living setting," pursuant to Section
27 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
28 672(c)(2)), includes both a supervised independent living
29 placement, as defined in subdivision (w), and a residential housing
30 unit certified by the transitional housing placement provider
31 operating a Transitional Housing Placement-Plus Foster Care
32 program, as described in paragraph (2) of subdivision (a) of Section
33 16522.1.

34 (y) "Transitional independent living case plan" means, on or
35 after January 1, 2012, a child's case plan submitted for the last
36 review hearing held before he or she reaches 18 years of age or
37 the nonminor dependent's case plan, updated every six months,
38 that describes the goals and objectives of how the nonminor will
39 make progress in the transition to living independently and assume
40 incremental responsibility for adult decisionmaking, the

1 collaborative efforts between the nonminor and the social worker,
2 probation officer, or Indian tribal placing entity and the supportive
3 services as described in the transitional independent living plan
4 (TILP) to ensure active and meaningful participation in one or
5 more of the eligibility criteria described in paragraphs (1) to (5),
6 inclusive, of subdivision (b) of Section 11403, the nonminor's
7 appropriate supervised placement setting, and the nonminor's
8 permanent plan for transition to living independently, which
9 includes maintaining or obtaining permanent connections to caring
10 and committed adults, as set forth in paragraph (16) of subdivision
11 (f) of Section 16501.1.

12 (z) "Voluntary reentry agreement" means a written voluntary
13 agreement between a former dependent child or ward or a former
14 nonminor dependent, who has had juvenile court jurisdiction
15 terminated pursuant to Section 391, 452, or 607.2, and the county
16 welfare or probation department or tribal placing entity that
17 documents the nonminor's desire and willingness to reenter foster
18 care, to be placed in a supervised setting under the placement and
19 care responsibility of the placing agency, the nonminor's desire,
20 willingness, and ability to immediately participate in one or more
21 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
22 (b) of Section 11403, the nonminor's agreement to work
23 collaboratively with the placing agency to develop his or her
24 transitional independent living case plan within 60 days of reentry,
25 the nonminor's agreement to report any changes of circumstances
26 relevant to continued eligibility for foster care payments, and (1)
27 the nonminor's agreement to participate in the filing of a petition
28 for juvenile court jurisdiction as a nonminor dependent pursuant
29 to subdivision (e) of Section 388 within 15 judicial days of the
30 signing of the agreement and the placing agency's efforts and
31 supportive services to assist the nonminor in the reentry process,
32 or (2) if the nonminor meets the definition of a nonminor former
33 dependent or ward, as described in subdivision (aa), the nonminor's
34 agreement to return to the care and support of his or her former
35 juvenile court-appointed guardian and meet the eligibility criteria
36 for AFDC-FC pursuant to subdivision (e) of Section 11405.

37 (aa) "Nonminor former dependent or ward" means, on and after
38 January 1, 2012, either of the following:

39 (1) A nonminor who reached 18 years of age while subject to
40 an order for foster care placement, and for whom dependency,

1 delinquency, or transition jurisdiction has been terminated, and
2 who is still under the general jurisdiction of the court.

3 (2) A nonminor who is over 18 years of age and, while a minor,
4 was a dependent child or ward of the juvenile court when the
5 guardianship was established pursuant to Section 360 or 366.26,
6 or subdivision (d), of Section 728 and the juvenile court
7 dependency or wardship was dismissed following the establishment
8 of the guardianship.

9 (ab) "Runaway and homeless youth shelter" means a type of
10 group home, as defined in paragraph (14) of subdivision (a) of
11 Section 1502 of the Health and Safety Code, that is not an eligible
12 placement option under Sections 319, 361.2, 450, and 727, and
13 that is not eligible for AFDC-FC funding pursuant to subdivision
14 (c) of Section 11402 or Section 11462.

15 (ac) "Transition dependent" is a minor between 17 years and
16 five months and 18 years of age who is subject to the court's
17 transition jurisdiction under Section 450.

18 (ad) "Short-term residential treatment center" means a
19 nondetention, licensed community care facility, as defined in
20 paragraph (18) of subdivision (a) of Section 1502 of the Health
21 and Safety Code, that provides short-term, specialized, and
22 intensive treatment for the child or youth, when the child's or
23 youth's case plan specifies the need for, nature of, and anticipated
24 duration of this specialized treatment. *Short-term residential*
25 *treatment centers shall be organized and operated on a nonprofit*
26 *basis.*

27 (ae) "Resource family" means an approved caregiver, as defined
28 in subdivision (c) of Section 16519.5.

29 (af) "Core Services" mean services, made available to children,
30 youth, and nonminor dependents either directly or secured through
31 formal agreement with other agencies, which are trauma informed
32 and culturally relevant as specified in Sections 11462 and 11463.

33 *SEC. 41. Section 11402 of the Welfare and Institutions Code,*
34 *as added by Section 66 of Chapter 773 of the Statutes of 2015, is*
35 *amended to read:*

36 11402. In order to be eligible for AFDC-FC, a child or
37 nonminor dependent shall be placed in one of the following:

38 (a) Prior to January 1, ~~2019~~, the 2020:

- 1 (1) *The* approved home of a relative, provided the child or youth
 2 is otherwise eligible for federal financial participation in the
 3 AFDC-FC payment.
- 4 ~~(b) (1) Prior to January 1, 2019, the~~
 5 (2) *The* home of a nonrelated legal guardian or the home of a
 6 former nonrelated legal guardian when the guardianship of a child
 7 or youth who is otherwise eligible for AFDC-FC has been
 8 dismissed due to the child or youth attaining 18 years of age.
- 9 ~~(2) Prior to January 1, 2019, the~~
 10 (3) *The* approved home of a nonrelative extended family
 11 member, as described in Section 362.7.
- 12 ~~(e) (1) Prior to January 1, 2019, the~~
 13 (4) *The* licensed family home of a nonrelative.
- 14 ~~(2)~~
 15 (b) *The* approved home of a resource family, as defined in
 16 Section 16519.5.
- 17 (c) *A small family home, as defined in paragraph (6) of*
 18 *subdivision (a) of Section 1502 of the Health and Safety Code.*
- 19 (d) A ~~(1)~~-housing model certified by a licensed transitional
 20 housing placement provider, as described in Section 1559.110 of
 21 the Health and Safety Code, and as defined in subdivision (r) of
 22 Section 11400.
- 23 ~~(2)~~
 24 (e) *An* approved supervised independent living setting for
 25 nonminor dependents, as defined in subdivision (w) of Section
 26 11400.
- 27 ~~(e)~~
 28 (f) *A* licensed foster family agency, as defined in subdivision
 29 (g) of Section 11400 and paragraph (4) of subdivision (a) of Section
 30 1502 of the Health and Safety Code, for placement into a certified
 31 or approved ~~home~~. *home used exclusively by the foster family*
 32 *agency.*
- 33 ~~(f)~~
 34 (g) *A* short-term residential treatment center licensed as a
 35 community care facility, as defined in subdivision (ad) of Section
 36 11400 and paragraph (18) of subdivision (a) of Section 1502 of
 37 the Health and Safety Code.
- 38 ~~(g)~~
 39 (h) *An* out-of-state group home that meets the requirements of
 40 paragraph (2) of subdivision (c) of Section 11460, provided that

1 the placement worker, in addition to complying with all other
 2 statutory requirements for placing a child or youth in an out-of-state
 3 group home, documents that the requirements of Section 7911.1
 4 of the Family Code have been met.

5 (h)

6 (i) A community treatment facility set forth in Article 5
 7 (commencing with Section 4094) of Chapter 3 of Part 1 of Division
 8 4.

9 (j) *This section shall apply to a group home that has been*
 10 *granted an extension pursuant to the exception process described*
 11 *in subdivision (d) of Section 11462.04 or Section 11462.041.*

12 (i)

13 (k) This section shall become operative on January 1, 2017.

14 *SEC. 42. Section 11402.01 of the Welfare and Institutions Code*
 15 *is repealed.*

16 ~~11402.01. In order to be eligible for AFDC-FC, a child or~~
 17 ~~nonminor dependent shall be placed in one of the following:~~

18 ~~(a) Prior to January 1, 2019, the approved home of a relative,~~
 19 ~~provided the child or youth is otherwise eligible for federal~~
 20 ~~financial participation, as defined in Section 11402.1, in the~~
 21 ~~AFDC-FC payment.~~

22 ~~(b) (1) Prior to January 1, 2019, the licensed family home of a~~
 23 ~~nonrelative.~~

24 ~~(2) Prior to January 1, 2019, the approved home of a nonrelative~~
 25 ~~extended family member as described in Section 362.7.~~

26 ~~(c) The approved home of a resource family as defined in~~
 27 ~~Section 16519.5.~~

28 ~~(d) A licensed group home, as defined in subdivision (h) of~~
 29 ~~Section 11400, excluding a runaway and homeless youth shelter~~
 30 ~~as defined in subdivision (ab) of Section 11400, provided that the~~
 31 ~~placement worker has documented that the placement is necessary~~
 32 ~~to meet the treatment needs of the child or youth and that the~~
 33 ~~facility offers those treatment services.~~

34 ~~(e) The home of a nonrelated legal guardian or the home of a~~
 35 ~~former nonrelated legal guardian when the guardianship of a child~~
 36 ~~or youth who is otherwise eligible for AFDC-FC has been~~
 37 ~~dismissed due to the child or youth attaining 18 years of age.~~

38 ~~(f) A licensed foster family agency, as defined in subdivision~~
 39 ~~(g) of Section 11400 and paragraph (4) of subdivision (a) of Section~~

1 1502 of the Health and Safety Code for placement into a home
 2 certified by the agency as meeting licensing standards.

3 ~~(g) A housing model certified by a licensed transitional housing
 4 placement provider as described in Section 1559.110 of the Health
 5 and Safety Code and as defined in subdivision (r) of Section 11400.~~

6 ~~(h) An out-of-state group home, provided that the placement
 7 worker, in addition to complying with all other statutory
 8 requirements for placing a minor in an out-of-state group home,
 9 documents that the requirements of Section 7911.1 of the Family
 10 Code have been met.~~

11 ~~(i) An approved supervised independent living setting for
 12 nonminor dependents, as defined in subdivision (w) of Section
 13 11400.~~

14 ~~(j) This section shall only apply to a group home that has been
 15 granted an extension pursuant to the exception process described
 16 in subdivision (d) of Section 11462.04 or to a foster family agency
 17 that has been granted an extension pursuant to the exception
 18 process described in subdivision (d) of Section 11463.1.~~

19 ~~(k) This section shall become operative on January 1, 2017.~~

20 ~~(l) This section shall remain in effect only until January 1, 2019,
 21 and as of that date is repealed, unless a later enacted statute, that
 22 is enacted before January 1, 2019, deletes or extends that date.~~

23 *SEC. 43. Section 11402.01 is added to the Welfare and
 24 Institutions Code, to read:*

25 *11402.01. (a) In addition to the placements in Section 11402,
 26 in order to be eligible for AFDC-FC, a child or nonminor
 27 dependent may be placed in a group home with an extension
 28 pursuant to the exception process described in subdivision (d) of
 29 Section 11462.04 or a foster family agency that has been granted
 30 an extension pursuant to the exception process described in
 31 subdivision (d) of Section 11463.1.*

32 *(b) This section shall remain in effect only until January 1, 2019,
 33 and as of that date is repealed, unless a later enacted statute, that
 34 is enacted before January 1, 2019, deletes or extends that date.*

35 ~~SEC. 14.~~

36 *SEC. 44. Section 11460 of the Welfare and Institutions Code
 37 is amended to read:*

38 *11460. (a) Foster care providers shall be paid a per child per
 39 month rate in return for the care and supervision of the AFDC-FC
 40 child placed with them. The department is designated the single*

1 organizational unit whose duty it shall be to administer a state
2 system for establishing rates in the AFDC-FC program. State
3 functions shall be performed by the department or by delegation
4 of the department to county welfare departments or Indian tribes,
5 consortia of tribes, or tribal organizations that have entered into
6 an agreement pursuant to Section 10553.1.

7 (b) "Care and supervision" includes food, clothing, shelter, daily
8 supervision, school supplies, a child's personal incidentals, liability
9 insurance with respect to a child, reasonable travel to the child's
10 home for visitation, and reasonable travel for the child to remain
11 in the school in which he or she is enrolled at the time of
12 placement. Reimbursement for the costs of educational travel, as
13 provided for in this subdivision, shall be made pursuant to
14 procedures determined by the department, in consultation with
15 representatives of county welfare and probation directors, and
16 additional stakeholders, as appropriate.

17 (1) For a child or youth placed in a short-term residential
18 treatment center or a group home, care and supervision shall also
19 include reasonable administration and operational activities
20 necessary to provide the items listed in this subdivision.

21 (2) For a child or youth placed in a short-term residential
22 treatment center or a group home, care and supervision may also
23 include reasonable activities performed by social workers employed
24 by the program provider that are not otherwise considered daily
25 supervision or administration activities, but are eligible for federal
26 financial participation under Title IV-E of the federal Social
27 Security Act.

28 (3) The department, in consultation with the California State
29 Foster Parent Association, and other interested stakeholders, shall
30 provide information to the Legislature, no later than January 1,
31 2017, regarding the availability and cost for liability and property
32 insurance covering acts committed by children in care, and shall
33 make recommendations for any needed program development in
34 this area.

35 (c) It is the intent of the Legislature to establish the maximum
36 level of financial participation in out-of-state foster care group
37 home program rates for placements in facilities described in
38 subdivision (g) of Section 11402.

39 (1) The department shall develop regulations that establish the
40 method for determining the level of financial participation in the

1 rate paid for out-of-state placements in facilities described in
2 subdivision (g) of Section 11402. The department shall consider
3 all of the following methods:

4 (A) Until December 31, 2016, a standardized system based on
5 the rate classification level of care and services per child per month.

6 (B) The rate developed for a short-term residential treatment
7 center pursuant to Section 11462.

8 (C) A system that considers the actual allowable and reasonable
9 costs of care and supervision incurred by the out-of-state program.

10 (D) A system that considers the rate established by the host
11 state.

12 (E) Any other appropriate methods as determined by the
13 department.

14 (2) Reimbursement for the Aid to Families with Dependent
15 Children-Foster Care rate to be paid to an out-of-state program
16 described in subdivision (g) of Section 11402 shall only be paid
17 to programs that have done all of the following:

18 (A) Submitted a rate application to the department, which shall
19 include, but not be limited to, both of the following:

20 (i) Commencing January 1, 2017, unless granted an extension
21 from the department pursuant to subdivision (d) of Section
22 11462.04, the equivalent of the mental health certification required
23 in Section 4096.5.

24 (ii) Commencing January 1, 2017, unless granted an extension
25 from the department pursuant to subdivision (d) of Section
26 11462.04, the national accreditation required in paragraph (5) of
27 subdivision (b) of Section 11462.

28 (B) Maintained a level of financial participation that shall not
29 exceed any of the following:

30 (i) The current fiscal year's standard rate for rate classification
31 level 14 for a group home.

32 (ii) Commencing January 1, 2017, the current fiscal year's rate
33 for a short-term residential treatment center.

34 (iii) The rate determined by the ratesetting authority of the state
35 in which the facility is located.

36 (C) Agreed to comply with information requests, and program
37 and fiscal audits as determined necessary by the department.

38 (3) Except as specifically provided for in statute, reimbursement
39 for an AFDC-FC rate shall only be paid to a group home or

1 short-term residential treatment center organized and operated on
2 a nonprofit basis.

3 (d) A foster care provider that accepts payments, following the
4 effective date of this section, based on a rate established under this
5 section, shall not receive rate increases or retroactive payments as
6 the result of litigation challenging rates established prior to the
7 effective date of this section. This shall apply regardless of whether
8 a provider is a party to the litigation or a member of a class covered
9 by the litigation.

10 (e) Nothing shall preclude a county from using a portion of its
11 county funds to increase rates paid to family homes, foster family
12 agencies, group homes, and short-term residential treatment centers
13 within that county, and to make payments for specialized care
14 increments, clothing allowances, or infant supplements to homes
15 within that county, solely at that county’s expense.

16 (f) Nothing shall preclude a county from providing a
17 supplemental rate to serve commercially sexually exploited foster
18 children to provide for the additional care and supervision needs
19 of these children. To the extent that federal financial participation
20 is available, it is the intent of the Legislature that the federal
21 funding shall be utilized.

22 *SEC. 45. Section 11461 of the Welfare and Institutions Code*
23 *is amended to read:*

24 11461. (a) For children or, on and after January 1, 2012,
25 nonminor dependents placed in a licensed or approved family
26 home with a capacity of six or less, or in an approved home of a
27 relative or nonrelated legal guardian, or the approved home of a
28 nonrelative extended family member as described in Section 362.7,
29 or, on and after January 1, 2012, a supervised independent living
30 placement, as defined in subdivision (w) of Section 11400, the per
31 child per month basic rates in the following schedule shall be in
32 effect for the period July 1, 1989, through December 31, 1989:

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

40

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

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

9 (c) The amounts in the schedule of basic rates in subdivision
10 (a) shall be adjusted as follows:

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

13 (2) Effective May 1, 1990, any county that did not increase the
14 basic rate by 12 percent on January 1, 1990, shall do both of the
15 following:

16 (A) Increase the basic rate in effect December 31, 1989, for
17 which state participation is received by 12 percent.

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

20 (3) (A) Except as provided in subparagraph (B), effective July
21 1, 1990, for the 1990–91 fiscal year, the amounts in the schedule
22 of basic rates in subdivision (a) shall be increased by an additional
23 5 percent.

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

26 (4) Effective July 1, 1998, the amounts in the schedule of basic
27 rates in subdivision (a) shall be increased by 6 percent.
28 Notwithstanding any other provision of law, the 6-percent increase
29 provided for in this paragraph shall, retroactive to July 1, 1998,
30 apply to every county, including any county to which paragraph
31 (2) of subdivision (b) applies, and shall apply to foster care for
32 every age group.

33 (5) Notwithstanding any other provision of law, any increase
34 that takes effect after July 1, 1998, shall apply to every county,
35 including any county to which paragraph (2) of subdivision (b)
36 applies, and shall apply to foster care for every age group.

37 (6) The increase in the basic foster family home rate shall apply
38 only to children placed in a licensed foster family home receiving
39 the basic rate or in an approved home of a relative or nonrelative
40 extended family member, as described in Section 362.7, a

1 supervised independent living placement, as defined in subdivision
2 (w) of Section 11400, or a nonrelated legal guardian receiving the
3 basic rate. The increased rate shall not be used to compute the
4 monthly amount that may be paid to licensed foster family agencies
5 for the placement of children in certified foster homes.

6 (d) (1) (A) Beginning with the 1991–92 fiscal year, the
7 schedule of basic rates in subdivision (a) shall be adjusted by the
8 percentage changes in the California Necessities Index, computed
9 pursuant to the methodology described in Section 11453, subject
10 to the availability of funds.

11 (B) In addition to the adjustment in subparagraph (A) effective
12 January 1, 2000, the schedule of basic rates in subdivision (a) shall
13 be increased by 2.36 percent rounded to the nearest dollar.

14 (C) Effective January 1, 2008, the schedule of basic rates in
15 subdivision (a), as adjusted pursuant to subparagraph (B), shall be
16 increased by 5 percent, rounded to the nearest dollar. The increased
17 rate shall not be used to compute the monthly amount that may be
18 paid to licensed foster family agencies for the placement of children
19 in certified foster family homes, and shall not be used to recompute
20 the foster care maintenance payment that would have been paid
21 based on the age-related, state-approved foster family home care
22 rate and any applicable specialized care increment, for any adoption
23 assistance agreement entered into prior to October 1, 1992, or in
24 any subsequent reassessment for adoption assistance agreements
25 executed before January 1, 2008.

26 (2) (A) Any county that, as of the 1991–92 fiscal year, receives
27 state participation for a basic rate that exceeds the amount set forth
28 in the schedule of basic rates in subdivision (a) shall receive an
29 increase each year in state participation for that basic rate of
30 one-half of the percentage adjustments specified in paragraph (1)
31 until the difference between the county's adjusted state
32 participation level for its basic rate and the adjusted schedule of
33 basic rates is eliminated.

34 (B) Notwithstanding subparagraph (A), all counties for the
35 1999–2000 fiscal year and the 2007–08 fiscal year shall receive
36 an increase in state participation for the basic rate of the entire
37 percentage adjustment described in paragraph (1).

38 (3) If a county has, after receiving the adjustments specified in
39 paragraph (2), a state participation level for a basic rate that is
40 below the amount set forth in the adjusted schedule of basic rates

1 for that fiscal year, the state participation level for that rate shall
2 be further increased to the amount specified in the adjusted
3 schedule of basic rates.

4 (e) (1) As used in this section, “specialized care increment”
5 means an approved AFDC–FC amount paid on behalf of an
6 AFDC-FC child requiring specialized care to a home listed in
7 subdivision ~~(a)~~ (g) in addition to the basic rate. Notwithstanding
8 subdivision ~~(a)~~ (g), the specialized care increment shall not be
9 paid to a nonminor dependent placed in a supervised independent
10 living setting as defined in subdivision (w) of Section 11403. A
11 county may have a ratesetting system for specialized care to pay
12 for the additional care and supervision needed to address the
13 behavioral, emotional, and physical requirements of foster children.
14 A county may modify its specialized care rate system as needed,
15 to accommodate changing specialized placement needs of children.

16 (2) (A) The department shall have the authority to review the
17 county’s specialized care information, including the criteria and
18 methodology used for compliance with state and federal law, and
19 to require counties to make changes if necessary to conform to
20 state and federal law.

21 (B) The department shall make available to the public each
22 county’s specialized care information, including the criteria and
23 methodology used to determine the specialized care increments.

24 (3) Upon a request by a county for technical assistance,
25 specialized care information shall be provided by the department
26 within 90 days of the request to the department.

27 (4) (A) Except for subparagraph (B), beginning January 1,
28 1990, specialized care increments shall be adjusted in accordance
29 with the methodology for the schedule of basic rates described in
30 subdivisions (c) and (d).

31 (B) Notwithstanding subdivision (e) of Section 11460, for the
32 1993–94 fiscal year, an amount equal to 5 percent of the State
33 Treasury appropriation for family homes shall be added to the total
34 augmentation for the AFDC-FC program in order to provide
35 incentives and assistance to counties in the area of specialized
36 care. This appropriation shall be used, but not limited to,
37 encouraging counties to implement or expand specialized care
38 payment systems, to recruit and train foster parents for the
39 placement of children with specialized care needs, and to develop
40 county systems to encourage the placement of children in family

1 homes. It is the intent of the Legislature that in the use of these
2 funds, federal financial participation shall be claimed whenever
3 possible.

4 (C) (i) Notwithstanding subparagraph (A), the specialized care
5 increment shall not receive a cost-of-living adjustment in the
6 2011–12 or 2012–13 fiscal years.

7 (ii) Notwithstanding clause (i), a county may choose to apply
8 a cost-of-living adjustment to its specialized care increment during
9 the 2011–12 or 2012–13 fiscal years. To the extent that a county
10 chooses to apply a cost-of-living adjustment during that time, the
11 state shall not participate in the costs of that adjustment.

12 (iii) To the extent that federal financial participation is available
13 for a cost-of-living adjustment made by a county pursuant to clause
14 (ii), it is the intent of the Legislature that the federal funding shall
15 be utilized.

16 (5) Beginning in the 2011–12 fiscal year, and for each fiscal
17 year thereafter, funding and expenditures for programs and
18 activities under this subdivision shall be in accordance with the
19 requirements provided in Sections 30025 and 30026.5 of the
20 Government Code.

21 (f) (1) As used in this section, “clothing allowance” means the
22 amount paid by a county, at the county’s option, in addition to the
23 basic rate for the provision of additional clothing for an AFDC-FC
24 child, including, but not limited to, an initial supply of clothing
25 and school or other uniforms. The frequency and level of funding
26 shall be based on the needs of the child, as determined by the
27 county.

28 (2) The state shall no longer participate in any clothing
29 allowance in addition to the basic rate, commencing with the
30 2011–12 fiscal year.

31 (g) (1) Notwithstanding subdivisions (a) to (d), inclusive, for
32 a child, or on and after January 1, 2012, a nonminor dependent,
33 placed in a licensed ~~or approved family home with a capacity of~~
34 ~~six or less, foster family home or with a resource family~~, or placed
35 in an approved home of a relative or the approved home of a
36 nonrelative extended family member as described in Section 362.7,
37 or placed on and after January 1, 2012, in a supervised independent
38 living placement, as defined in subdivision (w) of Section 11400,
39 the per child per month basic rate in the following schedule shall
40 be in effect for the period commencing July 1, 2011, or the date

1 specified in the final order, for which the time to appeal has passed,
 2 issued by a court of competent jurisdiction in California State
 3 Foster Parent Association v. William Lightbourne, et al. (U.S.
 4 Dist. Ct. C 07-08056 WHA), whichever is earlier, through June
 5 30, 2012:

7 Age	Basic rate
8 0–4.....	\$ 609
9 5–8.....	\$ 660
10 9–11.....	\$ 695
11 12–14.....	\$ 727
12 15–20.....	\$ 761

13
 14 (2) Commencing July 1, 2011, the basic rate set forth in this
 15 subdivision shall be annually adjusted on July 1 by the annual
 16 percentage change in the California Necessities Index applicable
 17 to the calendar year within which each July 1 occurs.

18 (3) Subdivisions (e) and (f) shall apply to payments made
 19 pursuant to this subdivision.

20 (4) (A) *Commencing January 1, 2017, the basic rate for all*
 21 *resource families shall be the same as the basic rate established*
 22 *pursuant to Section 11463.*

23 (B) *The basic rate shall be annually adjusted on July 1 by the*
 24 *annual percentage change in the California Necessities Index*
 25 *applicable to the calendar year within which each July 1 occurs.*

26 (4)

27 (h) Beginning in the 2011–12 fiscal year, and each fiscal year
 28 thereafter, funding and expenditures for programs and activities
 29 under this ~~subdivision~~ *section* shall be in accordance with the
 30 requirements provided in Sections 30025 and 30026.5 of the
 31 Government Code.

32 ~~SEC. 15.~~

33 *SEC. 46.* Section 11462 of the Welfare and Institutions Code,
 34 as added by Section 72 of Chapter 773 of the Statutes of 2015, is
 35 amended to read:

36 11462. (a) The department shall commence development of
 37 a new payment structure for short-term residential treatment center
 38 program placements claiming Title IV-E funding, in consultation
 39 with county placing agencies and providers.

1 (b) The department shall develop a rate system that includes
2 consideration of all of the following factors:

3 (1) Core services, made available to children and nonminor
4 dependents either directly or secured through formal agreements
5 with other agencies, which are trauma informed and culturally
6 relevant and include:

7 (A) Specialty mental health services for children who meet
8 medical necessity criteria for specialty mental health services under
9 the Medi-Cal Early and Periodic Screening, Diagnosis, and
10 Treatment program.

11 (B) Transition support services for children, youth, and families
12 upon initial entry and placement changes and for families who
13 assume permanency through reunification, adoption, or
14 guardianship.

15 (C) Educational and physical, behavioral, and mental health
16 supports, including extracurricular activities and social supports.

17 (D) Activities designed to support transition-age youth and
18 nonminor dependents in achieving a successful adulthood.

19 (E) Services to achieve permanency, including supporting efforts
20 to reunify or achieve adoption or guardianship and efforts to
21 maintain or establish relationships with parents, siblings, extended
22 family members, tribes, or others important to the child or youth,
23 as appropriate.

24 (F) When serving Indian children, as defined in subdivisions
25 (a) and (b) of Section 224.1, the core services described in
26 subparagraphs (A) to (E), inclusive, which shall be provided to
27 eligible children consistent with active efforts pursuant to Section
28 361.7.

29 (G) (i) Facilitating the identification and, as needed, the
30 approval of resource families pursuant to Section 16519.5, for the
31 purpose of transitioning children and youth to family-based care.

32 (ii) If a short-term residential treatment center elects to approve
33 and monitor resource families directly, the center shall comply
34 with all laws applicable to foster family agencies, including, but
35 not limited to, those set forth in the Community Care Facilities
36 Act (Chapter 3 (commencing with Section 1500) of Division 2 of
37 the Health and Safety Code).

38 (iii) For short-term residential treatment centers that elect to
39 approve and monitor resource families directly, the department
40 shall have all the same duties and responsibilities as those centers

1 have for licensed foster family agencies, as set forth in applicable
2 law, including, but not limited to, those set forth in the Community
3 Care Facilities Act (Chapter 3 (commencing with Section 1500)
4 of Division 2 of the Health and Safety Code).

