

An act to amend Sections 11402, 11461.3, and 16519.5 of, and to add Section 11253.45 to, the Welfare and Institutions Code, relating to foster care.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11253.45 is added to the Welfare and Institutions Code, immediately following Section 11253.4, to read:

11253.45. (a) (1) If determined eligible for aid, a child to whom Section 309, 361.45, or 16519.5 applies, and who is placed in the home of a relative who has been approved as a resource family pursuant to Section 16519.5, shall receive a grant supplemented with an amount that, when combined with the CalWORKs grant, equals the resource family basic rate at the child’s assessed level of care, as set forth in subdivision (g) of Section 11461 and Section 11463.

(2) The supplement provided in paragraph (1) shall be paid from funds separate from funds appropriated in the annual Budget Act and counties’ share of costs for the CalWORKs program.

(3) A child specified in paragraph (1) is not subject to the provisions of this chapter relating to CalWORKs, including, but not limited to, the provisions that relate to CalWORKs eligibility, welfare to work, child support enforcement, time limits, or grant computation.

(4) All of the following shall apply to a child specified in paragraph (1):

(A) He or she shall receive the applicable regional CalWORKs grant for a recipient in an assistance unit of one, pursuant to the exempt maximum aid payment set forth in Section 11450, and any changes to the CalWORKs grant amount shall apply to the grant described in this subparagraph.



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(B) Notwithstanding any other law, the CalWORKs grant for the child shall be paid by the county with payment responsibility in accordance with paragraph (1) regardless of the county of residence of the child.

(C) For an assistance unit described in subparagraph (A), eligibility shall be determined in accordance with paragraph (3) of subdivision (a) of Section 672 of Title 42 of the United States Code and state law implementing those requirements for the purposes of Article 5 (commencing with Section 11400).

(b) (1) Except as provided in paragraph (2), a person applying for aid on behalf of a child described in paragraph (1) of subdivision (a), shall be exempt from Chapter 4.6 (commencing with Section 10830) of Part 2 governing the statewide fingerprint imaging system.

(2) A relative who is also an applicant for or a recipient of benefits under this chapter shall comply with the statewide fingerprint imaging system requirements.

(c) Notwithstanding Sections 11004 and 11004.1 or any other law, overpayments to an assistance unit described in subparagraph (A) of paragraph (4) of subdivision (a) shall be collected using the standards and processes for overpayment recoupment as specified in Section 11466.24, and recouped overpayments shall not be subject to remittance to the federal government.

(d) If a relative with whom a child eligible in accordance with this section is placed is also an applicant for, or a recipient of, benefits under this chapter, all of the following shall apply:

(1) The applicant or recipient and each eligible child, excluding any child eligible in accordance with this section, shall receive aid in an assistance unit separate from



the assistance unit described in subparagraph (A) of paragraph (4) of subdivision (a), and the CalWORKs grant of the assistance unit shall be paid by the county of residence of the assistance unit.

(2) For purposes of calculating the grant of the assistance unit, the number of eligible needy persons on which the grant is based pursuant to paragraph (1) of subdivision (a) of Section 11450 shall not include any child eligible in accordance with this section.

(3) For purposes of calculating minimum basic standards of adequate care for the assistance unit, any child eligible in accordance with this section shall be included as an eligible needy person in the same family pursuant to paragraph (2) of subdivision (a) of Section 11452.

(e) This section shall apply only to a child under the jurisdiction of a county that has not opted into the Approved Relative Caregiver Funding Option pursuant to Section 11461.3.

(f) This section shall become operative on January 1, 2017.

SEC. 2. Section 11402 of the Welfare and Institutions Code, as amended by Section 65 of Chapter 773 of the Statutes of 2015, is amended to read:

11402. In order to be eligible for AFDC-FC, a child or nonminor dependent shall be placed in one of the following:

(a) Prior to January 1, 2019, the approved home of a relative, provided the child or youth is otherwise eligible for federal financial participation in the AFDC-FC payment.

(b) (1) Prior to January 1, 2019, the licensed family home of a nonrelative.



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(2) Prior to January 1, 2019, the approved home of a nonrelative extended family member as described in Section 362.7.

(c) The approved home of a resource ~~family~~ family, as defined in Section ~~16519.5~~ 16519.5, if either of the following is true:

(1) The caregiver is a nonrelative.

(2) The caregiver is a relative, and the child or youth is otherwise eligible for federal financial participation in the AFDC-FC payment.

(d) A licensed group home, as defined in subdivision (h) of Section 11400, excluding a runaway and homeless youth shelter as defined in subdivision (ab) of Section 11400, provided that the placement worker has documented that the placement is necessary to meet the treatment needs of the child or youth and that the facility offers those treatment services.

(e) The home of a nonrelated legal guardian or the home of a former nonrelated legal guardian when the guardianship of a child or youth who is otherwise eligible for AFDC-FC has been dismissed due to the child or youth attaining 18 years of age.

(f) An exclusive-use home.

(g) A housing model certified by a licensed transitional housing placement provider as described in Section 1559.110 of the Health and Safety Code and as defined in subdivision (r) of Section 11400.

