

An act to amend Sections 16588 and 16589 of the Welfare and Institutions Code, relating to child welfare.

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

SECTION 1. Section 16588 of the Welfare and Institutions Code is amended to read:

16588. (a) The State Department of Social Services shall seek all necessary federal approvals to obtain Title IV-E federal financial participation for the prevention services provided under this chapter, including the submission of any necessary state plans or amendments. During the first three years of implementation, in consultation with counties and stakeholders, the department shall annually review the state's five-year prevention plan and determine whether amendments should be pursued, including, but not limited to, the candidacy population and the evidence-based programs or services included in the state's prevention plan. Additionally, the department shall consult with tribes during this review process.

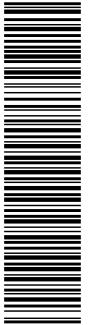
(b) A county child welfare agency or county probation department shall not claim Title IV-E federal financial participation for the prevention services under this chapter unless the department has obtained all necessary federal approvals.

(c) (1) A county that elects to provide the prevention services under this chapter shall pay the nonfederal share of the cost for providing these prevention services beyond any state funding provided for this chapter.

(2) Notwithstanding paragraph (1), the state may contribute a portion of the nonfederal share of cost and implementation costs, subject to an appropriation of state funds. Counties receiving state funds under this paragraph shall submit to the department a comprehensive plan that includes a continuum of primary, secondary, and tertiary prevention and intervention strategies and services to support the ability for parents and families to provide safe, stable, and nurturing environments for their children, in accordance with instructions issued by the department. The continuum of services shall include culturally appropriate and responsive services that are tailored to meet the needs of families who are disproportionately represented in the child welfare system, including Native American and Alaskan Native families, families of color, and lesbian, gay, bisexual, transgender, queer, and plus (LGBTQ+) children or youth. Counties shall promptly notify the department in accordance with instructions issued by the department, of any changes to the comprehensive plan, including, but not limited to, an elimination or reduction of services. During the first year of implementation, a county may utilize state funds under this paragraph to provide the prevention services under this chapter, to provide prevention and intervention services beyond those in the state five-year prevention plan or Title IV-E Prevention Services Clearinghouse that fill service gaps, including, but not limited to, culturally responsive services, and for implementation costs by providing a written notice to the department while the county continues to develop its comprehensive plan.

(3) (A) The department, in consultation with the County Welfare Directors Association of California and Chief Probation Officers of California, shall develop an allocation methodology to distribute state funding for the prevention services program established under this chapter.

(B) ~~Counties~~ Except as provided in subparagraph (C), counties shall use state funds allocated pursuant to this chapter for the nonfederal share of cost of prevention services, as defined in subdivision (e) of Section 16586, allowable administrative



activities performed for the program, and program implementation costs in accordance with written guidance issued by the department. Counties may also use state funds for the cost for any other prevention services offered pursuant to the comprehensive plan described in this subdivision, in accordance with written guidance issued by the department.

(C) (i) The department may exempt a small county from the requirement to use state funds allocated pursuant to this chapter for the nonfederal share of cost of prevention services, as defined in subdivision (e) of Section 16586. A county for which this requirement is waived shall use state funds allocated pursuant to this chapter for the cost of other prevention services offered pursuant to the county's comprehensive plan, allowable administrative activities performed for the program, and program implementation costs in accordance with written guidance issued by the department.

(ii) For purposes of this section, "small county" includes all of the following counties: Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Inyo, Lake, Lassen, Mariposa, Modoc, Mono, Nevada, Plumas, San Benito, Sierra, Siskiyou, Tehama, Trinity, and Tuolumne.

~~(C)~~

(D) Counties shall document and report all prevention services utilizing state funds under this chapter in accordance with written guidance issued by the department.

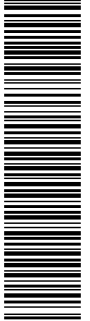
(4) The department shall consult with Indian tribes to develop an allocation methodology to distribute state funding under this chapter to an Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1 and elects to provide the prevention services under this chapter.

(5) State funds allocated under this chapter shall not supplant funds for existing programs.

(d) A county shall use federal funds received under this chapter to supplement, and not supplant, local and state foster care prevention expenditures used for the maintenance of effort, as described in Section 471(e)(7) of the federal Social Security Act (42 U.S.C. Sec. 671(e)(7)). The department shall provide guidance to counties on expenditures that are to be counted toward the maintenance of effort requirement, consistent with federal guidance on this issue.

(e) A county shall not use local or state foster care prevention expenditures utilized for the state maintenance of effort, as described in Section 471(e)(7) of the federal Social Security Act (42 U.S.C. Sec. 671(e)(7)), for the nonfederal share of the cost of providing prevention services under this chapter for a fiscal year. The department shall provide guidance to counties on expenditures that are to be counted toward the maintenance of effort requirement, consistent with federal guidance on this issue.