5 (2) The core services specified in subparagraphs (A) to (G),
6 inclusive, of paragraph (1) are not intended to duplicate services
7 already available to foster children in the community, but to support
8 access to those services and supports to the extent they are already
9 available. Those services and supports may include, but are not
10 limited to, foster youth services available through county offices
11 of education, Indian Health Services, or school-based
12 extracurricular activities.

13 (3) Specialized and intensive treatment supports that encompass
14 the elements of nonmedical care and supervision necessary to meet
15 a child's or youth's safety and other needs that cannot be met in
16 a family-based setting.

17 (4) Staff training.

18 (5) Health and Safety Code requirements.

19 (6) Accreditation that includes:

20 (A) Provision for all licensed short-term residential treatment
21 centers to obtain and maintain in good standing accreditation from
22 a nationally recognized accreditation agency, as identified by the
23 department, with expertise in programs for children or youth group
24 care facilities, as determined by the department.

25 (B) Promulgation by the department of information identifying
26 that agency or agencies from which accreditation shall be required.

27 (C) Provision for timely reporting to the department of any
28 change in accreditation status.

29 (7) Mental health certification, including a requirement to timely
30 report to the department any change in mental health certificate
31 status.

32 (8) Maximization of federal financial participation under Title
33 IV-E and Title XIX of the Social Security Act.

34 (c) *The department shall establish rates pursuant to subdivisions*
35 *(a) and (b) commencing January 1, 2017. The rate structure shall*
36 *include an interim rate, a provisional rate for new short-term*
37 *residential treatment centers, and a probationary rate. The*
38 *department may supplement the rate with a one-time*
39 *reimbursement for the cost of accreditation in an amount and*
40 *manner determined by the department in written directives.*

1 (1) Interim rates developed pursuant to this section shall be
2 effective January 1, 2017. The interim rates shall be evaluated
3 and an ongoing payment structure shall be set no later than
4 January 1, 2020.

5 (2) Consistent with Section 11466.01, for provisional and
6 probationary rates, the following shall be established:

7 (A) Terms and conditions, including the duration of the rate.

8 (B) An administrative review process for rate determinations,
9 including denials, reductions, and terminations.

10 (C) An administrative review process that includes a
11 departmental review, corrective action, and an appeal with the
12 department. Notwithstanding the rulemaking provisions of the
13 Administrative Procedure Act (Chapter 3.5 (commencing with
14 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
15 Code), this process shall be disseminated by written directive
16 pending the promulgation of regulations.

17 (d)

18 (d) The department shall develop a system of governmental
19 monitoring and oversight that shall be carried out in coordination
20 with the State Department of Health Care Services. Oversight
21 responsibilities shall include, but not be limited to, ensuring
22 conformity with federal and state law, including program, fiscal,
23 and health and safety audits and reviews. The state agencies shall
24 attempt to minimize duplicative audits and reviews to reduce the
25 administrative burden on providers.

26 (e)

27 (e) This section shall become operative on January 1, 2017.

28 SEC. 47. Section 11462.04 of the Welfare and Institutions
29 Code, as added by Section 82 of Chapter 773 of the Statutes of
30 2015, is amended to read:

31 11462.04. (a) Notwithstanding any other law, commencing
32 January 1, 2017, no new group home rate or change to an existing
33 rate shall be established pursuant to the Rate Classification Level
34 (RCL) system.

35 (b) Notwithstanding subdivision (a), the department may grant
36 an exception as appropriate, on a case-by-case basis, when a written
37 request and supporting documentation are provided by a county
38 placing agency, including a county welfare or probation director,
39 that absent the granting of that exception, there is a material risk
40 to the welfare of children due to an inadequate supply of

1 appropriate alternative placement options to meet the needs of
2 children.

3 (c) For group homes being paid under the RCL system, and
4 those granted an exception pursuant to paragraph (b), group home
5 rates shall terminate on December 31, 2016, unless granted an
6 extension under the exception process in subdivision (d).

7 (d) A group home may request an exception to extend its rate
8 as follows:

9 (1) The department may grant an extension for up to two years,
10 through December 31, 2018, except as provided in paragraph (2),
11 on a case-by-case basis, when a written request and supporting
12 documentation are provided by a county placing agency, including
13 a county welfare or probation director, that absent the granting of
14 that exception, there is a material risk to the welfare of children
15 due to an inadequate supply of appropriate alternative placement
16 options to meet the needs of children. The exception may include
17 time to meet the program accreditation requirement or the mental
18 health certification requirement.

19 (2) Pursuant to Section 11462.041, the department may grant
20 an extension to a group home beyond December 31, 2018, upon
21 a provider submitting a written request and the county probation
22 department providing documentation stating that absent the grant
23 of that extension, there is a significant risk to the safety of the
24 youth or the public, due to an inadequate supply of short-term
25 residential treatment centers or resource families necessary to meet
26 the needs of probation youth. The extension granted to any provider
27 through this section may be reviewed annually by the department
28 if concerns arise regarding that provider's facility. Pursuant to
29 subdivision (e) of Section 11462.041, the final report submitted
30 to the Legislature shall address whether or not the extensions are
31 still necessary.

32 (3) The exception shall allow the provider to continue to receive
33 the rate under the prior ratesetting system.

34 (4) A provider granted an extension pursuant to this section
35 shall continue to operate and be governed by the applicable laws
36 and regulations that were operative on December 31, 2018.

37 (5) *If the exception request granted pursuant to this subdivision*
38 *is not made by the host county, the placing county shall notify and*
39 *provide a copy to the host county.*

1 (e) (1) *The extended rate granted pursuant to either paragraph*
 2 *(1) or (2) of subdivision (d) shall be provisional and subject to*
 3 *terms and conditions set by the department during the provisional*
 4 *period.*

5 (2) *Consistent with Section 11466.01, for provisional rates, the*
 6 *following shall be established:*

7 (A) *Terms and conditions, including the duration of the*
 8 *provisional rate.*

9 (B) *An administrative review process for provisional rate*
 10 *determinations, including denials, reductions, and terminations.*

11 (C) *An administrative review process that includes a*
 12 *departmental review, corrective action, and an appeal with the*
 13 *department. Notwithstanding the rulemaking provisions of the*
 14 *Administrative Procedure Act (Chapter 3.5 (commencing with*
 15 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
 16 *Code), this process shall be disseminated by written directive*
 17 *pending the promulgation of regulations.*

18 ~~(e)~~

19 (f) *Upon termination of an existing group home rate under the*
 20 *RCL system, a new rate shall not be paid until an application is*
 21 *approved and a rate is granted by the department pursuant to*
 22 *Section 11462 as a short-term residential treatment center ~~or~~ or,*
 23 *effective January 1, 2017, the rate set pursuant to Section 11463*
 24 *as a foster family agency.*

25 ~~(f)~~

26 (g) *The department shall, in the development of the new rate*
 27 *structures, consider and provide for placement of all children who*
 28 *are displaced as a result of reclassification of treatment facilities.*

29 ~~(g)~~

30 (h) *This section shall become operative on January 1, 2017.*

31 *SEC. 48. Section 11462.06 of the Welfare and Institutions Code*
 32 *is amended to read:*

33 11462.06. (a) *For purposes of the administration of this article,*
 34 *including the setting of group home rates, the department shall*
 35 *deem the reasonable costs of leases for shelter care for foster*
 36 *children to be allowable costs. Reimbursement of shelter costs*
 37 *shall not exceed 12 percent of the fair market value of owned,*
 38 *leased, or rented buildings, including any structures, improvements,*
 39 *edifices, land, grounds, and other similar property that is owned,*
 40 *leased, or rented by the group home and that is used for group*

1 home programs and activities, exclusive of idle capacity and
2 capacity used for nongroup home programs and activities. Shelter
3 costs shall be considered reasonable in relation to the fair market
4 value limit as described in subdivision (b).

5 (b) For purposes of this section, fair market value of leased
6 property shall be determined by either of the following methods,
7 as chosen by the provider:

8 (1) The market value shown on the last tax bill for the cost
9 reporting period.

10 (2) The market value determined by an independent appraisal.
11 The appraisal shall be performed by a qualified, professional
12 appraiser who, at a minimum, meets standards for appraisers as
13 specified in Chapter 6.5 (commencing with Section 3500) of Title
14 10 of the California Code of Regulations. The appraisal shall not
15 be deemed independent if performed under a less-than-arms-length
16 agreement, or if performed by a person or persons employed by,
17 or under contract with, the group home for purposes other than
18 performing appraisals, or by a person having a material interest in
19 any group home which receives foster care payments. If the
20 department believes an appraisal does not meet these standards,
21 the department shall give its reasons in writing to the provider and
22 provide an opportunity for appeal.

23 (c) (1) The department may adopt emergency regulations in
24 order to implement this section, in accordance with Chapter 3.5
25 (commencing with Section 11340) of Part 1 of Division 3 of Title
26 2 of the Government Code.

27 (2) The adoption of emergency regulations pursuant to this
28 section shall be deemed to be an emergency and considered by the
29 Office of Administrative Law as necessary for the immediate
30 preservation of the public peace, health and safety, or general
31 welfare.

32 (3) Emergency regulations adopted pursuant to this section shall
33 be exempt from the review and approval of the Office of
34 Administrative Law.

35 (4) The emergency regulations authorized by this section shall
36 be submitted to the Office of Administrative Law for filing with
37 the Secretary of State and publication in the California Code of
38 Regulations.

39 (d) (1) Commencing July 1, 2003, any group home provider
40 with a self-dealing lease transaction for shelter costs, as defined

1 in Section 5233 of the Corporations Code, shall not be eligible for
2 an AFDC-FC rate.

3 (2) Notwithstanding paragraph (1), providers that received an
4 approval letter for a self-dealing lease transaction for shelter costs
5 during the 2002–03 fiscal year from the Charitable Trust Section
6 of the Department of Justice shall be eligible to continue to receive
7 an AFDC-FC rate until the date that the lease expires, or is
8 modified, extended, or terminated, whichever occurs first. These
9 providers shall be ineligible to receive an AFDC-FC rate after that
10 date if they have entered into any self-dealing lease transactions
11 for group home shelter costs.

12 *(e) This section shall remain in effect only until January 1, 2019,*
13 *and as of that date is repealed, unless a later enacted statute, that*
14 *is enacted before January 1, 2019, deletes or extends that date.*

15 *SEC. 49. Section 11462.06 is added to the Welfare and*
16 *Institutions Code, to read:*

17 *11462.06. (a) For purposes of the administration of this article,*
18 *including setting AFDC-FC provider rates, the department shall*
19 *deem the reasonable costs of leases for shelter care for foster*
20 *children to be allowable costs.*

21 *(b) Rental costs of real property, allowable as either shelter*
22 *care or as necessary administration of the foster care maintenance*
23 *payment, are allowable to the extent that the rates are reasonable*
24 *in light of such factors as rental costs of comparable property, if*
25 *any; market conditions in the area; alternatives available; and*
26 *the type, life expectancy, condition, and value of the leased*
27 *property, including any structures, improvements, edifices, land,*
28 *grounds, and other similar property that is used for the facility's*
29 *residential foster care programs and activities, exclusive of idle*
30 *capacity and capacity used for nonresidential foster care programs*
31 *and activities.*

32 *(1) Rental costs shall be considered reasonable in relation to*
33 *the fair market rental value limit, as described in Section 200.465*
34 *of Title 2 of the Code of Federal Regulations.*

35 *(2) Rental arrangements should be reviewed periodically to*
36 *determine if circumstances have changed and other options are*
37 *available.*

38 *(c) The appraisal shall be performed by an independent,*
39 *qualified, professional appraiser who, at a minimum, meets*
40 *standards for appraisers as specified in Chapter 6.5 (commencing*

1 with Section 3500) of Title 10 of the California Code of
2 Regulations. The appraisal shall not be deemed independent if
3 performed under a less-than-arms-length agreement, if performed
4 by a person or persons employed by, or under contract with, the
5 program subject to the appraisal for purposes other than
6 performing appraisals, or if performed by a person having a
7 material interest in any program that receives foster care payments.
8 If the department believes an appraisal does not meet these
9 standards, the department shall give its reasons in writing to the
10 program and provide an opportunity for appeal.

11 (d) (1) Any provider with a self-dealing transaction, as defined
12 in Section 5233 of the Corporations Code, for a lease for shelter
13 costs shall be ineligible for an AFDC-FC rate.

14 (2) Lease transactions are subject to restrictions set forth in
15 Section 200.465(c) of Title 2 of the Code of Federal Regulations.

16 (e) This section shall become operative on January 1, 2019.

17 SEC. 50. Section 11463 of the Welfare and Institutions Code,
18 as added by Section 85 of Chapter 773 of the Statutes of 2015, is
19 amended to read:

20 11463. (a) The department shall commence development of
21 a new payment structure for the Title IV-E funded foster family
22 agency placement option that maximizes federal funding, in
23 consultation with county placing agencies.

24 (b) The department shall develop a payment system for foster
25 family agencies that provide treatment, intensive treatment, and
26 therapeutic foster care programs, and shall consider all of the
27 following factors:

28 (1) Administrative activities that are eligible for federal financial
29 participation provided, at county request, for and to county-licensed
30 or approved family homes and resource families, intensive case
31 management and supervision, and services to achieve legal
32 permanency or successful transition to adulthood.

33 (2) Social work activities that are eligible for federal financial
34 participation under Title IV-E of the Social Security Act.

35 (3) Social work and mental health services eligible for federal
36 financial participation under Title XIX of the Social Security Act.

37 (4) Intensive treatment or therapeutic services in the foster
38 family agency.

39 (5) Core services, made available to children and nonminor
40 dependents either directly or secured through formal agreements

1 with other agencies, which are trauma informed and culturally
2 relevant and include:

3 (A) Specialty mental health services for children who meet
4 medical necessity criteria for specialty mental health services under
5 the Medi-Cal Early and Periodic Screening, Diagnosis, and
6 Treatment program, as the criteria are described in Section
7 1830.210 of Title 9, of the California Code of Regulations.

8 (B) Transition support services for children, youth, and families
9 upon initial entry and placement changes and for families who
10 assume permanency through reunification, adoption, or
11 guardianship.

12 (C) Educational and physical, behavioral, and mental health
13 supports, including extracurricular activities and social supports.

14 (D) Activities designed to support transition-age youth and
15 nonminor dependents in achieving a successful adulthood.

16 (E) Services to achieve permanency, including supporting efforts
17 to reunify or achieve adoption or guardianship and efforts to
18 maintain or establish relationships with parents, siblings, extended
19 family members, tribes, or others important to the child or youth,
20 as appropriate.

21 (F) When serving Indian children, as defined in subdivisions
22 (a) and (b) of Section 224.1, the core services specified in
23 subparagraphs (A) to (E), inclusive, shall be provided to eligible
24 children consistent with active efforts pursuant to Section 361.7.

25 (G) The core services specified in subparagraphs (A) to (F),
26 inclusive, are not intended to duplicate services already available
27 to foster children in the community, but to support access to those
28 services and supports to the extent already available. Those services
29 and supports may include, but are not limited to, foster youth
30 services available through county offices of education, Indian
31 Health Services, and school-based extracurricular activities.

32 (6) Staff training.

33 (7) Health and Safety Code requirements.

34 (8) A process for accreditation that includes all of the following:

35 (A) Provision for all licensed foster family agencies to maintain
36 in good standing accreditation from a nationally recognized
37 accreditation agency with expertise in programs for youth group
38 care facilities, as determined by the department.

39 (B) Promulgation by the department of information identifying
40 the agency or agencies from which accreditation shall be required.

1 (C) Provision for timely reporting to the department of any
2 change in accreditation status.

3 (9) Mental health certification, including a requirement to timely
4 report to the department any change in mental health certificate
5 status.

6 (10) Populations served, including, but not limited to, any of
7 the following:

8 (A) (i) Children and youth assessed as seriously emotionally
9 disturbed, as described in subdivision (a) of Section 5600.3,
10 including those placed out-of-home pursuant to an individualized
11 education program developed under Article 2 (commencing with
12 Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of
13 the Education Code.

14 (ii) Children assessed as meeting the medical necessity criteria
15 for specialty mental health services under the Medi-Cal Early and
16 Periodic Screening, Diagnosis, and Treatment program, as the
17 criteria are described in Section 1830.210 of Title 9 of the
18 California Code of Regulations.

19 (B) AFDC-FC children and youth receiving intensive and
20 therapeutic treatment services in a foster family agency.

21 (C) AFDC-FC children and youth receiving mental health
22 treatment services from a foster family agency.

23 (11) Maximization of federal financial participation for Title
24 IV-E and Title XIX of the Social Security Act.

25 (c) *The department shall establish rates pursuant to subdivisions*
26 *(a) and (b) commencing January 1, 2017. The rate structure shall*
27 *include an interim rate, a provisional rate for new foster family*
28 *agency programs, and a probationary rate. The department may*
29 *supplement the rate with a one-time reimbursement for the cost of*
30 *accreditation in an amount and manner determined by the*
31 *department in written directives.*

32 (1) *Interim rates developed pursuant to this section shall be*
33 *effective January 1, 2017. The interim rates shall be evaluated*
34 *and an ongoing payment structure shall be set no later than*
35 *January 1, 2020.*

36 (2) *Consistent with Section 11466.01, for provisional and*
37 *probationary rates, the following shall be established:*

38 (A) *Terms and conditions, including the duration of the rate.*

39 (B) *An administrative review process for the rate determinations,*
40 *including denials, reductions, and terminations.*

1 (C) *An administrative review process that includes a*
 2 *departmental review, corrective action, and an appeal with the*
 3 *department. Notwithstanding the rulemaking provisions of the*
 4 *Administrative Procedure Act (Chapter 3.5 (commencing with*
 5 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
 6 *Code), this process shall be disseminated by written directive*
 7 *pending the promulgation of regulations.*

8 (3) *When establishing the foster family agency rate pursuant to*
 9 *this section, the department shall make the basic rate paid to*
 10 *resource families approved by a foster family agency the same as*
 11 *the basic rate established pursuant to subdivision (g) of Section*
 12 *11461.*

13 ~~(e)~~

14 (d) The department shall develop a system of governmental
 15 monitoring and oversight that shall be carried out in coordination
 16 with the State Department of Health Care Services. Oversight
 17 responsibilities shall include, but not be limited to, ensuring
 18 conformity with federal and state law, including program, fiscal,
 19 and health and safety reviews. The state agencies shall attempt to
 20 minimize duplicative audits and reviews to reduce the
 21 administrative burden on providers.

22 ~~(d)~~

23 (e) The department shall consider the impact on children and
 24 youth being transitioned to alternate programs as a result of the
 25 new ratesetting system.

26 ~~(e)~~

27 (f) This section shall become operative on January 1, 2017.

28 ~~SEC. 16.~~

29 *SEC. 51.* Section 11463.01 of the Welfare and Institutions
 30 Code is amended to read:

31 11463.01. (a) (1) The department, with the advice, assistance,
 32 and cooperation of the counties and foster care providers, shall
 33 develop, implement, and maintain a ratesetting system for foster
 34 family agencies.

35 (2) No county shall be reimbursed for any percentage increases
 36 in payments, made on behalf of AFDC-FC funded children who
 37 are placed with foster family agencies, that exceed the percentage
 38 cost-of-living increase provided in any fiscal year, as specified in
 39 subdivision-~~(e)~~ (g) of Section 11461.

1 (b) The department shall develop regulations specifying the
2 purposes, types, and services of foster family agencies, including
3 the use of those agencies for the provision of emergency shelter
4 care.

5 (c) The department shall develop and maintain regulations
6 specifying the procedures for the appeal of department decisions
7 about the setting of an agency's rate.

8 (d) No supplemental clothing allowance shall be provided,
9 because the rate issued in accordance with paragraph (1) of
10 subdivision (g) takes the cost of clothing into account.

11 (e) The schedule of rates for foster family agencies as set forth
12 in Section 11463, as that section read on January 1, 2015, shall
13 apply for purposes of, and may be modified pursuant to, this
14 section.

15 (f) (1) The department shall determine, consistent with the
16 requirements of this section and other relevant requirements under
17 law, the rate category for each foster family agency on a biennial
18 basis. Submission of the biennial rate application shall be according
19 to a schedule determined by the department.

20 (2) The department shall adopt regulations to implement this
21 subdivision. The adoption, amendment, repeal, or readoption of a
22 regulation authorized by this subdivision is deemed to be necessary
23 for the immediate preservation of the public peace, health and
24 safety, or general welfare, for purposes of Sections 11346.1 and
25 11349.6 of the Government Code, and the department is hereby
26 exempted from the requirement to describe specific facts showing
27 the need for immediate action.

28 (g) (1) The basic rate payment that shall be made to the certified
29 parent pursuant to this section for care and supervision of a child
30 who is living in a certified home of a foster family agency, as
31 defined in Section 11400, shall equal the basic rate for children
32 placed in a licensed or approved home, as specified in paragraph
33 (1) of subdivision (g) of Section 11461.

34 (2) The basic rate payment to the certified parent made pursuant
35 to paragraph (1) shall be adjusted annually on July 1, by the annual
36 percentage change in the California Necessities Index, in
37 accordance with paragraph (2) of subdivision (g) of Section 11461.
38 The adjustment in this paragraph shall be in lieu of any adjustment
39 pursuant to subdivision (e) of Section 11463, as that section read
40 on January 1, 2015.

1 (h) Notwithstanding any other law, the changes to the basic rate
2 payment specified in subdivision (g) shall not change the remaining
3 components of the foster family agency rate. The new foster family
4 agency rate shall be increased only by the amounts specified
5 pursuant to subdivision (g). The resulting amounts shall constitute
6 the new schedule of rates for foster family agencies, which shall
7 be issued by all-county letters or similar instructions from the
8 department.

9 (i) For each fiscal year, funding and expenditures for programs
10 and activities under this section shall be in accordance with the
11 requirements provided in Sections 30025 and 30026.5 of the
12 Government Code.

13 (j) (1) Notwithstanding the rulemaking provisions of the
14 Administrative Procedure Act (Chapter 3.5 (commencing with
15 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
16 Code), the department may implement, interpret, or make specific
17 the changes to this section made by the act that added this section,
18 and amend and repeal regulations and orders subject to this section
19 and adopted by the department by means of all-county letters or
20 similar instructions from the department until regulations are
21 adopted. The department shall adopt emergency regulations no
22 later than July 1, 2016. The department may readopt any emergency
23 regulation authorized by this section that is the same as, or
24 substantially equivalent to, an emergency regulation previously
25 adopted under this section.

26 (2) The initial adoption of emergency regulations pursuant to
27 this section and one readoption of emergency regulations shall be
28 deemed an emergency and necessary for the immediate
29 preservation of the public peace, health, safety, or general welfare.
30 Initial emergency regulations and the one readoption of emergency
31 regulations authorized by this section shall be exempt from review
32 by the Office of Administrative Law. The initial emergency
33 regulations and the one readoption of emergency regulations
34 authorized by this section shall be submitted to the Office of
35 Administrative Law for filing with the Secretary of State and each
36 shall remain in effect for no more than 180 days, by which time
37 final regulations may be adopted.

38 (k) This section shall only apply to a foster family agency that
39 has been granted an extension pursuant to the exception process
40 described in subdivision (d) of Section 11463.1.

1 (l) This section shall become operative on January 1, 2017.

2 (m) This section shall remain in effect only until January 1,
3 2019, and as of that date is repealed, unless a later enacted statute,
4 that is enacted before January 1, 2019, deletes or extends that date.

5 *SEC. 52. Section 11463.1 of the Welfare and Institutions Code*
6 *is amended to read:*

7 11463.1. (a) Notwithstanding any other law, commencing
8 January 1, 2017, no new foster family agency shall be established
9 pursuant to the rate in effect through December 31, 2016.

10 (b) Notwithstanding subdivision (a), the department may grant
11 an exception as appropriate, on a case-by-case basis, when a written
12 request and supporting documentation are provided by a county
13 placing agency, including a county welfare or probation director,
14 that absent the granting of that exception, there is a material risk
15 to the welfare of children due to an inadequate supply of
16 appropriate alternative placement options to meet the needs of
17 children or youth.

18 (c) Rates for foster family agencies paid under the prior rate
19 system, and those granted an exception pursuant to subdivision
20 (b), shall terminate on December 31, 2016, unless granted an
21 extension under the exception process in subdivision (d).

22 (d) A foster family agency *that is otherwise licensed to operate*
23 *as a foster family agency* may request an exception to extend its
24 rate as follows:

25 (1) The department may grant an extension for up to two years,
26 through December 31, 2018, on a case-by-case basis, when a
27 written request and supporting documentation are provided by a
28 county placing agency, including a county welfare or probation
29 director, that absent the granting of that exception, there is a
30 material risk to the welfare of children or youth due to an
31 inadequate supply of appropriate alternative placement options to
32 meet the needs of children. The exception may include time to
33 meet the accreditation requirement or the mental health certification
34 requirement.

35 (2) The exception shall allow the provider to continue to receive
36 the rate under the prior ratesetting system.

37 (e) Upon termination of an existing foster family agency rate
38 under the prior rate system, a new rate shall not be paid until an
39 application is approved and a rate is granted by the department

1 pursuant to Section 11463 as a foster family agency or Section
2 11462 as a short-term residential treatment center.

3 (f) The department shall, in the development of the new rate
4 structures, consider and provide for placement of all children who
5 are displaced as a result of reclassification of treatment facilities.

6 (g) This section shall remain in effect only until January 1, 2019,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2019, deletes or extends that date.

9 ~~SEC. 17.~~

10 *SEC. 53.* Section 11466 of the Welfare and Institutions Code
11 is amended to read:

12 11466. For the purposes of this section to Section 11469.1,
13 inclusive, “provider” shall mean a group home, short-term
14 residential treatment center, a foster family agency, and similar
15 foster care business entities.

16 *SEC. 54. Section 11466.01 is added to the Welfare and*
17 *Institutions Code, to read:*

18 *11466.01. (a) Commencing January 1, 2017, a provisional*
19 *rate shall be set for all of the following:*

20 *(1) A provider that is granted an extension pursuant to*
21 *paragraph (1) of subdivision (d) of Section 11462.04.*

22 *(2) A provider that is granted an extension pursuant to*
23 *paragraph (2) of subdivision (d) of Section 11462.04.*

24 *(3) A provider that is granted an extension pursuant to Section*
25 *11463.1.*

26 *(4) A new short-term residential treatment center provider.*

27 *(5) A new foster family agency provider.*

28 *(b) The provisional rate shall be subject to terms and conditions,*
29 *including the duration of the provisional period, set by the*
30 *department.*

31 *(1) For a provider described in paragraph (1) or (3) of*
32 *subdivision (a), a provisional rate may be granted for a period*
33 *that is not extended beyond December 31, 2018.*

34 *(2) For a provider described in paragraph (2) of subdivision*
35 *(a), a provisional rate may be granted and may be reviewed on*
36 *an annual basis, pursuant to paragraph (2) of subdivision (d) of*
37 *Section 11462.04.*

38 *(3) For a provider described in paragraph (4) or (5) of*
39 *subdivision (a), a provisional rate may be granted for a period of*
40 *up to 24 months from the date the provider’s license was issued.*

1 (c) In determining whether to grant, and upon what conditions
2 to grant, a provisional rate, the department shall consider factors
3 including the following:

4 (1) Any prior extension granted pursuant to Section 11462.04
5 or 11463.1.

6 (2) Any licensing history for any license with which the program,
7 or its directors or officers, have been associated.

8 (3) Any financial, fiscal, or compliance audit history with which
9 the program, or its directors or officers, have been associated.

10 (4) Outstanding civil penalties or overpayments with which the
11 program, or its directors or officers, have been associated.

12 (d) In determining whether to continue, and upon what
13 conditions to continue, a provisional rate, the department shall
14 consider those factors specified in subdivision (c), as well as
15 compliance with the terms, conditions, and requirements during
16 the provisional period.

17 (e) In determining whether, at the end of the provisional rate
18 period or thereafter, to grant a standard rate and whether to
19 impose or continue, and upon what conditions to impose or
20 continue, a probationary rate the department shall consider the
21 factors specified in subdivision (c).

22 (f) The department shall establish an administrative review
23 process for determinations, including denial, reduction, probation,
24 and termination of the provisional and probationary rates. This
25 process shall include a departmental review, corrective action,
26 and an appeal with the department. Notwithstanding the
27 rulemaking provisions of the Administrative Procedure Act
28 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
29 Division 3 of Title 2 of the Government Code), this process shall
30 be disseminated by written directive pending the promulgation of
31 regulations.