(h) An out-of-state group home, provided that the placement worker, in addition to complying with all other statutory requirements for placing a child or youth in an out-of-state group home, documents that the requirements of Section 7911.1 of the Family Code have been met.



(i) An approved supervised independent living setting for nonminor dependents, as defined in subdivision (w) of Section 11400.

(j) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.

SEC. 3. Section 11402 of the Welfare and Institutions Code, as added by Section 66 of Chapter 773 of the Statutes of 2015, is amended to read:

11402. In order to be eligible for AFDC-FC, a child or nonminor dependent shall be placed in one of the following:

(a) Prior to January 1, 2019, the approved home of a relative, provided the child or youth is otherwise eligible for federal financial participation in the AFDC-FC payment.

(b) (1) Prior to January 1, 2019, the home of a nonrelated legal guardian or the home of a former nonrelated legal guardian when the guardianship of a child or youth who is otherwise eligible for AFDC-FC has been dismissed due to the child or youth attaining 18 years of age.

(2) Prior to January 1, 2019, the approved home of a nonrelative extended family member, as described in Section 362.7.

(c) (1) Prior to January 1, 2019, the licensed family home of a nonrelative.

(2) The approved home of a resource family, as defined in Section ~~16519.5~~ 16519.5, if either of the following is true:

(A) The caregiver is a nonrelative.



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(B) The caregiver is a relative, and the child or youth is otherwise eligible for federal financial participation in the AFDC-FC payment.

(d) (1) A housing model certified by a licensed transitional housing placement provider, as described in Section 1559.110 of the Health and Safety Code, and as defined in subdivision (r) of Section 11400.

(2) An approved supervised independent living setting for nonminor dependents, as defined in subdivision (w) of Section 11400.

(e) A licensed foster family agency, as defined in subdivision (g) of Section 11400 and paragraph (4) of subdivision (a) of Section 1502 of the Health and Safety Code, for placement into a certified or approved home.

(f) A short-term residential treatment center licensed as a community care facility, as defined in subdivision (ad) of Section 11400 and paragraph (18) of subdivision (a) of Section 1502 of the Health and Safety Code.

(g) An out-of-state group home that meets the requirements of paragraph (2) of subdivision (c) of Section 11460, provided that the placement worker, in addition to complying with all other statutory requirements for placing a child or youth in an out-of-state group home, documents that the requirements of Section 7911.1 of the Family Code have been met.

(h) A community treatment facility set forth in Article 5 (commencing with Section 4094) of Chapter 3 of Part 1 of Division 4.

(i) This section shall become operative on January 1, 2017.

SEC. 4. Section 11461.3 of the Welfare and Institutions Code is amended to read:



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11461.3. (a) The Approved Relative Caregiver Funding Option Program is hereby established for the purpose of making the amount paid to approved relative caregivers for the in-home care of children placed with them who are ineligible for AFDC-FC payments equal to the amount paid on behalf of children who are eligible for AFDC-FC payments. This is an optional program for counties choosing to participate, and in so doing, participating counties agree to the terms of this section as a condition of their participation. It is the intent of the Legislature that the funding described in paragraph (1) of subdivision (g) for the Approved Relative Caregiver Funding Option Program be appropriated, and available for use from January through December of each year, unless otherwise specified.

(b) Subject to subdivision (e), effective January 1, 2015, participating counties shall pay an approved relative caregiver a per child per month rate in return for the care and supervision, as defined in subdivision (b) of Section 11460, of a child that is placed with the relative caregiver that is equal to the basic rate paid to foster care providers pursuant to subdivision (g) of Section 11461, if both of the following conditions are met:

(1) The county with payment responsibility has notified the department in writing by October 1 of the year before participation begins of its decision to participate in the Approved Relative Caregiver Funding Option Program.

(2) The related child placed in the home meets all of the following requirements:

(A) The child resides in California.



(B) The child is described by subdivision (b), (c), or (e) of Section 11401 and the county welfare department or the county probation department is responsible for the placement and care of the child.

(C) The child is not eligible for AFDC-FC while placed with the approved relative caregiver because the child is not eligible for federal financial participation in the AFDC-FC payment.

(c) Any income or benefits received by an eligible child or the approved relative caregiver on behalf of the eligible child that would be offset against the basic rate paid to a foster care provider pursuant to subdivision (g) of Section 11461, shall be offset from any funds that are not CalWORKs funds paid to the approved relative caregiver pursuant to this section.

(d) Participating counties shall recoup an overpayment in the Approved Relative Caregiver Funding Option Program received by an approved relative caregiver using the standards and processes for overpayment recoupment that are applicable to overpayments to an approved home of a relative, as specified in Section 11466.24. Recouped overpayments shall not be subject to remittance to the federal government. Any overpaid funds that are collected by the participating counties shall be remitted to the state after subtracting both of the following:

(1) An amount not to exceed the county share of the CalWORKs portion of the Approved Relative Caregiver Funding Option Program payment, if any.

(2) Any other county funds that were included in the Approved Relative Caregiver Funding Option Program payment.