(f) (1) For the prevention services under this chapter, a county or tribal Title IV-E agency shall not be considered to be a legally liable third party for purposes of satisfying a financial commitment for the cost of providing those services or programs with respect to any individual for whom that cost would have been paid for from another public or private source but for the enactment of the federal Family First Prevention Services Act of 2018 (Public Law 115-123), except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by a child or family in a timely fashion, funds provided under this chapter may be used to pay a prevention services provider pending reimbursement from the public or private program that is ultimately responsible for payment.



(2) The State Department of Health Care Services, in consultation with the State Department of Social Services, shall develop guidance identifying what prevention services provided under this chapter may be eligible for payment, in part or whole, under the Medi-Cal program. The departments shall develop a model joint written protocol for counties to determine what program is responsible for payment, in part or whole, for a prevention service provided on behalf of a child under this chapter.

(3) A county that elects to provide prevention services under this chapter shall establish a joint written protocol between the child welfare agency, probation department, behavioral health agency, and other appropriate entities for determining what program is responsible for payment, in part or whole, for a prevention service provided on behalf of a child under this chapter. The county shall use the model protocol developed under paragraph (2), or an equivalent approved by the department.

(g) The State Department of Health Care Services may submit a Medicaid state plan amendment, waiver request, or both, to maximize federal financial participation under the Medi-Cal program for the prevention services provided under this chapter. If the State Department of Health Care Services determines that federal approval is necessary in order to receive federal financial participation for the Medi-Cal program for any portion of the prevention services or activities described in this chapter, counties shall not claim these prevention services or activities as Medi-Cal services until the effective date specified in the federal approval obtained by the State Department of Health Care Services.

SEC. 2. Section 16589 of the Welfare and Institutions Code is amended to read:
16589. (a) The State Department of Social Services shall have oversight of the Family First Prevention Services program established under this chapter. The department shall consult with the State Department of Health Care Services on any letters or instructions for the Family First Prevention Services program that intersect with services under the Medi-Cal program. Notwithstanding 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), the department may implement, interpret, or make specific this chapter by means of all-county letters or similar written instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

(b) Nothing in this chapter shall be construed to amend or otherwise alter state and federal requirements for Medi-Cal services. The State Department of Health Care Services shall maintain oversight over services claimed to the Medi-Cal program and shall be responsible for seeking any approvals necessary for the Medi-Cal program. The State Department of Health Care Services may provide guidance on whether federal financial participation is available for Medi-Cal services that may intersect with the implementation of prevention services under Part I of the federal Family First Prevention Services Act. Medi-Cal services shall only be claimed to the extent that any necessary federal approvals are obtained and medical assistance federal financial participation is available and is not otherwise jeopardized. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services may provide Medi-Cal guidance to implement this chapter by means of plan or all-county letters, information notices, plan or provider bulletins, or other similar instructions, without taking any further regulatory action.

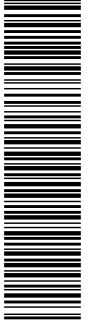


(c) (1) Notwithstanding any other law, contracts awarded by the State Department of Social Services for purposes of this chapter shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, the Public Contract Code, and the State Contracting Manual, and shall not be subject to the review or approval of the Department of General Services.

(2) This subdivision shall become inoperative on July 1, ~~2025~~, 2028, unless a later enacted statute, that becomes operative on or before July 1, ~~2025~~, 2028, deletes or extends the date on which this subdivision becomes inoperative.

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Family First Prevention Services program.

Existing federal law, the Family First Prevention Services Act of 2018, among other things, provides states with an option to use federal funds under Title IV of the federal Social Security Act to provide mental health and substance abuse prevention and treatment services and in-home parent skill-based programs to a child who is a candidate for foster care or a child in foster care who is a pregnant or parenting foster youth, as specified. Existing law establishes the Family First Prevention Services program, and requires the State Department of Social Services to have oversight of the program and to seek all necessary federal approvals to obtain Title IV-E federal financial participation for those prevention services under the program. Existing law requires a county that elects to provide these prevention services to pay the nonfederal share of the cost for providing the services beyond any state funding provided for that purpose, but authorizes the state to contribute a portion of the nonfederal share of cost and implementation costs, subject to an appropriation of state funds, as specified. Existing law requires a county that receives those state funds to submit a comprehensive plan to the department that includes a continuum of prevention and intervention strategies and services, as specified. Existing law requires counties to use allocated state funds for the nonfederal share of cost of prevention services, allowable administrative activities performed for the program, and program implementation costs, and authorizes counties to also use allocated state funds for the cost of any other prevention services offered pursuant to the comprehensive plan. Existing law, until July 1, 2025, exempts contracts awarded by the department for purposes of the program from specified contracting requirements.

This bill would authorize the department to exempt a small county from the requirement to use allocated state funds for the nonfederal share of cost of prevention services, and would require a county with the waiver to use the allocated state funds for the cost of other prevention services offered pursuant to the county's comprehensive plan, allowable administrative activities performed for the program, and program implementation costs. The bill would also extend the contract exemption until July 1, 2028.

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