32 (g) (1) (A) For the purposes of this section, a “provisional
33 rate” is a prospective rate given to a provider described in
34 subdivision (a) based on an assurance to perform in accordance
35 with terms and conditions attached to the granting of the
36 provisional rate.

37 (B) For the purposes of this section, a “standard rate” is the
38 rate granted at the conclusion of a provisional rate period upon
39 meeting the terms and conditions.

1 (C) For the purposes of this section, a “probationary rate” is
2 the imposition of limitations and conditions on a standard rate.

3 (2) (A) At the conclusion of a provisional rate, a probationary
4 rate may be imposed, at the discretion of the department, if
5 additional oversight is deemed necessary based on the provider’s
6 performance during the provisional rate period.

7 (B) At any time, a standard rate may become a probationary
8 rate if additional oversight is deemed necessary based on the
9 provider’s performance in accordance with terms and condition
10 attached to the granting or maintenance of its rate.

11 SEC. 55. Section 11466.2 of the Welfare and Institutions Code,
12 as added by Section 91 of Chapter 773 of the Statutes of 2015, is
13 amended to read:

14 11466.2. (a) (1) The department shall perform or have
15 performed provider program and fiscal audits as needed. Provider
16 programs shall maintain all child-specific, programmatic,
17 personnel, fiscal, and other information affecting ratesetting and
18 AFDC-FC payments for a period of not less than five years.

19 (2) Provider fiscal audits shall be conducted pursuant to Part
20 200 (commencing with Section 200.0) of Chapter II of Subtitle A
21 of Title 2 of the Code of Federal Regulations, including uniform
22 administrative requirements, cost principles, and audit
23 requirements, as authorized in Section 75.106 of Title 45 of the
24 Code of Federal Regulations.

25 ~~(2)~~

26 (3) A provider may request a hearing of the department’s audit
27 determination under this section no later than 30 days after the
28 date the department issues its audit determination. The
29 department’s audit determination shall be final if the provider does
30 not request a hearing within the prescribed time. Within 60 days
31 of receipt of the request for hearing, the department shall conduct
32 a hearing on the audit determination. The standard of proof shall
33 be the preponderance of the evidence and the burden of proof shall
34 be on the department. The hearing officer shall issue the proposed
35 decision within 45 days of the close of the evidentiary record. The
36 director shall adopt, reject, or modify the proposed decision, or
37 refer the matter back to the hearing officer for additional evidence
38 or findings within 100 days of issuance of the proposed decision.
39 If the director takes no action on the proposed decision within the

1 prescribed time, the proposed decision shall take effect by operation
2 of law.

3 (b) The department shall develop regulations to correct a
4 program's audit findings, adjust the rate, and recover any
5 overpayments resulting from an overstatement of the projected
6 level of care and services and other audit findings.

7 (c) (1) In any audit conducted by the department, the
8 department, or other public or private audit agency with which the
9 department contracts, shall coordinate with the department's
10 licensing and ratesetting entities so that a consistent set of
11 standards, rules, and auditing protocols are maintained. The
12 department, or other public or private audit agency with which the
13 department contracts, shall make available to all providers, in
14 writing, any standards, rules, and auditing protocols to be used in
15 those audits.

16 (2) The department shall provide exit interviews with providers,
17 whenever deficiencies are found, in which those deficiencies may
18 be explained and permit providers an opportunity to respond. The
19 department shall adopt regulations specifying the procedure for
20 the appeal of audit findings.

21 (d) This section shall become operative on January 1, 2017.

22 ~~SEC. 18.~~

23 *SEC. 56.* Section 11466.21 of the Welfare and Institutions
24 Code is amended to read:

25 11466.21. (a) In accordance with subdivision (b), as a
26 condition to receive an AFDC-FC rate for a program including,
27 but not limited to, a group home, a foster family agency, a
28 short-term residential treatment center, and other similar business
29 entities providing foster care, the following shall apply:

30 (1) Any provider who expends in combined federal funds an
31 amount at or above the federal funding threshold in accordance
32 with the federal Single Audit Act, as amended, and Section 200.501
33 of Title 2 of the Code of Federal Regulations shall arrange to have
34 a financial audit conducted on an annual basis, and shall submit
35 the financial audit to the department in accordance with regulations
36 adopted by the department, all-county letter, or similar written
37 instructions.

38 (2) Any provider who expends in combined federal funds an
39 amount below the federal funding threshold shall annually submit
40 a financial audit to the department pursuant to Generally Accepted

1 Government Auditing Standards (GAGAS), and shall submit the
2 financial audit to the department in accordance with regulations
3 adopted by the department, all-county letter, or similar written
4 instructions.

5 (3) The scope of the financial audit shall include all of the
6 programs and activities operated by the provider and shall not be
7 limited to those funded in whole or in part by the AFDC-FC
8 program. The financial audits shall include, but not be limited to,
9 an evaluation of the expenditures and accounting and control
10 systems of the provider.

11 (4) The provider shall have its financial audit conducted by
12 certified public accountants or by state-licensed public accountants,
13 with audit designation, who have no direct or indirect relationship
14 with the functions or activities being audited, or with the provider,
15 its board of directors, or other governing body, officers, or staff.

16 (5) The provider shall have its financial audits conducted in
17 accordance with Government Auditing Standards issued by the
18 Comptroller General of the United States and in compliance with
19 generally accepted accounting principles applicable to private
20 entities organized and operated on a nonprofit basis.

21 (6) (A) Each provider shall have the flexibility to define the
22 calendar months included in its fiscal year.

23 (B) A provider may change the definition of its fiscal year.
24 However, the financial audit conducted following the change shall
25 cover all of the months since the last audit, even though this may
26 cover a period that exceeds 12 months.

27 (b) (1) In accordance with subdivision (a), as a condition to
28 receive an AFDC-FC rate, a provider shall submit a copy of its
29 most recent financial audit report, except as provided in paragraph
30 (3).

31 (2) The department shall terminate the rate of a provider who
32 fails to submit a copy of its most recent financial audit pursuant
33 to subdivision (a). A terminated rate shall only be reinstated upon
34 the provider's submission to the department of an acceptable
35 financial audit.

36 (3) A new provider that has been incorporated for fewer than
37 12 calendar months shall not be required to submit a copy of a
38 financial audit to receive an AFDC-FC rate for a new program.
39 The financial audit shall be conducted on the provider's next full

1 fiscal year of operation. The provider shall submit the financial
2 audit to the department in accordance with subdivision (a).

3 (c) The department shall issue a management decision letter on
4 audit findings, made by the independent auditor or as a result of
5 department review, within six months of receipt of the financial
6 audit report. The management decision letter shall clearly state
7 whether or not the audit finding is sustained, the reasons for the
8 decision, and the action or actions expected of the nonprofit
9 organization provider to repay disallowed costs, make financial
10 adjustments, or take other action.

11 (d) Repeated late submission of financial audits, repeat findings
12 in financial audits, or failure to comply with corrective action in
13 a management decision letter may result in monetary penalties or
14 a reduction, suspension, or termination of the provider's rate in
15 accordance with regulations adopted by the department, all-county
16 letter, or similar written instructions. This subdivision shall not be
17 construed to affect the department's authority under other
18 provisions of law, including, but not limited to, Part 200 of Title
19 2 of the Code of Federal Regulations.

20 ~~SEC. 19:~~

21 *SEC. 57.* Section 11466.22 of the Welfare and Institutions
22 Code is amended to read:

23 11466.22. (a) It is the intent of the Legislature to ensure overall
24 program integrity in the AFDC-FC program through the
25 establishment of an effective and efficient process for the collection
26 of provider sustained overpayments. Furthermore, the intent of the
27 Legislature is to ensure that children placed in AFDC-FC programs,
28 including, but not limited to, group homes, short-term residential
29 treatment centers, and foster family agencies, receive the level of
30 care and supervision commensurate with the program's paid rate.

31 (b) For the purposes of this section, a provider is a licensee of
32 an AFDC-FC program listed in Section 11402, including, but not
33 limited to, a group home, short-term residential treatment center,
34 foster family agency that provides treatment services, or a similar
35 business entity, receiving foster care maintenance payments under
36 the AFDC-FC program. The department may collect a sustained
37 overpayment from the party responsible for the sustained
38 overpayment, regardless of whether the party remains in the
39 business of providing any AFDC-FC programs, and regardless of
40 whether the provider remains licensed by the department.

1 (c) For the purposes of this section, a provider overpayment is
2 an overpayment that results in an audit period when a provider
3 receives a rate reimbursement to which it is not entitled. If a
4 provider receives a rate reimbursement to which it is not entitled,
5 including, but not limited to, the provider failing to maintain a
6 license, or failing to maintain its status as a nonprofit organization,
7 or due to an overpayment determined as described in paragraph
8 (1) of subdivision (d), it shall be liable to repay the overpayment.

9 (d) (1) Overpayments shall be determined by either a provider
10 audit pursuant to Section 11466.21, a department audit conducted
11 pursuant to Section 11466.2, a management decision letter, or a
12 provider self-reporting an overpayment. A self-reported
13 overpayment may include a finding in the financial audit report
14 submitted by the provider whether that finding is formally made
15 in the financial audit report or discovered through department
16 review of the report or other provider submission.

17 (2) If a hearing is not requested, or on the 60th day after an
18 informal decision if a provider or the department does not file a
19 notice of intent to file a formal appeal, or on the 30th day following
20 a formal appeal hearing decision, whichever is latest, a provider
21 overpayment shall be sustained for collection purposes and the
22 department shall issue a demand letter for repayment of the
23 sustained overpayment.

24 (3) The department shall establish a voluntary repayment
25 agreement procedure with a maximum repayment period of nine
26 years. The procedure shall take into account the amount of the
27 overpayment, projected annual income of the program that caused
28 the overpayment, a minimum repayment amount, including
29 principal and interest, of 3 percent of annual income prorated on
30 a monthly basis, simple interest for the first seven years of the
31 voluntary repayment agreement on the overpayment amount based
32 on the Surplus Money Investment Fund, and simple interest for
33 the eighth and ninth years of the voluntary repayment agreement
34 based on the prime rate at that time plus 3 percent. The department
35 may consider renegotiation of a voluntary repayment agreement
36 if the department determines that the agreement would cause severe
37 harm to children in placement.

38 (4) The department shall establish an involuntary overpayment
39 collection procedure, that shall take into account the amount of
40 the overpayment, projected annual income, a minimum required

1 repayment amount, including principal and interest, of 5 percent
2 of the annual income prorated on a monthly basis, simple interest
3 on the overpayment amount based on the Surplus Money
4 Investment Fund, and a maximum repayment period of seven
5 years. The department may consider renegotiation of an involuntary
6 payment agreement if the department determines that the agreement
7 would cause severe harm to children in placement.

8 (e) The department shall maintain, by ~~regulation~~, *regulation*,
9 all-county letter, or similar written directive, a procedure for
10 recovery of any provider sustained overpayments. The department
11 shall prioritize collection methods, which shall include voluntary
12 repayment agreement procedures, involuntary overpayment
13 collection procedures, including the use of a statutory lien, rate
14 request denials, rate decreases, and rate terminations. The
15 department may also deny rate requests, including requests for
16 rate increases, or program changes or expansions, while an
17 overpayment is due.

18 (f) Whenever the department determines that a provider
19 sustained overpayment has occurred, the department shall recover
20 from the provider the full amount of the sustained overpayment,
21 and simple interest on the sustained overpayment amount, pursuant
22 to methods described in subdivision (e), against the provider's
23 income or assets.

24 (g) If a provider is successful in its appeal of a collected
25 overpayment, it shall be repaid the collected overpayment plus
26 simple interest based on the Surplus Money Investment Fund.

27 *SEC. 58. Section 11466.24 of the Welfare and Institutions Code*
28 *is amended to read:*

29 11466.24. (a) In accordance with this section, a county shall
30 collect an overpayment, discovered on or after January 1, 1999,
31 made to a foster family home, an approved home of a relative,
32 including, on and after the date that the director executes a
33 declaration pursuant to Section 11217, the home of a Kin-GAP
34 guardian, an approved home of a nonrelative extended family
35 member, ~~or an approved home of a nonrelative legal guardian, or,~~
36 ~~on and after January 1, 2012, a resource family, as defined in~~
37 *subdivision (c) of Section 16519.5, or the supervised independent*
38 *living setting where a nonminor dependent resides, for any period*
39 *of time in which the foster child was not cared for in that home,*

1 unless any of the following conditions exist, in which case a county
2 shall not collect the overpayment:

3 (1) The cost of the collection exceeds that amount of the
4 overpayment that is likely to be recovered by the county. The cost
5 of collecting the overpayment and the likelihood of collection shall
6 be documented by the county. Costs that the county shall consider
7 when determining the cost-effectiveness to collect are total
8 administrative, personnel, legal filing fee, and investigative costs,
9 and any other applicable costs.

10 (2) The child was temporarily removed from the home and
11 payment was owed to the provider to maintain the child's
12 placement, or the child was temporarily absent from the provider's
13 home, or on runaway status and subsequently returned, and
14 payment was made to the provider to meet the child's needs.

15 (3) The overpayment was exclusively the result of a county
16 administrative error or both the county welfare department and
17 the provider or nonminor dependent were unaware of the
18 information that would establish that the foster child or nonminor
19 dependent was not eligible for foster care benefits.

20 (4) The provider or nonminor dependent did not have knowledge
21 of, and did not contribute to, the cause of the overpayment.

22 (b) (1) After notification by a county of an overpayment to a
23 foster family home, an approved home of a relative, including the
24 home of a Kin-GAP guardian, or a nonrelative extended family
25 member, approved home of a nonrelative legal guardian, *a resource*
26 *family*, or the supervised independent living setting where the
27 nonminor dependent resides, and a demand letter for repayment,
28 the foster parent, approved relative, approved nonrelative legal
29 guardian, *resource family*, or nonminor dependent may request
30 the county welfare department to review the overpayment
31 determination in an informal hearing, or may file with the
32 department a request for a hearing to appeal the overpayment
33 determination. Requesting an informal hearing shall not preclude
34 a payee from seeking a formal hearing at a later date. The county
35 welfare department shall dismiss the overpayment repayment
36 request if it determines the action to be incorrect through an initial
37 review prior to a state hearing, or through a review in an informal
38 hearing held at the request of the foster parent, relative, nonrelative
39 legal guardian, or nonminor dependent.

1 (2) If an informal hearing does not result in the dismissal of the
2 overpayment, or a formal appeal hearing is not requested, or on
3 the 30th day following a formal appeal hearing decision, whichever
4 is later, the foster family provider overpayment shall be sustained
5 for collection purposes.

6 (3) The department shall adopt regulations that ensure that the
7 best interests of the child or nonminor dependent shall be the
8 primary concern of the county welfare director in any repayment
9 agreement.

10 (c) (1) The department shall develop regulations for recovery
11 of overpayments made to any foster family home, approved home
12 of a relative, including the home of a Kin-GAP guardian, approved
13 home of a nonrelative legal guardian, *resource family*, or
14 supervised independent living setting where a nonminor dependent
15 resides. The regulations shall prioritize collection methods, that
16 shall include voluntary repayment agreement procedures and
17 involuntary overpayment collection procedures. These procedures
18 shall take into account the amount of the overpayment and a
19 minimum required payment amount.

20 (2) A county shall not collect an overpayment through the use
21 of an involuntary payment agreement unless a foster family home,
22 an approved home of a relative, including the home of a Kin-GAP
23 guardian, approved home of a nonrelative legal guardian, *resource*
24 *family*, or supervised independent living setting where a nonminor
25 dependent resides has rejected the offer of a voluntary overpayment
26 agreement, or has failed to comply with the terms of the voluntary
27 overpayment agreement.

28 (3) A county shall not be permitted to collect an overpayment
29 through the offset of payments due to a foster family home, an
30 approved home of a relative, including the home of a Kin-GAP
31 guardian, approved home of a nonrelative legal guardian ~~guardian~~,
32 *resource family*, or supervised independent living setting where a
33 nonminor dependent resides, unless this method of repayment is
34 requested by the provider or nonminor dependent in a voluntary
35 repayment agreement, or other circumstances defined by the
36 department by regulation.

37 (d) If a provider or nonminor dependent is successful in its
38 appeal of a collected overpayment, it shall be repaid the collected
39 overpayment plus simple interest based on the Surplus Money
40 Investment Fund.

1 (e) A county may not collect interest on the repayment of an
2 overpayment.

3 (f) There shall be a one-year statute of limitations from the date
4 upon which the county determined that there was an overpayment.

5 *SEC. 59. Section 11466.25 of the Welfare and Institutions Code*
6 *is amended to read:*

7 11466.25. Interest begins to accrue on a provider overpayment
8 or penalty on the date of the issuance of the ~~penalty or penalty, the~~
9 ~~date of issuance of the final audit report, or the date the final audit~~
10 ~~report is sustained~~; the date of the issuance of a management
11 decision letter in accordance with Section 11466.21, or the date
12 that a provider self-reports an overpayment.

13 *SEC. 60. Section 11466.31 of the Welfare and Institutions Code*
14 *is amended to read:*

15 11466.31. (a) When it has been determined that a provider
16 participating in the AFDC-FC program owes an overpayment that
17 is due and payable, the department may implement involuntary
18 offset collection procedures to collect sustained overpayments
19 from a provider if the provider does not enter into a voluntary
20 repayment agreement with the department or the provider has three
21 outstanding payments on a voluntary repayment agreement before
22 the overpayment is repaid.

23 (b) The minimum monthly overpayment offset amount from
24 monthly rate reimbursements shall be determined using the
25 involuntary collection procedures developed pursuant to paragraph
26 (4) of subdivision (d) of Section ~~11466.2~~ 11466.22. Overpayments
27 shall be offset against current monthly rate reimbursement
28 payments due and payable to a provider under this chapter.

29 (c) Failure to repay an overpayment shall be grounds for
30 termination of the provider's rate and shall result in a referral to
31 the department's Community Care Licensing Division for license
32 revocation.

33 *SEC. 61. Section 11466.32 of the Welfare and Institutions Code*
34 *is amended to read:*

35 11466.32. (a) If a provider that owes a sustained overpayment
36 pursuant to paragraph (2) of subdivision (d) of Section ~~11466.2~~
37 11466.22 does not enter into a voluntary repayment agreement
38 with the department, or the provider has three outstanding payments
39 on a voluntary repayment agreement before the overpayment is
40 repaid, in addition to the monthly overpayment offset amount, 50

1 percent of any increases resulting from California Necessities
2 Index (CNI) adjustments and provider's rate adjustments to the
3 standard rate that are due to a provider shall be withheld until the
4 sustained overpayment amount is collected. Once the overpayment
5 amount is collected, the provider shall begin to prospectively
6 receive the full amount of any California Necessities Index and
7 rate adjustment to which it is entitled.

8 (b) Any provider subject to involuntary repayment of a sustained
9 overpayment pursuant to Section 11466.31 shall be ineligible to
10 receive any rate increase or program change or expansion, until
11 the repayment is completed or until the host county or the primary
12 placement county provide the department with a request for waiver
13 of this paragraph.

14 ~~SEC. 20.~~

15 *SEC. 62.* Section 11469 of the Welfare and Institutions Code
16 is amended to read:

17 11469. (a) The department shall develop, following
18 consultation with group home providers, the County Welfare
19 Directors Association of California, the Chief Probation Officers
20 of California, the County Behavioral Health Directors Association
21 of California, the State Department of Health Care Services, and
22 stakeholders, performance standards and outcome measures for
23 determining the effectiveness of the care and supervision, as
24 defined in subdivision (b) of Section 11460, provided by group
25 homes under the AFDC-FC program pursuant to Sections 11460
26 and 11462. These standards shall be designed to measure group
27 home program performance for the client group that the group
28 home program is designed to serve.

29 (1) The performance standards and outcome measures shall be
30 designed to measure the performance of group home programs in
31 areas over which the programs have some degree of influence, and
32 in other areas of measurable program performance that the
33 department can demonstrate are areas over which group home
34 programs have meaningful managerial or administrative influence.

35 (2) These standards and outcome measures shall include, but
36 are not limited to, the effectiveness of services provided by each
37 group home program, and the extent to which the services provided
38 by the group home assist in obtaining the child welfare case plan
39 objectives for the child.

1 (3) In addition, when the group home provider has identified
2 as part of its program for licensing, ratesetting, or county placement
3 purposes, or has included as a part of a child's case plan by mutual
4 agreement between the group home and the placing agency,
5 specific mental health, education, medical, and other child-related
6 services, the performance standards and outcome measures may
7 also measure the effectiveness of those services.

8 (b) Regulations regarding the implementation of the group home
9 performance standards system required by this section shall be
10 adopted no later than one year prior to implementation. The
11 regulations shall specify both the performance standards system
12 and the manner by which the AFDC-FC rate of a group home
13 program shall be adjusted if performance standards are not met.

14 (c) Except as provided in subdivision (d), effective July 1, 1995,
15 group home performance standards shall be implemented. Any
16 group home program not meeting the performance standards shall
17 have its AFDC-FC rate, set pursuant to Section 11462, adjusted
18 according to the regulations required by this section.

19 (d) A group home program shall be classified at rate
20 classification level 13 or 14 only if it has been granted an extension
21 pursuant to *subdivision (d) of Section 11462.04* and all of the
22 following are met:

23 (1) The program generates the requisite number of points for
24 rate classification level 13 or 14.

25 (2) The program only accepts children with special treatment
26 needs as determined through the assessment process pursuant to
27 paragraph (2) of subdivision (a) of Section 11462.01.

28 (3) The program meets the performance standards designed
29 pursuant to this section.

30 (e) Notwithstanding subdivision (c), the group home program
31 performance standards system shall not be implemented prior to
32 the implementation of the AFDC-FC performance standards
33 system.

34 (f) On or before January 1, 2016, the department shall develop,
35 following consultation with the County Welfare Directors
36 Association of California, the Chief Probation Officers of
37 California, the County Behavioral Health Directors Association
38 of California, research entities, foster children, advocates for foster
39 children, foster care provider business entities organized and
40 operated on a nonprofit basis, Indian tribes, and other stakeholders,

1 additional performance standards and outcome measures that
2 require group homes to implement programs and services to
3 minimize law enforcement contacts and delinquency petition filings
4 arising from incidents of allegedly unlawful behavior by minors
5 occurring in group homes or under the supervision of group home
6 staff, including individualized behavior management programs,
7 emergency intervention plans, and conflict resolution processes.

8 (g) On or before January 1, 2017, the department shall develop,
9 following consultation with the County Welfare Directors
10 Association of California, the Chief Probation Officers of
11 California, the County Behavioral Health Directors Association
12 of California, the Medical Board of California, research entities,
13 foster children advocates for foster children, foster care provider
14 business entities organized and operated on a nonprofit basis,
15 Indian tribes, and other stakeholders, additional performance
16 standards and outcome measures that require group homes and
17 short-term residential treatment centers to implement alternative
18 programs and services, including individualized behavior
19 management programs, emergency intervention plans, and conflict
20 resolution processes.

21 (h) Performance standards and outcome measures developed
22 pursuant to this section shall apply to short-term residential
23 treatment centers.

24 *SEC. 63. Section 16504.5 of the Welfare and Institutions Code*
25 *is amended to read:*

26 16504.5. (a) (1) Notwithstanding any other ~~provision of~~ law,
27 pursuant to subdivision (b) of Section 11105 of the Penal Code, a
28 child welfare agency may secure from an appropriate governmental
29 criminal justice agency the state summary criminal history
30 information, as defined in subdivision (a) of Section 11105 of the
31 Penal Code, through the California Law Enforcement
32 Telecommunications System pursuant to subdivision (d) of Section
33 309, and subdivision (a) of Section 1522 of the Health and Safety
34 Code for the following purposes:

35 (A) To conduct an investigation pursuant to Section 11166.3 of
36 the Penal Code or an investigation involving a child in which the
37 child is alleged to come within the jurisdiction of the juvenile court
38 under Section 300.

39 (B) (i) To assess the appropriateness and safety of placing a
40 child who has been detained or is a dependent of the court, in the

1 home of a relative assessed pursuant to Section ~~309 or 361.4~~, 309,
2 361.4, or 16519.5, or in the home of a nonrelative extended family
3 member assessed as described in Section 362.7 or 16519.5 during
4 an emergency situation.

5 (ii) When a relative or nonrelative family member who has been
6 assessed pursuant to clause (i) and approved as a caregiver moves
7 to a different county and continued placement of the child with
8 that person is intended, the move shall be considered an emergency
9 situation for purposes of this subparagraph.

10 (C) To attempt to locate a parent or guardian pursuant to Section
11 311 of a child who is the subject of dependency court proceedings.

12 (D) To obtain information about the background of a nonminor
13 who has petitioned to reenter foster care under subdivision (e) of
14 Section 388, in order to assess the appropriateness and safety of
15 placing the nonminor in a foster care or other placement setting
16 with minor dependent children.

17 (2) Any time that a child welfare agency initiates a criminal
18 background check through the California Law Enforcement
19 Telecommunications System for the purpose described in
20 subparagraph (B) of paragraph (1), the agency shall ensure that a
21 state-level fingerprint check is initiated within 10 calendar days
22 of the check, unless the whereabouts of the subject of the check
23 are unknown or the subject of the check refuses to submit to the
24 fingerprint check. The Department of Justice shall provide the
25 requesting agency a copy of all criminal history information
26 regarding an individual that it maintains pursuant to subdivision
27 (b) of Section 11105 of the Penal Code.

28 (b) Criminal justice personnel shall cooperate with requests for
29 criminal history information authorized pursuant to this section
30 and shall provide the information to the requesting entity in a
31 timely manner.

32 (c) Any law enforcement officer or person authorized by this
33 section to receive the information who obtains the information in
34 the record and knowingly provides the information to a person not
35 authorized by law to receive the information is guilty of a
36 misdemeanor as specified in Section 11142 of the Penal Code.

37 (d) Information obtained pursuant to this section shall not be
38 used for any purposes other than those described in subdivision
39 (a).

1 (e) Nothing in this section shall preclude a nonminor petitioning
2 to reenter foster care or a relative or other person living in a
3 relative's home from refuting any of the information obtained by
4 law enforcement if the individual believes the state- or federal-level
5 criminal records check revealed erroneous information.

6 (f) (1) A state or county welfare agency may submit to the
7 Department of Justice fingerprint images and related information
8 required by the Department of Justice of parents or legal guardians
9 when determining their suitability for reunification with a
10 dependent child subject to the jurisdiction of the juvenile court,
11 for the purposes of obtaining information as to the existence and
12 content of a record of state or federal convictions and state or
13 federal arrests, as well as information as to the existence and
14 content of a record of state or federal arrests for which the
15 Department of Justice establishes that the person is free on bail or
16 on his or her own recognizance pending trial or appeal. Of the
17 information received by the Department of Justice pursuant to this
18 subdivision, only the parent's or legal guardian's criminal history
19 for the time period following the removal of the child from the
20 parent or legal guardian shall be considered.

21 (2) A county welfare agency or county probation office may
22 submit to the Department of Justice fingerprint images and related
23 information required by the Department of Justice of nonminors
24 petitioning to reenter foster care under Section 388, in order to
25 assess the appropriateness and safety of placing the nonminor in
26 a foster care or other placement setting with minor dependent
27 children.

28 (3) When received, the Department of Justice shall forward to
29 the Federal Bureau of Investigation requests for federal summary
30 criminal history information received pursuant to this subdivision.
31 The Department of Justice shall review the information returned
32 from the Federal Bureau of Investigation and respond to the state
33 or county welfare agency.

34 (4) The Department of Justice shall provide a response to the
35 state or county welfare agency pursuant to subdivision (p) of
36 Section 11105 of the Penal Code.

37 (5) The state or county welfare agency shall not request from
38 the Department of Justice subsequent arrest notification service,
39 as provided pursuant to Section 11105.2 of the Penal Code, for
40 individuals described in this subdivision.

1 (6) The Department of Justice shall charge a fee sufficient to
2 cover the costs of processing the request described in this
3 subdivision.

4 (7) This subdivision shall become operative on July 1, 2007.

5 (g) A fee, determined by the Federal Bureau of Investigation
6 and collected by the Department of Justice, shall be charged for
7 each federal-level criminal offender record information request
8 submitted pursuant to this section and Section 361.4.

9 ~~SEC. 21.~~

10 *SEC. 64.* Section 16514 of the Welfare and Institutions Code
11 is amended to read:

12 16514. (a) A minor or nonminor who has been voluntarily
13 placed, adjudged a dependent child of the juvenile court pursuant
14 to Section 300, or as to whom a petition has been filed under
15 Section 325, may be housed in an emergency shelter or, pursuant
16 to the procedures for placement set forth in this code, placed in a
17 foster family home, a resource family home, or with a foster family
18 agency for subsequent placement in a ~~suitable licensed foster~~
19 ~~family home or certified family home,~~ *home or with a resource*
20 *family,* with minors adjudged wards of the juvenile court pursuant
21 to Section 601.