(e) A county's election to participate in the Approved Relative Caregiver Funding Option Program shall affirmatively indicate that the county understands and agrees to all of the following conditions:

(1) Commencing October 1, 2014, the county shall notify the department in writing of its decision to participate in the Approved Relative Caregiver Funding Option Program. Failure to make timely notification, without good cause as determined by the department, shall preclude the county from participating in the program for the upcoming calendar year. Annually thereafter, any county not already participating who elects to do so shall notify the department in writing no later than October 1 of its decision to participate for the upcoming calendar year.

(2) The county shall confirm that it will make per child per month payments to all approved relative caregivers on behalf of eligible children in the amount specified in subdivision (b) for the duration of the participation of the county in this program.

(3) The county shall confirm that it will be solely responsible to pay any additional costs needed to make all payments pursuant to subdivision (b) if the state and federal funds allocated to the Approved Relative Caregiver Funding Option Program pursuant to paragraph (1) of subdivision(g) are insufficient to make all eligible payments.

(f) (1) A county deciding to opt out of the Approved Relative Caregiver Funding Option Program shall provide at least 120 days' prior written notice of that decision to the department. Additionally, the county shall provide at least 90 days' prior written notice to the approved relative caregiver or caregivers informing them that his or her per child per month payment will be reduced and the date that the reduction will occur.



(2) The department shall presume that all counties have opted out of the Approved Relative Caregiver Funding Option Program if the funding appropriated for the current 12-month period is reduced below the amount specified in subparagraph (B), subparagraph (C), or subparagraph (D) of paragraph(2) of subdivision (g) for that 12-month period, unless a county notifies the department in writing of its intent to opt in within 60 days of enactment of the State Budget. The counties shall provide at least 90 days' prior written notice to the approved relative caregiver or caregivers informing them that his or her per child per month payment will be reduced, and the date that reduction will occur.

(3) Any reduction in payments received by an approved relative caregiver on behalf of a child under this section that results from a decision by a county, including the presumed opt-out pursuant to paragraph (2), to not participate in the Approved Relative Caregiver Funding Option Program shall be exempt from state hearing jurisdiction under Section 10950.

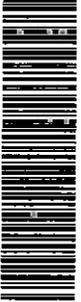
(g) (1) The following funding shall be used for the Approved Relative Caregiver Funding Option Program:

(A) The applicable regional per-child CalWORKs grant, in accordance with subdivision (a) of Section 11253.4.

(B) General Fund resources, as appropriated in paragraph (2).

(C) County funds only to the extent required under paragraph (3) of subdivision (e).

(D) Funding described in subparagraphs (A) and (B) is intended to fully fund the base caseload of approved relative caregivers, which is defined as the number of



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approved relative caregivers caring for a child who is not eligible to receive AFDC-FC payments, as of July 1, 2014.

(2) The following amount is hereby appropriated from the General Fund as follows:

(A) The sum of fifteen million dollars (\$15,000,000), for the period of January 1, 2015, to June 30, 2015, inclusive.

(B) For the period of July 1, 2015, to June 30, 2016, inclusive, there shall be appropriated an amount equal to the sum of all of the following:

(i) Two times the amount appropriated pursuant to subparagraph (A), inclusive of any increase pursuant to paragraph (3).

(ii) The amount necessary to increase or decrease the CalWORKs funding associated with the base caseload described in subparagraph (D) of paragraph (1) to reflect any change from the prior fiscal year in the applicable regional per-child CalWORKs grant described in subparagraph (A) of paragraph (1).

(iii) The additional amount necessary to fully fund the base caseload described in subparagraph (D) of paragraph (1), reflective of the annual California Necessities Index increase to the basic rate paid to foster care providers.

(C) For every 12-month period thereafter, commencing with the period of July 1, 2016, to June 30, 2017, inclusive, the sum of all of the following shall be appropriated for purposes of this section:

(i) The total General Fund amount provided pursuant to this paragraph for the previous 12-month period.



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(ii) The amount necessary to increase or decrease the CalWORKs funding associated with the base caseload described in subparagraph (D) of paragraph (1) to reflect any change from the prior fiscal year in the applicable regional per-child CalWORKs grant described in subparagraph (A) of paragraph (1).

(iii) The additional amount necessary to fully fund the base caseload described in subparagraph (D) of paragraph (1), reflective of the annual California Necessities Index increase to the basic rate paid to foster care providers.

(D) Notwithstanding clauses (ii) and (iii) of subparagraph (B) and clauses (ii) and (iii) of subparagraph (C), the total General Fund appropriation made pursuant to subparagraph (B) shall not be less than the greater of the following amounts:

(i) Thirty million dollars (\$30,000,000).

(ii) Two times the amount appropriated pursuant to subparagraph (A), inclusive of any increase pursuant to paragraph (3).

(3) To the extent that the appropriation made by subparagraph (A) of paragraph (2) is insufficient to fully fund the base caseload of approved relative caregivers as of July 1, 2014, as described in subparagraph (D) of paragraph (1), for the period of January 1, 2015, to June 30, 2015, inclusive, as jointly determined by the department and the County Welfare Directors' Association and approved by the Department of Finance on or before October 1, 2015, the amount specified in subparagraph (A) of paragraph (2) shall be increased by the amount necessary to fully fund that base caseload.

(4) Funds available pursuant to paragraph (2) shall be allocated to participating counties proportionate to the number of their approved relative caregiver placements,



using a methodology and timing developed by the department, following consultation with county human services agencies and their representatives.

(5) Notwithstanding subdivision (e), if in any calendar year the entire amount of funding appropriated by the state for the Approved Relative Caregiver Funding Option Program has not been fully allocated to or utilized by participating counties, a participating county that has paid any funds pursuant to subparagraph (C) of paragraph (1) of subdivision (g) may request reimbursement for those funds from the department. The authority of the department to approve the requests shall be limited by the amount of available unallocated funds.

(h) An approved relative caregiver receiving payments on behalf of a child pursuant to this section shall not be eligible to receive additional CalWORKs payments on behalf of the same child under Section 11450.

(i) To the extent permitted by federal law, payments received by the approved relative caregiver from the Approved Relative Caregiver Funding Option Program shall not be considered income for the purpose of determining other public benefits.

(j) Prior to referral of any individual or recipient, or that person's case, to the local child support agency for child support services pursuant to Section 17415 of the Family Code, the county human services agency shall determine if an applicant or recipient has good cause for noncooperation, as set forth in Section 11477.04. If the applicant or recipient claims good cause exception at any subsequent time to the county human services agency or the local child support agency, the local child support agency shall suspend child support services until the county social services agency determines the good cause claim, as set forth in Section 11477.04. If good cause is determined to



exist, the local child support agency shall suspend child support services until the applicant or recipient requests their resumption, and shall take other measures that are necessary to protect the applicant or recipient and the children. If the applicant or recipient is the parent of the child for whom aid is sought and the parent is found to have not cooperated without good cause as provided in Section 11477.04, the applicant's or recipient's family grant shall be reduced by 25 percent for the time the failure to cooperate lasts.

(k) Consistent with Section 17552 of the Family Code, if aid is paid under this chapter on behalf of a child who is under the jurisdiction of the juvenile court and whose parent or guardian is receiving reunification services, the county human services agency shall determine, prior to referral of the case to the local child support agency for child support services, whether the referral is in the best interest of the child, taking into account both of the following:

(1) Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's ability to meet the requirements of the parent's reunification plan.

(2) Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's current or future ability to meet the financial needs of the child.

(l) Effective January 1, 2017, if a relative has been approved as a resource family pursuant to Section 16519.5, the approved relative shall be paid an amount equal to the resource family basic rate at the child's assessed level of care as set forth in subdivision (g) of Section 11461 and Section 11463.



SEC. 5. Section 16519.5 of the Welfare and Institutions Code is amended to read:

16519.5. (a) The State Department of Social Services, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, shall implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, approving relatives and nonrelative extended family members as foster care providers, and approving adoptive families.

(b) (1) Counties shall be selected to participate on a voluntary basis as early implementation counties for the purpose of participating in the initial development of the approval process. Early implementation counties shall be selected according to criteria developed by the department in consultation with the County Welfare Directors Association. In selecting the five early implementation counties, the department shall promote diversity among the participating counties in terms of size and geographic location.

(2) Additional counties may participate in the early implementation of the program upon authorization by the department.

(c) (1) For the purposes of this chapter, “resource family” means an individual or couple that a participating county or foster family agency, as defined in subdivision (g) of Section 11400 of this code, and paragraph (4) of subdivision (a) of Section 1502 of the Health and Safety Code, determines to have successfully met both the home environment assessment standards and the permanency assessment criteria adopted pursuant to subdivision (d) necessary for providing care for a related or unrelated child



who is under the jurisdiction of the juvenile court, or otherwise in the care of a county child welfare agency or probation department. A resource family shall demonstrate all of the following:

(A) An understanding of the safety, permanence, and well-being needs of children who have been victims of child abuse and neglect, and the capacity and willingness to meet those needs, including the need for protection, and the willingness to make use of support resources offered by the agency, or a support structure in place, or both.

(B) An understanding of children’s needs and development, effective parenting skills or knowledge about parenting, and the capacity to act as a reasonable, prudent parent in day-to-day decisionmaking.

(C) An understanding of his or her role as a resource family and the capacity to work cooperatively with the agency and other service providers in implementing the child’s case plan.

(D) The financial ability within the household to ensure the stability and financial security of the family.

(E) An ability and willingness to provide a family setting that promotes normal childhood experiences that serves the needs of the child.

(2) Subsequent to meeting the criteria set forth in this subdivision and designation as a resource family, a resource family shall be considered eligible to provide foster care for related and unrelated children in out-of-home placement, shall be considered approved for adoption or guardianship, and shall not have to undergo any additional approval or licensure as long as the family lives in a county participating in the program.



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(3) Resource family approval means that the applicant successfully meets the home environment assessment and permanency assessment standards. This approval is in lieu of the existing foster care license, relative or nonrelative extended family member approval, and the adoption home study approval.

(4) Approval of a resource family does not guarantee an initial or continued placement of a child with a resource family.