22 (b) A minor who has been voluntarily placed, adjudged a
23 dependent child of the juvenile court pursuant to Section 300, or
24 adjudged a ward of the juvenile court pursuant to Section 601,
25 shall not be housed in an emergency shelter with any minor
26 adjudged a ward of the juvenile court pursuant to Section 602.

27 (c) A minor or nonminor who has been voluntarily placed,
28 adjudged a dependent child of the juvenile court pursuant to Section
29 300, or as to whom a petition has been filed under Section 325, or
30 a nonminor dependent, as described in subdivision (v) of Section
31 11400, shall not be placed or detained in a short-term residential
32 treatment center, ~~group home or home,~~ licensed foster family home,
33 a resource family home, ~~a or certified family home, or an approved~~
34 ~~resource family or foster family agency,~~ *home or approved*
35 *resource family home of a foster family agency,* with any minor
36 adjudged a ward of the juvenile court pursuant to Section 601 or
37 602, unless the social worker or probation officer with placement
38 authority has determined that the placement setting has a program
39 that meets the specific needs of the minor or nonminor dependent

1 being placed or detained, and there is a commonality of needs with
2 the other minors and nonminor dependents in the placement setting.

3 (d) Nothing in this section shall transfer or eliminate the
4 responsibility of the placing agency for the care, custody, or control
5 of the child. Nothing in this section shall relieve a foster family
6 agency of its responsibilities for or on behalf of a child placed with
7 it.

8 (e) For purposes of this section, the placing of children or
9 nonminor dependents by foster family agencies shall be referred
10 to as "subsequent placement" to distinguish the activity from the
11 placing by public agencies.

12 *SEC. 65. The heading of Article 2 (commencing with Section*
13 *16519.5) is added to Chapter 5 of Part 4 of Division 9 of the*
14 *Welfare and Institutions Code, to read:*

15
16 *Article 2. Resource Family Approval Program*

17
18 ~~SEC. 22.~~

19 *SEC. 66.* Section 16519.5 of the Welfare and Institutions Code
20 is amended to read:

21 16519.5. (a) The State Department of Social Services, in
22 consultation with county child welfare agencies, foster parent
23 associations, and other interested community parties, shall
24 implement a unified, family friendly, and child-centered resource
25 family approval process to replace the existing multiple processes
26 for licensing foster family homes, *certifying foster homes by*
27 *licensed foster family agencies*, approving relatives and nonrelative
28 extended family members as foster care providers, and approving
29 guardians and adoptive families.

30 (b) (1) Counties shall be selected to participate on a voluntary
31 basis as early implementation counties for the purpose of
32 participating in the initial development of the approval process.
33 Early implementation counties shall be selected according to
34 criteria developed by the department in consultation with the
35 County Welfare Directors Association. In selecting the five early
36 implementation counties, the department shall promote diversity
37 among the participating counties in terms of size and geographic
38 location.

1 (2) Additional counties may participate in the early
2 implementation of the program upon authorization by the
3 department.

4 (3) The State Department of Social Services shall be responsible
5 for all of the following:

6 (A) Selecting early implementation counties, based on criteria
7 established by the department in consultation with the County
8 Welfare Directors Association.

9 (B) Establishing timeframes for participating counties to submit
10 an implementation plan, enter into terms and conditions for early
11 implementation participation in the program, train appropriate
12 staff, and accept applications from resource families.

13 (C) Entering into terms and conditions for early implementation
14 participation in the program by counties.

15 (4) Counties participating in the early implementation of the
16 program shall be responsible for all of the following:

17 (A) Submitting an implementation plan.

18 (B) Entering into terms and conditions for early implementation
19 participation in the program.

20 (C) Consulting with the county probation department in the
21 development of the implementation plan.

22 (D) Training appropriate staff.

23 (E) Accepting applications from resource families within the
24 timeframes established by the department.

25 (5) (A) Approved relatives and nonrelative extended family
26 members, licensed foster family homes, or approved adoptive
27 homes that have completed the license or approval process prior
28 to statewide implementation of the program shall not be considered
29 part of the program. The otherwise applicable assessment and
30 oversight processes shall continue to be administered for families
31 and facilities not included in the program.

32 (B) Upon implementation of the program in a county, that
33 county shall not accept new applications for the licensure of foster
34 family homes, the approval of relative and nonrelative extended
35 family members, or the approval of prospective guardians and
36 adoptive homes.

37 (6) The department may waive regulations that pose a barrier
38 to the early implementation and operation of this program. The
39 waiver of any regulations by the department pursuant to this section
40 shall apply to only those counties or foster family agencies

1 participating in the early implementation of the program and only
2 for the duration of the program.

3 (c) (1) For the purposes of this ~~chapter~~, *article*, “resource
4 family” means an individual or family that has successfully met
5 both the home environment assessment standards and the
6 permanency assessment criteria adopted pursuant to subdivision
7 (d) necessary for providing care for a related or unrelated child
8 who is under the jurisdiction of the juvenile court, or otherwise in
9 the care of a county child welfare agency or probation department.
10 A resource family shall demonstrate all of the following:

11 (A) An understanding of the safety, permanence, and well-being
12 needs of children who have been victims of child abuse and neglect,
13 and the capacity and willingness to meet those needs, including
14 the need for protection, and the willingness to make use of support
15 resources offered by the agency, or a support structure in place,
16 or both.

17 (B) An understanding of children’s needs and development,
18 effective parenting skills or knowledge about parenting, and the
19 capacity to act as a reasonable, prudent parent in day-to-day
20 decisionmaking.

21 (C) An understanding of his or her role as a resource family and
22 the capacity to work cooperatively with the agency and other
23 service providers in implementing the child’s case plan.

24 (D) The financial ability within the household to ensure the
25 stability and financial security of the family.

26 (E) An ability and willingness to provide a family setting that
27 promotes normal childhood experiences that serves the needs of
28 the child.

29 (2) For purposes of this ~~chapter~~, *article*, and unless otherwise
30 specified, references to a “child” shall include a “nonminor
31 dependent” and “nonminor former dependent or ward” as defined
32 in subdivision (v) and paragraph (1) of subdivision (aa) of Section
33 11400.

34 (3) There is no fundamental right to approval as a resource
35 family.

36 (4) Subsequent to meeting the criteria set forth in this
37 subdivision and designation as a resource family, a resource family
38 shall be considered eligible to provide foster care for related and
39 unrelated children in out-of-home placement, shall be considered
40 approved for adoption or guardianship, and shall not have to

1 undergo any additional approval or licensure as long as the family
2 lives in a county participating in the program.

3 ~~(5) Resource family approval~~ *For purposes of this article,*
4 *“resource family approval” means that the applicant or resource*
5 *family successfully meets the home environment assessment and*
6 *permanency assessment standards. This approval is in lieu of the*
7 *existing foster care license, a foster family home license issued*
8 *pursuant to Chapter 3 (commencing with Section 1500) of Division*
9 *2 of the Health and Safety Code, a certificate of approval issued*
10 *by a licensed foster family agency, as described in subdivision (c)*
11 *of Section 1506 of the Health and Safety Code, relative or*
12 *nonrelative extended family member approval, guardianship*
13 *approval pursuant to Section 360, 366.26, or 728, and the adoption*
14 *home study approval.*

15 (6) Approval of a resource family does not guarantee an initial,
16 continued, or adoptive placement of a child with a resource family.
17 *family or with a relative or nonrelative extended family member*
18 *pursuant to subdivision (e). Approval of a resource family does*
19 *not guarantee the establishment of a legal guardianship of a child*
20 *with a resource family.*

21 (7) (A) Notwithstanding paragraphs (1) to (6), inclusive, the
22 department or county ~~may~~ *shall* cease any further review of an
23 application if the applicant has had a previous application denial
24 within the preceding year, or if the applicant has had a previous
25 rescission, revocation, or exemption denial or exemption rescission
26 by the department or county within the preceding two years.
27 ~~However,~~

28 (B) *Notwithstanding subparagraph (A), the department or county*
29 *may continue to review an application if it has determined that the*
30 *reasons for the previous denial, rescission, or revocation were due*
31 *to circumstances and conditions that either have been corrected or*
32 *are no longer in existence. If an individual was excluded from a*
33 *resource family home or facility licensed by the department, the*
34 *department or county shall cease review of the individual’s*
35 *application unless the excluded individual has been reinstated*
36 *pursuant to Section 11522 of the Government Code. The cessation*
37 *of review shall not constitute a denial of the application for*
38 *purposes of this section or any other law.*

39 (8) *A resource family shall meet the approval standards set*
40 *forth in this section, comply with the written directives or*

1 *regulations adopted pursuant to this section, and comply with*
2 *other applicable laws in order to maintain approval.*

3 (9) *A resource family may be approved by the department or a*
4 *county pursuant to this section or by a foster family agency*
5 *pursuant to Section 1517 of the Health and Safety Code.*

6 (10) *A resource family shall not be licensed as a residential*
7 *facility, as defined in paragraph (1) of subdivision (a) of Section*
8 *1502 of the Health and Safety Code.*

9 (d) (1) The department shall adopt standards pertaining to the
10 home environment and permanency assessments of a resource
11 family.

12 (2) Resource family home environment assessment standards
13 shall include, but not be limited to, all of the following:

14 (A) (i) Criminal records clearance of *each applicant and* all
15 adults residing in, or regularly present in, the home, and not
16 exempted from fingerprinting, as set forth in subdivision (b) of
17 Section 1522 of the Health and Safety Code, pursuant to Section
18 8712 of the Family Code, utilizing a check of the Child Abuse
19 Central Index (CACI), and receipt of a fingerprint-based state and
20 federal criminal offender record information search response. The
21 criminal history information shall include subsequent notifications
22 pursuant to Section 11105.2 of the Penal Code.

23 (ii) Consideration of any substantiated allegations of child abuse
24 or neglect against ~~either the applicant or~~ *and any other adult*
25 ~~residing in~~ *in, or regularly present in,* the home. An approval may
26 not be granted to applicants whose criminal record indicates a
27 conviction for any of the offenses specified in subdivision (g) of
28 Section 1522 of the Health and Safety Code.

29 (iii) If the resource family parent, applicant, or any other person
30 specified in subdivision (b) of Section 1522 of the Health and
31 Safety Code has been convicted of a crime other than a minor
32 traffic violation or arrested for a serious offense specified in
33 subdivision (e) of Section 1522 of the Health and Safety Code,
34 except for the civil penalty language, the criminal background
35 check provisions specified in subdivisions (d) through (f) of Section
36 1522 of the Health and Safety Code shall apply. Exemptions from
37 the criminal records clearance requirements set forth in this section
38 may be granted by the department or the county, if that county ~~has~~
39 *had* been granted permission by the department to issue criminal
40 records exemptions pursuant to Section ~~361.4, 361.4 on or before~~

1 *January 1, 2017*, using the exemption criteria specified in
2 subdivision (g) of Section 1522 of the Health and Safety Code and
3 the written directives or regulations adopted pursuant to this
4 section. A county may obtain arrest and conviction records or
5 reports from any court or law enforcement agency as necessary to
6 the performance of its duties, as provided in subdivision (e) of
7 Section 1522 of the Health and Safety Code.

8 (iv) For public foster family agencies approving resource
9 families, the criminal records clearance process set forth in clause
10 (i) shall be utilized.

11 (v) For private foster family agencies approving resource
12 families, the criminal records clearance process set forth in clause
13 (i) shall be utilized, but the Department of Justice shall disseminate
14 a fitness determination resulting from the federal criminal offender
15 record information search.

16 (B) Buildings and grounds and storage requirements that ensure
17 the health and safety of children.

18 (C) In addition to the foregoing requirements, the resource
19 family home environment assessment standards shall also require
20 the following:

21 (i) That the applicant demonstrate an understanding about the
22 rights of children in care and his or her responsibility to safeguard
23 those rights.

24 (ii) That the total number of children residing in the home of a
25 resource family shall be no more than the total number of children
26 the resource family can properly care for, regardless of status, and
27 shall not exceed six children, unless exceptional circumstances
28 that are documented in the foster child's case file exist to permit
29 a resource family to care for more children, including, but not
30 limited to, the need to place siblings together.

31 (iii) That the applicant understands his or her responsibilities
32 with respect to acting as a reasonable and prudent parent, and
33 maintaining the least restrictive environment that serves the needs
34 of the child.

35 (3) The resource family permanency assessment standards shall
36 include, but not be limited to, all of the following:

37 ~~(A) The applicant shall complete caregiver training.~~

38 (A) *Caregiver training, as described in subdivisions (g) and*
39 *(h).*

1 (B) ~~(i) The applicant shall complete a psychosocial assessment,~~
2 *A psychosocial assessment of an applicant, which shall include*
3 *the results of a risk assessment.*

4 *(i) When the applicant is a relative or nonrelative extended*
5 *family member to an identified child, the psychosocial assessment*
6 *shall consider the nature of the relationship between the relative*
7 *or nonrelative extended family member and the child. The relative*
8 *or nonrelative extended family member's expressed desire to only*
9 *care for a specific child or children shall not be a reason to deny*
10 *the approval.*

11 (ii) A caregiver risk assessment shall include, but ~~shall~~ not be
12 limited to, physical and mental health, alcohol and other substance
13 use and abuse, family and domestic violence, and the factors listed
14 in subparagraphs (A) and (D) of paragraph (1) of subdivision (c).

15 (C) ~~The applicant shall complete~~ *Completion of any other*
16 *activities that relate to a resource family's ability the ability of an*
17 *applicant or a resource family to achieve permanency with the a*
18 *child.*

19 (e) (1) A county may place a child with a resource family
20 applicant ~~that~~ *who* has successfully completed the home
21 environment assessment prior to completion of a permanency
22 assessment only if a compelling reason for the placement exists
23 based on the needs of the child.

24 (A) The permanency assessment shall be completed within 90
25 days of the child's placement in the home, unless good cause exists
26 based upon the needs of the child.

27 (B) If additional time is needed to complete the permanency
28 assessment, the county shall document the extenuating
29 circumstances for the delay and generate a timeframe for the
30 completion of the permanency assessment.

31 (C) The county shall report to the department on a quarterly
32 basis the number of families with a child in an approved home
33 whose permanency assessment goes beyond 90 days and
34 summarize the reasons for these delays.

35 (2) A county may place a child with a relative, as defined in
36 Section 319, or nonrelative extended family member, as defined
37 in Section 362.7, prior to applying as a resource family only on
38 an emergency basis if all of the following requirements are met:

39 (A) Consideration of the results of a criminal records check
40 conducted pursuant to Section 16504.5 of the relative or nonrelative

1 extended family member and of every other adult *residing in or*
2 *regularly present* in the home.

3 (B) Consideration of the results of the Child Abuse Central
4 Index (CACI) consistent with Section 1522.1 of the Health and
5 Safety Code of the relative or nonrelative extended family member,
6 and of every other adult *residing in or regularly present* in the
7 home.

8 (C) The home and grounds are free of conditions that pose undue
9 risk to the health and safety of the child.

10 (D) For any placement made pursuant to this paragraph, the
11 county shall initiate the home environment assessment no later
12 than five business days after the placement, which shall include a
13 face-to-face interview with the resource family applicant and child.

14 (3) For any placement made pursuant to this subdivision,
15 AFDC-FC funding shall not be available until approval of the
16 resource family has been completed.

17 (4) Any child placed under this section shall be afforded all the
18 rights set forth in ~~Section 16001.9~~ *16001.9 and in the written*
19 *directions or regulations adopted pursuant to this section.*

20 (5) Nothing in this section shall limit the county's authority to
21 inspect the home of a resource family applicant or a relative or
22 nonrelative extended family member as often as necessary to ensure
23 the quality of care provided.

24 (f) The State Department of Social Services shall be responsible
25 for all of the following:

26 (1) (A) Until regulations are adopted, administering the program
27 through the issuance of written directives that shall have the same
28 force and effect as regulations. Any directive affecting Article 1
29 (commencing with Section 700) of Chapter 7 of Title 11 of the
30 California Code of Regulations shall be approved by the
31 Department of Justice. The directives shall be exempt from the
32 rulemaking provisions of the Administrative Procedure Act
33 (Chapter 3.5 (commencing with Section 11340)) of Part 1 of
34 Division 3 of Title 2 of the Government Code.

35 (B) Adopting, amending, or repealing, in accordance with
36 Chapter 4.5 (commencing with Section 11371) of Part 1 of Division
37 3 of Title 2 of the Government Code, any reasonable rules,
38 regulations, and standards that may be necessary or proper to carry
39 out the purposes and intent of this chapter and to enable the

1 department to exercise the powers and perform the duties conferred
2 upon it by this section, consistent with the laws of this state.

3 (2) Approving and requiring the use of a single standard for
4 resource family approval.

5 (3) Adopting and requiring the use of standardized
6 documentation for the home environment and permanency
7 assessments of resource families.

8 (4) Requiring counties to monitor county-approved resource
9 families including, but not limited to, all of the following:

10 (A) Investigating complaints of resource families.

11 (B) Developing and monitoring resource family corrective action
12 plans to correct identified deficiencies and to rescind resource
13 family approval if compliance with corrective action plans is not
14 achieved.

15 (5) Ongoing oversight and monitoring of county systems and
16 operations including all of the following:

17 (A) Reviewing the county's implementation plan and
18 implementation of the program.

19 (B) Reviewing an adequate number of county-approved resource
20 families in each county to ensure that approval standards are being
21 properly applied. The review shall include case file documentation,
22 and may include onsite inspection of individual resource families.
23 The review shall occur on an annual basis, and more frequently if
24 the department becomes aware that a county is experiencing a
25 disproportionate number of complaints against individual resource
26 family homes.

27 (C) Reviewing county reports of serious complaints and
28 incidents involving approved resource families, as determined
29 necessary by the department. The department may conduct an
30 independent review of the complaint or incident and change the
31 findings depending on the results of its investigation.

32 (D) Investigating unresolved complaints against counties.

33 (E) Requiring corrective action of counties that are not in full
34 compliance with this section.

35 (6) Updating the Legislature on the early implementation phase
36 of the program, including the status of implementation, successes,
37 and challenges during the early implementation phase, and relevant
38 available data, including resource family satisfaction.

39 (7) Implementing due process procedures, including, but not
40 limited to, all of the following:

1 (A) Providing a statewide fair hearing process for *application*
 2 ~~denials, rescissions, or exclusion actions~~; *rescissions of approval,*
 3 *exclusion actions, or criminal record exemption denials or*
 4 *rescissions, by a county or the department.*

5 (B) Amending the department's applicable state hearing
 6 procedures and regulations or using the Administrative Procedure
 7 Act, when applicable, as necessary for the administration of the
 8 program.

9 (g) Counties shall be responsible for all of the following:

10 (1) Submitting an implementation plan and consulting with the
 11 county probation department in the development of the
 12 implementation plan.

13 (2) Complying with the written directives or regulations adopted
 14 pursuant to this section.

15 (3) Implementing the requirements for resource family approval
 16 and utilizing standardized documentation established by the
 17 department.

18 (4) Training appropriate staff, including ensuring staff have the
 19 education and experience necessary to complete the home
 20 environment and psychosocial assessments competently.

21 (5) (A) Taking the following actions, as applicable:

22 (i) Approving or denying resource family applications.

23 (ii) Rescinding approvals of resource families.

24 (iii) ~~Excluding~~—*When applicable, referring a case to the*
 25 *department for an action to exclude* a resource family parent or
 26 other individual from presence in any resource family home,
 27 consistent with the established standard.

28 (iv) Issuing a temporary suspension order that suspends the
 29 resource family approval prior to a hearing when urgent action is
 30 needed to protect a child from physical or mental abuse,
 31 abandonment, or any other substantial threat to health or safety,
 32 consistent with the established standard.

33 (v) Granting, denying, or rescinding criminal record exemptions.

34 (B) Providing a resource family parent, applicant, ~~excluded~~
 35 ~~individual~~, or individual who is the subject of a criminal record
 36 exemption decision, ~~requesting review of that decision~~, *decision*
 37 with due process pursuant to the department's statutes, regulations,
 38 ~~and written directives~~; *Section 16519.6.*

39 (C) Notifying the department of any decisions denying an
 40 application for resource family approval ~~or approval~~, rescinding

1 the approval of a resource family, ~~excluding an individual~~, or
2 denying or rescinding a criminal record exemption, and, if
3 applicable, notifying the department of the results of an
4 administrative action.

5 (6) (A) Updating resource family approval ~~annually~~: *annually*
6 *and as necessary to address any changes that have occurred in*
7 *the resource family's circumstances, including, but not limited to,*
8 *moving to a new home location or commencing operation of a*
9 *family day care home, as defined in Section 1596.78 of the Health*
10 *and Safety Code.*

11 (B) A county shall conduct an announced inspection of a
12 resource family home during the annual ~~update~~ *update, and as*
13 *necessary to address any changes specified in subparagraph (A),*
14 in order to ensure that the resource family is conforming to all
15 applicable laws and the written directives or regulations adopted
16 pursuant to this section.

17 (7) Monitoring resource families through all of the following:

18 (A) Ensuring that social workers who identify a condition in
19 the home that may not meet the approval standards set forth in
20 subdivision (d) while in the course of a routine visit to children
21 placed with a resource family take appropriate action as needed.

22 (B) Requiring resource families to ~~comply with~~ *meet the*
23 *approval standards set forth in this section, and to comply with*
24 *the written directives or regulations adopted pursuant to this*
25 *section, other applicable laws, and corrective action plans as*
26 necessary to correct identified deficiencies. If corrective action is
27 not completed as specified in the plan, the county may rescind the
28 resource family approval.

29 (C) Requiring resource families to report to the county child
30 welfare agency any incidents consistent with the reporting
31 requirements for licensed foster family homes.

32 (D) Inspecting resource family homes as often as necessary to
33 ensure the quality of care provided.

34 (8) (A) Investigating all complaints against a resource family
35 and taking action as necessary, including, but not limited to,
36 investigating any incidents reported about a resource family
37 indicating that the approval standard is not being maintained and
38 inspecting the resource family home.

39 (B) The child's social worker shall not conduct the formal
40 investigation into the complaint received concerning a family

1 providing services under the standards required by subdivision
2 (d). To the extent that adequate resources are available, complaints
3 shall be investigated by a worker who did not initially conduct the
4 home environment or psychosocial assessments.

5 (C) Upon conclusion of the complaint investigation, the final
6 disposition shall be reviewed and approved by a supervising staff
7 member.

8 (D) The department shall be notified of any serious incidents
9 or serious complaints or any incident that falls within the definition
10 of Section 11165.5 of the Penal Code. If those incidents or
11 complaints result in an investigation, the department shall also be
12 notified as to the status and disposition of that investigation.

13 (9) Performing corrective action as required by the department.

14 (10) Assessing county performance in related areas of the
15 California Child and Family Services Review System, and
16 remedying problems identified.

17 (11) Submitting information and data that the department
18 determines is necessary to study, monitor, and prepare the report
19 specified in paragraph (6) of subdivision (f).

20 (12) Ensuring resource family applicants and resource families
21 have the necessary knowledge, skills, and abilities to support
22 children in foster care by completing caregiver training. The
23 training should include a curriculum that supports the role of a
24 resource family in parenting vulnerable children and should be
25 ongoing in order to provide resource families with information on
26 trauma-informed practices and requirements and other topics within
27 the foster care system.

28 (13) Ensuring that a resource family applicant completes a
29 minimum of 12 hours of preapproval *caregiver* training. The
30 training shall include, but not be limited to, all of the following
31 courses:

32 (A) An overview of the child protective and probation systems.

33 (B) The effects of trauma, including grief and loss, and child
34 abuse and neglect, on child development and behavior, and
35 methods to behaviorally support children impacted by that trauma
36 or child abuse and neglect.

37 (C) Positive discipline and the importance of self-esteem.

38 (D) Health issues in foster care.

1 (E) Accessing services and supports to address education needs,
2 physical, mental, and behavioral health, and substance use
3 disorders, including culturally relevant services.

4 (F) The rights of a child in foster care, and the resource family's
5 responsibility to safeguard those rights, including the right to have
6 fair and equal access to all available services, placement, care,
7 treatment, and benefits, and to not be subjected to discrimination
8 or harassment on the basis of actual or perceived race, ethnic group
9 identification, ancestry, national origin, color, religion, sex, sexual
10 orientation, gender identity, mental or physical disability, or HIV
11 status.

12 (G) Cultural needs of children, including instruction on cultural
13 competency and sensitivity, and related best practices for providing
14 adequate care for children or youth across diverse ethnic and racial
15 backgrounds, as well as children or youth identifying as lesbian,
16 gay, bisexual, or transgender.

17 (H) Basic instruction on existing laws and procedures regarding
18 the safety of foster youth at school; and ensuring a harassment and
19 violence free school environment pursuant to Article 3.6
20 (commencing with Section 32228) of Chapter 2 of Part 19 of
21 Division 1 of Title 1 of the Education Code.

22 (I) Permanence, well-being, and education needs of children.

23 (J) Child and adolescent development, including sexual
24 orientation, gender identity, and expression.

25 (K) The role of resource families, including working
26 cooperatively with the child welfare or probation agency, the
27 child's family, and other service providers implementing the case
28 plan.

29 (L) The role of a resource family on the child and family team
30 as defined in paragraph (4) of subdivision (a) of Section 16501.

31 (M) A resource family's responsibility to act as a reasonable
32 and prudent parent, as described in subdivision (c) of Section
33 1522.44 of the Health and Safety Code, and to provide a family
34 setting that promotes normal childhood experiences and that serves
35 the needs of the child.

36 (N) An overview of the specialized training identified in
37 subdivision (h).

38 (14) Ensuring approved resource families complete a minimum
39 of eight ~~training~~ hours of *caregiver training* annually, a portion of

1 which shall be from *subparagraph (M) of paragraph (13) and*
2 *from one or more of the other topics listed in paragraph (13).*

3 (h) In addition to any training required by this section, a county
4 may require a resource family *or applicant* to receive relevant
5 specialized training for the purpose of preparing the resource family
6 to meet the needs of a particular child in care. This training may
7 include, but is not limited to, the following:

8 (1) Understanding how to use best practices for providing care
9 and supervision to commercially sexually exploited children.

10 (2) Understanding how to use best practices for providing care
11 and supervision to lesbian, gay, bisexual, and transgender children.

12 (3) Understanding the requirements and best practices regarding
13 psychotropic medications, including, but not limited to, court
14 authorization, benefits, uses, side effects, interactions, assistance
15 with self-administration, misuse, documentation, storage, and
16 metabolic monitoring of children prescribed psychotropic
17 medications.

18 (4) Understanding the federal Indian Child Welfare Act (25
19 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of
20 children covered by the act, and the best interests of Indian
21 children, including the role of the caregiver in supporting culturally
22 appropriate, child-centered practices that respect Native American
23 history, culture, retention of tribal membership and connection to
24 the tribal community and traditions.

25 (5) Understanding how to use best practices for providing care
26 and supervision to nonminor dependents.

27 (6) Understanding how to use best practices for providing care
28 and supervision to children with special health care needs.

29 (7) Understanding the different permanency options and the
30 services and benefits associated with the options.

31 (i) Nothing in this section shall preclude a county ~~or a foster~~
32 ~~family agency~~ from requiring ~~resource family~~ training in excess
33 of the requirements in this section.

34 (j) (1) Resource families who move home locations shall retain
35 their resource family status pending the outcome of the update
36 conducted pursuant to paragraph (6) of subdivision (g).

37 (2) ~~The State Department of Social Services or a county may~~
38 ~~allow a program-affiliated individual to transfer his or her~~
39 ~~subsequent arrest notification if the individual (A) If a resource~~
40 *family moves from one county to another county, the department,*

1 *or the county to which a resource family has moved, shall submit*
2 *a written request to the Department of Justice to transfer the*
3 *individual's subsequent arrest notification, as specified in*
4 *subdivision ~~(g)~~ (h) of Section 1522 of the Health and Safety Code.*

5 *(B) A request to transfer subsequent arrest notification shall*
6 *contain all prescribed data elements and format protocols pursuant*
7 *to a written agreement between the department and the Department*
8 *of Justice.*

9 (3) Subject to the requirements in paragraph (1), the *resource*
10 family shall continue to be approved for guardianship and adoption.
11 Nothing in this subdivision shall limit a county, foster family
12 agency, or adoption agency from determining that the family is
13 not approved for guardianship or adoption based on changes in
14 the family's circumstances or psychosocial assessment.