(5) Notwithstanding paragraphs (1) to (4), inclusive, the department or county may cease any further review of an application if the applicant has had a previous application denial within the preceding year, or if the applicant has had a previous rescission, revocation, or exemption denial or rescission by the department or county within the preceding two years. However, the department or county may continue to review an application if it has determined that the reasons for the previous denial, rescission, or revocation were due to circumstances and conditions that either have been corrected or are no longer in existence. If an individual was excluded from a resource family home or facility licensed by the department, the department or county shall cease review of the individual’s application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code. The cessation of review shall not constitute a denial of the application for purposes of this section or any other law.

(d) Prior to implementation of this program, the department shall adopt standards pertaining to the home environment and permanency assessments of a resource family.

(1) Resource family home environment assessment standards shall include, but not be limited to, all of the following:



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(A) (i) Criminal records clearance of all adults residing in, or regularly present in, the home, and not exempted from fingerprinting, as set forth in subdivision (b) of Section 1522 of the Health and Safety Code, pursuant to Section 8712 of the Family Code, utilizing a check of the Child Abuse Central Index (CACI), and receipt of a fingerprint-based state and federal criminal offender record information search response. The criminal history information shall include subsequent notifications pursuant to Section 11105.2 of the Penal Code.

(ii) Consideration of any substantiated allegations of child abuse or neglect against either the applicant or any other adult residing in the home. An approval may not be granted to applicants whose criminal record indicates a conviction for any of the offenses specified in subdivision (g) of Section 1522 of the Health and Safety Code.

(iii) If the resource family parent, applicant, or any other person specified in subdivision (b) of Section 1522 of the Health and Safety Code has been convicted of a crime other than a minor traffic violation, except for the civil penalty language, the criminal background check provisions specified in subdivisions (d) through (f) of Section 1522 of the Health and Safety Code shall apply. Exemptions from the criminal records clearance requirements set forth in this section may be granted by the director or the early implementation county, if that county has been granted permission by the director to issue criminal records exemptions pursuant to Section 361.4, using the exemption criteria currently used for foster care licensing as specified in subdivision (g) of Section 1522 of the Health and Safety Code.

(iv) For public foster family agencies approving resource families, the criminal records clearance process set forth in clause (i) shall be utilized.



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(B) (i) The applicant shall complete a psychosocial assessment, which shall include the results of a risk assessment.

(ii) A caregiver risk assessment shall include, but shall not be limited to, physical and mental health, alcohol and other substance use and abuse, family and domestic violence, and the factors listed in subparagraphs (A) and (D) of paragraph (1) of subdivision (c).

(C) The applicant shall complete any other activities that relate to a resource family's ability to achieve permanency with the child.

(e) (1) A child may be placed with a resource family that has successfully completed the home environment assessment prior to completion of a permanency assessment only if a compelling reason for the placement exists based on the needs of the child.

(2) The permanency assessment shall be completed within 90 days of the child's placement in the home, unless good cause exists based upon the needs of the child.

(3) If additional time is needed to complete the permanency assessment, the county shall document the extenuating circumstances for the delay and generate a timeframe for the completion of the permanency assessment.

(4) The county shall report to the department on a quarterly basis the number of families with a child in an approved home whose permanency assessment goes beyond 90 days and summarize the reasons for these delays.

(5) A child may be placed with a relative, as defined in Section 319, or nonrelative extended family member, as defined in Section 362.7, prior to applying as a resource family only on an emergency basis if all of the following requirements are met:



(A) Consideration of the results of a criminal records check conducted pursuant to Section 16504.5 of the relative or nonrelative extended family member and of every other adult in the home.

(B) Consideration of the results of the Child Abuse Central Index (CACI) consistent with Section 1522.1 of the Health and Safety Code of the relative or nonrelative extended family member, and of every other adult in the home.

(C) The home and grounds are free of conditions that pose undue risk to the health and safety of the child.

(D) For any placement made pursuant to this paragraph, the county shall initiate the home environment assessment no later than five business days after the placement, which shall include a face-to-face interview with the resource family applicant and child.

(E) For any placement made pursuant to this paragraph, AFDC-FC funding shall not be available until approval of the resource family has been completed.

(F) Any child placed under this section shall be afforded all the rights set forth in Section 16001.9.

(f) The State Department of Social Services shall be responsible for all of the following:

(1) Selecting early implementation counties, based on criteria established by the department in consultation with the County Welfare Directors Association.

(2) Establishing timeframes for participating counties to submit an implementation plan, enter into terms and conditions for participation in the program, train appropriate staff, and accept applications from resource families.



(3) Entering into terms and conditions for participation in the program by counties.

(4) Administering the program through the issuance of written directives that shall have the same force and effect as regulations. Any directive affecting Article 1 (commencing with Section 700) of Chapter 7 of Title 11 of the California Code of Regulations shall be approved by the Department of Justice. The directives shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340)) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) Approving and requiring the use of a single standard for resource family approval.

(6) Adopting and requiring the use of standardized documentation for the home environment and permanency assessments of resource families.