15 (k) Implementation of the program shall be contingent upon the
16 continued availability of federal Social Security Act Title IV-E
17 (42 U.S.C. Sec. 670) funds for costs associated with placement of
18 children with resource families assessed and approved under the
19 program.

20 (l) A child placed with a resource family shall be eligible for
21 AFDC-FC payments. A resource family, or a foster family agency
22 pursuant to subdivisions (p) and (q), shall be paid an AFDC-FC
23 rate pursuant to Sections 11460, 11461, and 11463. Sharing ratios
24 for nonfederal expenditures for all costs associated with activities
25 related to the approval of relatives and nonrelative extended family
26 members shall be in accordance with Section 10101.

27 (m) The Department of Justice shall charge fees sufficient to
28 cover the cost of initial or subsequent criminal offender record
29 information and Child Abuse Central Index searches, processing,
30 or responses, as specified in this section.

31 (n) Except as provided, approved resource families shall be
32 exempt from both of the following:

33 (1) Licensure requirements set forth under the Community Care
34 Facilities Act, commencing with Section 1500 of the Health and
35 Safety Code, and all regulations promulgated thereto.

36 (2) Relative and nonrelative extended family member approval
37 requirements set forth under Sections 309, 361.4, and 362.7, and
38 all regulations promulgated thereto.

1 (o) (1) Early implementation counties shall be authorized to
 2 continue through December 31, 2016. The program shall be
 3 implemented by each county on or before January 1, 2017. ~~On~~

4 (2) (A) (i) *On and after January 1, 2017, a county to which the*
 5 *department has delegated its licensing authority pursuant to*
 6 *Section 1511 of the Health and Safety Code shall approve resource*
 7 *families in lieu of licensing foster family homes and approving*
 8 *relative or nonrelative extended family members. Notwithstanding*
 9 *this provision, family homes.*

10 (ii) *Notwithstanding clause (i), the existing licensure or approval*
 11 *and oversight processes shall continue to be administered for foster*
 12 *family homes and relatives or nonrelative extended family members*
 13 *licensed or approved prior to January 1, 2017, or as specified in*
 14 *subparagraph (C), until the license or approval is revoked or*
 15 *forfeited by operation of law pursuant to this section or Section*
 16 *1524 Section 1517.1 of the Health and Safety Code.*

17 (B) (i) *On and after January 1, 2017, a county shall approve*
 18 *resource families in lieu of approving relative and nonrelative*
 19 *extended family members.*

20 (ii) *Notwithstanding clause (i), the existing approval and*
 21 *oversight processes shall continue to be administered for relatives*
 22 *and nonrelative extended family members approved prior to*
 23 *January 1, 2017, or as specified in subparagraph (C), until the*
 24 *approval is revoked or forfeited by operation of law pursuant to*
 25 *this section.*

26 (C) *Notwithstanding subparagraph (D), a county shall approve*
 27 *or deny all applications for foster family home licenses and*
 28 *requests for relative or nonrelative extended family member*
 29 *approvals received on or before December 31, 2016, in accordance*
 30 *with Chapter 3 (commencing with Section 1500) of Division 2 of*
 31 *the Health and Safety Code or provisions providing for the*
 32 *approval of relatives or nonrelative extended family members, as*
 33 *applicable.*

34 (D) *On and after January 1, 2017, a county shall not accept*
 35 *applications for foster family home licenses or requests to approve*
 36 *relatives or nonrelative extended family members.*

37 ~~(2)~~

38 (3) No later than July 1, 2017, each county shall provide the
 39 following information to all licensed foster family homes and all

1 approved relatives and nonrelative extended family ~~members:~~
 2 *members licensed or approved by the county:*

3 (A) A detailed description of the resource family approval
 4 program.

5 (B) Notification that, in order to care for a foster child, resource
 6 family approval is required by December 31, 2019.

7 (C) Notification that a foster family home license and an
 8 approval of a relative or nonrelative extended family member shall
 9 be forfeited by operation of law as ~~provided for~~ *specified* in
 10 paragraph ~~(4)~~: (5).

11 ~~(3)~~

12 (4) By no later than January 1, 2018, the following shall apply
 13 to all licensed foster family homes and approved relative and
 14 nonrelative extended family members:

15 (A) A licensed foster family ~~home, and home~~ or an approved
 16 relative or nonrelative extended family member with an approved
 17 adoptive home study completed prior to January 1, 2018, shall be
 18 deemed to be an approved resource family.

19 (B) A licensed foster family ~~home, and home~~ or an approved
 20 relative or nonrelative extended family member who had a child
 21 in placement at any time between January 1, 2017, and December
 22 31, 2017, inclusive, may be approved as a resource family on the
 23 date of successful completion of a psychosocial assessment
 24 pursuant to subparagraph (B) of paragraph (3) of subdivision (d).

25 (C) A county may provide supportive services to all licensed
 26 foster family ~~home providers, homes,~~ relatives, and nonrelative
 27 extended family members with a child in placement to assist with
 28 the resource family transition and to minimize placement
 29 disruptions.

30 ~~(4)~~

31 (5) All foster family licenses and approvals of ~~a relative or~~
 32 *relatives and* nonrelative extended family ~~member~~ *members* shall
 33 be forfeited by operation of law on December 31, 2019, except as
 34 provided in this ~~paragraph:~~ *paragraph or Section 1524 of the*
 35 *Health and Safety Code:*

36 (A) All licensed foster family homes that did not have a child
 37 in placement at any time between January 1, 2017, and December
 38 31, 2017, inclusive, shall forfeit the license by operation of law
 39 on January 1, 2018.

1 (B) For foster family home licensees and approved relatives or
2 nonrelative extended family members who have a pending resource
3 family application on December 31, 2019, the foster family home
4 license or relative and nonrelative extended family member
5 approval shall be forfeited by operation of law ~~on the date of~~ *upon*
6 approval as a resource family. If approval is denied, forfeiture by
7 operation of law shall occur on the date of completion of any
8 proceedings required by law to ensure due process.

9 (C) *A foster family home license or approval as a relative or*
10 *nonrelative extended family member shall be forfeited by operation*
11 *of law upon approval as a resource family.*

12 (p) On and after January 1, 2017, all licensed foster family
13 agencies shall approve resource families in lieu of certifying foster
14 homes, as set forth in Section 1517 of the Health and Safety Code.

15 (q) Commencing January 1, 2016, the department may establish
16 participation conditions, and select and authorize foster family
17 agencies that voluntarily submit implementation plans and revised
18 plans of operation in accordance with requirements established by
19 the department, to approve resource families in lieu of certifying
20 foster homes.

21 (1) Notwithstanding any other law, a participating foster family
22 agency shall require resource families to meet and maintain the
23 resource family approval standards and requirements set forth in
24 this chapter and in the written directives adopted hereto prior to
25 approval and in order to maintain approval.

26 (2) A participating foster family agency shall implement the
27 resource family approval program pursuant to Section 1517 of the
28 Health and Safety Code.

29 (3) Nothing in this section shall be construed to limit the
30 authority of the department to inspect, evaluate, or investigate a
31 complaint or incident, or initiate a disciplinary action against a
32 foster family agency pursuant to Article 5 (commencing with
33 Section 1550) of Chapter 3 of Division 2 of the Health and Safety
34 Code, or to take any action it may deem necessary for the health
35 and safety of children placed with the foster family agency.

36 (4) The department may adjust the foster family agency
37 AFDC-FC rate pursuant to Section 11463 for implementation of
38 this subdivision.

39 (5) This subdivision shall become inoperative on January 1,
40 2017.

1 ~~SEC. 23. Section 16519.51 of the Welfare and Institutions~~
2 ~~Code is amended to read:~~

3 ~~16519.51. Notwithstanding any other law, preapproval training~~
4 ~~for a resource family applicant and annual training for an approved~~
5 ~~resource family shall include training on knowledge and skills~~
6 ~~related to the application of the reasonable and prudent parent~~
7 ~~standard for the participation of the child in age or developmentally~~
8 ~~appropriate activities, as set forth in Section 1522.44 of the Health~~
9 ~~and Safety Code.~~

10 ~~SEC. 67. Section 16519.51 of the Welfare and Institutions Code~~
11 ~~is repealed.~~

12 ~~16519.51. Notwithstanding any other law, preapproval training~~
13 ~~for a resource family applicant and annual training for an approved~~
14 ~~resource family shall include training on knowledge and skills~~
15 ~~related to the application of the reasonable and prudent parent~~
16 ~~standard for the participation of the child in age or developmentally~~
17 ~~appropriate activities, as set forth in Section 1522.4 of the Health~~
18 ~~and Safety Code.~~

19 ~~SEC. 68. Section 16519.51 is added to the Welfare and~~
20 ~~Institutions Code, to read:~~

21 ~~16519.51. (a) A person shall not incur civil liability as a result~~
22 ~~of a county notifying the department of its determination to rescind~~
23 ~~the approval of a resource family due to any of the following~~
24 ~~actions by a resource family parent:~~

25 ~~(1) Violation of Section 16519.5, the written directives or~~
26 ~~regulations adopted pursuant to Section 16519.5, or any applicable~~
27 ~~law.~~

28 ~~(2) Aiding, abetting, or permitting the violation of Section~~
29 ~~16519.5, the written directives or regulations adopted pursuant~~
30 ~~to Section 16519.5, or any applicable law.~~

31 ~~(3) Conduct that poses a risk or threat to the health and safety,~~
32 ~~protection, or well-being of a child, or the people of the state of~~
33 ~~California.~~

34 ~~(4) The conviction of the applicant or resource family parent~~
35 ~~at any time before or during his or her approval of a crime~~
36 ~~described in Section 1522.~~

37 ~~(5) Knowingly allowing any child to have illegal drugs, alcohol,~~
38 ~~or any tobacco product as defined in subdivision (d) of Section~~
39 ~~22950.5 of the Business and Professions Code.~~

1 (6) Committing an act of child abuse or neglect or an act of
2 violence against another person.

3 (b) The department or a county shall not incur civil liability for
4 providing each other with information if the communication is for
5 the purpose of aiding in the evaluation of an application for
6 approval of a resource family.

7 SEC. 69. Section 16519.55 of the Welfare and Institutions Code
8 is amended to read:

9 16519.55. (a) Subject to subdivision ~~(b)~~, (d), to encourage the
10 recruitment of resource families, to protect their personal privacy,
11 and to preserve the security of confidentiality of the placements
12 with resource families, the names, addresses, and other identifying
13 information of resource families shall be considered personal
14 information for purposes of the Information Practices Act of 1977
15 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part
16 4 of Division 3 of the Civil Code). This information shall not be
17 disclosed by any state or local agency pursuant to the California
18 Public Records Act (Chapter 3.5 (commencing with Section 6250)
19 of Division 7 of Title 1 of the Government Code), except as
20 necessary for administering the resource family approval program,
21 facilitating the placement of children with resource families, and
22 providing names and addresses, upon request, only to bona fide
23 professional foster parent organizations and to professional
24 organizations educating foster parents, including the Foster and
25 Kinship Care Education Program of the California Community
26 Colleges.

27 (b) The application form signed by a resource family applicant
28 shall be signed with a declaration by the applicant that the
29 information submitted is true, correct, and contains no material
30 omissions of fact to the best knowledge and belief of the applicant.
31 Any person who declares as true any material matter pursuant to
32 this section that he or she knows to be false is guilty of a
33 misdemeanor. The application shall include a statement that
34 submitting false information is a violation of law punishable by
35 incarceration, a fine, or both incarceration and a fine.

36 (c) Before approving a resource family, a county may conduct
37 a reference check of the applicant by contacting the following:

38 (1) Any foster family agencies that have certified the applicant.

39 (2) Any state or county licensing offices that have licensed the
40 applicant as a foster family home.

1 (3) Any counties that have approved the applicant as a relative
2 or nonrelative extended family member.

3 (4) Any foster family agencies or counties that have approved
4 the applicant as a resource family.

5 (5) Any state licensing offices that have licensed the applicant
6 as a community care facility, child day care center, or family child
7 care home.

8 ~~(b)~~

9 (d) The department, a county, ~~or a foster family agency~~ agency,
10 or a tribe may request information from, or divulge information
11 to, the department, a county, ~~or a foster family agency~~, or a tribe
12 regarding a prospective resource family for the purpose of and as
13 necessary to conduct a reference check to determine whether it is
14 safe and appropriate to approve an applicant to be a resource
15 family.

16 SEC. 70. Section 16519.61 is added to the Welfare and
17 Institutions Code, to read:

18 16519.61. A county or the department may deny a resource
19 family application or rescind the approval of a resource family,
20 and the department may exclude an individual from a resource
21 family home, for any of the following reasons:

22 (a) Violation of Section 16519.5, the written directives or
23 regulations adopted pursuant to Section 16519.5, or any applicable
24 law.

25 (b) Aiding, abetting, or permitting the violation of Section
26 16519.5, the written directives or regulations adopted pursuant
27 to Section 16519.5, or any applicable law.

28 (c) Conduct that poses a risk or threat to the health and safety,
29 protection, or well-being of a child or the people of the State of
30 California.

31 (d) The conviction of the resource family applicant, parent, or
32 associated individual at any time before or during his or her
33 approval of a crime described in Section 1522 of the Health and
34 Safety Code.

35 (e) Engaging in acts of financial malfeasance, including, but
36 not limited to, improper use or embezzlement of the money or
37 property of a child, fraudulent appropriation for personal gain of
38 money or property, or willful or negligent failure to provide
39 services.

1 SEC. 71. Section 16519.62 is added to the Welfare and
2 Institutions Code, to read:

3 16519.62. (a) The out-of-court statements of a child under 12
4 years of age who is the subject or victim of an allegation at issue
5 constitutes admissible evidence at an administrative hearing
6 conducted pursuant to this article. The out-of-court statement may
7 provide the sole basis for a finding of fact if the proponent of the
8 statement provided the statement to all parties prior to the hearing
9 and the adjudicator finds that the time, content, and circumstances
10 of the statement provide sufficient indicia of reliability. However,
11 the out-of-court statement shall not be admissible if an objecting
12 party establishes that the statement is unreliable because it was
13 the product of fraud, deceit, or undue influence.

14 (b) This section shall not be construed to limit the right of any
15 party to the administrative hearing to subpoena a witness whose
16 statement is admitted as evidence or to introduce admissible
17 evidence relevant to the weight of the hearsay evidence or the
18 credibility of the hearsay declarant.

19 SEC. 72. The heading of Article 3 (commencing with Section
20 16520) is added to Chapter 5 of Part 4 of Division 9 of the Welfare
21 and Institutions Code, to read:

22
23 *Article 3. Miscellaneous Provisions*

24
25 ~~SEC. 24.~~

26 SEC. 73. To the extent that this act has an overall effect of
27 increasing certain costs already borne by a local agency for
28 programs or levels of service mandated by the 2011 Realignment
29 Legislation within the meaning of Section 36 of Article XIII of
30 the California Constitution, it shall apply to local agencies only to
31 the extent that the state provides annual funding for those cost
32 increases. Any new program or higher level of service provided
33 by a local agency pursuant to this act above the level for which
34 funding has been provided shall not require a subvention of funds
35 by the state nor otherwise be subject to Section 6 of Article XIII
36 B of the California Constitution.

37 With regard to certain other costs that may be incurred by a local
38 agency or school district, no reimbursement is required by this act
39 pursuant to Section 6 of Article XIII B of the California
40 Constitution because, in that regard, this act creates a new crime

1 or infraction, eliminates a crime or infraction, or changes the
2 penalty for a crime or infraction within the meaning of Section
3 17556 of the Government Code, or changes the definition of a
4 crime within the meaning of Section 6 of Article XIII B of the
5 California Constitution.

O

ASSEMBLY THIRD READING
 AB 1997 (Mark Stone)
 As Amended May 27, 2016
 Majority vote

Committee	Votes	Ayes	Noes
Human Services	7-0	Bonilla, Grove, Calderon, Lopez, Maienschein, Mark Stone, Thurmond	
Appropriations	20-0	Gonzalez, Bigelow, Bloom, Bonilla, Bonta, Calderon, Chang, Daly, Eggman, Gallagher, Eduardo Garcia, Roger Hernández, Holden, Jones, Obernolte, Quirk, Santiago, Wagner, Weber, Wood	

SUMMARY: Adopts changes to further facilitate implementation of Continuum of Care Reform (CCR) recommendations to better serve children and youth in California's child welfare services system. Specifically, **this bill:**

- 1) Adopts changes regarding accreditation and licensure of Foster Family Agencies (FFAs) and Short-Term Residential Treatment Centers (STRTCs) in order to allow sufficient time for accreditation, as specified.
- 2) Adopts changes regarding Resource Family Approval (RFA):
 - a) Provides for the Department of Social Services (DSS) licensure and oversight of resource families, as specified.
 - b) Requires, on and after January 1, 2017, a county to approve resource families in lieu of licensing foster family homes (FFHs) and approving relative and nonrelative extended family members and further requires the existing licensure or approval and oversight processes to continue to be administered for FFHs and relatives or nonrelative extended family members licensed or approved prior to January 1, 2017, until the license or approval is revoked or forfeited, as specified.
 - c) Provides for FFA RFA application and approval/denial processes, as specified.
 - d) Defines "Resource Family Approval" to mean that the applicant or resource family successfully meets the home environment assessment and permanency assessment standards and states that such approval is in lieu of a certification of approval issued by a licensed FFA, as specified.
 - e) Establishes that the DSS is responsible for requiring FFAs to monitor resource families, as specified, and further provides for specified responsibilities of FFAs regarding resource families.

- f) Requires all certified family home and foster family home applications received prior to January 1, 2017, to be processed and applicable certification and oversight processes to continue for foster homes certified by an FFA or licensed prior to January 1, 2017, until the certification, licensure, or approval is revoked or forfeited, as specified.
 - g) Stipulates that approved relatives and nonrelative extended family members, licensed FFHs, or approved adoptive homes that have completed the license or approval process prior to statewide implementation of the RFA program shall not be considered part of the program and further requires the otherwise applicable assessment and oversight processes to continue to be administered for families and facilities not included in the program.
 - h) Prohibits a county, upon implementation of the RFA program, from accepting new applications for the licensure of FFHs, the approval of relative and nonrelative extended family members, or the approval of prospective guardians and adoptive homes.
 - i) Authorizes DSS to waive regulations that pose a barrier to the early implementation and operation of the RFA program, as specified.
 - j) States that there is not fundamental right to approval as a resource family, and that approval as a resource family does not guarantee an initial, continued, or adoptive placement of a child or the establishment of legal guardianship of a child with a resource family.
 - k) Requires a county to conduct an unannounced inspection of a resource family home during the annual update, as specified, and to inspect resource family homes as often as necessary to ensure the quality of care provided.
 - l) Specifies that, in addition to other placements, children with varying designations and needs, developmental disabilities, mental disorders, or physical disabilities may be placed with a resource family, as specified.
 - m) States Legislative intent that public and private efforts to recruit foster parents not be competitive and that the total number of foster parents be increased.
 - n) Provides for consistency and parity for all resource families with basic rates to be developed by DSS and requires the basic rate for resource families to be annually adjusted by the change in the California Necessities Index (CNI), as specified.
- 3) Adopts additional changes:
- a) Requires private Short-Term Residential Treatment Centers (STRTCs) to be organized and operated on a nonprofit basis and further, includes STRTCs in existing statute pertaining to the monitoring and oversight of the use of psychotropic medications in group homes.
 - b) Requires an out-of-state group home to have a current license, or equivalent approval, in good standing issued by the appropriate authority(s) in the state in which it is operating in order to receive certification from DSS and further, clarifies that out-of-state group homes, as with in-state group homes, may be granted an extension, as specified.

- c) Includes in the definition of "mandated reporter" an individual certified by a licensed FFA as a certified family home and an individual approved as a resource family, as specified.
- d) Provides for the establishment of interim, provisional, and probationary rates for STRTCs and FFAs, as specified.
- e) Specifies that, for youth 13 years old or older, approval of placement in an STRTC by the chief probation officer, as specified, shall take place only if the placement is longer than 12 months.
- f) Adopts clarifying changes regarding criminal record exemptions and due process rights, as specified.
- g) Extends by one year, to January 1, 2019, the amount of time that community treatment facility programs granted an extension have to acquire nationally recognized accreditation, as specified.
- h) Extends by one year, to January 1, 2019, the time until current FFA rate-setting system is repealed, as specified.
- i) Makes additional technical amendments, including changes to conform to state and federal law.

EXISTING LAW:

- 1) States that the purpose of foster care law is to provide maximum safety and protection for children who are being physically, sexually or emotionally abused, neglected, or exploited and to ensure the safety, protection, and physical and emotional well-being of children at risk of such harm. (WIC 300.2)
- 2) Requires placement of a child in foster care to be based upon selection of a safe setting that is the least restrictive family setting that promotes normal childhood experiences and the most appropriate setting that meets the child's individual needs and is available, in close proximity to the parent's home, the child's school, and best suited to meet the child's special needs and best interests. Further requires the selection of placement to consider, in order of priority, placement with relatives, nonrelated extended family members, and tribal members; foster family homes, resource families, and nontreatment certified homes of foster family agencies; followed by treatment and intensive certified homes of foster family agencies; or multidimensional treatment foster care homes or therapeutic foster care homes; group care placements in the order of short-term residential treatment centers, group homes, community treatment facilities, and out-of-state residential treatment, as specified. (WIC 16501.1(d)(1))

FISCAL EFFECT: According to the Assembly Appropriations Committee, the Governor's 2016-17 Budget (including May Revision) includes \$182 million (\$127 million General Fund) to continue to implement Continuum of Care Reform (CCR) contained in AB 403 (Stone), Chapter 773, Statutes of 2015, including all of the provisions of this bill.

COMMENTS:

Continuum of Care Reform: The Legislature has worked and continues to work with various entities in and around the Child Welfare Services (CWS) system to focus on family reunification and permanency by seeking ways to best address the needs of foster youth through less restrictive, more supportive placements and services. SB 1013 (Senate Budget and Fiscal Review) Chapter 35, Statutes of 2012, realigned CWS to counties, established a moratorium on the licensing of new group homes, and required DSS to convene a stakeholder workgroup. This workgroup was charged with examining the use of group homes in California and providing recommendations to the Legislature and the Governor on how to reform this use. In January 2015, DSS submitted the CCR workgroup report to the Legislature, which included general and fiscal recommendations, alongside recommendations on home-based family care, residential treatment, and performance measures and outcomes.

AB 403: AB 403 (Stone), Chapter 773, Statutes of 2015, adopted myriad changes aimed at implementing a number of recommendations from the DSS CCR report. These included establishing a sunset for existing licensure, rate-setting and other provisions for group homes and FFAs and establishing interim provisions. AB 403 provided for licensure of STRTCs and FFAs and requires DSS to develop a new payment structure for both.

Need for this bill: According to the author, "[This bill] builds upon comprehensive 2015 legislation that advances California's long-standing goal to move away from the use of long-term group home care by increasing youth placement in family settings and by transforming existing group home care into places where youth who are not ready to live with families can receive short term, intensive treatment. Ultimately, when children enter foster care, they need a safe, comfortable, and supportive place to stay, whether that is with a relative, a foster family, or in a short-term center. Recent changes to the law have been designed to provide options along the continuum of care spectrum to meet these needs. The technical and policy updates in this measure follow up on the new law to provide youth with the support they need in foster care to return to their families or to find a permanent home if returning to their families is not an option."

PRIOR LEGISLATION:

AB 403 (Stone), Chapter 773, Statutes of 2015, implemented Continuum of Care Reform (CCR) recommendations to better serve children and youth in California's child welfare services system.

SB 1013 (Senate Budget and Fiscal Review) Chapter 35, Statutes of 2012, realigned the child welfare services system to counties, established a moratorium on the licensing of new group homes, and required DSS to convene a workgroup to discuss and recommend changes to the continuum of care within child welfare services and how to reform the use of congregate care.

Analysis Prepared by: Daphne Hunt / HUM. S. / (916) 319-2089

FN: 0003367

AMENDED IN ASSEMBLY JUNE 8, 2016

AMENDED IN ASSEMBLY MAY 4, 2016

AMENDED IN SENATE APRIL 28, 2015

SENATE BILL

No. 586

Introduced by Senator Hernandez

(Coauthors: Assembly Members Alejo, Bonta, and Chávez)

February 26, 2015

An act to amend Section 14094.3 of, and to add ~~Section 14094.4 to,~~ *Article 2.985 (commencing with Section 14094.4) to Chapter 7 of Part 3 of Division 9 of,* the Welfare and Institutions Code, relating to children's services.

LEGISLATIVE COUNSEL'S DIGEST

SB 586, as amended, Hernandez. Children's services.

The California Children's Services ~~Program (CCS program)~~ (*CCS program*) is a statewide program providing medically necessary services required by physically handicapped children whose parents are unable to pay for those services. The State Department of Health Care Services administers the CCS program. Counties, based on population size, are also charged with administering the program, either independently or jointly with the department. The services covered by the CCS program include expert diagnosis, medical treatment, surgical treatment, hospital care, physical therapy, occupational therapy, special treatment, materials, and the supply of appliances and their upkeep, maintenance, and transportation. Funding for the program comes from county, state, and federal sources. In order to be eligible for the CCS program, an applicant must be under 21 years of age, have or be suspected of having a

condition covered by the program, and meet certain financial eligibility standards established by the department.

Existing law prohibits services covered by the ~~California Children's Services~~ *CCS* program (~~CCS~~) from being incorporated into a Medi-Cal managed care contract entered into after August 1, 1994, until January 1, 2017, except with respect to contracts entered into for county organized health systems or Regional Health Authority in specified counties.

This bill would exempt contracts entered into under the Whole Child Model program, described below, from that prohibition and would extend to January 1, 2025, and until the evaluation required under the Whole Child Model program has been completed, the termination of the prohibition against *CCS* covered services being incorporated in a Medi-Cal managed care contract entered into after August 1, 1994.

The bill would authorize the department, no sooner than July 1, 2017, to establish a Whole Child Model program, under which managed care plans under county organized health systems or Regional Health Authority that elect, and are selected, to participate would provide *CCS* services under a capitated payment model to Medi-Cal and ~~S-CHIP~~ *State Children's Health Insurance Program (S-CHIP)* eligible *CCS* children and youth. The bill would limit the number of managed care plans under a county organized health system or Regional Health Authority that are eligible to participate in the program. The bill would require the department to establish an application process and would require a managed care plan to provide the department with a written application of interest that contains specified information, including evidence that the managed care plan received written support from specified individuals and entities, including *CCS* providers, as defined, that serve a preponderance of *CCS* children and youth in the county. The bill would prohibit the department from approving the application of a managed care plan until the Director of Health Care Services has verified the readiness of the managed care plan to address the unique needs of *CCS*-eligible beneficiaries, including, among other things, that the managed care contractor demonstrates the availability of an appropriate provider network to serve the needs of children and youth with *CCS* conditions and complies with all *CCS* program guidelines.

The bill would prohibit the department from implementing the program in any county until it has developed and implemented specific *CCS* monitoring and oversight standards for managed care plans. The bill would require the department to establish a statewide Whole Child

Model stakeholder advisory group comprised of specified stakeholders, including representatives from health plans and family resource centers, and would require the department to consult with the Whole Child Model stakeholder advisory group on the implementation of the program, as specified. The bill would require the department to contract with an independent entity to conduct an evaluation to assess health plan performance and the outcomes and the experience of CCS-eligible children and youth participating in the program, and would require the department to provide a report on the results of this evaluation to the Legislature no later than January 1, 2023. *This bill would provide that its provisions are not intended to permit any reduction in benefits or eligibility levels under the existing CCS program.* The bill would require the department, by July 1, 2018, to adopt regulations and, commencing July 1, 2017, would require the department to provide a status report to the Legislature until regulations have been adopted. *The bill would authorize the Director of Health Care Services to enter into exclusive or nonexclusive contracts on a bid, nonbid, or negotiated basis and amend existing managed care contracts to provide or arrange for services provided under the bill.*

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California Children's Services (CCS) program is the
- 4 nation's oldest Title V Maternal and Child Health Services Block
- 5 Grant program.
- 6 (b) The CCS program has provided critical access to specialized
- 7 medical care for California's most complex and fragile pediatric
- 8 patients since 1927.
- 9 (c) The strong standards and credentialing created under the
- 10 CCS program ensure that eligible children obtain care from
- 11 experienced providers with appropriate pediatric-specific expertise.
- 12 (d) CCS providers form a regional backbone for all specialty
- 13 pediatric care in California, benefiting children of every income
- 14 level and insurance status.

1 (e) Over the past 20 years, coordinated and integrated health
2 care delivery models have been shown to improve delivery of
3 health care, reduce costs, and improve outcomes.

4 (f) As California expanded the reach of integrated delivery
5 systems in Medi-Cal, CCS services were often excluded from
6 managed care arrangements in recognition of the specialty nature
7 of CCS services and the complicated health status of enrolled
8 children.

9 (g) Accordingly, it is the intent of the Legislature to modernize
10 the CCS program, through development of specialized integrated
11 delivery systems focused on the unique needs of CCS-eligible
12 children, to accomplish the following:

13 (1) Improve coordination and integration of services to meet
14 the needs of the whole child, not just address the CCS-eligible
15 condition.

16 (2) Retain CCS program standards to maintain access to
17 high-quality specialty care for eligible children.

18 (3) Support active participation by parents and families, who
19 are frequently the primary caregivers for CCS-eligible children.

20 (4) Establish specialized programs to manage and coordinate
21 the care of CCS-enrolled children.

22 (5) Ensure that children with CCS-eligible conditions receive
23 care in the most appropriate, least restrictive setting.

24 (6) Maintain existing patient-provider relationships, whenever
25 possible.

26 (h) It is further the intent of the Legislature to protect the unique
27 access to pediatric specialty services provided by CCS while
28 promoting modern organized delivery systems to meet the medical
29 care needs of eligible children.

30 SEC. 2. Section 14094.3 of the Welfare and Institutions Code
31 is amended to read:

32 14094.3. (a) Notwithstanding this article or Section 14093.05
33 or 14094.1, CCS covered services shall not be incorporated into
34 any Medi-Cal managed care contract entered into after August 1,
35 1994, pursuant to Article 2.7 (commencing with Section 14087.3),
36 Article 2.8 (commencing with Section 14087.5), Article 2.9
37 (commencing with Section 14088), Article 2.91 (commencing
38 with Section 14089), Article 2.95 (commencing with Section
39 14092); or either Article 1 (commencing with Section 14200), or
40 Article 7 (commencing with Section 14490) of Chapter 8, until

1 January 1, 2025, and until the evaluation required pursuant to
2 ~~subdivision (j) of Section 14094.4~~ *Section 14094.18* has been
3 completed, except for contracts entered into pursuant to the Whole
4 Child Model program, as described in ~~Section 14094.4~~, *Article*
5 *2.985 (commencing with Section 14094.4)*, or for county organized
6 health systems or Regional Health Authority in the Counties of
7 San Mateo, Santa Barbara, Solano, Yolo, Marin, and Napa.

8 (b) Notwithstanding any other provision of this chapter,
9 providers serving children under the CCS program who are enrolled
10 with a Medi-Cal managed care contractor but who are not enrolled
11 in a pilot project pursuant to subdivision (c) shall continue to
12 submit billing for CCS covered services on a fee-for-service basis
13 until CCS covered services are incorporated into the Medi-Cal
14 managed care contracts described in subdivision (a).

15 (c) (1) The department may authorize a pilot project in Solano
16 County in which reimbursement for conditions eligible under the
17 CCS program may be reimbursed on a capitated basis pursuant to
18 Section 14093.05, and provided all CCS program's guidelines,
19 standards, and regulations are adhered to, and CCS program's case
20 management is utilized.

21 (2) During the time period described in subdivision (a), the
22 department may approve, implement, and evaluate limited pilot
23 projects under the CCS program to test alternative managed care
24 models tailored to the special health care needs of children under
25 the CCS program. The pilot projects may include, but need not be
26 limited to, coverage of different geographic areas, focusing on
27 certain subpopulations, and the employment of different payment
28 and incentive models. Pilot project proposals from CCS
29 program-approved providers shall be given preference. All pilot
30 projects shall utilize CCS program-approved standards and
31 providers pursuant to Section 14094.1.

32 (d) For purposes of this section, CCS covered services include
33 all program benefits administered by the program specified in
34 Section 123840 of the Health and Safety Code regardless of the
35 funding source.

36 (e) Nothing in this section shall be construed to exclude or
37 restrict CCS-eligible children from enrollment with a managed
38 care contractor, or from receiving from the managed care contractor
39 with which they are enrolled primary and other health care
40 unrelated to the treatment of the CCS-eligible condition.

1 ~~SEC. 3. Section 14094.4 is added to the Welfare and~~
2 ~~Institutions Code, to read:~~

3 ~~14094.4. (a) For the purposes of this section, the following~~
4 ~~definitions shall apply:~~

5 ~~(1) "CCS Provider" means a provider that is approved by the~~
6 ~~CCS program to treat a CCS-eligible condition pursuant to Article~~
7 ~~5 (commencing with Section 123800) of Chapter 3 of Part 2 of~~
8 ~~Division 106 of the Health and Safety Code.~~

9 ~~(2) "County organized health system" or "COHS" means a~~
10 ~~county organized health system contracting with the department~~
11 ~~to provide Medi-Cal services to beneficiaries pursuant to Article~~
12 ~~2.8 (commencing with Section 14087.5).~~

13 ~~(3) "Whole Child Model site" means a managed care plan under~~
14 ~~a county organized health system or Regional Health Authority~~
15 ~~that is selected to participate in the Whole Child Model program~~
16 ~~under a capitated payment model.~~

17 ~~(b) The department may establish a Whole Child Model program~~
18 ~~for Medi-Cal and S-CHIP eligible CCS children and youth enrolled~~
19 ~~in a managed care plan under a county organized health system or~~
20 ~~Regional Health Authority in up to ___ counties no sooner than~~
21 ~~July 1, 2017.~~

22 ~~(c) The goals for the Whole Child Model program for children~~
23 ~~and youth under 21 years of age who meet the eligibility~~
24 ~~requirements of Section 123805 of the Health and Safety Code~~
25 ~~and are enrolled in a managed care plan under a county organized~~
26 ~~health system or Regional Health Authority shall include all of the~~
27 ~~following:~~

28 ~~(1) Improving the coordination of primary and preventive~~
29 ~~services with specialty care services, medical therapy units, Early~~
30 ~~and Periodic Screening, Diagnosis, and Treatment (EPSDT),~~
31 ~~long-term services and supports (LTSS), and regional center~~
32 ~~services, and home- and community-based services using a child~~
33 ~~and youth and family-centered approach.~~

34 ~~(2) Maintaining or exceeding CCS program standards and~~
35 ~~specialty care access, including access to appropriate subspecialties.~~

36 ~~(3) Ensuring the continuity of child and youth access to expert,~~
37 ~~CCS dedicated case management and care coordination, provider~~
38 ~~referrals, and service authorizations through contracting with or~~
39 ~~the employment of county CCS staff to perform these functions.~~

1 ~~(4) Improving the transition of youth from CCS to adult~~
2 ~~Medi-Cal managed systems of care through better coordination of~~
3 ~~medical and nonmedical services and supports and improved access~~
4 ~~to appropriate adult providers for youth who age out of CCS.~~

5 ~~(5) Identifying, tracking, and evaluating the transition of children~~
6 ~~and youth from CCS to the Whole Child Model program to inform~~
7 ~~future CCS program improvements.~~

8 ~~(d) (1) No sooner than July 1, 2017, the department shall~~
9 ~~establish an application process by which up to ___ managed care~~
10 ~~plans under a county organized health system, including the county~~
11 ~~organized health systems and Regional Health Authority that have~~
12 ~~incorporated CCS covered services into their contracts pursuant~~
13 ~~to Section 14094.3, may participate in the Whole Child Model~~
14 ~~program established under this section, pursuant to the criteria~~
15 ~~described in this section. The director shall consult with the~~
16 ~~Legislature, the federal Centers for Medicare and Medicaid~~
17 ~~Services, counties, CCS providers, and CCS families when~~
18 ~~determining the implementation date for this section.~~

19 ~~(2) In order to apply to become a Whole Child Model site, a~~
20 ~~managed care plan under a county organized health system or~~
21 ~~Regional Health Authority shall provide a written application of~~
22 ~~interest that provides the director with evidence of all of the~~
23 ~~following:~~

24 ~~(A) Written approval by the county board of supervisors to~~
25 ~~partner with the managed care plan for the integration of CCS~~
26 ~~medical and case management and service authorizations for CCS~~
27 ~~Medi-Cal beneficiaries into the managed care plan.~~

28 ~~(B) Written support from the local bargaining units representing~~
29 ~~affected CCS worker classifications.~~

30 ~~(C) Written support from CCS providers that serve a~~
31 ~~preponderance of the CCS children and youth in the county, home-~~
32 ~~and community-based services networks, and the regional center~~
33 ~~or centers that serve CCS children and youth in that county.~~

34 ~~(D) Establishment and demonstration of a local stakeholder~~
35 ~~process with the meaningful engagement of a diverse group of~~
36 ~~families that represent a range of conditions, disabilities, and~~
37 ~~demographics, and local providers, including, but not limited to,~~
38 ~~the parent centers, such as family resource centers, family~~
39 ~~empowerment centers, and parent training and information centers,~~
40 ~~that support families in the affected county.~~

1 ~~(E) Written support from the family resource center or family~~
2 ~~empowerment center serving the affected county.~~

3 ~~(3) The department shall post its written approval of an~~
4 ~~application of interest on its Internet Web site at least 90 days~~
5 ~~before CCS services are incorporated into the managed care plan~~
6 ~~under the Whole Child Model program pursuant to this section.~~

7 ~~(e) A managed care plan shall not be approved to participate in~~
8 ~~the Whole Child Model program unless all of the following~~
9 ~~conditions have been satisfied:~~

10 ~~(1) The managed care plan has obtained written approval from~~
11 ~~the director of its application of interest.~~

12 ~~(2) The department has obtained all necessary federal approvals~~
13 ~~and waivers.~~

14 ~~(3) The director has verified the readiness of the managed care~~
15 ~~plan to address the unique needs of CCS-eligible beneficiaries,~~
16 ~~including, but not limited to, the requirements set forth in~~
17 ~~subdivision (b) of Section 14087.48, subdivisions (b) to (f),~~
18 ~~inclusive, of Section 14093.05, and all of the following:~~

19 ~~(A) Timely and appropriate communication with affected~~
20 ~~CCS-eligible children and youth and their parents or guardians.~~
21 ~~Communication shall be tested for readability by a health literacy~~
22 ~~and readability professional and targeted at a 6th grade reading~~
23 ~~level. Plan communications to families and providers shall also~~
24 ~~be shared with the plan's local family advisory group established~~
25 ~~pursuant to clause (xx) of subparagraph (E) for feedback and~~
26 ~~approval.~~

27 ~~(B) That the managed care contractor demonstrates the~~
28 ~~availability of an appropriate provider network to serve the needs~~
29 ~~of children and youth with CCS conditions, including primary care~~
30 ~~physicians, pediatric specialists and subspecialists, professional,~~
31 ~~allied, and medical supportive personnel, and an adequate number~~
32 ~~of accessible facilities within each CCS service area.~~

33 ~~(C) That the managed care contractor has established and~~
34 ~~maintains an updated and accessible listing of providers and their~~
35 ~~specialties and subspecialties and makes it available to~~
36 ~~CCS-eligible children and youth and their parents or guardians, at~~
37 ~~a minimum by phone, written material, and Internet Web site.~~

38 ~~(D) That the managed care contractor has entered into an~~
39 ~~agreement with the county CCS program or the state, or both, for~~
40 ~~the provision of CCS care coordination and service authorization~~

1 and how the plan will work with the CCS program to ensure
2 continuity and consistency of CCS program expertise for that role,
3 in accordance with this section.

4 (E) That the managed care contractor serving children and youth
5 with CCS-eligible conditions under the CCS program shall do all
6 of the following:

7 (i) Comply with continuity of care requirements in Section
8 1373.96 of the Health and Safety Code and Section 14185.

9 (ii) Coordinate with each regional center operating within the
10 plan's service area to assist CCS-eligible children and youth with
11 developmental disabilities and their families in understanding and
12 accessing services and act as a central point of contact for
13 questions, access and care concerns, and problem resolution.

14 (iii) Coordinate with the local CCS Medical Therapy Unit
15 (MTU) to ensure appropriate access to MTU services.

16 (iv) Create and maintain a clinical advisory committee composed
17 of the managed care contractor's Chief Medical Officer, the county
18 CCS medical director, and at least four CCS-paneled providers to
19 review treatment authorizations and other clinical issues relating
20 to CCS conditions.

21 (v) (I) Establish and maintain a process by which families may
22 maintain access to any CCS providers for up to the length of the
23 child's or youth's CCS qualifying condition or 12 months,
24 whichever is longer, under the following conditions:

25 (ia) The CCS-eligible child or youth has an ongoing relationship
26 with a provider who is a CCS-approved provider.

27 (ib) The provider will accept the health plan's rate for the service
28 offered or the applicable Medi-Cal or CCS fee-for-service rate,
29 whichever is higher.

30 (ic) The managed care plan determines that the provider meets
31 applicable CCS standards and has no disqualifying quality of care
32 issues, in accordance with guidance from the department, including
33 all-plan letters and CCS numbered letters or other administrative
34 communication.

35 (id) The provider shall provide treatment information to the
36 health plan, to the extent authorized by the state and federal patient
37 privacy provisions.

38 (H) This clause shall apply to out-of-network and out-of-county
39 primary care and specialist providers.

1 ~~(III) A managed care plan, at its discretion, may extend the~~
2 ~~continuity of care period beyond the length of time specified in~~
3 ~~this clause.~~

4 ~~(vi) Facilitate communication among a CCS child's or youth's~~
5 ~~health care and personal care providers, including in-home~~
6 ~~supportive services and behavioral health providers, when~~
7 ~~appropriate, with the CCS-eligible child or youth, parent, or~~
8 ~~guardian.~~

9 ~~(vii) Facilitate timely access to primary care, specialty care,~~
10 ~~medications, and other health services needed by the CCS child~~
11 ~~or youth, including referrals to address any physical or cognitive~~
12 ~~barriers to access.~~

13 ~~(viii) Provide training for families about managed care processes~~
14 ~~and how to navigate a health plan, including their rights to appeal~~
15 ~~any service denials. The managed care plan shall partner with a~~
16 ~~family empowerment center or family resource center in its service~~
17 ~~area to provide this training.~~

18 ~~(ix) Provide a mechanism for a CCS-eligible child's and youth's~~
19 ~~parent or caregiver to request a specialist or clinic as a primary~~
20 ~~care provider. A specialist or clinic may serve as a primary care~~
21 ~~provider if the specialist or clinic agrees to serve in a primary care~~
22 ~~provider role and is qualified to treat the required range of~~
23 ~~CCS-eligible conditions of the CCS child or youth.~~

24 ~~(x) Provide that communication to, and services for, the~~
25 ~~CCS-eligible children or youth and their families are available in~~
26 ~~alternative formats that are culturally, linguistically, and physically~~
27 ~~appropriate through means, including, but not limited to, assistive~~
28 ~~listening systems, sign language interpreters, captioning, written~~
29 ~~communication, plain language, and written translations in at least~~
30 ~~the Medi-Cal threshold languages.~~

31 ~~(xi) Provide that materials are available and provided to inform~~
32 ~~CCS children and youth and their families of procedures for~~
33 ~~obtaining CCS specialty services and Medi-Cal primary care and~~
34 ~~mental health benefits, including grievance and appeals procedures~~
35 ~~that are offered by the managed care plan or are available through~~
36 ~~the Medi-Cal program.~~

37 ~~(xii) Identify and track children and youth with CCS-eligible~~
38 ~~conditions for the duration of the child's or youth's participation~~
39 ~~in the Whole Child Model program and for children and youth~~

1 who age into adult Medi-Cal systems, for at least 10 years into
2 adulthood.

3 (xiii) Provide timely processes for accepting and acting upon
4 complaints, grievances, and disenrollment requests, including
5 procedures for appealing decisions regarding coverage or benefits.
6 The grievance process shall comply with Section 14450, and
7 Sections 1368 and 1368.01 of the Health and Safety Code.

8 (xiv) Establish an assessment process that, at a minimum, does
9 all of the following:

10 (I) Ensures that families have access to ongoing information,
11 education, and support so they understand the care plan, course of
12 treatment, and expected outcomes for their child or youth, the
13 assessment process, what it means, their role in the process, and
14 what services their child or youth may be eligible for.

15 (II) Assesses each CCS child's or youth's risk level and needs
16 by performing a risk assessment process using means such as
17 telephonic or in-person communication, review of utilization and
18 claims processing data, or by other means as determined by the
19 department. The risk assessment process shall be performed in
20 accordance with all applicable federal and state laws.

21 (III) Assesses, in accordance with the agreement with the county
22 CCS program specified in paragraph (3) of subdivision (b), the
23 care needs of CCS-eligible children and youth and coordinates
24 their CCS specialty services, Medi-Cal primary care services,
25 mental health and behavioral health benefits, and regional center
26 services across all settings, including coordination of necessary
27 services within and, when necessary, outside of the managed care
28 health plan's provider network.

29 (IV) Reviews historical CCS fee-for-service utilization data for
30 CCS-eligible children and youth upon transition of CCS services
31 to managed care contractors so that the managed care plans are
32 better able to assist CCS-eligible children and youth and prioritize
33 assessment and care planning.

34 (V) Follows timeframes for reassessment of risk pursuant to
35 this clause and, if necessary, circumstances or conditions that
36 require redetermination of risk level, which shall be set by the
37 department.

38 (xv) Work with the state or county CCS program, as appropriate,
39 to ensure that, at a minimum, and in addition to other statutory and

1 contractual requirements, care coordination and care management
2 activities do all of the following:

3 (I) ~~Reflect a CCS child or youth family-centered, outcome-based~~
4 ~~approach to care planning.~~

5 (II) ~~Ensure families have access to ongoing information,~~
6 ~~education, and support so that they understand the vision of care~~
7 ~~for their child or youth and their role in the individual care process,~~
8 ~~the benefits of mental health services, what self-determination~~
9 ~~means, and what services might be available.~~

10 (III) ~~Adhere to the CCS child's or youth's or the CCS child's~~
11 ~~or youth's family's determination about the appropriate~~
12 ~~involvement of his or her medical providers and caregivers,~~
13 ~~according to the federal Health Insurance Portability and~~
14 ~~Accountability Act of 1996 (Public Law 104-191).~~

15 (IV) ~~Are developed for the CCS child or youth across CCS~~
16 ~~specialty services, Medi-Cal primary care services, mental health~~
17 ~~and behavioral health benefits, regional center services, MTUs,~~
18 ~~and in-home supportive services (IHSS), including transitions~~
19 ~~among levels of care and between service locations.~~

20 (V) ~~Include individual care plans for CCS-eligible children and~~
21 ~~youth based on the results of the risk assessment process with a~~
22 ~~particular focus on CCS specialty care.~~

23 (VI) ~~Consider behavioral health needs of CCS-eligible children~~
24 ~~and youth and coordinate those services with the county mental~~
25 ~~health department as part of the CCS child's or youth's individual~~
26 ~~care plan, when appropriate, and facilitate a CCS child's or youth's~~
27 ~~ability to access appropriate community resources and other~~
28 ~~agencies, including referrals, as necessary and appropriate, for~~
29 ~~behavioral services, such as mental health services.~~

30 (VII) ~~Ensure that children and youth and their families have~~
31 ~~appropriate access to transportation and other support services~~
32 ~~necessary to receive treatment.~~

33 (xvi) ~~Incorporate all of the following into the CCS child's or~~
34 ~~youth's plan of care patterns and processes:~~

35 (I) ~~Access for families so that families know where to go for~~
36 ~~ongoing information, education, and support in order that they~~
37 ~~understand the goals, treatment plan, and course of care for their~~
38 ~~child or youth and their role in the process, what it means to have~~
39 ~~primary or specialty care for their child or youth, when it is time~~
40 ~~to call a specialist, primary, urgent care, or emergency room, what~~

1 an interdisciplinary team is, and what the community resources
2 are.

3 (II) A primary or specialty care physician who is the primary
4 clinician for the CCS-eligible child or youth and who provides
5 core clinical management functions.

6 (III) Care management and care coordination for the
7 CCS-eligible child or youth across the health care system, including
8 transitions among levels of care and interdisciplinary care teams.

9 (IV) Provision of referrals to qualified professionals, community
10 resources, or other agencies for services or items outside the scope
11 of responsibility of the managed care health plan.

12 (V) Use of clinical data to identify CCS-eligible children or
13 youth at the care site with chronic illness or other significant health
14 issues.

15 (VI) Timely preventive, acute, and chronic illness treatment of
16 CCS-eligible children or youth in the appropriate setting.

17 (VII) Use of clinical guidelines or other evidence-based
18 medicine when applicable for treatment of the CCS-eligible child's
19 or youth's health care issues or timing of clinical preventive
20 services.

21 (xvii) Comply with all CCS program guidelines, including CCS
22 program regulations, CCS numbered letters, and CCS program
23 information notices.

24 (xviii) Base treatment decisions for CCS-related conditions on
25 CCS program guidelines or, if those guidelines do not exist, on
26 treatment protocols or recommendations of the national pediatric
27 specialty society with expertise in the condition.

28 (xix) Establish a mechanism to provide information, education,
29 and peer support to parents of CCS-eligible children and youth
30 through parent-to-parent liaisons or relationships with local family
31 resource centers or family empowerment centers.

32 (xx) Establish a family advisory group for CCS families. Family
33 representatives who serve on this advisory group shall receive
34 ongoing information and training, travel reimbursement, child
35 care, and other financial assistance as appropriate to enable
36 participation in the advisory group. A representative of this local
37 group shall serve on the department's statewide stakeholder
38 advisory group established pursuant to subdivision (i).

39 (xxi) Reimburse providers at rates sufficient to recruit and retain
40 qualified providers with appropriate CCS expertise. Managed care

1 ~~plans shall pay physician and surgeon provider services at rates~~
2 ~~that are equal to or exceed the applicable CCS fee-for-service rates.~~

3 ~~(xxii) Utilize only appropriately credentialed CCS-paneled~~
4 ~~providers to treat CCS conditions.~~

5 ~~(xxiii) Utilize a provider dispute resolution process that meets~~
6 ~~the standards established under Section 1371.38 of the Health and~~
7 ~~Safety Code.~~

8 ~~(xxiv) Annually publicly report on the number of CCS-eligible~~
9 ~~children and youth served in their county by type of condition and~~
10 ~~services used and the number of youth who aged out of the CCS~~
11 ~~program by type of condition.~~

12 ~~(f) The department shall pay any managed care plan participating~~
13 ~~in the Whole Child Model program a separate, actuarially sound~~
14 ~~rate specifically for CCS children and youth. When contracting~~
15 ~~with managed care plans, the department may allow the use of risk~~
16 ~~corridors or other methods to appropriately mitigate a plan's risk~~
17 ~~for this population.~~

18 ~~(g) In implementing this section, the department may alter the~~
19 ~~medical home elements described in clause (xvi) of subparagraph~~
20 ~~(E) of paragraph (3) of subdivision (e) as necessary to secure the~~
21 ~~increased federal financial participation associated with the~~
22 ~~provision of medical assistance in conjunction with a health home,~~
23 ~~as made available under the federal Patient Protection and~~
24 ~~Affordable Care Act (Public Law 111-148), as amended by the~~
25 ~~federal Health Care and Education Reconciliation Act of 2010~~
26 ~~(Public Law 111-152), and codified in Section 1945 of Title XIX~~
27 ~~of the federal Social Security Act. The department shall notify the~~
28 ~~appropriate policy and fiscal committees of the Legislature of its~~
29 ~~intent to alter medical home elements under this section at least~~
30 ~~five days in advance of taking this action.~~

31 ~~(h) The department shall not implement the Whole Child Model~~
32 ~~program in any county until it has developed and implemented~~
33 ~~specific CCS program monitoring and oversight standards for~~
34 ~~managed care plans that are subject to this section, including access~~
35 ~~monitoring, quality measures, and ongoing public data reporting.~~
36 ~~The department shall work with the stakeholder advisory group~~
37 ~~established pursuant to subdivision (i) to develop and implement~~
38 ~~robust monitoring processes to ensure that managed care plans are~~
39 ~~in compliance with all of the provisions of this section. The~~
40 ~~department shall monitor managed care plan compliance with the~~

1 provisions of this section on at least an annual basis and post all
2 monitoring data on its Internet Web site within 90 days.

3 (i) The department shall establish a statewide Whole Child
4 Model stakeholder advisory group, comprised of representatives
5 of CCS providers, county CCS program administrators, health
6 plans, family resource centers, family empowerment centers, CCS
7 case managers, CCS MTUs, and a representative from each of the
8 local family advisory groups established pursuant to clause (xx)
9 of subparagraph (E) of paragraph (3) of subdivision (c). The
10 department shall consult with the stakeholder advisory group on
11 the implementation of the Whole Child Model and shall incorporate
12 the recommendations of the stakeholder advisory group in
13 developing the monitoring processes and outcome measures by
14 which the Whole Child Model plans shall be monitored and
15 evaluated.

16 (j) The department shall contract with an independent entity
17 that has experience in performing robust program evaluations to
18 conduct an evaluation to assess health plan performance and the
19 outcomes and the experience of CCS-eligible children and youth
20 participating in the Whole Child Model program, including access
21 to primary and specialty care, and youth transitions from Whole
22 Child Model program to adult Medi-Cal coverage, and shall
23 provide a report on the results of this evaluation to the Legislature
24 by no later than January 1, 2023. A report submitted to the
25 Legislature pursuant to this subdivision shall be submitted in
26 compliance with Section 9795 of the Government Code. The
27 department shall consult with stakeholders, including, but not
28 limited to, the Whole Child Model stakeholder advisory group,
29 regarding the scope and structure of the review. This evaluation,
30 at a minimum, shall compare the performance of the plans
31 participating in the Whole Child Model program to the performance
32 of the CCS program in counties where CCS is not incorporated
33 into managed care and collect appropriate data to evaluate whether
34 the inclusion of CCS services in a managed care delivery system
35 improves access to care, quality of care, and the patient experience
36 by analyzing all of the following by the child's or youth's race,
37 ethnicity, and primary language spoken at home:

38 (1) Access to specialty and primary care, and in particular,
39 utilization of CCS-paneled providers.

1 ~~(2) The level of compliance with CCS clinical guidelines and~~
 2 ~~the recommended guidelines of the American Academy of~~
 3 ~~Pediatrics.~~

4 ~~(3) The type and location of CCS services and, with respect to~~
 5 ~~health plans that have CCS services incorporated in their contracts,~~
 6 ~~the extent to which CCS services are provided in-network~~
 7 ~~compared to out-of-network.~~

8 ~~(4) Utilization rates of inpatient admissions, outpatient services,~~
 9 ~~durable medical equipment, behavioral health services, home~~
 10 ~~health, pharmacy, and other ancillary services.~~

11 ~~(5) Patient and family satisfaction.~~

12 ~~(6) Appeals, grievances, and complaints.~~

13 ~~(7) Authorization of CCS-eligible services.~~

14 ~~(8) Access to adult providers, support, and ancillary services~~
 15 ~~for youth who have aged into adult Medi-Cal coverage from the~~
 16 ~~Whole Child Model program.~~

17 ~~(9) For health plans with CCS incorporated into their contracts,~~
 18 ~~network and provider participation, including participation of~~
 19 ~~pediatricians, pediatric specialists, and pediatric subspecialists, by~~
 20 ~~specialty and subspecialty.~~

21 ~~(k) Notwithstanding Chapter 3.5 (commencing with Section~~
 22 ~~11340) of Part 1 of Division 3 of Title 2 of the Government Code,~~
 23 ~~the department, without taking regulatory action, shall implement,~~
 24 ~~interpret, or make specific this article, Article 2.97 (commencing~~
 25 ~~with Section 14093), Article 2.98 (commencing with Section~~
 26 ~~14094), and any applicable federal waivers and state plan~~
 27 ~~amendments by means of all-county letters, plan letters, CCS~~
 28 ~~numbered letters, plan or provider bulletins, or similar instructions~~
 29 ~~until the time regulations are adopted. By July 1, 2018, the~~
 30 ~~department shall adopt regulations in accordance with the~~
 31 ~~requirements of Chapter 3.5 (commencing with Section 11340) of~~
 32 ~~Part 1 of Division 3 of Title 2 of the Government Code.~~
 33 ~~Commencing July 1, 2017, the department shall provide a status~~
 34 ~~report to the Legislature on a semiannual basis, in compliance with~~
 35 ~~Section 9795 of the Government Code, until regulations have been~~
 36 ~~adopted.~~

37 *SEC. 3. Article 2.985 (commencing with Section 14094.4) is*
 38 *added to Chapter 7 of Part 3 of Division 9 of the Welfare and*
 39 *Institutions Code, to read:*

1
2 *Article 2.985. Whole Child Model Program*

3
4 *14094.4. For the purposes of this article, the following*
5 *definitions shall apply:*

6 (a) *“CCS Provider” means a provider that is approved by the*
7 *CCS program to treat a CCS-eligible condition pursuant to Article*
8 *5 (commencing with Section 123800) of Chapter 3 of Part 2 of*
9 *Division 106 of the Health and Safety Code.*

10 (b) *“County organized health system” or “COHS” means:*

11 (1) *A county organized health system contracting with the*
12 *department to provide Medi-Cal services to beneficiaries pursuant*
13 *to Article 2.8 (commencing with Section 14087.5).*

14 (2) *A regional health authority.*

15 (c) *“Whole Child Model site” means a managed care plan under*
16 *a county organized health system or Regional Health Authority*
17 *that is selected to participate in the Whole Child Model program*
18 *under a capitated payment model.*

19 (d) *“Medi-Cal managed care plan” means a COHS.*

20 *14094.5. No sooner than July 1, 2017, the department may*
21 *establish a Whole Child Model program for Medi-Cal and State*
22 *Children’s Health Insurance Program (S-CHIP) eligible CCS*
23 *children and youth enrolled in a managed care plan under a county*
24 *organized health system or Regional Health Authority in up to —*
25 *counties.*

26 *14094.6. The goals for the Whole Child Model program for*
27 *children and youth under 21 years of age who meet the eligibility*
28 *requirements of Section 123805 of the Health and Safety Code*
29 *and are enrolled in a managed care plan under a county organized*
30 *health system or Regional Health Authority shall include all of*
31 *the following:*

32 (a) *Improving the coordination of primary and preventive*
33 *services with specialty care services, medical therapy units, Early*
34 *and Periodic Screening, Diagnosis, and Treatment (EPSDT),*
35 *long-term services and supports (LTSS), and regional center*
36 *services, and home- and community-based services using a child*
37 *and youth and family-centered approach.*

38 (b) *Maintaining or exceeding CCS program standards and*
39 *specialty care access, including access to appropriate*
40 *subspecialties.*

1 (c) Ensuring the continuity of child and youth access to expert,
2 CCS dedicated case management and care coordination, provider
3 referrals, and service authorizations through contracting with or
4 the employment of county CCS staff to perform these functions.