(7) Requiring counties to monitor resource families including, but not limited to, all of the following:

(A) Investigating complaints of resource families.

(B) Developing and monitoring resource family corrective action plans to correct identified deficiencies and to rescind resource family approval if compliance with corrective action plans is not achieved.

(8) Ongoing oversight and monitoring of county systems and operations including all of the following:

(A) Reviewing the county's implementation of the program.



(B) Reviewing an adequate number of approved resource families in each participating county to ensure that approval standards are being properly applied. The review shall include case file documentation, and may include onsite inspection of individual resource families. The review shall occur on an annual basis, and more frequently if the department becomes aware that a participating county is experiencing a disproportionate number of complaints against individual resource family homes.

(C) Reviewing county reports of serious complaints and incidents involving approved resource families, as determined necessary by the department. The department may conduct an independent review of the complaint or incident and change the findings depending on the results of its investigation.

(D) Investigating unresolved complaints against participating counties.

(E) Requiring corrective action of counties that are not in full compliance with the terms and conditions of the program.

(9) Updating the Legislature on the early implementation phase of the program, including the status of implementation, successes, and challenges during the early implementation phase, and relevant available data, including resource family satisfaction.

(10) Implementing due process procedures, including all of the following:

(A) Providing a statewide fair hearing process for denials, rescissions, or exclusion actions.

(B) Amending the department's applicable state hearing procedures and regulations or using the Administrative Procedure Act, when applicable, as necessary for the administration of the program.



(g) Counties participating in the program shall be responsible for all of the following:

(1) Submitting an implementation plan, entering into terms and conditions for participation in the program, consulting with the county probation department in the development of the implementation plan, training appropriate staff, and accepting applications from resource families within the timeframes established by the department.

(2) Complying with the written directives pursuant to paragraph (4) of subdivision (f).

(3) Implementing the requirements for resource family approval and utilizing standardized documentation established by the department.

(4) Ensuring staff have the education and experience necessary to complete the home environment and psychosocial assessments competently.

(5) (A) Taking the following actions, as applicable:

(i) Approving or denying resource family applications.

(ii) Rescinding approvals of resource families.

(iii) Excluding a resource family parent or other individual from presence in a resource family home, consistent with the established standard.

(iv) Issuing a temporary suspension order that suspends the resource family approval prior to a hearing when urgent action is needed to protect a child or nonminor dependent from physical or mental abuse, abandonment, or any other substantial threat to health or safety, consistent with the established standard.



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(B) Providing a resource family parent, applicant, or excluded individual requesting review of that decision with due process pursuant to the department’s statutes, regulations, and written directives.

(C) Notifying the department of any decisions denying a resource family’s application or rescinding the approval of a resource family, excluding an individual, or taking other administrative action.

(D) Issuing a temporary suspension order that suspends the resource family approval prior to a hearing, when urgent action is needed to protect a child or nonminor dependent who is or may be placed in the home from physical or mental abuse, abandonment, or any other substantial threat to health or safety.

(6) Updating resource family approval annually.

(7) Monitoring resource families through all of the following:

(A) Ensuring that social workers who identify a condition in the home that may not meet the approval standards set forth in subdivision (d) while in the course of a routine visit to children placed with a resource family take appropriate action as needed.

(B) Requiring resource families to comply with corrective action plans as necessary to correct identified deficiencies. If corrective action is not completed as specified in the plan, the county may rescind the resource family approval.

(C) Requiring resource families to report to the county child welfare agency any incidents consistent with the reporting requirements for licensed foster family homes.

(8) Investigating all complaints against a resource family and taking action as necessary. This shall include investigating any incidents reported about a resource family indicating that the approval standard is not being maintained.



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(A) The child’s social worker shall not conduct the formal investigation into the complaint received concerning a family providing services under the standards required by subdivision (d). To the extent that adequate resources are available, complaints shall be investigated by a worker who did not initially conduct the home environment or psychosocial assessments.

(B) Upon conclusion of the complaint investigation, the final disposition shall be reviewed and approved by a supervising staff member.

(C) The department shall be notified of any serious incidents or serious complaints or any incident that falls within the definition of Section 11165.5 of the Penal Code. If those incidents or complaints result in an investigation, the department shall also be notified as to the status and disposition of that investigation.

(9) Performing corrective action as required by the department.

(10) Assessing county performance in related areas of the California Child and Family Services Review System, and remedying problems identified.

(11) Submitting information and data that the department determines is necessary to study, monitor, and prepare the report specified in paragraph (9) of subdivision (f).

(12) Ensuring resource family applicants and resource families have the necessary knowledge, skills, and abilities to support children in foster care by completing caregiver training. The training should include a curriculum that supports the role of a resource family in parenting vulnerable children and should be ongoing in order to provide resource families with information on trauma-informed practices and requirements and other topics within the foster care system.



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(13) Ensuring that a resource family applicant completes a minimum of 12 hours of preapproval training. The training shall include, but not be limited to, all of the following courses:

(A) An overview of the child protective and probation systems.

(B) The effects of trauma, including grief and loss, and child abuse and neglect, on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect.

(C) Positive discipline and the importance of self-esteem.

(D) Health issues in foster care.

(E) Accessing services and supports to address education needs, physical, mental, and behavioral health, and substance use disorders, including culturally relevant services.

(F) The rights of a child in foster care, and the resource family's responsibility to safeguard those rights, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(G) Cultural needs of children, including instruction on cultural competency and sensitivity, and related best practices for providing adequate care for children or youth across diverse ethnic and racial backgrounds, as well as children or youth identifying as lesbian, gay, bisexual, or transgender.

(H) Basic instruction on existing laws and procedures regarding the safety of foster youth at school; and ensuring a harassment and violence free school environment



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pursuant to Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

(I) Permanence, well-being, and education needs of children.

(J) Child and adolescent development, including sexual orientation, gender identity, and expression.

(K) The role of resource families, including working cooperatively with the child welfare or probation agency, the child’s family, and other service providers implementing the case plan.

(L) The role of a resource family on the child and family team as defined in paragraph (4) of subdivision (a) of Section 16501.

(M) A resource family’s responsibility to act as a reasonable and prudent parent, and to provide a family setting that promotes normal childhood experiences and that serves the needs of the child.

(N) An overview of the specialized training identified in subdivision (h).

(14) Ensuring approved resource families complete a minimum of eight training hours annually, a portion of which shall be from one or more of the topics listed in paragraph (13).

(h) In addition to any training required by this section, a resource family may be required to receive specialized training, as relevant, for the purpose of preparing the resource family to meet the needs of a particular child in care. This training may include, but is not limited to, the following:

(1) Understanding how to use best practices for providing care and supervision to commercially sexually exploited children.



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(2) Understanding how to use best practices for providing care and supervision to lesbian, gay, bisexual, and transgender children.

(3) Understanding the requirements and best practices regarding psychotropic medications, including, but not limited to, court authorization, benefits, uses, side effects, interactions, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.

(4) Understanding the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership and connection to the tribal community and traditions.

(5) Understanding how to use best practices for providing care and supervision to nonminor dependents.

(6) Understanding how to use best practices for providing care and supervision to children with special health care needs.

(7) Understanding the different permanency options and the services and benefits associated with the options.

(i) Nothing in this section shall preclude a county or a foster family agency from requiring resource family training in excess of the requirements in this section.

(j) (1) Approved relatives and nonrelative extended family members, licensed foster family homes, or approved adoptive homes that have completed the license or approval process prior to full implementation of the program shall not be considered



part of the program. The otherwise applicable assessment and oversight processes shall continue to be administered for families and facilities not included in the program.

(2) Upon implementation of the program in a county, that county may not accept new applications for the licensure of foster family homes, the approval of relative and nonrelative extended family members, or the approval of prospective adoptive homes.

(k) The department may waive regulations that pose a barrier to implementation and operation of this program. The waiver of any regulations by the department pursuant to this section shall apply to only those counties or foster family agencies participating in the program and only for the duration of the program.

(l) Resource families approved under initial implementation of the program, who move within an early implementation county or who move to another early implementation county, shall retain their resource family status if the new building and grounds, outdoor activity areas, and storage areas meet home environment standards. The State Department of Social Services or early implementation county may allow a program-affiliated individual to transfer his or her subsequent arrest notification if the individual moves from one early implementation county to another early implementation county, as specified in subdivision (g) of Section 1522 of the Health and Safety Code.

(m) (1) The approval of a resource family who moves to a nonparticipating county remains in full force and effect pending a determination by the county approval agency or the department, as appropriate, whether the new building and grounds and storage areas meet applicable standards, and whether all adults residing in the home have a criminal records clearance or exemptions granted, using the exemption criteria used for foster care licensing, as specified in subdivision (g) of Section 1522 of the



Health and Safety Code. Upon this determination, the nonparticipating county shall either approve the family as a relative or nonrelative extended family member, as applicable, or the department shall license the family as a foster family home.

(2) Subject to the requirements in paragraph (1), the family shall continue to be approved for guardianship and adoption. Nothing in this subdivision shall limit a county or adoption agency from determining that the family is not approved for guardianship or adoption based on changes in the family’s circumstances or psychosocial assessment.

(3) A program-affiliated individual who moves to a nonparticipating county may not transfer his or her subsequent arrest notification from a participating county to the nonparticipating county.

(n) Implementation of the program shall be contingent upon the continued availability of federal Social Security Act Title IV-E (42 U.S.C. Sec. 670) funds for costs associated with placement of children with resource families assessed and approved under the program.

(o) A child placed with a resource family ~~shall be eligible for AFDC-FC payments. A resource family, or a foster family agency pursuant to subdivisions (s) and (t), shall be paid an AFDC-FC rate pursuant to Sections 11460, 11461, and 11463.~~ is eligible for the resource family basic rate, pursuant to Sections 11253.45, 11460, 11461, and 11463, and subdivision (l) of Section 11461.3, at the child’s assessed level of care. Sharing ratios for nonfederal expenditures for all costs associated with activities related to the approval of relatives and nonrelative extended family members shall be in accordance with Section 10101.