5 (d) Improving the transition of youth from CCS to adult
6 Medi-Cal managed systems of care through better coordination
7 of medical and nonmedical services and supports and improved
8 access to appropriate adult providers for youth who age out of
9 CCS.

10 (e) Identifying, tracking, and evaluating the transition of
11 children and youth from CCS to the Whole Child Model program
12 to inform future CCS program improvements.

13 14094.7. (a) No sooner than July 1, 2017, the department shall
14 establish an application process by which up to __ Medi-Cal
15 managed care plans under a county organized health system,
16 including the county organized health systems and Regional Health
17 Authority that have incorporated CCS covered services into their
18 contracts pursuant to Section 14094.3, may participate in the
19 Whole Child Model program established under this section,
20 pursuant to the criteria described in this section. The director shall
21 consult with the Legislature, the federal Centers for Medicare and
22 Medicaid Services, counties, CCS providers, and CCS families
23 when determining the implementation date for this section.

24 (b) In order to apply to become a Whole Child Model site, a
25 managed care plan under a county organized health system or
26 Regional Health Authority shall provide a written application of
27 interest that provides the director with evidence of all of the
28 following:

29 (1) Written approval by the county board of supervisors to
30 partner with the managed care plan for the integration of CCS
31 medical and case management and service authorizations for CCS
32 Medi-Cal beneficiaries into the managed care plan.

33 (2) Written support from the local bargaining units representing
34 affected CCS worker classifications.

35 (3) Written support from CCS providers that serve a
36 preponderance of the CCS children and youth in the county, home-
37 and community-based services networks, and the regional center
38 or centers that serve CCS children and youth in that county.

39 (4) Written support from the family resource center or family
40 empowerment center serving the affected county.

1 (c) The department shall post its written approval of an
2 application of interest on its Internet Web site at least 90 days
3 before CCS services are incorporated into the managed care plan
4 under the Whole Child Model program pursuant to this section.

5 14094.8. (a) The department shall not implement the Whole
6 Child Model program in any county until it has developed and
7 implemented specific CCS program monitoring and oversight
8 standards for managed care plans that are subject to this article,
9 including access monitoring, quality measures, and ongoing public
10 data reporting.

11 (b) The department shall work with the statewide stakeholder
12 advisory group established pursuant to this article to develop and
13 implement robust monitoring processes to ensure that managed
14 care plans are in compliance with all of the provisions of this
15 section. The department shall monitor managed care plan
16 compliance with the provisions of this section on at least an annual
17 basis and post all monitoring data on its Internet Web site within
18 90 days.

19 (c) (1) In order to aid the transition of CCS services into
20 Medi-Cal managed care plans participating in the Whole Child
21 Model program, commencing January 1, 2017, and continuing
22 through the completion of the transition of CCS enrollees into the
23 Whole Child Model program, the department shall begin requesting
24 and collecting from Medi-Cal managed care information about
25 each health plan's provider network, including, but not limited to,
26 the contracting primary care, specialty care providers, and hospital
27 facilities contracting with the Medi-Cal managed care plan.

28 (2) The department shall analyze the existing Medi-Cal managed
29 care delivery system network and the CCS fee-for-service provider
30 networks to determine the overlap of the provider networks in each
31 county, and shall furnish this information to the Medi-Cal managed
32 care plan.

33 14094.9. (a) A managed care plan shall not be approved to
34 participate in the Whole Child Model program unless all of the
35 following conditions have been satisfied:

36 (1) The managed care plan has obtained written approval from
37 the director of its application of interest.

38 (2) The department has obtained all necessary federal approvals
39 and waivers.

1 (3) *At least three months prior to implementation of the Whole*
2 *Child Model program in the county or counties served by the plan,*
3 *the Medi-Cal managed care plan has established a local*
4 *stakeholder process with the meaningful engagement of a diverse*
5 *group of families that represent a range of conditions, disabilities,*
6 *and demographics, and local providers, including, but not limited*
7 *to, the parent centers, such as family resource centers, family*
8 *empowerment centers, and parent training and information centers,*
9 *that support families in the affected county.*

10 (4) *The director has verified the readiness of the managed care*
11 *plan to address the unique needs of CCS-eligible beneficiaries,*
12 *including, but not limited to, the requirements set forth in*
13 *subdivision (b) of Section 14087.48, subdivisions (b) to (f),*
14 *inclusive, of Section 14093.05, and all of the following:*

15 (A) *Timely and appropriate communication with affected*
16 *CCS-eligible children and youth and their parents or guardians.*
17 *Communication shall be tested for readability by a health literacy*
18 *and readability professional and targeted at a 6th grade reading*
19 *level. Plan communications to families and providers shall also*
20 *be shared with the plan's local family advisory group established*
21 *pursuant to this article for feedback.*

22 (B) *That the managed care contractor demonstrates the*
23 *availability of an appropriate provider network to serve the needs*
24 *of children and youth with CCS conditions, including primary care*
25 *physicians, pediatric specialists and subspecialists, professional,*
26 *allied, and medical supportive personnel, and an adequate number*
27 *of accessible facilities.*

28 (C) *That the Medi-Cal managed care plan has established and*
29 *maintains an updated and accessible listing of providers and their*
30 *specialties and subspecialties and makes it available to*
31 *CCS-eligible children and youth and their parents or guardians,*
32 *at a minimum by phone, written material, and Internet Web site.*

33 (D) *That the Medi-Cal managed care plan has entered into an*
34 *agreement with the county CCS program or the state, or both, for*
35 *the provision of CCS care coordination and service authorization*
36 *and how the plan will work with the CCS program to ensure*
37 *continuity and consistency of CCS program expertise for that role,*
38 *in accordance with this section.*

39 (b) *A Medi-Cal managed care plan, prior to implementation of*
40 *the Whole Child Model program, shall review historical CCS*

1 *fee-for-service utilization data for CCS-eligible children and youth*
2 *upon transition of CCS services to managed care plans so that the*
3 *managed care plans are better able to assist CCS-eligible children*
4 *and youth and prioritize assessment and care planning.*

5 *14094.10. (a) Each Medi-Cal managed care plan participating*
6 *in the Whole Child Model program shall establish an assessment*
7 *process that, at a minimum, does all of the following:*

8 *(1) Assesses each CCS child's or youth's risk level and needs*
9 *by performing a risk assessment process using means such as*
10 *telephonic or in-person communication, review of utilization and*
11 *claims processing data, or by other means as determined by the*
12 *department.*

13 *(2) Assesses, in accordance with the agreement with the county*
14 *CCS program, the care needs of CCS-eligible children and youth*
15 *and coordinates their CCS specialty services, Medi-Cal primary*
16 *care services, mental health and behavioral health benefits, and*
17 *regional center services across all settings, including coordination*
18 *of necessary services within and, when necessary, outside of the*
19 *managed care health plan's provider network.*

20 *(3) Follows timeframes for reassessment of risk and, if*
21 *necessary, circumstances or conditions that require*
22 *redetermination of risk level, which shall be set by the department.*

23 *(b) The risk assessment process shall be performed in*
24 *accordance with all applicable federal and state laws.*

25 *14094.11. A Medi-Cal managed care plan participating in the*
26 *Whole Child Model program shall meet all of the following*
27 *requirements:*

28 *(a) Work with the state or county CCS program, as appropriate,*
29 *to ensure that, at a minimum, and in addition to other statutory*
30 *and contractual requirements, care coordination and care*
31 *management activities do all of the following:*

32 *(1) Reflect a CCS child or youth family-centered, outcome-based*
33 *approach to care planning.*

34 *(2) Ensure families have access to ongoing information,*
35 *education, and support so that they understand the care plan for*
36 *their child or youth and their role in the individual care process,*
37 *the benefits of mental health services, what self-determination*
38 *means, and what services might be available.*

39 *(3) Adhere to the CCS child's or youth's or the CCS child's or*
40 *youth's family's determination about the appropriate involvement*

1 of his or her medical providers and caregivers, according to the
2 federal Health Insurance Portability and Accountability Act of
3 1996 (Public Law 104-191).

4 (4) Are developed for the CCS child or youth across CCS
5 specialty services, Medi-Cal primary care services, mental health
6 and behavioral health benefits, regional center services, MTUs,
7 and in-home supportive services (IHSS), including transitions
8 among levels of care and between service locations.

9 (5) Include individual care plans for CCS-eligible children and
10 youth based on the results of the risk assessment process with a
11 particular focus on CCS specialty care.

12 (6) Consider behavioral health needs of CCS-eligible children
13 and youth and coordinate those services with the county mental
14 health department as part of the CCS child's or youth's individual
15 care plan, when appropriate, and facilitate a CCS child's or
16 youth's ability to access appropriate community resources and
17 other agencies, including referrals, as necessary and appropriate,
18 for behavioral services, such as mental health services.

19 (7) Ensure that children and youth and their families have
20 appropriate access to transportation and other support services
21 necessary to receive treatment.

22 (b) Incorporate all of the following into the CCS child's or
23 youth's plan of care patterns and processes:

24 (1) Access for families so that families know where to go for
25 ongoing information, education, and support in order that they
26 understand the goals, treatment plan, and course of care for their
27 child or youth and their role in the process, what it means to have
28 primary or specialty care for their child or youth, when it is time
29 to call a specialist, primary, urgent care, or emergency room, what
30 an interdisciplinary team is, and what the community resources
31 are.

32 (2) A primary or specialty care physician who is the primary
33 clinician for the CCS-eligible child or youth and who provides
34 core clinical management functions.

35 (3) Care management and care coordination for the
36 CCS-eligible child or youth across the health care system,
37 including transitions among levels of care and interdisciplinary
38 care teams.

1 (4) Provision of referrals to qualified professionals, community
2 resources, or other agencies for services or items outside the scope
3 of responsibility of the managed care health plan.

4 (5) Use of clinical data to identify CCS-eligible children or
5 youth at the care site with chronic illness or other significant health
6 issues.

7 (6) Timely preventive, acute, and chronic illness treatment of
8 CCS-eligible children or youth in the appropriate setting.

9 14094.12. A Medi-Cal managed care plan serving children
10 and youth with CCS-eligible conditions under the CCS program
11 shall do all of the following:

12 (a) Coordinate with each regional center operating within the
13 plan's service area to assist CCS-eligible children and youth with
14 developmental disabilities and their families in understanding and
15 accessing services and act as a central point of contact for
16 questions, access and care concerns, and problem resolution.

17 (b) Coordinate with the local CCS Medical Therapy Unit (MTU)
18 to ensure appropriate access to MTU services. The Medi-Cal
19 managed care plan shall enter into a memorandum of
20 understanding or similar agreement with the county regarding
21 coordination of MTU services and services provided by the plan.

22 (c) Ensure that families have access to ongoing information,
23 education, and support so they understand the care plan, course
24 of treatment, and expected outcomes for their child or youth, the
25 assessment process, what it means, their role in the process, and
26 what services their child or youth may be eligible for.

27 (d) Facilitate communication among a CCS child's or youth's
28 health care and personal care providers, including in-home
29 supportive services and behavioral health providers, when
30 appropriate, with the CCS-eligible child or youth, parent, or
31 guardian.

32 (e) Facilitate timely access to primary care, specialty care,
33 medications, and other health services needed by the CCS child
34 or youth, including referrals to address any physical or cognitive
35 barriers to access.

36 (f) Provide training for families about managed care processes
37 and how to navigate a health plan, including their rights to appeal
38 any service denials. The managed care plan shall partner with a
39 family empowerment center or family resource center in its service
40 area to provide this training.

1 (g) Establish a mechanism to provide information, education,
2 and peer support to parents of CCS-eligible children and youth
3 through parent-to-parent liaisons or relationships with local family
4 resource centers or family empowerment centers.

5 (h) Provide that communication to, and services for, the
6 CCS-eligible children or youth and their families are available in
7 alternative formats that are culturally, linguistically, and physically
8 appropriate through means, including, but not limited to, assistive
9 listening systems, sign language interpreters, captioning, written
10 communication, plain language, and written translations in at
11 least the Medi-Cal threshold languages.

12 (i) Provide that materials are available and provided to inform
13 CCS children and youth and their families of procedures for
14 obtaining CCS specialty services and Medi-Cal primary care and
15 mental health benefits, including grievance and appeals procedures
16 that are offered by the managed care plan or are available through
17 the Medi-Cal program.

18 (j) Identify and track children and youth with CCS-eligible
19 conditions for the duration of the child's or youth's participation
20 in the Whole Child Model program and for children and youth
21 who age into adult Medi-Cal systems, for at least 10 years into
22 adulthood.

23 (k) Provide timely processes for accepting and acting upon
24 complaints and grievances, including procedures for appealing
25 decisions regarding coverage or benefits. The grievance process
26 shall comply with Section 14450 of this code, and Sections 1368
27 and 1368.01 of the Health and Safety Code.

28 (l) Annually publicly report on the number of CCS-eligible
29 children and youth served in their county by type of condition and
30 services used and the number of youth who aged out of the CCS
31 program by type of condition, provided the required report does
32 not contain individually identifiable information. If the required
33 report would result in the publication of individually identifiable
34 information, the plan shall not include that information in the
35 required report.

36 14094.13. (a) Each Medi-Cal managed care plan shall
37 establish and maintain a process by which families may maintain
38 access to any CCS providers for treatment of the child's CCS
39 condition, up to the length of the child's or youth's CCS qualifying

1 condition or 12 months, whichever is longer, under the following
2 conditions:

3 (1) The CCS-eligible child or youth has an ongoing relationship
4 with a provider who is a CCS-approved provider.

5 (2) The provider will accept the health plan's rate for the service
6 offered or the applicable Medi-Cal or CCS fee-for-service rate,
7 whichever is higher, unless the physician and surgeon enter into
8 an agreement on an alternative payment methodology mutually
9 agreed to by the physician and surgeon and the Medi-Cal managed
10 care plan.

11 (3) The managed care plan determines that the provider meets
12 applicable CCS standards and has no disqualifying quality of care
13 issues, in accordance with guidance from the department, including
14 all-plan letters and CCS numbered letters or other administrative
15 communication.

16 (4) The provider provides treatment information to the Medi-Cal
17 managed care plan, to the extent authorized by the state and federal
18 patient privacy provisions.

19 (5) This section shall apply to out-of-network and out-of-county
20 primary care and specialist providers.

21 (b) A managed care plan, at its discretion, may extend the
22 continuity of care period beyond the length of time specified in
23 subdivision (a).

24 (c) Each Medi-Cal managed care plan participating in the
25 Whole Child Model program shall comply with continuity of care
26 requirements in Section 1373.96 of the Health and Safety Code
27 and Section 14185 of this code.

28 14094.14. (a) Each Medi-Cal managed care plan participating
29 in the Whole Child Model program shall provide a mechanism for
30 a CCS-eligible child's and youth's parent or caregiver to request
31 a specialist or clinic as a primary care provider.

32 (b) A CCS specialist or clinic may serve as a primary care
33 provider if the specialist or clinic agrees to serve in a primary
34 care provider role and is qualified to treat the required range of
35 CCS-eligible conditions of the CCS child or youth.

36 14094.15. A Medi-Cal managed care plan shall meet all of the
37 following requirements:

38 (a) Comply with all CCS program guidelines, including CCS
39 program regulations, CCS numbered letters, and CCS program
40 information notices.

1 (b) Base treatment decisions for CCS-related conditions on CCS
2 program guidelines or, if those guidelines do not exist, on treatment
3 protocols or recommendations of a national pediatric specialty
4 society with expertise in the condition.

5 (c) Use clinical guidelines or other evidence-based medicine
6 when applicable for treatment of the CCS-eligible child's or
7 youth's health care issues or timing of clinical preventive services.

8 (d) Utilize only appropriately credentialed CCS-paneled
9 providers to treat CCS conditions.

10 (e) Utilize a provider dispute resolution process that meets the
11 standards established under Section 1371.38 of the Health and
12 Safety Code.

13 14094.16. (a) The department shall pay any managed care
14 plan participating in the Whole Child Model program a separate,
15 actuarially sound rate specifically for CCS children and youth.
16 When contracting with managed care plans, the department may
17 allow the use of risk corridors or other methods to appropriately
18 mitigate a plan's risk for this population.

19 (b) A Medi-Cal managed care plan shall reimburse providers
20 at rates sufficient to recruit and retain qualified providers with
21 appropriate CCS expertise.

22 (c) Medi-Cal managed care plans shall pay physician and
23 surgeon provider services at rates that are equal to or exceed the
24 applicable CCS fee-for-service rates, unless the physician and
25 surgeon enters into an agreement on an alternative payment
26 methodology mutually agreed to by the physician and surgeon and
27 the Medi-Cal managed care plan

28 14094.17. (a) A Medi-Cal managed care plan participating
29 in the Whole Child Model program shall create and maintain a
30 clinical advisory committee composed of the managed care
31 contractor's Chief Medical Officer, the county CCS medical
32 director, and at least four CCS-paneled providers to review
33 treatment authorizations and other clinical issues relating to CCS
34 conditions.

35 (b) (1) Each Medi-Cal managed care plan participating in the
36 Whole Child Model program shall establish a family advisory
37 group for CCS families.

38 (2) Family representatives who serve on this advisory group
39 shall receive ongoing information and training, travel

1 reimbursement, child care, and other financial assistance as
2 appropriate to enable participation in the advisory group.

3 (3) A representative of this local group shall serve on the
4 department's statewide stakeholder advisory group established
5 pursuant to subdivision (c).

6 (c) (1) The department shall establish a statewide Whole Child
7 Model program stakeholder advisory group, comprised of
8 representatives of CCS providers, county CCS program
9 administrators, health plans, family resource centers, family
10 empowerment centers, CCS case managers, CCS MTUs, and a
11 representative from each of the local family advisory groups
12 established pursuant to subdivision (b).

13 (2) The department shall consult with the stakeholder advisory
14 group on the implementation of the Whole Child Model program
15 and shall incorporate the recommendations of the stakeholder
16 advisory group in developing the monitoring processes and
17 outcome measures by which the Whole Child Model plans shall
18 be monitored and evaluated.

19 14094.18. (a) (1) The department shall contract with an
20 independent entity that has experience in performing robust
21 program evaluations to conduct an evaluation to assess Medi-Cal
22 managed care plan performance and the outcomes and the
23 experience of CCS-eligible children and youth participating in the
24 Whole Child Model program, including access to primary and
25 specialty care, and youth transitions from Whole Child Model
26 program to adult Medi-Cal coverage.

27 (2) The department shall provide a report on the results of this
28 evaluation required pursuant to this section to the Legislature by
29 no later than January 1, 2023. A report submitted to the Legislature
30 pursuant to this subdivision shall be submitted in compliance with
31 Section 9795 of the Government Code.

32 (b) The evaluation required by this section, at a minimum, shall
33 compare the performance of the plans participating in the Whole
34 Child Model program to the performance of the CCS program in
35 counties where CCS is not incorporated into managed care and
36 collect appropriate data to evaluate whether the inclusion of CCS
37 services in a managed care delivery system improves access to
38 care, quality of care, and the patient experience by analyzing all
39 of the following by the child's or youth's race, ethnicity, and
40 primary language spoken at home:

1 (1) Access to specialty and primary care, and in particular,
2 utilization of CCS-paneled providers.

3 (2) The level of compliance with CCS clinical guidelines and
4 the recommended guidelines of the American Academy of
5 Pediatrics.

6 (3) The type and location of CCS services and, with respect to
7 health plans that have CCS services incorporated in their contracts,
8 the extent to which CCS services are provided in-network
9 compared to out of network.

10 (4) Utilization rates of inpatient admissions, outpatient services,
11 durable medical equipment, behavioral health services, home
12 health, pharmacy, and other ancillary services.

13 (5) Patient and family satisfaction.

14 (6) Appeals, grievances, and complaints.

15 (7) Authorization of CCS-eligible services.

16 (8) Access to adult providers, support, and ancillary services
17 for youth who have aged into adult Medi-Cal coverage from the
18 Whole Child Model program.

19 (9) For health plans with CCS incorporated into their contracts,
20 network and provider participation, including participation of
21 pediatricians, pediatric specialists, and pediatric subspecialists,
22 by specialty and subspecialty.

23 (c) The department shall consult with stakeholders, including,
24 but not limited to, the Whole Child Model stakeholder advisory
25 group, regarding the scope and structure of the review.

26 14094.19. This article is not intended, and shall not be
27 interpreted, to permit any reduction in benefits or eligibility levels
28 under the CCS program.

29 14094.20. (a) Notwithstanding Chapter 3.5 (commencing with
30 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
31 Code, the department, without taking regulatory action, shall
32 implement, interpret, or make specific this article, Article 2.97
33 (commencing with Section 14093), Article 2.98 (commencing with
34 Section 14094), and any applicable federal waivers and state plan
35 amendments by means of all-county letters, plan letters, CCS
36 numbered letters, plan or provider bulletins, or similar instructions
37 until the time regulations are adopted. By July 1, 2019, the
38 department shall adopt regulations in accordance with the
39 requirements of Chapter 3.5 (commencing with Section 11340) of
40 Part 1 of Division 3 of Title 2 of the Government Code.

1 Commencing July 1, 2017, the department shall provide a status
2 report to the Legislature on a semiannual basis, in compliance
3 with Section 9795 of the Government Code, until regulations have
4 been adopted.

5 (b) The director may enter into exclusive or nonexclusive
6 contracts on a bid, nonbid, or negotiated basis and may amend
7 existing managed care contracts to provide or arrange for services
8 provided under this article. Contracts entered into or amended
9 pursuant to this section shall be exempt from the provisions of
10 Chapter 2 (commencing with Section 10290) of Part 2 of Division
11 2 of the Public Contract Code and Chapter 6 (commencing with
12 Section 14825) of Part 5.5 of Division 3 of Title 2 of the
13 Government Code, and shall be exempt from the review and
14 approval of any division of the Department of General Services.

O

THIRD READING

Bill No: SB 586
Author: Hernandez (D), et al.
Amended: 4/28/15
Vote: 21

SENATE HEALTH COMMITTEE: 8-0, 4/22/15
AYES: Hernandez, Nguyen, Mitchell, Monning, Nielsen, Pan, Roth, Wolk
NO VOTE RECORDED: Hall

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/28/15
AYES: Lara, Bates, Beall, Hill, Leyva, Mendoza, Nielsen

SUBJECT: Children's services

SOURCE: California Children's Hospital Association

DIGEST: This bill requires the Department of Health Care Services (DHCS) to enter into contracts with one or more Kids Integrated Delivery System (KIDS) network authorized by this bill to provide the full range of California Children's Services Program (CCS) and Medi-Cal services to children eligible for the CCS and Medi-Cal. This bill allows an individual on Medi-Cal who is up to 26 years of age who was previously treated for a CCS-eligible condition in the twelve months prior to his or her 21st birthday to remain in a KIDS network that accepts individuals up to age 26 under its contract with DHCS. This bill makes permanent, the CCS "carve out" of CCS services from Medi-Cal managed care, except for existing counties and for the newly created KIDS established by this bill.

ANALYSIS:

Existing law:

- 1) Establishes the Medi-Cal Program, administered by DHCS, which provides comprehensive health benefits to low-income children up to 266 percent of the federal poverty level (FPL), parents and adults up to 138 percent

of the FPL, pregnant women, and elderly, blind or disabled persons, who meet specified eligibility criteria.

- 2) Establishes the CCS Program to provide specified medical care and therapy services to children with eligible conditions.
- 3) Authorizes the state to contract for comprehensive managed health care services for Medi-Cal beneficiaries, and to require mandatory enrollment of Medi-Cal beneficiaries in specified eligibility categories into managed care plans.
- 4) Prohibits CCS covered services from being incorporated into any Medi-Cal managed care contract entered into after August 1, 1994 until January 1, 2016, except for contracts entered into for county organized health systems or Regional Health Authority in the Counties of San Mateo, Santa Barbara, Solano, Yolo, Marin, and Napa. This is known as the CCS “carve out.”
- 5) Requires the Director of DHCS to establish, by January 1, 2012, organized health care delivery models for CCS-eligible children. Requires these models to be chosen from the following:
 - a) An enhanced primary care case management program;
 - b) A provider-based accountable care organization;
 - c) A specialty health care plan; or,
 - d) A Medi-Cal managed care plan that includes payment and coverage for CCS-eligible conditions.

This bill:

- 1) Permanently extends the CCS “carve out” from Medi-Cal managed care except for either or both of the following:
 - a) Contracts entered into for county organized health systems or Regional Health Authority in San Mateo, Santa Barbara, Solano, Yolo, Marin, and Napa counties; or,
 - b) Contracts entered into under this bill establishing a KIDS.
- 2) Requires, no later than January 1, 2018, in counties or regions where there is no CCS demonstration project, DHCS to select and enter into contracts with one or more KIDS networks, to provide comprehensive health care services to eligible children.