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(p) The Department of Justice shall charge fees sufficient to cover the cost of initial or subsequent criminal offender record information and Child Abuse Central Index searches, processing, or responses, as specified in this section.

(q) Except as provided, approved resource families under this program shall be exempt from all of the following:

(1) Licensure requirements set forth under the Community Care Facilities Act, commencing with Section 1500 of the Health and Safety Code, and all regulations promulgated thereto.

(2) Relative and nonrelative extended family member approval requirements set forth under Sections 309, 361.4, and 362.7, and all regulations promulgated thereto.

(3) Adoptions approval and reporting requirements set forth under Section 8712 of the Family Code, and all regulations promulgated thereto.

(r) (1) Early implementation counties shall be authorized to continue through December 31, 2016. The program shall be implemented by each county on or before January 1, 2017.

(2) No later than July 1, 2017, each county shall provide the following information to all licensed foster family homes and all approved relatives and nonrelative extended family members:

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

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



(C) Notification that a foster family home license and an approval of a relative or nonrelative extended family member shall be forfeited by operation of law as provided for in paragraph (4).

(3) By no later than January 1, 2018, the following shall apply to all licensed foster family homes and approved relative and nonrelative extended family members:

(A) A licensed foster family home, and an approved relative or nonrelative extended family member with an approved adoptive home study completed prior to January 1, 2018, shall be deemed to be an approved resource family.

(B) A licensed foster family home, and an approved relative or nonrelative extended family member who had a child in placement at any time, for any length of time, between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a psychosocial assessment pursuant to subparagraph (B) of paragraph (2) of subdivision (d).

(C) A county may provide supportive services to all licensed foster family home providers, relatives, and nonrelative extended family members with a child in placement to assist with the resource family transition and to minimize placement disruptions.

(4) All foster family licenses and approvals of a relative or nonrelative extended family member shall be forfeited by operation of law on December 31, 2019, except as provided in this paragraph:

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



(B) For foster family home licensees and approved relatives or nonrelative extended family members who have a pending resource family application on December 31, 2019, the foster family home license or relative and nonrelative extended family member approval shall be forfeited by operation of law on the date of approval as a resource family. If approval is denied, forfeiture by operation of law shall occur on the date of completion of any proceedings required by law to ensure due process.

(s) On and after January 1, 2017, all licensed foster family agencies shall approve resource families in lieu of certifying foster homes. A foster family agency or a short-term residential treatment center pursuant to subdivision (b) of Section 11462 shall require applicants and resource families to meet the resource family approval standards and requirements set forth in this chapter and in the written directives adopted pursuant to this chapter prior to approval and in order to maintain approval.

(t) Commencing January 1, 2016, the department may establish participation conditions, and select and authorize foster family agencies that voluntarily submit implementation plans and revised plans of operation in accordance with requirements established by the department, to approve resource families in lieu of certifying foster homes.

(1) Notwithstanding any other law, a participating foster family agency shall require resource families to meet and maintain the resource family approval standards and requirements set forth in this chapter and in the written directives adopted hereto prior to approval and in order to maintain approval.

(2) A participating foster family agency shall implement the resource family approval program pursuant to Section 1517 of the Health and Safety Code.



(3) Nothing in this section shall be construed to limit the authority of the department to inspect, evaluate, or investigate a complaint or incident, or initiate a disciplinary action against a foster family agency pursuant to Article 5 (commencing with Section 1550) of Chapter 3 of Division 2 of the Health and Safety Code, or to take any action it may deem necessary for the health and safety of children placed with the foster family agency.

(4) The department may adjust the foster family agency AFDC-FC rate pursuant to Section 11463 for implementation of this subdivision.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 7. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of implementing this act.



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## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Foster care.

Existing law provides for the placement of certain children in foster care under the supervision of the department and county welfare departments. Existing law also establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Existing law requires that, in order to be eligible for AFDC-FC, a child be placed in one of several specified placements, including the approved home of a resource family, and provides that a child placed with a resource family is eligible for AFDC-FC payments.

This bill, commencing January 1, 2017, would instead provide that a child placed in the approved home of a resource family is eligible for AFDC-FC if the caregiver is a nonrelative or the caregiver is a relative and the child or youth is otherwise eligible



for federal financial participation in the AFDC-FC payment. The bill would also specify that a child placed with a resource family is eligible for the resource family basic rate.

Existing law establishes the Approved Relative Caregiver Funding Option Program, in counties that choose to participate, for the purpose of making the amount paid to relative caregivers for the in-home care of children placed with them who are ineligible for AFDC-FC payments equal to the amount paid on behalf of children who are eligible for AFDC-FC payments. Existing law requires a county that has opted into the Approved Relative Caregiver Funding Option Program to pay an approved relative caregiver a per child per month rate that is equal to the basic rate paid to foster care providers and that is funded, in part, through the CalWORKs program.

This bill, commencing January 1, 2017, would generally require a child who has been placed in the home of a relative who has been approved as a resource family to receive a grant that equals the resource family basic rate at the child's assessed level of care. By requiring counties to increase grants to children who are placed in the home of a relative who has been approved as a resource family, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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



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Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

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



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