- 3) Defines a “KIDS” as a network approved by DHCS to coordinate and manage the provision of Medi-Cal and CCS services for eligible children, on a county or regional basis, consistent with managed care principles, techniques, and practices, to ensure access to cost-effective, quality care for enrolled children.
- 4) Defines an “eligible child” for the purposes of KIDS to mean either of the following:
 - a) A minor child under 21 years of age, who is eligible for both Medi-Cal and CCS, except for those children eligible under CCS for neonatal intensive care services; and,
 - b) An individual up to 26 years of age, if the individual was previously treated for a CCS-eligible condition in the twelve months prior to his or her 21st birthday, is eligible for full-scope Medi-Cal services, and voluntarily chooses to remain in a KIDS network that accepts individuals up to age 26 under its contract with DHCS.
- 5) Requires a KIDS network to contract with DHCS to coordinate, integrate, and provide or arrange for the full range of Medi-Cal and CCS services to eligible children enrolled in the KIDS network.
- 6) Requires a KIDS network contract to exclude, at a minimum, specialty mental health services provided by county mental health plans and neonatal intensive care (NICU) services. Permits a KIDS contract to exclude other Medi-Cal services, as determined by DHCS, including, but not limited to, long-term care, transplantation, and dental services.
- 7) Permits benefits of the CCS Medical Therapy Program to be provided or coordinated by a KIDS network, in collaboration and consultation with the designated county CCS agency or agencies in the KIDS network service area.
- 8) Requires a KIDS network to:
 - a) Provide services to enrollees through a team-based, patient-centered health home model, ensure that enrolled children receive services in the most appropriate and least restrictive setting, and adopt effective strategies to manage and coordinate care and services for enrolled children;

- b) Report and comply with quality measures, including, but not limited to, Medi-Cal Healthcare Effectiveness Data and Information Set (HEDIS) measures appropriate for enrolled children, the national Pediatric Quality Measurement System for children's hospitals, and other quality measures developed by DHCS in consultation with stakeholders;
 - c) Participate in a nationally recognized pediatric patient safety organization; and,
 - d) Establish and maintain a family advisory council composed of families of eligible children and convene the advisory council at least quarterly.
- 9) Requires a KIDS network to meet specified criteria, including an entity that demonstrates experience in effectively serving eligible children and providing services in compliance with CCS program standards and requirements, that includes in the plan a sufficient number of CCS-paneled providers to ensure continuity of care and timely access to quality services, that develops the KIDS network through a local collaborative stakeholder process, that incorporates specific strategies to actively engage families as partners in decisions affecting the health care and well-being of children enrolled in the KIDS network, and that is anchored by a hospital that is designated as a CCS tertiary hospital or by a CCS provider in partnership with a CCS tertiary hospital.
- 10) Permits contracts with KIDS networks to include opportunities to share in the risk of providing services to KIDS enrollees under an agreement between DHCS and the KIDS network. Requires any shared savings that result from these arrangements to be reinvested in services provided to children enrolled in the KIDS network.
- 11) Prohibits DHCS from entering into risk-sharing arrangements with a KIDS network for specific covered services unless the KIDS network is responsible for the management and authorization of those services.
- 12) Requires payments to a KIDS network that agrees to accept risk-sharing to be actuarially sound.
- 13) Requires eligibility for enrollment in a KIDS network to be determined in accordance with all of the following:

- a) Requires children to be deemed eligible for enrollment in a KIDS network based on eligibility for the CCS program, except a child receiving NICU services is eligible for enrollment until the child is discharged from the NICU and meets other requirements; and,
 - b) Requires eligible children to be enrolled on a mandatory basis, to the extent that DHCS obtains federal approval to require eligible children to enroll in an available KIDS network in order to receive Medi-Cal and CCS services.
- 14) Requires enrollment in a KIDS network to be, at a minimum, for the period of a child's CCS eligibility plus an additional six months, provided that the child remains eligible for Medi-Cal.
- 15) Allows KIDS network enrollees who continue to remain eligible for Medi-Cal to remain in the KIDS network for up to 12 months following the termination of CCS eligibility if the KIDS program and the parent, guardian or person responsible for care of the child agree that it is in the best interests of the child.
- 16) Requires DHCS, subject to necessary federal approvals, if a KIDS network becomes newly available in a service area, to determine, in consultation with counties, KIDS networks, local KIDS family advisory councils, and existing Medi-Cal managed care plans in the service area, the timing and process for enrollment in KIDS networks to ensure a smooth transition for eligible children.
- 17) Permits the parent, guardian, or person responsible for the care of the eligible child to select the KIDS network in which the child will be enrolled if there is more than one KIDS network in the county or region in which the child lives. Requires the child to be assigned to a KIDS network in a manner that ensures the least disruption in existing patient-provider relationships if the family does not select a KIDS network.
- 18) Requires, upon enrollment of an eligible child in a KIDS network, the parent, guardian, or person responsible for the care of the child to be informed that the child may choose to continue an established patient-provider relationship if his or her treating provider is a primary care provider or clinic contracting with the KIDS, has the available capacity, and agrees to continue to treat that eligible child. Requires KIDS networks to comply with a continuity of care requirement applicable to health networks.

- 19) Requires, within 30 days of notice that a child is no longer eligible for a KIDS network, a child who continues to be eligible for Medi-Cal to be enrolled in the Medi-Cal delivery system in the county in which he or she resides. Requires DHCS to ensure that families receive information about the Medi-Cal delivery systems available in their county and the process for enrolling in and selecting among the available options.
- 20) Requires children, when they are disenrolling from a KIDS network because they are no longer eligible, to be enrolled in Medi-Cal delivery systems as follows:
 - a) Requires the child to be enrolled in the Medi-Cal managed care plan if there is a Medi-Cal managed care plan in the county of the child's residence;
 - b) Requires, if the family does not choose a plan for the child within 30 days of notice of disenrollment from the KIDS in counties where there is more than one Medi-Cal managed care plan, the child to be enrolled into the Medi-Cal managed care health plan that contains his or her primary care provider. Requires the child to be assigned to one of the health plans containing his or her primary care provider in accordance with the assignment process applicable in the county if the primary care provider participates in more than one managed care health plan in the county; and,
 - c) Requires, in a county that is not a managed care county, children no longer eligible for KIDS to be provided services under the Medi-Cal fee-for-service (FFS) delivery system.
- 21) Requires DHCS to instruct KIDS networks, counties, and managed care plans, by means of all-county and all-plan letters or similar instruction, as to the processes to be used to enroll and disenroll children in KIDS networks and to re-enroll eligible children in local Medi-Cal coverage options, to ensure each child experiences a smooth transition among coverage types with no gap in coverage or care.
- 22) Requires that a child who is enrolled in a KIDS network to retain all rights to CCS program appeals and fair hearings of denials of medical eligibility or of service authorizations.
- 23) Requires DHCS to seek all necessary federal approvals to ensure federal financial participation in expenditures under this section. Prohibits the KIDS provisions of this bill from being implemented until necessary federal approvals have been obtained.

- 24) Permits DHCS to seek federal approval to require all eligible children to enroll in an available KIDS network during the length of their eligibility for CCS plus an additional six months. Permits a child to voluntarily remain in the KIDS for up to 12 months following termination of CCS eligibility if the child remains Medi-Cal-eligible.
- 25) Makes legislative findings and declarations regarding CCS, and states legislative intent to modernize the CCS program through development of specialized integrated delivery systems focused on the unique needs of CCS-eligible children, and to protect the unique access to pediatric specialty services provided by CCS while promoting modern organized delivery systems to meet the medical care needs of eligible children.

Comments

- 1) *Author's statement.* According to the author, this bill authorizes the creation of KIDS to improve and modernize the CCS program. CCS provides diagnosis, treatment, and case management to approximately 180,000 medically fragile children under the age of 21 with complex medical needs who meet certain eligibility criteria. CCS has been carved out of Medi-Cal managed care since 1993 because the Legislature recognized this population required a unique approach. In the twenty-three years since that time, the carve-out has been extended numerous times, and the state has engaged in periodic, unsuccessful, efforts to modernize the program. December 31, 2015 marks the end of the current carve-out and the Administration has clearly signaled that they will support an extension of the carve-out only if it is accompanied by a plan for a more organized delivery system. This bill provides that system. This bill extends the carve-out, preserves the CCS standards of care, and creates networks responsible for providing or coordinating all medical care services to CCS children through a patient-centered medical home, thus improving coordination between primary and specialty care services for beneficiaries. Additionally, the bill requires CCS providers to work collaboratively with each other and families, in order to ensure CCS children continue to receive access to the highest quality care.
- 2) *CCS.* The CCS program provides diagnostic and treatment services, medical case management, and physical and occupational therapy health care services to children under 21 years of age with CCS-eligible conditions (e.g., severe genetic diseases, chronic medical conditions, infectious diseases producing

major sequelae, and traumatic injuries) from families unable to afford catastrophic health care costs. A child eligible for CCS must be a resident of California, have a CCS-eligible condition, and be in a family with an adjusted gross income of \$40,000 or less in the most recent tax year. Children in families with higher incomes may still be eligible for CCS if the estimated cost of care to the family in one year is expected to exceed 20 percent of the family's adjusted gross income. As of January, 2010, there were 178,530 children enrolled in CCS. According to DHCS, 90 percent of CCS enrollees are also eligible for Medi-Cal and 10 percent were CCS-only or were covered by other insurance.

- 3) *Medi-Cal Managed Care and the CCS carve-out.* Most Medi-Cal beneficiaries, including children, are required to enroll in Medi-Cal managed care plans. However, for children who are enrolled in both Medi-Cal and CCS, CCS services were carved out of Medi-Cal managed care pursuant to SB 1371 (Bergeson, Chapter 917, Statutes of 1994). Under the carve out, CCS-covered services for CCS-eligible children are not incorporated into Medi-Cal managed care, and are instead provided and paid for on a FFS basis through the CCS Program. The initial carve out under SB 1371 was for three years. The CCS carve out has been extended repeatedly since then, usually for three or four year periods. The first extension allowed the COHS in the counties of San Mateo, Santa Barbara, Solano, and Napa to include CCS services. Later extensions also allowed Yolo and Marin counties to include CCS services. DHCS indicates the division of payment and care between CCS and the primary Medi-Cal managed care plan has posed challenges, including delays in care for children, fragmentation and a lack of coordination, and increased cost to the state.
- 4) *Medi-Cal Waiver and CCS Pilots.* SB 208 (Steinberg, Chapter 714, Statutes of 2010), was one of two bills in 2010 implementing the 2010 Medi-Cal waiver renewal. One provision of SB 208 was a requirement that the DHCS director establish, by January 1, 2012, organized health care delivery models for CCS-eligible children, from four specified models. Five demonstration applicants (San Mateo Health Plan, Alameda County, LA Care, Children's Hospital Orange County, and Rady Children's Hospital in San Diego) were approved in 2011, but only the San Mateo Health Plan pilot has been implemented. The Rady Children's Hospital in San Diego is for a subset of CCS-eligible children with specified conditions but it has not been implemented.
- 5) *CCS Redesign Stakeholder Advisory Board.* DHCS has implemented a stakeholder process to investigate potential improvements or changes to the

CCS program in partnership with the UCLA Center for Health Policy Research. A CCS Redesign Stakeholder Advisory Board (RSAB) composed of individuals from various organizations and backgrounds with expertise in both the CCS program and care for children and youth with special health care needs, was assembled in September of 2014 to lead this process.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- 1) One-time administrative costs, likely in the low millions, to design the program requirements, adopt regulations, and negotiate contracts with KIDS networks (General Fund and federal funds).
- 2) Unknown impact on overall Medi-Cal expenditures for services provided to CCS-eligible Medi-Cal beneficiaries (General Fund and federal funds). There are several factors that will impact the overall costs or savings to the state under the bill.

SUPPORT: (Verified 5/27/15)

California Children's Hospital Association (sponsor)
California WIC Association
Children's Hospital of Los Angeles
Children's Hospital and Research Center Oakland
Children's Hospital of Orange County Children's
Children's Hospital of Orange County Physician Network
Children's Specialty Care Coalition
Lucille Packard Children's Hospital Stanford
Rady Children's Hospital San Diego
Together We Grow
Valley Children's Healthcare, Inc.
Valley Children's Primary Medical Group, Inc.
Western Center on Law & Poverty

OPPOSITION: (Verified 5/27/15)

American Academy of Pediatrics
California Association for Health Services at Home
California Medical Association

ARGUMENTS IN SUPPORT:

This bill is sponsored by the California Children's Hospital Association (CCHA), which argues this bill would protect CCS and create KIDS to modernize the delivery system. CCHA argues the KIDS networks will use a whole child approach to health care, improving coordination between primary and specialty care services while retaining the high quality health care available through CCS because the CCS program will only remain statutorily carved out of Medi-Cal managed care until the end of 2015. CCHA argues this bill is a thoughtful, provider driven, patient-centered approach that preserves the positive aspects of the CCS program while creating a delivery system tailored to the needs of children with complex medical needs and their families. CCHA states KIDS networks would be responsible for providing primary and specialty medical care services to enrolled children through a team-based, patient-centered health home model in the least restrictive, most appropriate setting. CCHA argues this bill would ensure that CCS standards are retained to ensure pediatric expertise, preserve access to high quality providers, and ensure that families are involved in decisions around the medical care provided to their children. Under this bill, CCS providers would be required to work together in order to improve care coordination and health outcomes, and the regional system of care comprised of CCS hospitals, physicians, and special care centers benefit not only those children who receive services through CCS as these same providers form the regional backbone for all pediatric specialty care in California for children who are privately insured as well as those receiving government-subsidized care.

The California Association of Physician Groups (CAPG) writes in support that this bill is a thoughtful, provider driven, patient-centered approach that that preserves the positive aspects of the CCS program while creating a delivery system tailored to the needs of children with complex medical needs and their families. CAPG states this bill protects the unique regional CCS system of providers and standards that ensure children in CCS have access to hospitals, doctors, and special care centers with the expertise to care for them by requiring KIDS networks to provide whole child care through a team-based, patient-centered health home model in the least restrictive, most appropriate setting.

ARGUMENTS IN OPPOSITION: The American Academy of Pediatrics, California (AAPC) writes in opposition that children with CCS-eligible conditions are among the most vulnerable in the state, and the state should not decide upon a specific model for redesign of this essential system of care in advance of data currently being collected and a robust stakeholder process that is underway. AAPC argues that changing to a new model requires policies/elements that cannot be fully understood until the pilots and stakeholder process are complete and recommendations are available to those involved. The California Medical

Association, which has taken an oppose unless amended on this measure, makes similar arguments as AAPC, and indicates it would remove its opposition to this bill if it were amended to extend the current managed care carve out for an additional year while the stakeholder board completes its work and the state reports back on data from the pilot projects.

The California Association for Health Services at Home (CAHSAH) argues that it is concerned about the impact of managed care expansions on home and community-based services, especially given the problems that have already occurred with the Coordinated Care Initiative (CCI). CAHSAH argues managed care entities do not understand the home health services of this unique population, and they have experienced denials of care and delayed authorizations that were approved under Medi-Cal FFS. CAHSAH argues managed care delivery systems reimbursement rates must take into account the acuity level differences in this population, the need for a long-term guarantee of coverage to beneficiaries, timely authorizations of care, that managed care case managers understand the full nature of services available under Medi-Cal, and that the managed care delivery system address provider grievances and resolution of those grievances using the same medically necessity criteria used FFS Medi-Cal.

Prepared by: Scott Bain / HEALTH /
5/31/15 12:49:04

****** END ******

Solano County 2016 Bill List

Thursday, June 16, 2016

BILL ID/Topic	Location	Summary	Position	CSAC Position	LCC Position
AB 45 Mullin D Household hazardous waste.	2/4/2016-S. E.Q. 6/8/2016-In committee: Set, second hearing. Hearing canceled at the request of author. Heard 6/29/2016 8:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, WIECKOWSKI, Chair	Would require the Department of Resources Recycling and Recovery to adopt one or more model ordinances for a comprehensive program for the collection of household hazardous waste and would authorize a local jurisdiction that provides for the residential collection and disposal of solid waste that proposes to enact an ordinance governing the collection and diversion of household hazardous waste to adopt one of the model ordinances adopted by the department. Last Amended on 1/21/2016	Oppose	Oppose unless Amended	Oppose
AB 171 Irwin D Department of Veterans Affairs: veterans' services.	9/11/2015-S. 2 YEAR 9/11/2015-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/1/2015) Heard	Would require the Department of Veterans Affairs, no later than July 1, 2016, to develop an allocation formula based upon performance standards that encourage innovation and reward outstanding service by county veterans service officers, and would require those moneys to be allocated, upon appropriation by the Legislature, in accordance with that formula, as specified. The bill would require the department to annually report to the Legislature the efficacy, return on investment, work volume, and regional impact of the subvention funds on each county that receives those funds, as specified. Last Amended on 8/31/2015	Support	Support	
AB 1591 Frazier D Transportation funding.	2/1/2016-A. TRANS. 2/1/2016-Referred to Coms. on TRANS. and REV. & TAX. Heard	Would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria to ensure efficient use of the funds available for the program. This bill contains other related provisions and other existing laws.	Support	Pending	Watch
AB 1758 Stone, Mark D Telecommunications : California Advanced Services Fund.	3/28/2016-A. U. & C. 4/21/2016-From committee: Without further action pursuant to Joint Rule 62(a). Heard	Current law requires the Public Utilities Commission to give priority to projects that provide last-mile broadband access to households that are unserved by an existing facilities-based broadband provider. Current law establishes that the goal of the CASF program is, no later than December 31, 2015, to approve funding for infrastructure projects that will provide broadband access to no less than 98% of California households. Current law authorizes the commission to collect a surcharge for deposit into the CASF not to exceed \$315,000,000 in total and authorizes the surcharge until 2020. This bill would extend to December 31, 2023, the time period for meeting the program goal and would specify the threshold speeds to be met in achieving the goal. Last Amended on 3/17/2016	No Position	Support	Support
AB 1854 Bloom D Bail: attorney's fees: forfeited bail.	6/15/2016-S. THIRD READING 6/15/2016-Read second time. Ordered to third reading. Heard 6/16/2016 #107 SENATE SEN THIRD READING FILE - ASM BILLS	Current law requires the district attorney, county counsel, or applicable prosecuting agency to recover, out of the forfeited bail money, the costs incurred in successfully opposing a motion to vacate the forfeiture prior to the division of the forfeited bail money between the cities and counties in accordance with specified provisions. This bill would require the district attorney, county counsel, or applicable prosecuting agency to, in addition, recover attorney's fees out of the forfeited bail money.	Support	Sponsor	

BILL ID/Topic	Location	Summary	Position	CSAC Position	LCC Position
AB 1997 Stone, Mark D Foster care.	6/9/2016-S. HUM. S. 6/9/2016-Referred to Com. on HUMAN S. Agenda 6/28/2016 1:30 p.m. - Room 3191 SENATE HUMAN SERVICES, MCGUIRE, Chair	Current law provides for the early implementation, by counties and foster family agencies, of the resource family approval process, which is a unified, family friendly, and child-centered approval process that replaces the multiple processes for licensing foster family homes, approving relatives and nonrelative extended family members as foster care providers, and approving adoptive families. Current law requires the State Department of Social Services to implement the resource family approval process in all counties and with all foster family agencies by January 1, 2017. This bill would also specify that the resource family approval process replaces certification of foster homes by foster family agencies and the approval of guardians. Last Amended on 5/27/2016		Support in Concept	Watch
AB 2678 Gray D State-designated fairs: funding.	6/9/2016-S. GOV. & F. 6/9/2016-Referred to Com. on GOV. & F. Heard 6/22/2016 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, HERTZBERG, Chair	Would require a tax return filed for the purposes of the Sales and Use Tax Law to segregate the gross receipts of the seller and the sales price of the property on a form prescribed by the State Board of Equalization when the place of sale or use in this state is on or within the real property of a state-designated fair, as defined, which excludes any fair located in the County of Los Angeles, or any real property of a state-designated fair that is leased to another party. This bill contains other related provisions. Last Amended on 5/31/2016	Support	Support	Watch
SB 12 Beall D Foster youth.	8/28/2015-A. 2 YEAR 8/28/2015-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 8/27/2015) Heard	Would revise the definition of a nonminor dependent and former nonminor dependent to include a person who has not attained 21 years of age, if he or she was adjudged a ward of the court on the basis of criminal activity, was subject to an order for foster care placement at the time the petition to adjudge him or her a ward of the court was filed, and was held in secure confinement when he or she attained 18 years of age. This bill would make conforming changes to allow a court to assume or resume dependency jurisdiction or transition jurisdiction over a nonminor who satisfies this criteria. Last Amended on 6/2/2015	Watch	Pending	
SB 23 Mitchell D CalWORKs: eligibility.	9/11/2015-A. 2 YEAR 9/11/2015-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/4/2015) Heard	Under current law, for purposes of determining a family's maximum aid payment under the CalWORKs program, the number of needy persons in the same family is not increased for any child born into a family that has received aid under the CalWORKs program continuously for the 10 months prior to the birth of the child, with specified exceptions. This bill would repeal that exclusion for purposes of determining the family's maximum aid payment and would expressly prohibit the denial of aid, or the denial of an increase in the maximum aid payment, if a child, on whose behalf aid or an increase in aid is being requested, was born into an applicant's or recipient's family while the applicant's or recipient's family was receiving aid under the CalWORKs program.	Support	Pending	
SB 24 Hill D California Public Employees' Pension Reform Act of 2013: joint powers authority: employees.	4/28/2016-A. P.E.,R. & S.S. 4/28/2016-Referred to Com. on P.E., R., & S.S. Heard 6/22/2016 9:30 a.m. - State Capitol, Room 444 ASSEMBLY PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY, BONTA, Chair	Would authorize a joint powers authority formed by the Cities of Belmont, Foster City, and San Mateo on or after January 1, 2013, to provide employees who are not new members under PEPRRA with the defined benefit plan or formula that was received by those employees from their respective employers on December 31, 2012, if they are employed by the joint powers authority within 180 days of the city providing for the exercise of a common power, to which the employee was associated, by the joint powers authority. Last Amended on 1/5/2016	Oppose	Pending	Watch
BILL ID/Topic	Location	Summary	Position	CSAC Position	LCC Position
SB 140	7/17/2015-A. 2 YEAR	Would define the term "smoking" for purposes of the	Support	Pending	Support

Leno D Electronic cigarettes.	7/17/2015-Failed Deadline pursuant to Rule 61(a)(10). (Last location was G.O. on 7/8/2015) Heard	STAKE Act. The bill would also change the STAKE Act's definition of tobacco products to include electronic devices, such as electronic cigarettes, that deliver nicotine or other vaporized liquids, and make furnishing such a tobacco product to a minor a misdemeanor. This bill contains other related provisions and other existing laws. Last Amended on 6/1/2015			
SB 151 Hernandez D Tobacco products: minimum legal age.	7/17/2015-A. 2 YEAR 7/17/2015-Failed Deadline pursuant to Rule 61(a)(10). (Last location was G.O. on 6/18/2015)(CORRECTED) Heard	Existing law prohibits the furnishing of tobacco products to, and the purchase of tobacco products by, a person under 18 years of age. This bill would extend the applicability of those provisions to persons under 21 years of age. This bill contains other related provisions.	Support	Watch	Watch
SB 260 Monning D Medi-Cal: county organized health systems: pilot programs.	9/11/2015-A. 2 YEAR 9/11/2015-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/9/2015) Heard	Current law provides the California Medical Assistance Commission with the authority to negotiate exclusive contracts with county organized health systems to provide health care services under the Medi-Cal program. Under current law, the contracting counties are exempt from Knox-Keene for purposes of carrying out those contracts. This bill would repeal that exemption and delete related exemptions, deem a county contracting with the department under the provisions described above to be a health care service plan as of specified dates, and subject contracting counties to the act for purposes of carrying out those contracts, unless the act expressly provides otherwise. Last Amended on 7/14/2015	Oppose		
SB 547 Liu D Aging and long-term care services, supports, and program coordination.	4/28/2016-A. AGING & L.T.C. 4/28/2016-Referred to Com. on AGING & L.T.C. Heard 6/21/2016 2 p.m. - State Capitol, Room 127 ASSEMBLY AGING AND LONG TERM CARE, BROWN, Chair	Current law establishes the California Health and Human Services Agency consisting of the Departments of Aging, Child Support services, Community Services and Development, Developmental Services, Health Care Services, Managed Health Care, Public Health, Rehabilitation, Social Services, and State Hospitals. This bill would create the Statewide Aging and Long-Term Care Services Coordinating Council, chaired by the Secretary of California Health and Human Services, and would consist of the heads, or their designated representative, of specified departments and offices. Last Amended on 1/26/2016	Support	Watch	
SB 554 Volk D Delta levee maintenance.	6/14/2016-A. APPR. 6/14/2016-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 3.) (June 14). Re-referred to Com. on APPR. Heard	Current law establishes a delta levee maintenance program pursuant to which a local agency may request reimbursement for costs incurred in connection with the maintenance or improvement of project or nonproject levees in the Sacramento-San Joaquin Delta. This bill would declare legislative intent to reimburse up to 75% of those costs incurred in any year for the maintenance or improvement of levees in excess of \$1,000 per mile of levee and would authorize the board to advance funds in an amount that does not exceed 75% of the estimated state share to an eligible local agency. Last Amended on 1/4/2016	Support	Watch	Watch

BILL ID/Topic	Location	Summary	Position	CSAC Position	LCC Position
SB 586 Hernandez D Children's services.	6/8/2016-A. HEALTH 6/8/2016-From committee with author's amendments. Read second time and amended. Re-referred to Com. on HEALTH. Agenda 6/28/2016 1:30 p.m. - State Capitol, Room 4202 ASSEMBLY HEALTH, WOOD, Chair	The services covered by the CCS program include expert diagnosis, medical treatment, surgical treatment, hospital care, physical therapy, occupational therapy, special treatment, materials, and the supply of appliances and their upkeep, maintenance, and transportation. Funding for the program comes from county, state, and federal sources. In order to be eligible for the CCS program, an applicant must be under 21 years of age, have or be suspected of having a condition covered by the program, and meet certain financial eligibility standards established by the State Department of Health Care Services. This bill would exempt contracts entered into under the Whole Child Model program, as described, from that prohibition and would extend to January 1, 2025, and until the evaluation required under the Whole Child Model program has been completed, the termination of the prohibition against CCS covered services being incorporated in a Medi-Cal managed care contract entered into after August 1, 1994. Last Amended on 6/8/2016		Pending	
SB 947 Pan D Public assistance: personal interviews.	6/9/2016-A. HUM. S. 6/9/2016-Referred to Com. on HUM. S. Heard 6/28/2016 1:30 p.m. - State Capitol, Room 437 ASSEMBLY HUMAN SERVICES, BONILLA, Chair	Current law prohibits an applicant from being granted public assistance under CalWORKs until he or she is personally interviewed by the county human services agency or state hospital staff. Current law also requires the county department to verify if an applicant is incapable of acting on his or her own behalf by personal contact with the applicant before aid is authorized. This bill would authorize the county human services agency to conduct this personal interview telephonically or through electronic means. Last Amended on 5/31/2016	Support	Support	
SBX2 5 Leno D Electronic cigarettes.	5/4/2016-S. CHAPTERED 5/4/2016-Chaptered by Secretary of State - Chapter No. 7 Heard	Would define the term "smoking" for purposes of the STAKE Act. The bill would also change the STAKE Act's definition of "tobacco products" to include electronic devices, such as electronic cigarettes, that deliver nicotine or other vaporized liquids, and make furnishing the tobacco product to a minor a misdemeanor. This bill contains other related provisions and other existing laws. Last Amended on 3/2/2016	Support		
SBX2 7 Hernandez D Tobacco products: minimum legal age.	5/4/2016-S. CHAPTERED 5/4/2016-Chaptered by Secretary of State - Chapter No. 8 Heard	Current makes every person, firm, or corporation that knowingly or under circumstances in which it has knowledge, or should otherwise have grounds for knowledge, sells, gives, or in any way furnishes to another person who is under 18 years of age any tobacco, cigarette, cigarette papers, blunts wraps, or any other preparation of tobacco, or any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco, products prepared from tobacco, or any controlled substance, subject to either a criminal action for a misdemeanor or to a civil action brought by a city attorney, a county counsel, or a district attorney, punishable by a fine, as specified. This bill would extend the applicability of those provisions to persons under 21 years of age. Last Amended on 3/2/2016	Support		
SBX2 8 Liu D Tobacco use programs.	8/27/2015-S. DESK 3/15/2016-From Assembly without further action. Heard	Would expand eligibility for funding for the tobacco use prevention program to include charter schools. The bill would require the State Department of Education to require that all school districts, charter schools, and county offices of education receiving funding under the program adopt and enforce a tobacco-free campus policy prohibiting the use of products containing tobacco and nicotine, as specified. This bill contains other related provisions and other existing laws. Last Amended on 8/25/2015	Support		
BILL ID/Topic	Location	Summary	Position	CSAC Position	LCC Position

<p>SBX2 9 McGuire D</p> <p>Local taxes: authorization: cigarettes and tobacco products.</p>	<p>8/27/2015-S. DESK 3/15/2016-From Assembly without further action.</p> <p>Heard</p>	<p>Would authorize the board of supervisors of a county or city and county to impose a tax on the privilege of distributing cigarettes and tobacco products in the county or city and county, including within an incorporated city within the county.</p>	<p>Support</p>		
<p>SBX2 10 Beall D</p> <p>Cigarette and tobacco product licensing: fees and funding.</p>	<p>8/27/2015-S. DESK 3/15/2016-From Assembly without further action.</p> <p>Heard</p>	<p>The Cigarette and Tobacco Products Licensing Act of 2003 requires the State Board of Equalization to administer a statewide program to license manufacturers, importers, distributors, wholesalers, and retailers of cigarettes and tobacco products. That act requires retailers of cigarettes and tobacco products to obtain a separate license for each retail location, to be issued by the board upon receipt of a completed application and payment of a one-time fee, unless specified conditions apply. This bill would require a fee of \$265 to be submitted with each license application, as described above</p>	<p>Support</p>		

Total Measures: 22

Total Tracking Forms: 22